
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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PUBLICATION SCHEDULE AND DEADLINES

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

June 1999 through March 2000

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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
15:24	July 28, 1999	August 16, 1999
15:25	August 11, 1999	August 30, 1999
15:26	August 25, 1999	September 13, 1999
FINAL INDEX - Volume 15		October 1999
16:1	September 8, 1999	September 27, 1999
16:2	September 22, 1999	October 11, 1999
16:3	October 6, 1999	October 25, 1999
16:4	October 20, 1999	November 8, 1999
16:5	November 3, 1999	November 22, 1999
16:6	November 16, 1999 (Tuesday)	December 6, 1999
16:7	December 1, 1999	December 20, 1999
INDEX 1 - Volume 16		January 2000
16:8	December 14, 1999 (Tuesday)	January 3, 2000
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
16:12	February 9, 2000	February 28, 2000
16:13	February 23, 2000	March 13, 2000
16:14	March 8, 2000	March 27, 2000
INDEX 2 - Volume 16		April 2000

*Filing deadlines are Wednesdays unless otherwise specified.

TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table2433

NOTICES OF INTENDED REGULATORY ACTION

TITLE 9. ENVIRONMENT

State Air Pollution Control Board2438

TITLE 12. HEALTH

Department of Medical Assistance Services2441

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board for Branch Pilots.....2441

Board of Health Professions2442

TITLE 22. SOCIAL SERVICES

State Board of Social Services.....2442

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

Commission on Virginia Alcohol Safety Action Program
.....2443

PUBLIC COMMENT PERIODS - PROPOSED REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Board of Medicine.....2445

PROPOSED REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Regulations Governing the Practice of Medicine, Osteopathy,
Podiatry, Chiropractic and Physician Acupuncture (amending
18 VAC 85-20-22, 18 VAC 85-20-230, and 18 VAC 85-20-
240; adding 18 VAC 85-20-235 and 18 VAC 85-20-236).
.....2446

FINAL REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

Game: In General (amending 4 VAC 15-40-240 and 4 VAC
15-40-280; adding 4 VAC 15-40-281)..... 2454

Game: Bear (amending 4 VAC 15-50-120)..... 2454

Game: Fox (amending 4 VAC 15-110-30 and 4 VAC 15-110-
60)..... 2454

Game: Turkey (amending 4 VAC 15-240-10, 4 VAC 15-240-
20, 4 VAC 15-240-40, 4 VAC 15-240-50, and 4 VAC 15-240-
70; adding 4 VAC 15-240-31)..... 2454

Game: Firearms (amending 4 VAC 15-270-60)..... 2455

MARINE RESOURCES COMMISSION

Pertaining to the Dredging of Conchs (also known as
Whelks) (amending 4 VAC 20-150-70)..... 2456

Pertaining to the Marking and Minimum Mesh Size of Gill
Nets (amending 4 VAC 20-430-60; adding 4 VAC 20-430-
15)..... 2456

Pertaining to Restrictions on Oyster Harvest (amending
4 VAC 20-720-90)..... 2457

Pertaining to Horseshoe Crab (amending 4 VAC 20-900-10,
4 VAC 20-900-20 and 4 VAC 20-900-25)..... 2457

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

Tradesman Rules and Regulations (amending 18 VAC 50-
30-10, 18 VAC 50-30-20, 18 VAC 50-30-30, 18 VAC 50-30-
40, 18 VAC 50-30-50, 18 VAC 50-30-60, 18 VAC 50-30-70,
18 VAC 50-30-80, 18 VAC 50-30-90, 18 VAC 50-30-100,
18 VAC 50-30-120, 18 VAC 50-30-130, 18 VAC 50-30-140,
18 VAC 50-30-150, 18 VAC 50-30-170, 18 VAC 50-30-190
and 18 VAC 50-30-200)..... 2458

BOARD OF NURSING

Regulations Governing the Practice of Nursing (amending
18 VAC 90-20-330)..... 2466

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Telecommunications (adding 20 VAC 5-400-151)..... 2471

Table of Contents

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Pertaining to Restrictions on Oyster Harvest (adding 4 VAC 20-720-45)..... 2474

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Virginia Independence Program: Virginia Employer Tax Credits (amending 22 VAC 40-35-10; adding 22 VAC 40-35-126 through 22 VAC 40-35-128)..... 2474

Regulation for Criminal Record and Child Abuse/Neglect Registry Checks for Child Welfare Agencies (amending 22 VAC 40-190-10, 22 VAC 40-190-20, 22 VAC 40-190-30, 22 VAC 40-190-40, 22 VAC 40-190-50, 22 VAC 40-190-60, and 22 VAC 40-190-70; adding 22 VAC 40-190-25 and 22 VAC 40-190-80 through 22 VAC 40-190-150)..... 2480

GENERAL NOTICES/ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Notice Regarding Military History Museum 2490

STATE CORPORATION COMMISSION

Bureau of Insurance

ADMINISTRATIVE LETTER

Legislation Enacted by the 1999 Virginia General Assembly. (1999-3)..... 2490

STATE WATER CONTROL BOARD

Proposed Consent Special Order - District of Columbia and District of Columbia Department of Corrections - Lorton Correctional Complex..... 2502

Proposed Amended Consent Special Order - County of Spotsylvania - Massaponax Wastewater Treatment Plant 2502

VIRGINIA CODE COMMISSION

Notice to State Agencies 2502

Forms for Filing Material for Publication in *The Virginia Register of Regulations* 2502

ERRATA

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Waivered Services (Part VI: Medallion II). (12 VAC 30-120-

10 et seq.) 2502

Virginia Children's Medical Security Insurance Plan. (12 VAC 30-140-10 et seq.) 2503

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings 2504

INDEPENDENT

Open Meetings and Public Hearings 2521

LEGISLATIVE

Open Meetings and Public Hearings 2521

CHRONOLOGICAL LIST

Open Meetings 2522

Public Hearings 2524

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 1999 VAC Supplement includes final regulations published through *Virginia Register* Volume 15, Issue 10, dated February 1, 1999). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

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 20-252-60	Amended	15:18 VA.R. 2392	5/1/99
4 VAC 20-252-80	Amended	15:18 VA.R. 2392	5/1/99
4 VAC 20-252-120	Amended	15:18 VA.R. 2393	5/1/99
4 VAC 20-252-130	Amended	15:18 VA.R. 2393	5/1/99
4 VAC 20-252-140	Amended	15:18 VA.R. 2393	5/1/99
4 VAC 20-252-150	Amended	15:18 VA.R. 2394	5/1/99
4 VAC 20-252-160	Amended	15:18 VA.R. 2394	5/1/99
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 20-751-20	Amended	15:18 VA.R. 2395	5/1/99
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 20-995-20	Amended	15:18 VA.R. 2395	5/1/99
4 VAC 20-995-30	Amended	15:18 VA.R. 2395	5/1/99
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 25-190-30	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 25-190-50	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 25-192 (Forms)	Amended	15:12 VA.R. 1854	--
Title 12. Health			
12 VAC 5-100-10 et seq.	Repealed	15:18 VA.R. 2396	6/23/99
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 30-40-290	Amended	15:18 VA.R. 2396	7/1/99
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-50-229.1	Amended	15:17 VA.R. 2326	6/9/99
12 VAC 30-50-229.1	Erratum	15:18 VA.R. 2411	--
12 VAC 30-50-320 emer	Added	15:13 VA.R. 1944	7/1/99-6/30/00
12 VAC 30-50-570	Amended	15:18 VA.R. 2398	7/1/99
12 VAC 30-80-170	Amended	15:18 VA.R. 2399	7/1/99
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
12 VAC 30-120-360	Amended	15:18 VA.R. 2400	7/1/99
12 VAC 30-120-370	Amended	15:18 VA.R. 2401	7/1/99
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
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 10-60-10 et seq.	Repealed	15:18 VA.R. 2403	5/1/99
13 VAC 10-100-10 et seq.	Repealed	15:18 VA.R. 2403	5/1/99
13 VAC 10-110-10 et seq.	Repealed	15:18 VA.R. 2403	5/1/99
13 VAC 10-170-10 et seq.	Repealed	15:18 VA.R. 2404	5/1/99
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
Title 14. Insurance			
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 70-20-30	Amended	15:18 VA.R. 2404	7/1/99
18 VAC 75-20-10	Amended	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-30	Repealed	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-40	Repealed	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-50	Repealed	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-60	Amended	15:18 VA.R. 2405	6/23/99
18 VAC 75-20-70	Amended	15:18 VA.R. 2406	6/23/99
18 VAC 75-20-90	Amended	15:18 VA.R. 2406	6/23/99
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
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 135-20-80	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 135-20-120	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 135-20-140	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 135-20-370	Amended	15:18 VA.R. 2408	7/1/99
18 VAC 155-20-40	Amended	15:13 VA.R. 1938	5/1/99

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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

Notices of Intended Regulatory Action

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.

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TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Department of Medical Assistance Services has WITHDRAWN the Notice of Intended Regulatory Action for **Program for All-Inclusive Care for the Elderly (PACE): 12 VAC 30-10-10 et seq. State Plan under Title XIX of the Social Security Act Medical Assistance Program; General Provisions, 12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services, and 12 VAC 30-120-10 et seq. Waivered Services**, which was published in 15:15 VA.R. 2121 April 12, 1999.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 East Broad Street, Suite 300, Richmond, VA 23219, telephone (804) 371-8850.

VA.R. Doc. No. R99-112; Filed May 12, 1999, 1:16 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Program for All-Inclusive Care for the Elderly (PACE): 12 VAC 30-10-10 et seq. State Plan under Title XIX of the Social Security Act Medical Assistance Program; General Provisions, 12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services, and 12 VAC 30-120-10 et seq. Waivered Services**. The purpose of the proposed action is to promulgate permanent regulations, essentially like the existing emergency regulations, that provide for the administration of the Program of All-Inclusive Care for the Elderly (PACE). The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 7, 1999, to Diana Thorpe, Appeals Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R99-167; Filed May 6, 1999, 4:04 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given that the Department of Medical Assistance Services intends to consider amending regulations entitled: **Early and Periodic Screening, Diagnosis and Treatment: 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical Remedial Care Services; and 12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services**. The purpose of the proposed action is to establish parameters for Medicaid's coverage of residential treatment services under the Early and Periodic Screening, Diagnosis and Treatment program to include, but not necessarily be limited to, the eligibility requirements for children referred for residential care, provider qualifications, and the rate setting methodology. The agency does not intend to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until July 7, 1999, to Anita Cordill, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R99-168; Filed May 14, 1999, 10:55 a.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR BRANCH PILOTS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Branch Pilots intends to consider amending regulations entitled: **18 VAC 45-20-10 et seq. Branch Pilots Regulations**. The purpose of the proposed action is to clarify and amend the board's rules and regulations relating to chemical and physical impairments and testing for such impairments, and to propose other amendments which may be necessary pursuant to the board's periodic review of regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Notices of Intended Regulatory Action

Statutory Authority: § 54.1-902 of the Code of Virginia.

Public comments may be submitted until July 7, 1999.

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

VA.R. Doc. No. R99-175; Filed May 18, 1999, 12:47 p.m.

BOARD OF HEALTH PROFESSIONS

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Board of Health Professions has WITHDRAWN the Notice of Intended Regulatory Action for **18 VAC 75-30-10 et seq. Regulations Governing Standards for Dietitians and Nutritionists**, which was published in 15:1 VA.R. 4373 September 29, 1998. At its April 20, 1999, meeting, the board decided that amendments to this regulation were unnecessary.

Contact: Robert A. Nebiker, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9900, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

VA.R. Doc. No. R99-4; Filed May 13, 1999, 12:23 p.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 40-35-5 et seq. Virginia Independence Program**. The purpose of the proposed action is to implement the provisions of Chapter 486, the Virginia Employer Tax Credit, enacted by the 1998 Session of the General Assembly. The legislation mandates the State Board of Social Services to establish procedures for claiming tax credits and to establish guidelines. 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 July 7, 1999.

Contact: Thomas J. Steinhauser, Assistant Director, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1703 or FAX (804) 692-1704.

VA.R. Doc. No. R99-177; Filed May 19, 1999, 11:32 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-190-10 et seq. Regulation for Criminal Record Checks for Child Welfare Agencies**. The purpose of the proposed action is to make technical and clarifying amendments and to incorporate changes in the Code of Virginia resulting from the 1998 General Assembly session. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 63.1-25 and 63.1-202 of the Code of Virginia.

Public comments may be submitted until July 7, 1999.

Contact: Judith McGreal, Program Development Supervisor, Department of Social Services, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1792 or FAX (804) 692-2370.

VA.R. Doc. No. R99-176; Filed May 19, 1999, 11:32 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of 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 (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.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMISSION ON VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to consider amending regulations entitled: **24 VAC 35-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to revise and bring the commission's manual for minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-170; Filed May 17, 1999, 12:44 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to consider amending regulations entitled: **24 VAC 35-20-10 et seq. Policy and Procedure Manual.** The purpose of the proposed action is to revise and bring the commission's manual for minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-171; Filed May 17, 1999, 12:44 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to consider amending

regulations entitled: **24 VAC 35-30-10 et seq. Case Management Policy and Procedure Manual.** The purpose of the proposed action is to revise and bring the commission's manual for minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-172; Filed May 17, 1999, 12:44 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to consider amending regulations entitled: **24 VAC 35-40-10 et seq. Certification Requirements.** The purpose of the proposed action is to revise and bring the commission's manual for minimum standards and criteria for program operations into conformance with the current statutes. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110, Richmond, VA 23219, telephone (804) 786-5895, FAX (804) 786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-173; Filed May 17, 1999, 12:45 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Commission on Virginia Alcohol Safety Action Program intends to consider promulgating regulations entitled: **24 VAC 35-50-10 et seq. Training and Credentialing Manual.** The purpose of the proposed action is to develop a training and credentialing manual. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 18.2-271.1 and 18.2-271.2 of the Code of Virginia.

Public comments may be submitted until July 9, 1999.

Contact: Joan W. Smith, Regulatory Consultant, Commission on VASAP, 700 E. Franklin St., Suite 1110,

Notices of Intended Regulatory Action

Richmond, VA 23219, telephone (804) 786-5895, FAX (804)
786-6286 or e-mail jsmith1714@aol.com.

VA.R. Doc. No. R99-174; Filed May 17, 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 LICENSING

BOARD OF MEDICINE

July 16, 1999 - 2 p.m. – Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room, Richmond, Virginia.

August 6, 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 Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture.** The purpose of the proposed amendments is to require evidence of continuing competency in order to renew a license to practice medicine, osteopathy, podiatry, chiropractic and physician acupuncture; amendments are also proposed to establish an inactive license, a fee to renew an inactive license, and requirements for reactivation.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

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

Title of Regulation: 18 VAC 85-20-10 et seq. **Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture (amending 18 VAC 85-20-22, 18 VAC 85-20-230, and 18 VAC 85-20-240; adding 18 VAC 85-20-235 and 18 VAC 85-20-236).**

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Public Hearing Date: July 16, 1999 - 2 p.m.

Public comments may be submitted until August 6, 1999.

(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.) and 29 (§ 54.1-2900 et seq.) of the Code of Virginia provide the basis for this regulation. Chapter 24 establishes the general powers and duties of the health regulatory boards, including the power to establish qualifications for licensure and the responsibility to promulgate regulations. Chapter 29 establishes the definitions and requirements for the practice of these regulated professions and specifies the powers and duties of the Board of Medicine.

Purpose: The purpose of these regulations is to protect the public health, safety, and welfare by establishing continuing competency requirements for those seeking to renew active licensure in these professions and by establishing an inactive license and the criteria for reactivation.

Substance:

18 VAC 85-20-22. Amendments to this section establish a biennial renewal fee of \$100 for an inactive license and a late fee of \$25 for each renewal cycle for such license.

18 VAC 85-20-230. Renewal of active license. An amendment is proposed to require evidence of competency for renewal of an active license as stated in 18 VAC 85-20-235.

18 VAC 85-20-235. Continuing competency requirements for renewal of an active license. This new section requires the following: (i) completion of a Continuing Competency Assessment and Activity Form showing an assessment of practice needs and at least 100 hours of continuing learning activities; (ii) exemption for newly licensed practitioners for their first renewal; (iii) retention of records for six years and a random audit by the board; and (iv) provisions for an extension or exemption for all or part of the requirements.

18 VAC 85-20-236. Inactive license. Amendments are proposed to allow a practitioner to request an inactive license without requiring evidence of continuing competency. Such a license does not entitle the licensee to perform any act which would require a license to practice.

18 VAC 85-20-240. Reinstatement of an inactive or lapsed license. The proposed amendment would add requirements for reinstatement of an inactive or lapsed license to active status, to include evidence of continuing competency hours equal to the number of years of inactivity, not to exceed four years, and passage of the applicable examination for practitioners who have not engaged in active practice for more than four years.

Issues:

A. Type and amount of continuing competency requirements. In its response to the request of HJR 68 of the 1996 Session of the General Assembly, the Board of Medicine conducted a study of the need to require some evidence of continuing competency as a condition for renewal of licenses. In doing so, it consulted a wide range of persons and sources about the type, purpose, and efficacy of continuing medical education. Through the literature review and information gathered at a public hearing and focus group meetings, the board concluded that the current system of accrediting continuing education courses does not guarantee physician learning or a change in clinical outcomes. The study concluded that the value of continuing education lies in those courses and activities which are practice-specific or clinically based and which address the specific needs of the learner-practitioner. The board recommended against a legislative mandate for specific hours, methods, or content of continuing education for licensees of the board, but it did recommend a statutory provision for it to consider various alternatives to ensure continued practitioner competence.

Based on the findings and recommendations of the study report, House Bill 2444 was passed by the 1997 Session of the General Assembly without a dissenting vote. With the Governor's signature, Chapter 227 of the 1997 Acts of Assembly amended the medical practice act by adding § 54.1-2912.1, which mandates that the board promulgate regulations for the establishment of continuing competency requirements. To carry out that mandate, the board appointed a Committee on Continued Practitioner Competence with representation from the three medical schools, the professional societies or associations, and physician members of the board.

The goal of the committee's work and the intent of the board was to develop requirements that would (i) encourage learner-directed continuing education through which the physician can identify a practice question or problem, seek the learning activity which provides needed information or

teaches a new skill, and thereby, enhance his expertise or ability to practice; (ii) offer a choice of content and form that is flexible enough to meet the needs of the physician-learner in any type of practice in any location in Virginia; and (iii) assure the public that physicians are maintaining their skills and competencies.

As a result of its work over a six-month period, the committee recommended and the board adopted a requirement which is aimed at involving the physician as a continuing learner who is consistently assessing the questions and problems encountered in his practice and then making a determination about the knowledge and skills needed to address those issues. In making the assessment, the practitioner is asked to consider issues of ethics, standards of care, patient safety, new medical technology, communication with patients, the changing health care system, and other topics influencing practice.

The 100 required hours are divided into two types. In Type 1 continuing learning activities, the 50 hours required biennially must be offered by an accredited sponsor or organization which is sanctioned by the profession and which provides documentation of hours to the practitioner. At least 25 of the Type 1 hours must be earned in face-to-face group settings such as grand rounds, hospital staff meetings or scientific sessions of professional societies. The remaining hours may be in any type of self-learning activity, provided they are documented by the accredited sponsor or sanctioned organization. In Type 2 continuing learning activities, the 50 hours required biennially may or may not be approved by an accredited sponsor or organization but shall be activities considered by the learner to be beneficial to practice or to continuing learning; physicians document their own participation on a board-created Assessment and Activity form.

After the activity is completed, the practitioner should indicate on the form provided by the board the predicted outcome. He should indicate whether he will (i) make a change in his practice, (ii) not make a change in his practice, and/or (iii) needs additional information on this topic.

In its adoption of these requirements, the board is responding to the research which indicates that the most effective continuing learning occurs when it is self-directed and designed to be practitioner-specific. It is also most effective if there has been some assessment of a practitioner's needs and some evaluation of outcome and possible effects on practice. In addition, the board is cognizant of the need to have at least half of these continuing learning hours validated through some accrediting body or sponsor. From its experience with disciplinary cases, the board is aware that practitioners who engage in substandard care or have other disciplinary problems are often not associated with other practitioners or involved in any professional group. Therefore, the board is requiring that at least 25 hours each biennium be earned in face-to-face settings such as grand rounds, hospital staff meetings or courses offered by professional societies.

B. Requirements for reactivation of an inactive or lapsed license. Along with requirements for continuing competency

for renewal of licenses, the board is proposing an inactive license for those practitioners who are now retired or out-of-state and have no intention of engaging in active practice in the Commonwealth. In doing so, requirements for reactivation of such a license are necessary to ensure that practitioners are competent to resume practice. The board determined that it was necessary for a practitioner whose license has been inactive or lapsed for up to four years to provide evidence of continuing competency hours equal to the amount of time the license has not been active. If a practitioner has not engaged in active practice for more than four years, the board has concerns about his knowledge and skills and his ability to provide safe, effective care to patients. The board is proposing that such a practitioner take an applicable examination designed for the purpose of testing a practitioner's ability to provide safe care.

Advantages to the licensees. The proposed continuing competency requirements are intended to provide some assurance to the public that licensees of the board are maintaining current knowledge and skills, while providing the maximum amount of flexibility and availability to licensees. Those members of the board that piloted the program and utilized the Assessment and Activity Form concluded that the average practitioner already engages in enough learning activities to meet the requirements and should only have to maintain documentation of those activities and hours. Seventy-five of the 100 hours may be earned by the practitioner on his own time and schedule. Twenty-five of the hours must involve the practitioner in some interaction with his peers. The resources for earning the hours and engaging in the required learning are numerous and readily available in all parts of Virginia.

Disadvantages to the licensees. For a small minority of practitioners who do not currently engage in any continuing learning in their profession, these requirements will represent an additional burden. However, it was determined by enactment of the statute and by the board's concurrence that those practitioners and their patients would greatly benefit from continuing learning requirements, and that the public is better protected if there is some assurance of that effort.

Advantages or disadvantages to the public. There are definite advantages of the proposed amended regulations to the public, which will have greater assurance that the licensees of the board are engaged in activities to maintain and improve their knowledge and skills in providing care to their patients.

Setting forth specific requirements for continuing competency should have no disadvantages to the public. Since the vast majority of physicians (estimated to be 85 to 90%) of actively practicing doctors already participate in continuing education hours and activities sufficient to meet the requirement, there should be no additional costs to the public. If a consumer has a practitioner who does not participate in continuing learning, the advantage of having a practitioner who is more current in his/her knowledge and skills will outweigh any possible disadvantage of having that practitioner spend more time and money in compliance with regulations.

Proposed Regulations

Estimated Impact:

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

The approximate numbers of licensees affected by these regulations are as follows:

- 26,478 - Licensed in medicine and surgery
- 719 - Licensed in osteopathy
- 490 - Licensed in podiatry
- 1,421 - Licensed in chiropractic
- 32,516 total affected licensees

The cost for compliance will vary greatly depending on the practitioner and the type of continuing learning activities chosen. Membership in the American Medical Association, through which continuing education courses can be accredited and its Journal (JAMA) is available, costs approximately \$400 a year. Membership in the Richmond Academy of Medicine, the Medical Society of Virginia or other such organizations, which provide continuing education courses to their members, typically costs \$200 to \$400. However, membership is not required to receive credit for courses; numerous courses may be obtained through other sponsors and are available to any physician. Registration for such courses may cost approximately \$100 a day for four to five hours of credit.

The New England Journal of Medicine, which is available at most libraries, offers 50 hours of Category 1 AMA credit through a home study activity for only \$90. That would satisfy half of the credits required for renewal of licensure in Virginia.

Courses are also available without any charge through a hospital or other health care organization which provides continuing education for persons on staff. Since the physician will be required to obtain 50 hours per biennium of Type 1 continuing learning (Type 1 must be accredited and documented by an accredited body), the costs for earning those hours could typically range from \$100 to any amount the practitioner wishes to spend each biennium. The vast majority of physicians (estimated to be 85 to 90%) already obtain sufficient hours and will incur no additional costs.

Since at least 25 hours of continuing learning must take place in group settings by which the practitioner interacts with his peers, it may necessitate some loss of income through time away from practice. However, since the practitioner may make the choice of his activities and experiences, many of those hours could be obtained in the evenings or on the weekend. In a typical weekend conference, the practitioner would earn 12 to 15 hours of continuing education credits. Therefore, the practitioner could meet his continuing learning requirements with minimal impact on practice.

The 50 hours of Type 2 continuing learning is self-directed and self-recorded; it does not require accreditation or sponsorship. It may be obtained by reading scholarly journals, sitting on hospital committees, observing another practitioner do a procedure, and a variety of other methods –

all of which can be accomplished at no costs to the practitioner.

There would also be some very minimal costs involved with maintaining records. With the promulgation of these regulations, the board will send each doctor the required form for assessment of practice needs and planning the activities to meet those needs. The form will also be available on the board's web site and may be downloaded into a file on the individual's personal computer. The doctor will have to maintain that form and the documentation of continuing learning activities for a period of six years.

B. Cost to the agency for implementation:

Impact on board revenue. For those practitioners who are now retired or who are living out-of-state, there may be a percentage who would choose to take the inactive status and avoid the renewal requirements for continuing learning. Since the board has no information on practice activity, it is not known how many licensees would do so. To get some estimate of the percentage of active and inactive physicians, the board has looked at figures provided by the Federation of State Medical Boards. Their information shows a wide range of ratios of active to inactive, fees, and continuing education requirements. For the purpose of this analysis, five states, which are similar in the number of licensed medical doctors and also require continuing education for renewal, were selected for comparison. (The figures shown are for 1995-1996; the federation is in the process of updating its information.)

State	Percentage of inactive licenses	Active license fee
Massachusetts	5.0%	\$270/biennium
Maryland	10.5%	\$400/biennium
Georgia	17%	\$105/biennium
Illinois	17.5%	\$300 (resident)/ \$600 (nonresident)/ triennium
Florida	21%	\$355/biennium

The active renewal fee in Virginia is \$125/biennium while the proposed inactive renewal fee is \$100/biennium, so the cost of licensure renewal should not be a major factor in a physician's decision to seek inactive status.

If the percentage of inactive licensure in Virginia rose to the average of the five states cited above (approximately 14%), the loss of revenue for the board in a biennium would be \$92,673. In a biennial budget of over \$8 million with a surplus of over \$2 million (1996-98), the loss of revenue should not impact the operations of the board or cause the board to need to increase its fees.

For those practitioners who have not engaged in practice for more than four years and apply to the board to reactivate their licensees (five to 10 per biennium), there will be an additional cost of \$500 to take the SPEX or other applicable examination to indicate competency to reenter practice.

Impact on board expenditures. It would be expected that there will be additional costs to the board for compliance enforcement. The board will conduct a 1.0 to 2.0% audit of its licensees at the conclusion of each biennium. Each practitioner selected for the audit will be required to submit the required documentation of continuing learning activities. There will be some staff time involved in review of the documentation and in communicating with licensees about their deficiencies. No additional personnel will be required to accomplish this activity.

It is also expected that a small percentage of licensees selected for audit will result in a disciplinary case being opened. From the experience of boards within the agency that currently have continuing competency requirements for renewal, the majority of those cases (estimated to be 100 per biennium) will probably be settled with a pre-hearing consent order. In those cases, the only costs would be for charges back to the board from the Administrative Proceedings Division (APD) of the department. Costs for cases that do result in an informal conference committee proceeding (estimated to be 10 to 15 per year) would include travel expenses and per diem for board members as well as costs for the services of APD. Informal conference committees typically hear several cases in a day, so the costs per case for board member and APD time would be minimized.

Cost estimates for disciplinary cases related to the failure to comply with continuing competency regulations range from \$100 for cases resulting in pre-hearing consent orders to \$500 per case for those that result in an informal conference committee. All expenses relating to enforcement of these regulations can be absorbed in the existing budget of the Board of Medicine.

The board will incur approximately \$10,000 in costs for printing and mailing final amended regulations to licensees and other interested parties. There will be no additional costs for conducting a public hearing, which will be held in conjunction with a scheduled committee or board meeting.

C. Cost to local governments:

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

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the 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. This proposal includes the following changes to the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture:

- The establishment of an inactive license;
- The addition of continuing education requirements for the renewal of an active license and for the reactivation of an inactive or lapsed license (100 hours per biennium); and
- The requirement that practitioners wishing to reactivate a lapsed or inactive license after four or more years take an applicable examination to ensure their competency to reenter practice.

Estimated economic impact.

Continuing Education Requirements:

The most significant change proposed to the current regulations is the addition of continuing education (CE) requirements for the renewal of an active license and for the reactivation of an inactive or lapsed license. The existing rules do not require any proof of continuing competency in the profession. Compliance costs for meeting the CE requirements will differ across practitioners. According to the Board of Medicine, approximately 85 to 90% of licensees already obtain sufficient CE hours.¹ Therefore, these individuals will not likely incur any additional costs aside from those associated with the documentation and maintenance of records. For the remaining 10 to 15% of practitioners, the proposed CE requirements can be expected to represent a significant economic impact. Based on information provided by the Board of Medicine, the monetary costs for earning the required CE hours could range from \$100 upwards per biennium. Additionally, these practitioners would incur the cost of the time spent on pursuing such activities, whether in lost income or lost leisure time, and any costs associated with the documentation and maintenance of the records.

There are currently 32,516 individuals licensed by the Board of Medicine who will have to comply with the proposed CE requirements. All will incur costs associated with the documentation and maintenance of their CE records. Approximately 10 to 15% (3,252 to 4,877) of those individuals will incur minimum monetary costs of \$100 per biennium as well as 100 hours of their time. Assuming that the additional documentation and storage of records will be only a marginal increase on existing staff duties, a rough estimate of the total compliance costs would be around \$8 to \$20 million per biennium, most of which is accounted for by

¹ Many practitioners currently obtain CE hours in order to maintain professional credentialing, membership in professional organizations, hospital privileges, or discounted rates on malpractice insurance. For example, a physician who meets the criteria for the Physician Recognition Award by the American Medical Association would more than meet the requirements for renewal of licensure in Virginia.

Proposed Regulations

loss of income or leisure time for practitioners.² The addition of CE requirements to the renewal process will also change Virginia's position relative to other states in attracting medical practitioners.³ This is not expected to have a significant effect on the supply of medical practitioners in the Commonwealth, though, since the costs per practitioner (approximately \$2,000 - \$5,000) represent a small fraction of the average net earnings from practicing medicine and the majority of practitioners already obtain sufficient CE hours.

The proposed CE requirements can be expected to provide some beneficial results. First, the proposed rules would provide some assurance to the public that licensees of the Board of Medicine are maintaining their knowledge, skills, and competencies. Secondly, the Board of Medicine provided anecdotal reports based on its experience with disciplinary cases suggesting that practitioners who engage in substandard care or have other disciplinary problems are often not associated with other practitioners or involved in any professional group. The proposed CE standards would require that at least 25 of the 100 hours be earned in face-to-face interaction with peers.⁴

The Board of Medicine undertook a study to evaluate the need for mandatory continuing medical education in Virginia,⁵ which included a review of current literature and research into the requirements of other states. The evidence reported focused primarily on differences between types of CE requirements, and did not evaluate the overall effectiveness of continuing education requirements on such factors as malpractice claims or disciplinary cases. Given the value of anticipated compliance costs, DPB recommends that the Department of Health Professions examine and monitor these, and other related, factors in order to evaluate the effectiveness of this proposal.

While there is no empirical evidence currently available with which to estimate the potential benefits resulting from the proposed CE requirements, even just a few instances of premature death or serious injury or illness avoided due to additional safeguards to assure the competency of practitioners would justify the anticipated costs of this regulation.

² This figure estimates (very conservatively) the value of a typical practitioner's time at \$20-\$50 per hour. Each practitioner would incur costs of approximately \$2,000 - \$5,000 in lost income or leisure time for each 100 hours of CE. Multiplying by approximately 4,000 practitioners (the 10 to 15% the Board of Medicine estimates are not currently engaging in any continual learning) leads to the total costs of \$8 - \$20 million per biennium. The total compliance costs would also include \$50,000 for actual expenditures (\$100 or more for approximately 4,000 practitioners).

³ The Federation of State Medical Boards reports that currently only 29 states require proof of CE hours for medical license renewal, 31 states require CE for relicensure of osteopaths, and 47 states requires CE for renewal of a chiropractic license.

⁴ For example, the 25 hours could be earned by participating in grand rounds, hospital staff meetings, or courses offered by professional societies.

⁵ *Study of the Need for Mandatory Continuing Education*, Response to House Joint Resolution 68. Virginia Board of Medicine, Department of Health Professions, October 1, 1996.

Inactive Licenses and Reactivation Criteria:

In light of the additional CE requirements for licensure renewal, the Board of Medicine proposes to establish an inactive license for those practitioners who are either retired or out-of-state, and do not intend to engage in active practice in Virginia, which would be exempt from ongoing CE requirements. Since this would be a voluntary action, it can be expected that the associated costs (\$100 renewal per biennium) would not exceed the perceived benefits for any practitioner who chose to obtain an inactive license. Requirements are set forth that the reactivation of an inactive or lapsed license include documentation of having completed continued competency hours equal to the requirement for the number of years, not to exceed four years, that the license has been inactive.

After four years of inactivity (not engaging in active practice in one's profession), the proposed regulations would require an individual to pass an applicable examination to indicate competency to reenter practice. The existing regulations require only that individuals fill out an application and pay the reinstatement fee of \$250, regardless of their length of absence. The Board of Medicine reports that such an exam costs \$500 but estimates that only five to 10 individuals per biennium would fall into this category. Again, it would not be possible at this time to estimate the benefits derived by the public from the attempts to assure the competency of practitioners who have been absent for a number of years to provide safe, effective care to patients, but it is reasonable to expect that the benefits would outweigh the anticipated costs.

Businesses and entities affected. There are 32,516 licensees that would be affected by the proposed changes to this regulation.⁶

Localities particularly affected. The proposed changes to this regulation are not expected to disproportionately affect any particular locality.

Projected impact on employment. The proposed changes to this regulation are not expected to have any significant 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 significant effect on the use and value of private property.

Summary of analysis. This proposal adds continuing education requirements to the licensure renewal process for Board of Medicine licensees. Additionally, an inactive license is established and criteria are set forth for the reactivation of an inactive or lapsed license. There will be significant economic costs associated with these proposals, specifically for those practitioners not currently engaging in any continuing learning in their profession and those practitioners desiring to reactivate an inactive or lapsed

⁶ 26,478 licensed in medicine and surgery, 719 licensed in osteopathy, 490 licensed in podiatry, and 1,421 licensed in chiropractic.

license after more than four years of inactivity. The benefits resulting from additional safeguards to assure the competency of medical practitioners may outweigh the anticipated costs but there is no empirical evidence available to evaluate the effectiveness of the proposed requirements in improving the quality of medical care provided in Virginia.

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

Summary:

The proposed amendments set forth requirements for 100 hours of continuing learning activities each biennium in order to renew an active license to practice medicine, osteopathy, podiatry, chiropractic, and physician acupuncture. Amendments also establish an inactive license with a biennial renewal fee of \$100 and requirements for reactivation to active status.

18 VAC 85-20-22. Required fees.

A. Unless otherwise provided, fees established by the board shall not be refundable.

B. All examination fees shall be determined by and made payable as designated by the board.

C. The application fee for licensure in medicine, osteopathy, podiatry, or chiropractic shall be \$200. The fee for board approval to sit for Part 3 of the United States Medical Licensing Examination without subsequent licensure in Virginia shall be \$150.

D. The fee for a temporary permit to practice medicine pursuant to § 54.1-2927 B (i) and (ii) of the Code of Virginia shall be \$25.

E. The fee for a limited professorial or fellow license issued pursuant to 18 VAC 85-20-210 shall be \$125. The annual renewal fee shall be \$25.

F. The fee for a limited license to interns and residents pursuant to 18 VAC 85-20-220 shall be \$10 a year. An additional fee for late renewal of licensure shall be \$10.

G. The fee for a duplicate wall certificate shall be \$25; the fee for a duplicate license shall be \$10.

H. The fee for biennial renewal of license shall be \$125, due in the licensee's birth month. An additional ~~late fee to cover administrative costs for processing a late application~~ late fee shall be \$25 for each renewal cycle.

I. The fee for requesting reinstatement of licensure pursuant to § 54.1-2921 of the Code of Virginia shall be \$750.

J. The application fee for licensure to practice acupuncture shall be \$100. The biennial renewal fee shall be \$50, due and payable by June 30 of each even-numbered year.

K. The fee for reinstatement of a license issued by the Board of Medicine pursuant to § 54.1-2904 of the Code of Virginia which has expired for a period of two years or more

shall be \$250 and shall be submitted with an application for licensure reinstatement.

L. The fee for a letter of good standing/verification to another jurisdiction for a license shall be \$10.

M. The fee for certification of grades to another jurisdiction by the board shall be \$25. The fee shall be due and payable upon submitting the form to the board.

N. The fee for biennial renewal of an inactive license shall be \$100, due in the licensee's birth month. An additional fee for late renewal of licensure shall be \$25 for each renewal cycle.

18 VAC 85-20-230. Renewal of an active license.

A. Every licensee who intends to continue his practice shall renew his license biennially during his birth month, meet the continued competency requirements prescribed in 18 VAC 85-20-235, and pay to the board the renewal fee prescribed in 18 VAC 85-20-22.

B. An additional fee to cover administrative costs for processing a late application shall be imposed by the board.

18 VAC 85-20-235. Continued competency requirements for renewal of an active license.

A. *In order to renew an active license biennially, a practitioner shall complete the Continued Competency Activity and Assessment Form which is provided by the board and which shall indicate completion of at least 100 hours of continuing learning activities as follows:*

1. A minimum of 50 of the 100 hours shall be in Type 1 activities or courses offered by an accredited sponsor or organization sanctioned by the profession. At least 25 of the Type 1 hours shall be earned in face-to-face group activities or courses.

2. No more than 50 of the 100 hours may be Type 2 activities or courses, which may or may not be approved by an accredited sponsor or organization but which shall be chosen by the licensee to address such areas as ethics, standards of care, patient safety, new medical technology, and patient communication.

B. *A practitioner shall be exempt from the continuing competency requirements for the first biennial renewal following the date of initial licensure in Virginia.*

C. *The practitioner shall retain in his records the completed form with all supporting documentation for a period of six years following the renewal of an active license.*

D. *The board shall periodically conduct a random audit of at least 1.0% to 2.0% of its active licensees to determine compliance. The practitioners selected for the audit shall provide the completed Continued Competency Activity and Assessment Form and all supporting documentation within 30 days of receiving notification of the audit.*

E. *Failure to comply with these requirements may subject the licensee to disciplinary action by the board.*

Proposed Regulations

F. The board may grant an extension of the deadline for continuing competency requirements for up to one year for good cause shown upon a written request from the licensee prior to the renewal date.

G. The board may grant an exemption for all or part of the requirements for circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

18 VAC 85-20-236. Inactive license.

A doctor of medicine, osteopathy, podiatry or chiropractic who holds a current, unrestricted license in Virginia may, upon a request on the renewal application and submission of the required fee, be issued an inactive license. The holder of an inactive license shall not be required to maintain continuing competency requirements and shall not be entitled to perform any act requiring a license to practice medicine, osteopathy, podiatry or chiropractic in Virginia.

18 VAC 85-20-240. Reinstatement of an inactive or lapsed license.

A. A practitioner who has not renewed his certificate in accordance with § 54.1-2904 of the Code of Virginia whose license has been lapsed for two successive years or more and who requests reinstatement of licensure shall:

1. File a completed application for reinstatement; and
2. Pay the reinstatement fee prescribed in 18 VAC 85-20-22; and
3. Provide documentation of having completed continued competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been lapsed.

B. An inactive licensee may reactivate his license upon submission of the required application, payment of the current renewal fee of \$125, and documentation of having completed continued competency hours equal to the requirement for the number of years, not to exceed four years, in which the license has been inactive.

C. If a practitioner has not engaged in active practice in his profession for more than four years and wishes to reinstate or reactivate his license, he shall take and pass one of the following as applicable to his practice:

1. The Special Purpose Examination (SPEX) given by the Federation of State Medical Boards.
2. The Comprehensive Special Purpose Examination (ComSpex) given by the National Board of Osteopathic Examiners.
3. The Special Purposes Examination for Chiropractic (SPEC) given by the National Board of Chiropractic Examiners.

D. The board reserves the right to deny a request for reactivation to any licensee who has been determined to

have committed an act in violation of § 54.1-2914 of the Code of Virginia or any provisions of this chapter.

NOTICE: The forms used in administering 18 VAC 85-20-10 et seq., Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Medicine, 6606 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Instructions for Completing *National Boards/FLEX or USMLE Endorsement Application*; American Graduates—revised May, 1997 (rev. 1/99).

Instructions for Completing FLEX or USMLE Endorsement Application; Non-American Graduates—revised June, 1997 (rev. 1/99).

Instructions for Completing PMLEXIS Examination/License Application—revised May, 1997 (rev. 12/98).

Instructions for Completing Chiropractic Endorsement Application—revised May, 1997 (rev. 1/99).

Instructions for Completing Podiatry Endorsement Application—revised May, 1997 (rev. 1/99).

Instructions for Completing LMCC Endorsement Application; Canadian/American Graduates—revised May, 1997 (rev. 1/99).

Instructions for Completing LMCC Endorsement Application; Non-American Graduates—revised June, 1997 (rev. 7/99).

~~Instructions for Completing National Boards Endorsement Application—revised May, 1997.~~

Instructions for Completing Osteopathic National Boards Endorsement Application—revised May, 1997 (rev. 1/99).

Instructions for Completing Other Boards Endorsement Application; American Graduates—revised May, 1997 (rev. 1/99).

Instructions for Completing Other Boards Endorsement Application; Non-American Graduates—revised June, 1997 (rev. 6/99).

Form #A, Claims History Sheet—revised June, 1997 (rev. 6/97).

Form #B, Activity Questionnaire—revised June, 1997 (rev. 6/97).

Form #C, Clearance from Other State Boards—revised June, 1997 (rev. 6/97).

Form #D, Virginia Request for Physician Profile—revised June, 1997 American Medical Association Physician Profile Service Order Form for Licensure Application or Renewal (rev. 1/99).

Application for a License to Practice Medicine/Osteopathy--~~revised May, 1997 (rev. 2/98).~~

Form #H, Certification of Grades Attained on the Podiatric Medical Licensing Examination for States (PMLEXIS)--~~revised June, 1997 (rev. 6/97).~~

Form #I, National Board of Podiatric Medical Examiners Request for Scores on Part I and II--~~revised June, 1997 (rev. 9/98).~~

Form HRB-30-061, Requirements and Instructions for an Intern/Resident License--~~revised July, 1997 (rev. 7/98).~~

Intern/Resident Form #A, Memorandum from Associate Dean of Graduate Medical Education--~~revised July, 1997 (rev. 7/98).~~

Intern/Resident Form #B, Certificate of Professional Education--~~revised July, 1997 (rev. 7/98).~~

Instructions for Completing an Application for a Limited License to Practice Medicine as a Full-time Faculty Member or as a Full-time Fellow--~~revised January, 1998 (rev. 1/98).~~

Form DHP-030-056, Application for a Limited License to Practice Medicine as a Full-time Faculty Member or as a Full-time Fellow--~~revised January, 1998 (rev. 1/98).~~

Form #G--Request for Status Report of Educational Commission for Foreign Medical Graduates Certification--~~revised October, 1997 (rev. 1/99).~~

Instructions for Licensure to Practice as a Physician Acupuncturist--~~revised March, 1997 (rev. 3/97).~~

Application for a License to Practice Acupuncture--~~revised July, 1997 (rev. 1/98).~~

Form #L, Certificate of Professional Education (rev. 1/99).

Continuing Competency Activity and Assessment Form (rev. 5/99).

Renewal Notice and Application--~~revised July, 1997, C-46214 (rev. 7/97).~~

VA.R. Doc. No. R97-726; Filed May 13, 1999, 12:24 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

BOARD OF GAME AND INLAND FISHERIES

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

The proposed amendments to 4 VAC 15-40-70, Game: In General; and 4 VAC 15-90-10, Game: Quail, were not adopted as final regulations by the board and, therefore, will not become effective on July 7, 1999.

Title of Regulation: 4 VAC 15-40-10 et seq. Game: In General (amending [~~4 VAC 15-40-70,~~] 4 VAC 15-40-240 [~~7~~] and 4 VAC 15-40-280; adding 4 VAC 15-40-281).

4 VAC 15-50-10 et seq. Game: Bear (amending 4 VAC 15-50-120).

4 VAC 15-110-10 et seq. Game: Fox ([~~repealing amending~~] 4 VAC 15-110-30 and 4 VAC 15-110-60).

[~~4 VAC 15-190-10 et seq. Game: Quail (amending 4 VAC 15-190-10).~~]

4 VAC 15-240-10 et seq. Game: Turkey (amending 4 VAC 15-240-10, 4 VAC 15-240-20, 4 VAC 15-240-40, 4 VAC 15-240-50, and 4 VAC 15-240-70; adding 4 VAC 15-240-31).

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

Effective Date: July 7, 1999.

Summary:

The amendments (i) allow licensed trappers to take fur-bearing species whenever population reduction is necessary to manage another wildlife species or whenever the condition of a species indicates the need for population reduction; (ii) include lands managed by the department under cooperative agreements as subject to general board regulations or posted rules; (iii) clarify the penalty for failure to comply with posted rules; (iv) prohibit the unauthorized feeding of bear, deer and turkey on national forest lands and department-owned lands; (v) provide for a bear hound training season in portions of certain counties; (vi) provide for a gun hunting season for foxes and the trapping of foxes in certain counties; (vii) allow hunting of turkeys on Thanksgiving Day; (viii) expand the fall hunting season

on turkeys from the current two-week season to three weeks in certain counties, and establish a two-week fall turkey season in certain areas that were previously closed to fall turkey hunting; (ix) change the opening date of spring gobbler season; and (x) allow the taking of up to three bearded turkeys in the spring gobbler season.

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

CHAPTER 40. GAME: IN GENERAL.

4 VAC 15-40-240. Animal population control.

Whenever biological evidence suggests that populations of game animals or fur-bearing animals may exceed or threaten to exceed the carrying capacity of a specified range or whenever population reduction of a species is necessary to manage for another wildlife species, or whenever the health or general condition of a species, indicates the need for population reduction, or whenever the threat of human public health and safety or significant economic loss that indicates the need for population reduction, the director is authorized to issue special permits to obtain the desired reduction by licensed hunters or licensed trappers on areas prescribed by department wildlife biologists. Designated game species or fur-bearing species may be taken in excess of the general bag limits on special permits issued under this section under such conditions as may be prescribed by the director.

4 VAC 15-40-280. Department-owned or controlled lands; general regulations.

The open seasons for hunting and trapping, as well as hours, methods of taking, and bag limits for department-owned and or controlled lands, or lands managed by the department under cooperative agreement shall conform to the general regulations of the board unless excepted by posted rules appearing on a notice displayed at each recognized entrance to the land where the posted rules are in effect. Failure to comply with the posted rules will be treated as trespass in accordance with applicable trespass laws concerning seasons, hours, methods of taking, and bag limits shall constitute a violation of this regulation.

4 VAC 15-40-281. Unauthorized feeding of bear, deer, or turkey on national forest lands and department-owned lands.

It shall be unlawful to place or direct the placement of, deposit, distribute, or scatter food or salt capable of attracting or being eaten by bear, deer or turkey on national forest lands, or on department-owned lands without the written

authorization of the Director of the Department of Game and Inland Fisheries or his designee. The provisions of this section shall not prohibit the disposal of food in trash receptacles provided by the U.S. Forest Service on national forest lands or by the department on department-owned lands.

CHAPTER 50.
GAME: BEAR.

4 VAC 15-50-120. Bear hound training season.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to chase black bear with dogs, without capturing or taking, in all counties or in [*the*] portions of counties in which bear hunting is permitted ~~(except in the counties of Russell, Smyth, Fazewell, and Washington)~~ from the last Saturday in August through the last Saturday in September. It shall be unlawful to have in immediate possession a firearm, bow or any weapon or device capable of taking a black bear.

CHAPTER 110.
GAME: FOX.

4 VAC 15-110-30. [Closed season. ~~(Repealed.)~~]

[Continuous closed season in certain areas. It shall be unlawful to shoot foxes in the following counties, or parts thereof, at any time: Albemarle,] ~~Amelia, Charlotte,~~ [Clarke, Culpeper, Fauquier (except within the confines of the Quantico Marine Reservation),] ~~Halifax (except on regularly organized game preserves), Lee,~~ [Loudoun, Louisa and Rappahannock.]

4 VAC 15-110-60. [Prohibited in certain counties. ~~(Repealed.)~~]

[It shall be unlawful to trap foxes in the counties of Clarke (except on the G. Richard Thompson Wildlife Management Area), Fauquier (except on the Chester F. Phelps and G. Richard Thompson Wildlife Management Areas),] ~~Georgetown, Lee,~~ [Loudoun and Rappahannock.]

CHAPTER 240.
GAME: TURKEY.

4 VAC 15-240-10. Open season; generally.

Except as otherwise specifically provided in the sections appearing in this chapter, it shall be lawful to hunt turkeys from the last Monday in October and for 11 consecutive hunting days following; *on Thanksgiving Day*; and on the Monday nearest December 9 through the first Saturday in January, both dates inclusive.

4 VAC 15-240-20. Open season; certain counties and areas; last Monday in October and for 11 hunting days following, and on Thanksgiving Day.

It shall be lawful to hunt turkeys on the last Monday in October and for 11 consecutive hunting days following, *and on Thanksgiving Day* in the counties of ~~Charles City, Buchanan, Chesterfield, Gloucester, Greenville, Henrico, Isle of Wight, James City, King George, Lancaster,~~

~~Middlesex, New Kent, Northumberland, Prince George, Richmond, Southampton (north of U.S. Route 58), Surry, and Sussex, Westmoreland and York (except on Camp Peary).~~

4 VAC 15-240-31. Open season; certain counties and areas; last Monday in October and for 11 hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five hunting days following.

It shall be lawful to hunt turkeys on the last Monday in October and for 11 consecutive hunting days following, on Thanksgiving Day, and on the Monday closest to December 9 and for five hunting days following in the counties of Charles City, Gloucester, Henrico, James City, King George, Lancaster, Middlesex, New Kent, Northumberland, Richmond, Westmoreland, and York (except on Camp Peary).

4 VAC 15-240-40. Open season; spring season for bearded turkeys.

It shall be lawful to hunt bearded turkeys only from the ~~Saturday nearest the 15th of~~ *second Saturday in April* and for 30 consecutive hunting days following, both dates inclusive, from ½ hour before sunrise to 12:00 noon prevailing time. Bearded turkeys may be hunted by calling. It shall be unlawful to use dogs or organized drives for the purpose of hunting. It shall be unlawful to use or have in possession any shot larger than number 2 fine shot when hunting turkeys with a shotgun.

4 VAC 15-240-50. Continuous closed season in certain counties, cities and areas.

There shall be continuous closed turkey season, except where a special spring season for bearded turkeys is provided for in 4 VAC 15-240-40 ~~of this chapter~~, in the counties of Accomack, Arlington, ~~Buchanan, Mathews,~~ *and Northampton and Southampton (except north of U.S. Route 58)*; and in the cities of Chesapeake, Hampton, Newport News, Suffolk and Virginia Beach.

4 VAC 15-240-70. Bag limit.

The bag limit for hunting turkeys shall be one a day, three a license year, no more than two of which may be taken in the fall ~~and no more than two of which may be taken in the~~ *spring.*

VA.R. Doc. No. R99-119; Filed March 19, 1999, 11:09

Title of Regulation: **4 VAC 15-270-10 et seq. Game: Firearms (amending 4 VAC 15-270-60).**

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

Effective Date: July 7, 1999.

Final Regulations

Summary:

The amendments clarify existing restrictions and prohibitions pertaining to the possession and use of rifles, pistols, or rifled shotgun slugs, and the discharge of any firearm, at Ragged Island Wildlife Management Area.

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

4 VAC 15-270-60. Use of firearms loaded with slugs and discharge of firearms near boardwalk or nature trail on Ragged Island Wildlife Management Area.

A. It shall be unlawful to possess outside of a vehicle, or shoot or hunt with a rifle, muzzleloader, pistol or shotgun loaded with slugs, or to discharge a firearm within 100 yards of the boardwalk or nature trail possess shotgun slugs, on the Ragged Island Wildlife Management Area in Isle of Wight County. In addition, it shall be unlawful to discharge any firearm within 100 yards of the boardwalk or nature trail on Ragged Island Wildlife Management Area.

B. The provisions of this section shall not prohibit the possession, transport and use of loaded firearms by employees of the Department of Game and Inland Fisheries while engaged in the performance of their duties, nor shall it prohibit the possession and transport of loaded concealed handguns where the individual possesses a concealed handgun permit as defined in § 18.2-308 of the Code of Virginia.

VA.R. Doc. No. R99-120; Filed May 19, 1999, 11:09 a.m.

MARINE RESOURCES COMMISSION

<p>REGISTRAR'S NOTICE: The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 F of the Code of Virginia; however, the commission is required to publish the full text of final regulations.</p>

Title of Regulation: **4 VAC 20-150-10 et seq. Pertaining to the Dredging of Conchs (also known as Whelks) (amending 4 VAC 20-150-70).**

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

Effective Date: May 4, 1999.

Summary:

The amendment prohibits the taking and possession of horseshoe crabs from May 1 through June 7 when dredging for conchs within the three-mile limit.

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

4 VAC 20-150-70. Limitation of catch.

A. In Area Number 2 and Area Number 4, conchs only may be taken. All other shellfish, crustaceans, finfish, and other marine life caught during dredging shall be returned immediately to the water. Possession of such, for a time longer than is necessary to return to the water, will be in violation of this chapter.

B. In Area Number 3 and Area Number 5, it shall be unlawful to harvest, take or possess horseshoe crabs from May 1 through June 7. Possession of horseshoe crabs for a time longer than is necessary to return them to the water will be in violation of this chapter.

VA.R. Doc. No. R99-162; Filed May 4, 1999, 3:57 p.m.

* * * * *

Title of Regulation: **4 VAC 20-430-10 et seq. Pertaining to the Marking and Minimum Mesh Size of Gill Nets (amending 4 VAC 20-430-60; adding 4 VAC 20-430-15).**

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

Effective Date: May 5, 1999.

Summary:

The amendment reduces the required minimum gill net mesh size for nets set in upriver areas for the harvest of river herring.

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

4 VAC 20-430-15. Definitions.

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

*"River herring" means any fish of the species *Alosa aestivalis* or *Alosa pseudoharengus*.*

4 VAC 20-430-60. Minimum mesh size.

A. It shall be unlawful for any person to place, set or fish any gill net with a stretched mesh of less than 2-7/8 inches, except as provided in ~~subsection~~ subsections C and D of this section.

B. Mesh measurement is defined as the inside stretched distance between two knots on opposite sides of the same mesh.

C. As provided in § 28.2-305 of the Code of Virginia, mullet gill nets less than 200 yards long shall consist of a stretched mesh not less than two inches stretched measure after having been tarred. Any person utilizing a mullet gill net may not take or possess quantities of species other than mullet which comprise more than 15% of their total daily catch, in pounds.

D. From February 1 through April 30 it shall be lawful for any person to place, set and fish any gill net with a stretched mesh size not less than two inches, only for the harvest of river herring in the areas described in 4 VAC 20-430-50.

VA.R. Doc. No. R99-165; Filed May 5, 1999, 1:55 p.m.

Title of Regulation: 4 VAC 20-720-10 et seq. Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-90).

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

Effective Date: May 10, 1999.

Summary:

This amendment requires that aquacultural operations on Seaside Eastern Shore obtain a harvest permit and with this permit be exempt from all other regulations pertaining to wild oyster stocks. The harvest permit does not exempt an aquaculture operation from the requirements of the Division of Shellfish Sanitation pertaining to the harvest and marketing of shellfish.

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

4 VAC 20-720-90. Harvest permit required.

A. It shall be unlawful for any person to harvest, or attempt to harvest, oysters from leased oyster ground or, fee simple ground, or aquacultural operations on the Seaside of Eastern Shore without first obtaining a harvest permit from the Marine Resources Commission.

B. Applicants for the harvest permit shall have paid all rent fees and shall specify the location of the lease or fee simple ground to be harvested and shall verify that the ground is marked properly as specified by 4 VAC 20-290-10 et seq.

C. Applicants for the permit to harvest from aquacultural operations shall have these operations verified by the Marine Resources Commission and with this aquaculture harvest permit shall be exempt from all other fisheries regulations pertaining to harvesting and handling of wild oyster stocks.

~~C.~~ D. No person shall hold more than four permits at any time.

E. The aquaculture harvest permit does not eliminate or exempt the aquacultural operation from all applicable Division of Shellfish Sanitation regulations pertaining to the harvest and marketing of shellfish.

VA.R. Doc. No. R99-166; Filed May 7, 1999, 1:37 p.m.

Title of Regulation: 4 VAC 20-900-10 et seq. Pertaining to Horseshoe Crab (amending 4 VAC 20-900-10, 4 VAC 20-900-20 and 4 VAC 20-900-25).

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

Effective Date: May 4, 1999.

Summary:

The amendments establish a harvest and landing quota of 710,000 horseshoe crabs for each calendar year and prohibit the harvest of horseshoe crabs by dredge from May 1 through June 7.

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

4 VAC 20-900-10. Purpose.

The ~~purpose~~ purposes of this chapter ~~is~~ are to establish commercial fisheries management measures and monitoring requirements in accordance with the Interstate Fishery Management Plan for Horseshoe Crab, to establish a commercial landings quota in number of horseshoe crabs, to establish a prohibition on harvesting horseshoe crabs by dredge, and to license and identify, for fishery management data gathering purposes, those persons harvesting horseshoe crabs by hand.

4 VAC 20-900-20. Definition.

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

"Horseshoe crab" means any crab of the species *Limulus polyphemus*.

"Land" or "landing" means to enter port with horseshoe crabs on board any boat or vessel, to begin offloading horseshoe crabs, or to offload horseshoe crabs.

4 VAC 20-900-25. Commercial fisheries management measures.

A. It shall be unlawful for any person to harvest horseshoe crabs from any shore or tidal waters of Virginia within 1,000 feet, in any direction, of the mean low water line from May 1 through June 7. The harvests of horseshoe crabs for biomedical use shall not be subject to this limitation.

B. Harvests for biomedical purposes shall require a special permit issued by the Commissioner of Marine Resources, and all crabs taken pursuant to such permit shall be returned to the same waters from which they were collected.

C. The commercial landings quota of horseshoe crab for each calendar year shall be 710,000 horseshoe crabs.

D. It shall be unlawful for any person to harvest from Virginia waters or to land in Virginia any horseshoe crab for

Final Regulations

commercial purposes after the landing quota described in subsection C of this section has been attained and announced as such.

E. It shall be unlawful for any person to take, catch, harvest or attempt to take, catch or harvest horseshoe crabs with a dredge from the tidal waters of Virginia from May 1 through June 7.

F. It shall be unlawful for any person to possess horseshoe crabs taken by dredge from the tidal waters of Virginia from May 1 through June 7.

VA.R. Doc. No. R99-163; Filed May 4, 1999, 3:52 p.m.

1. Adding "backflow prevention devices" in the definition of "HVAC tradesman." This language was inadvertently omitted from the proposed regulations.

2. Clarifying the grandfather provisions in 18 VAC 50-30-50.

3. Clarifying that only backflow training requires instructions in a wet lab.

4. Clarifying that any person presenting himself as a backflow prevention device worker who is not certified as such may be subject to prosecution.

5. Reducing fees on new applications for all tradesman cards.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

REGISTRAR'S NOTICE: The following regulation was originally published in final form in 15:10 VA.R. 1314-1322 February 1, 1999, to become effective March 3, 1999.

Because more than 25 requests for an additional comment period on the changes were received by the agency, the effective date of the final regulation was suspended pursuant to § 9-6.14:7.1 K of the Code of Virginia, and the board released the regulation for additional public comment on the changes until April 15, 1999. Only the changes to the regulation since it was published as a final regulation on February 1, 1999, are shown in brackets.

Title of Regulation: 18 VAC 50-30-10 et seq. **Tradesman Rules and Regulations (amending 18 VAC 50-30-10, 18 VAC 50-30-20, 18 VAC 50-30-30, 18 VAC 50-30-40, 18 VAC 50-30-50, 18 VAC 50-30-60, 18 VAC 50-30-70, 18 VAC 50-30-80, 18 VAC 50-30-90, 18 VAC 50-30-100, 18 VAC 50-30-120, 18 VAC 50-30-130, 18 VAC 50-30-140, 18 VAC 50-30-150, 18 VAC 50-30-170, 18 VAC 50-30-190 and 18 VAC 50-30-200).**

Statutory Authority: §§ 54.1-201 and 54.1-1102 and Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the Code of Virginia.

Effective Date: July 9, 1999.

Summary:

The amendments add backflow prevention device workers to the trades regulated by the Tradesman Program. The voluntary, statewide certification program for backflow prevention device workers mandated by the General Assembly will enable such workers to practice in different areas of the Commonwealth without having to apply for certification in each jurisdiction separately. Some editorial changes are also made.

Changes to the proposed regulations include:

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 George O. Bridewell, Administrator, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230-4917, telephone (804) 367-2607.

18 VAC 50-30-10. Definitions.

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

"Affidavit" means a written statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before a notary or other person having the authority to administer such oath or affirmation.

"Apprentice" means a person who assists tradesmen while gaining knowledge of the trade through on-the-job training and related instruction in accordance with the Virginia Voluntary Apprenticeship Act (§ 40.1-117 et seq. of the Code of Virginia).

"Approved" means approved by the Department of Professional and Occupational Regulation.

"Backflow prevention device testing" means performing functional procedures to ascertain that the device is still providing the necessary backflow protection in accordance with the Virginia Uniform Statewide Building Code.

"Backflow prevention device work" consists of and is limited to the following: (i) maintenance; (ii) repair; (iii) testing; or (iv) periodic inspection of cross connection control devices, including but not limited to reduced pressure principle backflow preventors, double check-valve assemblies, double-detector check-valve assemblies, pressure type vacuum breaker assemblies, and other such devices designed, installed, and maintained in such a manner so as to prevent the contamination of the potable water supply by the introduction of nonpotable liquids, solids, or gases, thus ensuring that the potable water supply remains unaltered and free from impurities, odor, discoloration, bacteria, and other

contaminants which would make the potable water supply unfit or unsafe for consumption and use.

"Backflow prevention device worker" means any individual who engages in, or offers to engage in, the maintenance, repair, testing or periodic inspection of cross connection control devices.

"Board" means the Board for Contractors.

"Building official/inspector" is an employee of the state, a local building department or other political subdivision who enforces the Virginia Uniform Statewide Building Code.

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

"Division" means a limited subcategory within any of the trades, as approved by the department.

"Electrical work" consists of, but is not limited to the following: (i) planning and layout of details for installation or modifications of electrical apparatus and controls including preparation of sketches showing location of wiring and equipment; (ii) measuring, cutting, bending, threading, assembling and installing electrical conduits; (iii) performing maintenance on electrical systems and apparatus; (iv) observation of installed systems or apparatus to detect hazards and need for adjustments, relocation or replacement; and (v) repairing faulty systems or apparatus.

"Electrician" means a tradesman who does electrical work including the construction, repair, maintenance, alteration or removal of electrical systems in accordance with the National Electrical Code and the Virginia Uniform Statewide Building Code.

"Formal vocational training" means courses in the trade administered at an accredited educational facility; or formal training, approved by the department, conducted by trade associations, businesses, military, correspondence schools or other similar training organizations.

"Gasfitter" means a tradesman who does gasfitting related work usually as a division within the HVAC or plumbing trades in accordance with the Virginia Uniform Statewide Building Code. This work includes the installation, repair, improvement or removal of gas piping, propane tanks, and appliances annexed to real property.

"Helper" or *"laborer"* means a person who assists a licensed tradesman.

"HVAC tradesman" means an individual whose work includes the installation, alteration, repair or maintenance of heating systems, ventilating systems, cooling systems, steam and hot water heating systems, boilers, process piping, *backflow prevention devices*, and mechanical refrigeration systems, including tanks, incidental to the system.

"Journeyman" means a person who possesses the necessary ability, proficiency and qualification to install, repair and maintain specific types of materials and equipment, utilizing a working knowledge sufficient to comply

with the pertinent provisions of the Virginia Uniform Statewide Building Code and according to plans and specifications.

"Licensed tradesman" means an individual who meets the requirements for licensure that relate to the trade which he practices.

"Maintenance" means the reconstruction or renewal of any part of a backflow device for the purpose of maintaining its proper operation. This does not include the actions of removing, replacing or installing, except for winterization.

"Master" means a person who possesses the necessary ability, proficiency and qualifications to plan and lay out the details for installation and supervise the work of installing, repairing and maintaining specific types of materials and equipment utilizing a working knowledge sufficient to comply with the pertinent provisions of the Virginia Uniform Statewide Building Code.

~~*"Nonparticipating localities"* means those cities, towns and counties in Virginia that did not participate in the Department of Housing and Community Development's Tradesman Certification Program prior to July 1, 1995.~~

~~*"Participating localities"* means those cities, towns and counties in Virginia that participated in the Department of Housing and Community Development's Tradesman Certification Program prior to July 1, 1995, by reviewing applications, examining candidates, and issuing journeyman and master cards to qualified tradesmen.~~

"Periodic inspection" means to examine a cross connection control device in accordance with the requirements of the locality to be sure that the device is in place and functioning in accordance with the standards of the Virginia Uniform Statewide Building Code.

"Plumber" means a tradesman who does plumbing work in accordance with the Virginia Uniform Statewide Building Code.

"Plumbing work" means work that includes the installation, maintenance, extension, or alteration or removal of piping, fixtures, appliances, and appurtenances in connection with any of the following:

1. Backflow prevention devices;
2. Boilers;
3. Domestic sprinklers;
4. Hot water baseboard heating systems;
5. Hydronic heating systems;
6. Process piping;
7. Public/private water supply systems within or adjacent to any building, structure or conveyance;
8. Sanitary or storm drainage facilities;
9. Steam heating systems;

Final Regulations

10. Storage tanks incidental to the installation of related systems;
11. Venting systems; or
12. Water heaters.

These plumbing tradesmen may also install, maintain, extend or alter the following:

1. Liquid waste systems;
2. Sewerage systems;
3. Storm water systems; and
4. Water supply systems.

"Reinstatement" means having a tradesman license or backflow prevention device worker certification card restored to effectiveness after the expiration date has passed.

"Regulant" means tradesman license or backflow prevention device certification card holder.

"Renewal" means continuing the effectiveness of a tradesman license or a backflow prevention device worker certification card for another period of time.

"Repair" means the reconstruction or renewal of any part of a backflow prevention device for the purpose of returning to service a currently installed device. This does not include the removal or replacement of a defective device by the installation of a rebuilt or new device.

"Supervisor" means the licensed master or journeyman tradesman who has the responsibility to ensure that the final installation is in accordance with the applicable provisions of the Virginia Uniform Statewide Building Code, one of whom must be on the job site at all times during installation.

"Testing organization" means an independent testing organization whose main function is to develop and administer examinations.

"Trade" means any of the following: plumbing; heating, ventilation and air conditioning (HVAC); or electrical work, and divisions within them.

"Tradesman" means a person who engages in or offers to engage in, for the general public for compensation, any of the trades covered by this chapter.

"Water distribution systems" include fire sprinkler systems, highway/heavy, HVAC, lawn irrigation systems, plumbing, or water purveyor work.

18 VAC 50-30-20. Requirements for licensure as a journeyman or master tradesman engaging in the trades of plumbing, plumbing gas-fitting [,] HVAC (heating, ventilation and air conditioning), HVAC gas-fitting, or electrical or certification as a backflow prevention device worker.

Each ~~tradesman~~ individual who engages in, or offers to engage in, electrical, plumbing, or HVAC or backflow prevention device work for the general public for

~~compensation shall complete an application furnished by the Department of Professional and Occupational Regulation and shall meet or exceed the requirements set forth below in this section prior to issuance of the license or certification card. The application shall contain the applicant's name, home address, place of employment, and business address; information on the knowledge, skills, abilities and education or training of the applicant; and an affidavit stating that the information on the application is correct.~~

The applicant shall be required to take an oral or written examination to determine his general knowledge of the trade in which he desires licensure or certification. If the applicant successfully completes the examination, ~~a tradesman~~ an application furnished by the department shall be completed. *The application shall contain the applicant's name, home address, place of employment, and business address; information on the knowledge, skills, abilities and education or training of the applicant; and an affidavit stating that the information on the application is correct.* If the application is satisfactory to the board, a ~~tradesman~~ license or certification card shall be issued.

18 VAC 50-30-30. General qualifications for licensure or certification.

Every applicant to the Board for Contractors for licensure as a tradesman or certification as a backflow prevention device worker shall meet the requirements and have the qualifications provided in this section.

1. The applicant shall be at least 18 years old.
2. Unless otherwise exempted, the applicant shall meet the current educational requirements by passing all required courses prior to the time the applicant sits for the examination and applies for licensure or certification.
3. Unless exempted, the applicant shall have passed the applicable written examination provided by the board or by a testing service acting on behalf of the board.
4. The applicant shall meet the experience requirements as set forth in 18 VAC 50-30-40 or 18 VAC 50-30-50.
5. In those instances where the applicant is required to take the license or certification examination, the applicant shall follow all rules established by the board with regard to conduct at the examination. Such rules shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all rules established by the board and the testing service with regard to conduct at the examination shall be grounds for denial of application.
6. The applicant shall disclose his physical home address; a post office box alone is not acceptable.
7. Each nonresident applicant for a tradesman license or certification card shall file and maintain with the department an irrevocable consent for the department to serve as service agent for all actions filed in any court in

this Commonwealth. In those instances where service is required, the director of the department will mail the court document to the individual at the address of record.

8. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia ~~Tradesman~~ *tradesmen law*, Article 3 (§ ~~5.1-1128 et seq.~~ *54.1-1128 et seq.*) of Chapter 11 of Title 54.1 of the Code of Virginia, and [~~the regulations of the board~~ *this chapter*] .

9. The board may make further inquiries and investigations with respect to the qualifications of the applicant or require a personal interview with the applicant. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

10. In accordance with § 54.1-204 of the Code of Virginia, each applicant shall disclose a conviction, in any jurisdiction, of any misdemeanor or felony. Any plea of "nolo contendere" shall be considered a conviction for the purpose of this subdivision. The record of conviction received from a court shall be accepted as "prima facie" evidence of a conviction or finding of guilt. The board, at its discretion, may deny licensure *or certification* to any applicant in accordance with § 54.1-204 of the Code of Virginia.

11. The applicant shall report any suspensions, revocations, or surrendering of certificate/license in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure *or certification* in Virginia. The board, at its discretion, may deny licensure *or certification* to any applicant based on prior suspensions, revocations, or surrender of certifications/licenses based on disciplinary action by any jurisdiction.

18 VAC 50-30-40. Evidence of ability and proficiency.

A. Applicants for examination to be licensed as a journeyman shall furnish evidence that one of the following experience and education standards has been attained:

1. Four years of practical experience in the trade, and 240 hours of formal vocational training in the trade; ~~however,~~ Experience in excess of four years may be substituted for formal vocational training at a ratio of one year of experience for 80 hours of formal training, but not to exceed 200 hours;

2. An associate degree or a certificate of completion from at least a two-year program in a tradesman related field from an accredited community college or technical school *as evidenced by a transcript from the educational institution* and two years of practical experience in the trade for which licensure is desired;

3. A bachelor degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired; or

4. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients attesting to the applicant's work in the trade, may be granted permission to sit for the journeyman's level examination without having to meet the educational requirements.

B. Applicants for examination to be licensed as a master shall furnish evidence that one of the following experience standards has been attained:

1. Evidence that they have one year of experience as a ~~certified~~ *licensed* journeyman; or

2. On or after July 1, 1995, an applicant with 10 years of practical experience in the trade, as verified by reference letters of experience from any of the following: building officials, building inspectors, current or former [~~employees~~ *employers*], contractors, engineers, architects or current or past clients, attesting to the applicant's work in the trade, may be granted permission to sit for the master's level examination without having to meet the educational requirements.

C. Individuals who have successfully passed the Class A contractors trade examination prior to January 1, 1991, administered by the Virginia Board for Contractors in a certified trade shall be deemed qualified as a master in that trade in accordance with this chapter.

D. Applicants for examination to be certified as a backflow prevention device worker shall furnish evidence that [one of] the following experience and education standards have been attained:

1. *Four years of practical experience in water distribution systems and 40 hours of formal vocational training in a school approved by the board; or*

2. *Applicants with seven or more years of experience may qualify with 16 hours of formal vocational training in an approved school.*

The board accepts the American Society of Sanitary Engineers' (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

18 VAC 50-30-50. Exemptions from examination [exemptions from licensure].

A. An individual certified or licensed by any one of the following agencies shall not be required to fulfill the examination requirement:

Final Regulations

1. The Department of Housing and Community Development prior to July 1, 1995; or
2. Any local governing body prior to July 1, 1978; or
3. Any Virginia locality backflow prevention device worker certification issued prior to July 1, 1998.

B. Other methods of exemption from examination are as follows:

1. Successful completion of an apprenticeship program which is approved by the Virginia Apprenticeship Council as evidenced by providing a certificate of completion or other official document.
2. Any tradesman who had a Class B registration in the trade prior to January 1, 1991, and has been continuously licensed as a Class B contractor. Candidates for this exemption must submit documentation from the Board for Contractors.
3. ~~Individuals residing in nonparticipating localities applying for masters tradesman licenses between July 1, 1995, and July 1, 1998, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate 10 years of discipline-free experience as set forth in this chapter. Those individuals shall provide the following information with their application:~~
 - a. ~~An affidavit from a building official or building inspector attesting to the required number of years of experience and competency in the trade, on a form provided by the department; and~~
 - b. ~~Three reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients, on a form provided by the department.~~
4. ~~Individuals residing in nonparticipating localities applying for journeyman tradesman licensure between July 1, 1995, and July 1, 1998, shall be deemed to have fulfilled the examination requirement if they are able to demonstrate six years of discipline-free experience as set forth in this chapter. Those individuals shall provide the following information with their application:~~
 - a. ~~An affidavit from a building official or building inspector attesting to the required number of years of experience and competency in the trade, on a form provided by the department; and~~
 - b. ~~Three reference letters of experience from any of the following: building officials, building inspectors, current or former employers, contractors, engineers, architects or current or past clients, on a form provided by the department.~~
5. ~~Individuals residing in nonparticipating localities applying for masters tradesman license between July 1, 1995, and July 1, 1998, who are currently employed by a Class A or B contractor as the "Qualified Individual" (QI) in the licensed classification held by the firm, shall qualify for licensure as a master without having to sit for~~

~~the examination. Upon the QI's leaving the employment of that firm, the contractor shall name another full-time QI in accordance with the then current Board for Contractor regulations (18 VAC 15-22-10 et seq.).~~

~~6. Individuals applying for masters or journeyman tradesman license between July 1, 1995, and July 1, 1998, who were certified prior to July 1, 1995, by any locality as a "gas fitter" only, shall qualify for licensure without having to sit for the examination.~~

3. *Individuals applying for certification as backflow prevention device workers between July 1, 1998, and July 1, 1999, shall be deemed to have fulfilled the examination requirements if they are able to demonstrate the required years of discipline-free experience and education or training set forth in 18 VAC 50-30-40 D 2. These individuals shall provide the following with their application:*

- a. *An affidavit from a building official, building inspector or Virginia water purveyor attesting to at least seven years of experience and competency in the field on a form provided by the department; and*
- b. *A certificate or other documentation that an appropriate course of instruction of at least 16 hours at an approved school has been successfully completed [prior to July 7, 1999].*

C. Exemptions from licensure are as follows:

1. Helpers or laborers who assist licensed tradesmen;
2. Any person who performs plumbing, plumbing gas-fitting, HVAC, HVAC gas-fitting, or electrical work not for the general public for compensation;
3. Any person who installs television or telephone cables, lightning arrestor systems, or wiring or equipment operating at less than 50 volts;
4. Installers of wood stove equipment, masonry chimneys or prefabricated fireplaces shall be exempt from certification as a HVAC tradesman; and
5. Any person who is performing work on any ship, boat, barge or other floating vessel.

18 VAC 50-30-60. Application and issuance of tradesman licenses or backflow prevention device worker certifications.

A. All applicants for licensure as a tradesman or certification as a backflow prevention device worker must make application with the department to obtain the required tradesman license or backflow prevention device worker certification.

B. Unless otherwise exempted, an applicant must successfully complete an examination to be issued a tradesman license or backflow prevention device worker certification and deemed qualified.

C. The board shall receive and review applications and forward approved applications to the national testing

organizations designated by the board. At its discretion, the board may delegate the application receipt and review process to the testing organization.

D. The applicant shall present to the board evidence of successful completion of a ~~board-approved~~ board-approved examination.

18 VAC 50-30-70. Other recognized programs.

Individuals certified or licensed as journeyman or master by governing bodies located outside the Commonwealth of Virginia shall be considered to be in compliance with this chapter if the board or its designee has determined the certifying system to be substantially equivalent to the Virginia system. These individuals must meet the following requirements:

1. The applicant shall be at least 18 years of age.
2. The applicant shall have received the tradesman certification or license by virtue of having passed in the jurisdiction of original certification or licensing a written or oral examination deemed to be substantially equivalent to the Virginia examination.
3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the Virginia ~~Tradesman~~ tradesmen laws (~~§ 54.1-1127~~ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 of the Code of Virginia) and the ~~Board for Contractors' Tradesman Regulations (18 VAC 50-30-10 et seq.)~~ this chapter.
4. The applicant shall be in good standing as a certified or licensed tradesman in every jurisdiction where certified or licensed, and the applicant shall not have had a certificate [or a license] as a tradesman which was suspended, revoked, or surrendered in connection with a disciplinary action or which has been the subject of discipline in any jurisdiction prior to applying for licensure in Virginia.
5. The applicant shall not have been convicted in any jurisdiction of a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution or physical injury, or any felony. Any plea of nolo contendere shall be considered a conviction for purposes of this ~~paragraph~~ subdivision. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.
6. Applicants for licensure who do not meet the requirements set forth in subdivisions 4 and 5 of this ~~subsection~~ section may be approved for licensure following consideration by the board.
7. *Individuals certified or licensed by governing bodies other than the Commonwealth of Virginia may sit for the same level of tradesman examination by completing the required application and providing a copy of a currently valid journeyman or master license or certification.*

8. *Individuals certified or licensed as backflow prevention device workers by governing bodies located outside the Commonwealth of Virginia may sit for the Virginia backflow prevention device worker examination upon presentation of a currently valid certificate or card from such jurisdictions with their completed examination application and fee. Upon successful completion of this examination, the applicant will be provided with the proper application for certification as a backflow prevention device worker in the Commonwealth of Virginia.*

18 VAC 50-30-80. Revocation of licensure or certification.

A. Licensure or certification may be revoked for misrepresentation or a fraudulent application, or for incompetence as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code.

B. Any building official ~~or~~, building inspector or water purveyor who finds that an individual is practicing as a tradesman without a tradesman license as required by state law or as a backflow prevention device worker without a backflow prevention device certification card if such a card is required by the locality shall file a report on a form provided by the board to such effect with the Board for Contractors, 3600 West Broad Street, Richmond, Virginia 23230 [- 4917] .

C. Any building official ~~or~~, building inspector or water purveyor who has reason to believe that a tradesman or a backflow prevention device worker is performing incompetently as demonstrated by an egregious or repeated violation of the Virginia Uniform Statewide Building Code shall file a report on a form provided by the board to such effect with the board.

D. The department shall have the power to require remedial education and to suspend, revoke or deny renewal of the tradesman license or the backflow prevention device worker certification card of any individual who is found to be in violation of the statutes or regulations governing the practice of licensed tradesmen [or backflow prevention device workers] in the Commonwealth.

18 VAC 50-30-90. Fees for licensure, certification and examination.

A. Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable and the date of receipt by the department or its agent is the date [~~which~~ that] will be used to determine whether or not it is on time. Fees remain active for a period of one year from the date of receipt and all applications must be completed within that time frame.

B. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus the additional processing charge of \$25.

Final Regulations

~~B. C. Tradesman license - original fee - by examination. The fee for an initial tradesman license shall be \$40.~~

~~C. D. Tradesman license - original fee - without an examination, through successful completion of an appropriate apprenticeship program offered through the Virginia Voluntary Apprenticeship Act. The fee for an initial tradesman license shall be \$40.~~

~~D. Tradesman license - original fee - through the "grandfather" clause of § 54.1-1131 of the Code of Virginia. The fee for an initial tradesman license shall be \$50.~~

E. Commencing July 1, 1995, the Department of Professional and Occupational Regulation will institute a program of issuing tradesmen's cards. Those tradesmen who hold valid tradesmen cards issued by local governing bodies prior to July 1, 1978, or by the Department of Housing and Community Development prior to July 1, 1995, must replace the old cards with new cards issued by the Board for Contractors.

In order to obtain the tradesman card issued by the Board for Contractors, the individual must use the current application form provided by the Department of Professional and Occupational Regulation. The fee for card exchange application and processing is \$10. As a matter of administrative necessity, the department will assign expiration dates in a manner that will stagger renewals for these applicants. Once the initial period ends, all renewals will be for a period of 24 months.

~~F. Commencing (insert effective date) July 1, 1998, the Department of Professional and Occupational Regulation will institute a voluntary program of issuing backflow prevention device worker certification cards. Those individuals who hold valid backflow prevention device worker certifications issued by local governing bodies or the Virginia Department of Health prior to that date may replace those cards with new cards issued by the board.~~

~~In order to obtain the backflow prevention device worker certification card issued by the board, the individual must use the current application form provided by the department. The fee for the card exchange application and processing is \$10. The term of certification will be for a period of 24 months.~~

~~G. Backflow prevention device worker certification through the "grandfather" clause of § 54.1-1131 B 2 of the Code of Virginia. The fee for an initial certification shall be [\$45 \$40].~~

18 VAC 50-30-100. Fees for examinations.

The examination fee shall consist of the administration expenses of the department resulting from the board's examination procedures and contract charges. Exam service contracts shall be established through competitive negotiation, in compliance with the Virginia Public Procurement Act (§ 11-35 et seq. of the Code of Virginia). The current examination shall not exceed a cost of \$100 for the journeyman exam and, \$125 for the master exam for any of the trades, or \$100 for the backflow prevention device worker exam.

18 VAC 50-30-120. Renewal.

A. A Tradesman license licenses or backflow prevention device worker certification cards issued under this chapter shall expire two years from the last day of the month in which ~~it was~~ they were issued as indicated on the tradesman license or the backflow prevention device worker certification card.

B. The application fee for renewal of a tradesman license is \$25. ~~The fee for renewal of a backflow prevention device worker certification card is \$25.~~ All fees required by the board are nonrefundable and shall not be prorated.

The board will mail a renewal notice to the regulant outlining procedures for renewal. Failure to receive this notice, however, shall not relieve the regulant of the obligation to renew. If the regulant fails to receive the renewal notice, a photocopy of the tradesman license or backflow prevention device worker certification card may be submitted with the required fee as an application for renewal within 30 days of the expiration date.

The date on which the renewal fee is received by the department or its agent will determine whether the regulant is eligible for renewal or required to apply for reinstatement.

The board may deny renewal of a tradesman license or a backflow prevention device worker certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ [~~9-6.14.4.4~~ 9-6.14:1] et seq. of the Code of Virginia).

Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-130. Reinstatement.

A. Should the Department of Professional and Occupational Regulation fail to receive the renewal application or fees within 30 days of the expiration date, the regulant will be required to ~~reinstat~~ apply for reinstatement of the tradesman license or backflow prevention device worker certification card.

B. The application fee for reinstatement of a tradesman license (all designations) is \$50 (this is in addition to the \$25 renewal fee which makes the total fee for reinstatement \$75). ~~The reinstatement fee for a backflow prevention device worker certification card is \$50 (this is in addition to the \$25 renewal fee which makes the total reinstatement fee \$75).~~ All fees required by the board are nonrefundable and shall not be prorated.

Applicants for reinstatement shall meet the requirements of 18 VAC 50-30-30.

The date on which the reinstatement fee is received by the department of Professional and Occupational Regulation or

its agent will determine whether the license *or certification card* is reinstated or a new application is required.

In order to ensure that ~~tradesman~~ license *or certification card* holders are qualified to practice as tradesmen *or backflow prevention device workers*, no reinstatement will be permitted once one year from the expiration date has passed. After that date the applicant must apply for a new tradesman license *or backflow prevention device worker certification card* and meet the then current entry requirements.

Any tradesman ~~*or backflow prevention device worker*~~ activity conducted subsequent to the expiration of the license ~~*or the certification card*~~ may constitute unlicensed activity and may be subject to prosecution under Title 54.1 of the Code of Virginia. *Further, any person who holds himself out as a certified backflow prevention device worker, as defined in § 54.1-1128 of the Code of Virginia, without the appropriate certification, may be subject to prosecution under Title 54.1 of the Code of Virginia.*

C. The board may deny reinstatement of a tradesman license *or a backflow prevention device worker certification card* for the same reasons as it may refuse initial issuance *or to discipline a regulant*. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ [~~9-6.14:4.1~~ 9-6.14:1] et seq. of the Code of Virginia).

Failure to timely pay any monetary penalty, reimbursement of cost, or other fee assessed by consent order or final order shall result in delaying or withholding services provided by the department, such as, but not limited to, renewal, reinstatement, processing of a new application, or exam administration.

18 VAC 50-30-140. Status of regulant during the period prior to reinstatement.

A. When a regulant is reinstated, the individual shall continue to have the same number and shall be assigned an expiration date two years from the previous expiration date.

B. A regulant who reinstates his tradesman license *or backflow prevention device worker certification card* shall be regarded as having been continuously licensed *or certified* without interruption. Therefore, the regulant shall remain under the disciplinary authority of the board during this entire period and may be held accountable for his activities during this period. Nothing in ~~these regulations~~ *this chapter* shall divest the board of its authority to discipline a regulant for a violation of the law or regulations during the period of licensure *or certification*.

18 VAC 50-30-150. Changes, additions, or deletions to trade designations of tradesman license holders.

A regulant may change a designation or obtain additional designations by demonstrating, on a form provided by the board, acceptable evidence of experience, and examination if appropriate, in the designation sought. The experience, and successful completion of examinations, must be

demonstrated by meeting the requirements found in Part II (18 VAC 50-30-20 et seq.) of this chapter.

The fee for each change or addition is \$25. All fees required by the board are nonrefundable.

While a ~~tradesman~~ *regulant* may have multiple trade designations on his license, the renewal date will be based upon the date the card was originally issued to the individual by the board, not the date of the most recent trade designation addition.

If a regulant is seeking to delete a designation, then the individual must provide a signed statement listing the designation to be deleted. There is no fee for the deletion of a designation. [{ }] If the regulant only has one trade or level designation, the deletion of that designation will result in the termination of the license. [}]

18 VAC 50-30-170. Transfer of tradesman license or certification card prohibited.

No ~~tradesman~~ license *or certification card* issued by the board shall be assigned or otherwise transferred.

18 VAC 50-30-190. Prohibited acts.

Any of the following are cause for disciplinary action:

1. Failure in any material way to comply with provisions of Chapter 1 (§ 54.1-100 et seq.) or Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia or the regulations of the board;
2. Furnishing substantially inaccurate or incomplete information to the board in obtaining, renewing, reinstating, or maintaining a tradesman license *or backflow prevention device worker certification card*;
3. Where the regulant has failed to report to the board, in writing, the suspension or revocation of a tradesman license, certificate or card, *or backflow prevention device worker certification card* by another state or ~~their~~ a conviction in a court of competent jurisdiction of a building code violation;
4. Gross negligence in the practice of a trade *or backflow prevention device work*;
5. Misconduct in the practice of a trade *or backflow prevention device work*;
6. A finding of improper or dishonest conduct in the practice of the trade *or backflow prevention device work* by a court of competent jurisdiction;
7. For licensed tradesmen performing jobs under \$1,000, *or backflow prevention device workers performing jobs of any amount*, abandonment, ~~or~~ the intentional and unjustified failure to complete work contracted for, or the retention or misapplication of funds paid, for which work is either not performed or performed only in part (unjustified cessation of work under the contract for a period of 30 days or more shall be considered evidence of abandonment);

Final Regulations

8. Making any misrepresentation or making a false promise of a character likely to influence, persuade, or induce;

9. Aiding or abetting an unlicensed contractor to violate any provision of Chapter 1 or Chapter 11 of Title 54.1 of the Code of Virginia, or these regulations; or combining or conspiring with or acting as agent, partner, or associate for an unlicensed contractor; or allowing one's license or certification to be used by an unlicensed or uncertified individual;

10. Where the regulant has offered, given or promised anything of value or benefit to any federal, state, or local government employee for the purpose of influencing that employee to circumvent, in the performance of his duties, any federal, state, or local law, regulation, or ordinance governing the construction industry;

11. Where the regulant has been convicted or found guilty, after initial licensure or certification, regardless of adjudication, in any jurisdiction of any felony or of a misdemeanor involving lying, cheating or stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession, there being no appeal pending therefrom or the time of appeal having elapsed. Any pleas of guilty or nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such guilt;

12. Having failed to inform the board in writing, within 30 days, that the ~~tradesman~~ regulant has pleaded guilty or nolo contendere or was convicted and found guilty of any felony or a misdemeanor involving lying, cheating, stealing, sexual offense, drug distribution, physical injury, or relating to the practice of the profession;

13. Having been disciplined by any county, city, town, or any state or federal governing body for actions relating to the practice of any trade or backflow prevention device work, which action shall be reviewed by the board before it takes any disciplinary action of its own;

14. Failure to comply with the Virginia Uniform Statewide Building Code, as amended; and

15. Practicing in a classification or specialty service for which the tradesman is not licensed or certified.

18 VAC 50-30-200. Professional education.

A. Pursuant to § 54.1-1130 of the Code of Virginia, unless certified through exemption, candidates for licensure as journeymen are required to (i) complete 240 hours classroom hours of tradesman educational courses in their specialty and four years of practical experience in the trade for which licensure is desired to qualify to sit for the licensing examination, (ii) have an associate degree or a certificate of completion from at least a two-year program in a ~~tradesman~~

~~related trade-related~~ field from an accredited community college or technical school as evidenced by a transcript from the educational institution and two years of practical experience in the trade for which licensure is desired, or (iii) have a bachelor degree received from an accredited college or university in an engineering curriculum related to the trade and one year of practical experience in the trade for which licensure is desired (see Part II, 18 VAC 50-30-20 et seq., of this chapter).

Tradesman courses must be completed through accredited colleges, universities, junior and community colleges, adult distributive, marketing and [formal] vocational [~~technical programs training as defined in this chapter~~], Virginia Apprenticeship Council programs or proprietary schools approved by the Virginia Department of Education.

B. Backflow prevention device worker courses must be completed through schools approved by the board. The board accepts the American Society of Sanitary Engineers (ASSE) standards for testing procedures. Other programs could be approved after board review. The board requires all backflow training to include instruction in a wet lab.

NOTICE: The forms used in administering 18 VAC 50-30-10 et seq., Tradesman Rules and Regulations, are listed below but are not being published. However, the forms were published with the proposed regulations and may be found in 14:23 VA.R. 3446-3450 August 3, 1998.

FORMS

Tradesman License Application, 2710LIC (6/98).

Backflow Prevention Device Worker Certification Application, 2710BPD (6/98).

Backflow Prevention Device Worker Certification Experience Reference Form, 2710BEXP (6/98).

Complaint Form (rev. 7/98).

VA.R. Doc. No. R97-701; Filed May 21, 1999, 1:23 p.m.

BOARD OF NURSING

REGISTRAR'S NOTICE: The Board of Nursing 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 Board of Nursing will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18 VAC 90-20-10 et seq. Regulations Governing the Practice of Nursing (amending 18 VAC 90-20-330).

Statutory Authority: §§ 54.1-2400, 54.1-3005, and 54.1-3028.1 of the Code of Virginia.

Effective Date: July 7, 1999.

Summary:

The amendments conform nursing regulations to changes made in the Code of Virginia by Chapters 637 and 783 of the 1999 Acts of Assembly, which place certain requirements on educational programs for certified nurse aides. The amendments require that such programs contain at least 120 hours of instruction, that specified topics be included in the programs, and that the programs provide each student with information on criminal background checks by employers and the potential barriers to employment.

Agency Contact: Copies of the regulation may be obtained from Nancy K. Durrett, R.N., Board of Nursing, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909.

CHAPTER 90.

REGULATIONS OF GOVERNING THE BOARD PRACTICE OF NURSING.

18 VAC 90-20-330. Nurse aide education programs.

A. Establishing a nurse aide education program.

1. A program provider wishing to establish a nurse aide education program shall submit an application to the board at least 90 days in advance of the expected opening date.
2. The application shall provide evidence of the ability of the institution to comply with subsection B of this section.
3. The Education Special Conference Committee (the "committee"), comprised of not less than two members of the board, shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review the application and shall make a recommendation to the board for grant or denial of approval.
4. If the committee's recommendation is to deny approval, no further action will be required of the board unless the program requests a hearing before the board or a panel thereof in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.

B. Maintaining an approved nurse aide education program. To maintain approval, the nurse aide education program shall:

1. Demonstrate evidence of compliance with the following essential elements:
 - a. Curriculum content and length as set forth in subsections D and G of this section.
 - b. Maintenance of qualified instructional personnel as set forth in subsection C of this section.
 - c. Classroom facilities that meet requirements set forth in subsection H of this section.
 - d. Maintenance of records as set forth in subsection E of this section.

- e. Skills training experience in a nursing facility which has not been subject to penalty or penalties as provided in 42 CFR 483.151(b)(2) (Medicare and Medicaid Programs: Nurse Aide Training and Competency Evaluation Programs, effective April 1, 1992) in the past two years. The foregoing shall not apply to a nursing facility which has received a waiver from the state survey agency in accordance with federal law.

- f. Agreement that board representatives may make unannounced visits to the program.

- g. Financial support and resources sufficient to meet requirements of this chapter.

2. Impose no fee for any portion of the program on any nurse aide who, on the date on which the nurse aide begins the program, is either employed or has an offer of employment from a nursing facility.

3. Provide each student applying to or enrolled in such program with a copy of applicable Virginia law regarding criminal history records checks for employment in certain health care facilities, and a list of crimes which pose a barrier to such employment.

- ~~3.~~ 4. Report all substantive changes in subdivision 1 of this subsection within 10 days of the change to the board.

C. Instructional personnel.

1. Program coordinator.

- a. The program coordinator in a nursing facility based program may be the director of nursing services. The director of nursing may assume the administrative responsibility and accountability for the nurse aide education program but shall not engage in the actual classroom and clinical teaching.

- b. The primary instructor may be the program coordinator in any nurse aide education program.

2. Primary instructor.

- a. Qualifications. The primary instructor, who does the actual teaching of the students:

- (1) Shall hold a current Virginia license as a registered nurse; and

- (2) Shall have two years of experience as a registered nurse within the previous five years and at least one year of experience in the provision of long-term care facility services. Such experience may include, but not be limited to, employment in a nurse aide education program or employment in or supervision of nursing students in a nursing facility or unit, geriatrics department, chronic care hospital, home care or other long-term care setting. Experience should include varied responsibilities, such as direct resident care, supervision and education.

Final Regulations

b. Responsibilities. The primary instructor shall participate in the teaching and evaluation of students and, in addition, shall:

- (1) Participate in the planning of each learning experience;
- (2) Ensure that course objectives are accomplished;
- (3) Ensure that the provisions of subdivision 6 of this subsection are maintained;
- (4) Maintain records as required by subsection E of this section;
- (5) Perform other activities necessary to comply with subsection B of this section; and
- (6) Ensure that students do not perform services for which they have not received instruction and been found proficient by the instructor.

3. Other instructional personnel.

a. Qualifications.

- (1) A registered nurse shall:
 - (a) Hold a current Virginia license as a registered nurse; and
 - (b) Have had at least one year of direct patient care experience as a registered nurse.
- (2) A licensed practical nurse shall:
 - (a) Hold a current Virginia license as a practical nurse;
 - (b) Hold a high school diploma or equivalent;
 - (c) Have been graduated from a state-approved practical nursing program; and
 - (d) Have had at least two years of direct patient care experience as a licensed practical nurse.

b. Responsibilities. Other personnel shall provide instruction under the general supervision of the primary instructor.

4. Prior to being assigned to teach the nurse aide education program, all instructional personnel shall demonstrate competence to teach adults by one of the following:

a. Complete satisfactorily a course in teaching adults that includes:

- (1) Basic principles of adult learning;
- (2) Teaching methods and tools for adult learners; and
- (3) Evaluation strategies and measurement tools for assessing the learning outcomes;

b. Have experience in teaching adults; or

c. Have experience in supervising nurse aides.

5. The program may utilize resource personnel who have had at least one year of experience in their field to meet the planned program objectives for specific topics.

6. When students are giving direct care to clients in clinical areas, instructional personnel must be on site solely to supervise the students. The ratio of students to each instructor shall not exceed 10 students to one instructor.

D. Curriculum content.

1. The curriculum shall include, but shall not be limited to, classroom and clinical instruction in the following:

a. Initial core curriculum. Prior to the direct contact of a student with a nursing facility client, a total of at least 16 hours of instruction in the following areas must be presented:

- (1) Communication and interpersonal skills;
- (2) Infection control;
- (3) Safety and emergency procedures, including the Heimlich Maneuver;
- (4) Promoting client independence; and
- (5) Respecting clients' rights.

b. Basic skills.

- (1) Recognizing changes in body functioning and the importance of reporting such changes to a supervisor.
- (2) Measuring and recording routine vital signs.
- (3) Measuring and recording height and weight.
- (4) Caring for the clients' environment.
- (5) Measuring and recording fluid and food intake and output.
- (6) Performing basic emergency measures.
- (7) Caring for a client when death is imminent.

c. Personal care skills.

- (1) Bathing and oral hygiene.
- (2) Grooming.
- (3) Dressing.
- (4) Toileting.
- (5) Assisting with eating and hydration, including proper feeding techniques.
- (6) Caring for skin, to include prevention of pressure ulcers.
- (7) Transfer, positioning and turning.

d. Individual client's needs, including mental health and social service needs.

- (1) Modifying the aide's behavior in response to the behavior of clients.
 - (2) Identifying developmental tasks associated with the aging process.
 - (3) Demonstrating principles of behavior management by reinforcing appropriate behavior and causing inappropriate behavior to be reduced or eliminated.
 - (4) Demonstrating skills supporting age-appropriate behavior by allowing the client to make personal choices, and by providing and reinforcing other behavior consistent with the client's dignity.
 - (5) Utilizing the client's family or concerned others as a source of emotional support.
 - (6) Responding appropriately to the client's behavior.
 - (7) *Providing appropriate clinical care to the aged and disabled.*
 - (8) *Providing culturally sensitive care.*
- e. Care of the cognitively impaired client.
- (1) Using techniques for addressing the unique needs and behaviors of individuals with dementia (Alzheimer's and others).
 - (2) Communicating with cognitively impaired residents.
 - (3) Demonstrating and understanding the behavior of cognitively impaired residents.
 - (4) Responding appropriately to the behavior of cognitively impaired residents.
 - (5) Using methods to reduce the effects of cognitive impairment.
- f. Skills for basic restorative services.
- (1) Using assistive devices in transferring, ambulation, eating and dressing.
 - (2) Maintaining range of motion.
 - (3) Turning and positioning, both in bed and chair.
 - (4) Bowel and bladder training.
 - (5) Caring for and using prosthetic and orthotic devices.
 - (6) Teaching the client in self-care according to the client's abilities as directed by a supervisor.
- g. Clients' rights.
- (1) Providing privacy and maintaining confidentiality.
 - (2) Promoting the client's right to make personal choices to accommodate individual needs.
 - (3) Giving assistance in resolving grievances and disputes.
 - (4) Providing assistance necessary to participate in client and family groups and other activities.
 - (5) Maintaining care and security of the client's personal possessions.
 - (6) Promoting the resident's rights to be free from abuse, mistreatment and neglect and the need to report any instances of such treatment to appropriate staff.
 - (7) Avoiding the need for restraints in accordance with current professional standards.
- h. Legal aspects of practice as a certified nurse aide.
- i. *Occupational health and safety measures.*
 - j. *Appropriate management of conflict.*
2. Unit objectives.
- a. Objectives for each unit of instruction shall be stated in behavioral terms which are measurable.
 - b. Objectives shall be reviewed with the students at the beginning of each unit.
- E. Records.
1. Each nurse aide education program shall develop an individual record of major skills taught and the date of performance by the student. At the completion of the nurse aide education program, the nurse aide must receive a copy of this record.
 2. A record of the reports of graduates' performance on the approved competency evaluation program shall be maintained.
 3. A record that documents the disposition of complaints against the program shall be maintained.
- F. Student identification. The nurse aide students shall wear identification that clearly distinguishes them as students to clients, visitors and staff.
- G. Length of program.
1. The program shall be at least ~~80~~ 120 clock hours in length.
 2. The program shall provide for at least 16 hours of instruction prior to direct contact of a student with a nursing facility client.
 3. Skills training in clinical settings shall be at least 40 hours. Five of the clinical hours may be in a setting other than a nursing home.
 4. Employment orientation to facilities used in the education program must not be included in the ~~80~~ 120 hours allotted for the program.

Final Regulations

H. Classroom facilities. The nurse aide education program shall provide facilities that meet federal and state requirements including:

1. Comfortable temperatures.
2. Clean and safe conditions.
3. Adequate lighting.
4. Adequate space to accommodate all students.
5. All equipment needed, including audio-visual equipment and that needed for simulating resident care.

I. Program review.

1. Each nurse aide education program shall be reviewed on site by an agent of the board at least every two years following initial review.
2. The committee, in accordance with § 9-6.14:11 of the Code of Virginia, shall receive and review the report of the site visit and shall make recommendations to the board to grant or deny continued approval.

a. A nurse aide education program shall continue to be approved provided the requirements set forth in subsections B through H of this section are maintained.

b. If the committee determines that a nurse aide education program is not maintaining the requirements of subsections B through H of this section, with the exception of subdivision B 1 e of this section, the committee shall recommend to the board that the program be placed on conditional approval and the program provider shall be given a reasonable period of time to correct the identified deficiencies.

(1) The committee shall receive and review reports of progress toward correcting identified deficiencies and, when a final report is received at the end of the specified time showing corrections of deficiencies, make a recommendation to the board for grant of continued approval.

(2) If the program provider fails to correct the identified deficiencies within the time specified by the committee or the board, the board or a panel thereof may withdraw approval following a hearing in accordance with § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia.

(3) The program provider may request a formal hearing before the board or a panel thereof pursuant to § 9-6.14:12 and subdivision 9 of § 54.1-2400 of the Code of Virginia if it objects to any action of the board relating to conditional approval.

3. The program coordinator shall prepare and submit a program evaluation report on a form provided by the board in the intervening year that an on-site review is not conducted.

J. Curriculum changes. Changes in curriculum shall be approved by the board prior to implementation and shall be

submitted at the time of the site visit or with the report submitted by the program coordinator in the intervening year.

K. Interruption of program.

1. When a program provider does not wish to admit students for a period not to exceed one year, the provider may request that the program be placed on inactive status and shall not be subject to compliance with subsection B of this section for the specified time.

2. Unless the program provider notifies the board that it intends to admit students, the program will be considered closed at the end of the one-year period and be subject to the requirements of subsection L of this section.

3. If the program provider does not offer the program for two consecutive years, the program shall be considered closed and shall be subject to the requirements of subsection L of this section.

L. Closing of a nurse aide education program. When a nurse aide education program closes, the program provider shall:

1. Notify the board of the date of closing.

2. Submit to the board a list of all graduates with the date of graduation of each.

NOTICE: The forms used in administering 18 VAC 90-20-10 et seq., Regulations Governing the Practice of Nursing, 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, 6606 West Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Application for Licensure by Endorsement - Registered Nurse (with Instructions) (rev. 7/97).

Application for Licensure by Endorsement - Licensed Practical Nurse.

Instructions for Filing Application for Licensure by Examination for Registered Nurses (8/97).

Application for Licensure by Examination - Registered Nurse (rev. 8/97).

Instructions for Filing Application for Licensure by Examination for Practical Nurses (rev. 11/96).

Application for Licensure by Examination - Licensed Practical Nurse (rev. 11/96).

Instructions for Filing Application for Licensure by Repeat Examination for Registered Nurses (rev. 8/97).

Application for Licensure by Repeat Examination for Registered Nurse (rev. 8/97).

Instructions for Filing Application for Licensure by Repeat Examination for Practical Nurses (rev. 8/97).

Application for Licensure by Repeat Examination - Licensed Practical Nurse (rev. 8/97).

Instructions for Filing Application for Licensure by Examination for Nurses Educated in Other Countries (rev. 8/97).

Application for Licensure by Examination for Nurses Educated in Other Countries (rev. 8/97).

Instructions for Filing Application by Practical Nurses from Other Countries (rev. 1/94).

Application for Licensure by Examination for Licensed Practical Nurses Educated in Other Countries (rev. 11/95).

Application for Reinstatement of License as a Registered Nurse (rev. 1/98).

Application for Reinstatement of License as a Licensed Practical Nurse (rev. 1/98).

Verification of Licensure or Registration (11/95).

Renewal Notice and Application (7/97).

Application for Registration as a Clinical Nurse Specialist (7/97).

Survey Visit Report.

Annual Report for Registered Nursing Programs.

Annual Report for Practical Nursing Programs.

Certified Nurse Aide Renewal.

Application for Reinstatement of Nurse Aide Certification.

Application for Nurse Aide Certification by Endorsement.

Nurse Aide Certification Verification Form.

Application to Establish Nurse Aide Education Program (rev. 5/99).

Program Evaluation Report (rev. 5/99).

On-Site Review Report (rev. 5/99).

Evaluation of On-Site Visitor.

~~Application for Approval of Train-the-Trainer Program.~~

Request for Statistical Information.

VA.R. Doc. No. R99-169; Filed May 17, 1999, 11:23 a.m.



TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record. The distribution lists that are referenced as Appendices A and B in the following order are not being published. However, these lists are available from the agency contact person listed below.

Title of Regulation: **20 VAC 5-400-10 et seq. Telecommunications (adding 20 VAC 5-400-151).**

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

Effective Date: October 1, 1999.

Agency Contact: Copies of the regulation may be obtained from Kathleen A. Cummings, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9420. There is a charge for copies of \$1.00 for the first two pages and 50¢ for each page thereafter.

AT RICHMOND, MAY 10, 1999

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: Investigation of the termination of local exchange for failure to pay for long distance services **CASE NO. PUC970113**

ORDER ON RECONSIDERATION

On February 26, 1999, the Commission issued its Final Order in its investigation of the termination of local exchange services for failure to pay long distance services. In that order, the Commission denied MCI WorldCom's motion to investigate "cramming" and "slamming" and ordered proposed rules to become effective on July 1, 1999, as modified and restated in Attachment A to that order.

On March 17, 1999, the Virginia Telecommunications Industry Association ("VTIA") filed its Petition for Reconsideration of the Commission's Final Order of February 26, 1999. On March 17, 1999, Central Telephone Company of Virginia and United Telephone-Southeast, Inc. ("Sprint") filed their Joint Petition for Reconsideration and Clarification. On March 18, 1999, AT&T Communications of Virginia, Inc. ("AT&T") also filed a Petition for Reconsideration. On March 19, 1999, the Commission issued an Order Granting the Petitions for Reconsideration, and invited all parties to respond to the issues raised in the petitions.

Final Regulations

On March 23, 1999, VTIA filed affidavits from several of its members. On March 29, 1999, Joseph S. Terrell, Sr., filed a letter on behalf of John Grier Construction Company. On April 2, 1999, Sprint, Cox Virginia Telecom, Inc. ("Cox"), and AT&T filed comments on the Petitions for Reconsideration.

VTIA, Sprint, Cox, and AT&T commented on the hardship their companies would face if made to comply with the July 1, 1999, implementation date of the Commission's order. These parties expressed concern over the amount of time required to make significant software and billing revisions in addition to fulfilling Y2K compliance obligations. Several of the parties requested that the Commission extend the effective date of the rules by approximately 12 months. We find some of the parties' arguments concerning their inability to comply with the rules by July 1, 1999, to be persuasive. We do not, however, believe it is necessary to delay implementation of these rules for a full year. We therefore order all local exchange companies ("LECs") to comply with the rules, as amended herein, by October 1, 1999.

VTIA raised an issue in its Petition regarding the requirement to separate customer partial payments into three pots for crediting unpaid balances. VTIA suggested that the Commission combine the first two pots (basic local exchange access and usage, and other LEC non-competitive tariffed services) into a single pot. We agree with VTIA that only two pots are necessary for crediting unpaid balances in light of Rules A and B, and we will change Rule E to read as follows: "Customer payments that are less than the total bill balance shall be credited first to non-competitive tariffed services, with any remainder credited to any other charges on the bill." However, the Commission does have concerns about customers that may still be unable to obtain basic local exchange service only because they are unable to pay for other non-competitive services provided and billed by the LEC. We recognize that such circumstances for disconnection of basic service will exist under these new rules, and we encourage all LECs to adopt reasonable and flexible delinquent payment arrangements in order to avoid customer disconnection.

In addition, the Commission believes that the effectiveness of these new rules should be monitored. In order to do so, we require the four largest incumbent local exchange carriers ("ILECs"), Bell Atlantic-Virginia, Inc., GTE South, Inc., United Telephone - Southeast, Inc. and Central Telephone - Southeast, Inc., each to file an annual report with the Division of Communications ("Staff") on the number of disconnection for nonpayment notices and actual disconnections of service for nonpayment. This information should be summarized for business and residential customers. The Commission also directs the companies to identify the number or percentage of these customers who subscribed to services in addition to basic local exchange service. We recommend that the companies work with the Staff to determine how this information can be made available prospectively. These companies should file a disconnection report on October 1, 1999, for the most recent 12-month period available in order to establish a baseline. Subsequent reports should be filed by year-end,

December 31, and should account for the 12-month period from October 1, to September 30. These reports will be required until December 31, 2001, unless otherwise ordered by the Commission.

Sprint requested that the Commission clarify Rule C to indicate the effective date for the requirement that this information be included in White Pages directory listings. We recognize the practical impossibility of including information in directories that have already been sent to printers, and we therefore amend Rule C to state as follows: "LEC White Pages telephone directories published more than 60 days after the date of the order . . .". All directories published more than 60 days after this Order and before October 1, 1999, shall contain language stating that the effective date of the new rules is October 1, 1999.

We also note two clarifications to other rules. First, Rule A should be amended to state as follows: "A Local Exchange Company ("LEC") may terminate local exchange service only for a customer's failure to pay for non-competitive services billed on behalf of the LEC when the services are in tariffs . . .". Also, in order to provide for additional flexibility, Rule B should be amended to state as follows: "LECs shall indicate on customers' monthly bills either those items for which service may be terminated or those items for which service may not be terminated for failure to pay, and shall include an explanation, by footnote or otherwise, that local telephone service may not be terminated for failure to pay for certain services. The form of this notification must receive prior approval from the Commission's Division of Communications."

Finally, we address one comment raised by Sprint concerning whether the rules apply to competitive local exchange carriers ("CLECs"). The rules apply to both ILECs and CLECs.

All other requests made by the parties, including those relating to global toll blocking, billing disclosure requirements, and requests for exceptions to allow disconnection in particular circumstances, are hereby denied.

In all other respects, the findings in our Final Order of February 26, 1999, shall remain in full force and effect.

NOW THE COMMISSION, having considered the matter, is of the opinion that our Order of February 26, 1999, should be amended to include the above-mentioned changes in the rules, as modified and restated in Attachment A hereto. Accordingly,

IT IS ORDERED THAT:

(1) The proposed rules as modified and restated in Attachment A hereto, are hereby adopted and shall become effective on October 1, 1999.

(2) The rules as adopted shall be published in the Virginia Register.

(3) All other provisions of our February 26, 1999, Order shall remain in full force and effect.

(4) There being nothing further to come before the Commission, this matter is dismissed and the record developed herein shall be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to each local exchange company subject to the jurisdiction of the Commission as set out in Appendix A attached hereto; each interexchange carrier certificated in Virginia as set out in Appendix B attached hereto; to the Office of the Attorney General, Division of Consumer Counsel, 900 East Main Street, Second Floor, Richmond, Virginia 23219; Cox Virginia Telcom, Inc., Edward L. Petrini, Esquire and John D. Sharer, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219-3095; Warner F. Brundage, Jr., Esquire, Vice President, General Counsel and Secretary, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219; Wilma R. McCarey, Esquire, AT&T Communications of Virginia, Inc., 3033 Chainbridge Road, Room 3-D, Oakton, Virginia 22185; Virginia Telecommunications Industry Association, Michelle K. Walsh, Esquire and Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Stephen C. Spencer, Regional Director-External Affairs, GTE South Inc., Three James Center, Suite 1200, 1051 East Cary Street, Richmond, Virginia 23219; MCI WorldCom, James R.J. Scheltema, Esquire, 1133 Nineteenth Street, N.W., Room 437, Washington, D.C. 20036; James B. Wright, Senior Attorney, Sprint Mid-Atlantic Telecom, 14111 Capital Boulevard, Wake Forest, North Carolina 27587-5900; Hyperion Telecommunications of Virginia, Inc., Janet S. Livengood, Esquire, DDI Plaza Two, 500 Thomas Street, Suite 400, Bridgeville, Pennsylvania 15107-2838; J. Scott Nicholls and Heather Troxell, LCI International, 8180 Greensboro Drive, Suite 800, McLean, Virginia 22102; Catherine L. Caddy, President, Bottom Line Solutions, Inc., P.O. Box 8791, Roanoke, Virginia 24014; Joseph S. Terrell, Sr., President, John Grier Construction Company, P.O. Box 191, Williamsburg, Virginia 23187-0191; MCI Telecommunications Corp., Eric Page, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Hyperion Telecommunications of Virginia, Inc., Dana Frix, Esquire and Jonathan D. Draluck, Esquire, Swidler & Berlin, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116; Jean Ann Fox, Vice President, Virginia Citizens Consumer Council, 6 North 6th Street, Suite 402, Richmond, Virginia 23219; Andrew D. Lipman, Esquire and Jean L. Kiddoo, Esquire, Swidler & Berlin, 3000 K Street, N.W., Washington, D.C. 20007-5116; Operator Service Providers, Mr. Paul Gamberg, 6611 Valjean Avenue, #201, Van Nuys, California 91406; Lois Hash, 3328 Williamson Road, Roanoke, Virginia 24012; David Altizer, 301 Memorial Boulevard, Narrows, Virginia 24124; Hilda Isaacs, 4601 Mayflower Road, Apartment 4K, Norfolk, Virginia 23508; Louise Gwaltney, 100 Tricia Lane, Apartment 1A, Newport News, Virginia 23601; W. Charles Cox, 4612 Sanders Drive, Roanoke, Virginia 24019-5836; Janelle K. Hamric, 5034 Sugar Grove Highway, Sugar Grove, Virginia 24375-3160; Mr. and Mrs. James C. Eure, 1916 Redgate Drive, Portsmouth, Virginia 23702; Horace

and Arline McClellan, 480 Wassona Drive, Marion, Virginia 24354; Elizabeth D. Prater, 4885 Sugar Grove Highway, Sugar Grove, Virginia 24375-3166; Perry A. Rivkind, 11164 Park Place, Smithfield, Virginia 23430; Ann M. Hills, Worthington Hanon, Ltd., 469 S. Five Fork Road, Monroe, Virginia 24574-2753; David F. Johnston, Sr., President, Antique Properties, Inc., P.O. Box 1265, Bowling Green, Virginia 22427; Carol L. Baynes, 1105-D North Hamilton Street, Richmond, Virginia 23221; Elizabeth R. Price, 13060 Northridge Road, Abingdon, Virginia 24210; the Commission's Office of General Counsel and the Commission's Divisions of Communications, Public Utility Accounting, and Economics and Finance.

20 VAC 5-400-151. Disconnection of local exchange telephone service.

A. A Local Exchange Company ("LEC") may terminate local exchange service only for a customer's failure to pay for [noncompetitive] services billed on behalf of the LEC when the services are in tariffs on file with the Virginia State Corporation Commission and there is no bona fide dispute concerning such services. After intraLATA dialing parity has been implemented, a LEC may not terminate local exchange service for a customer's failure to pay for the LEC's intraLATA toll services.

B. LECs shall indicate on customers' monthly bills [either] those items for which service may [not] be terminated [or those items for which service may not be terminated] for failure to pay and shall include an explanation, by footnote or otherwise, that local telephone service may not be terminated for failure to pay for [those certain] services. The form of this notification must receive prior approval from the commission's Division of Communications.

C. LEC White Pages telephone directories published [more than 60 days] after the date of the order adopting this section shall include an explanation of the services for which local exchange service may be terminated for failure to pay.

D. ~~LECs may not block a customer's access to all Inter Exchange Carriers (IXCs) for that customer's failure to pay toll charges of an IXC.~~ A LEC billing on behalf of an interexchange carrier may, together with the interexchange carrier, block a customer's access to the interexchange carrier when the toll charges of the [interexchanges interchange] carrier have not been paid by that customer; but the LEC may not block that customer's access to other interexchange carriers for such nonpayment.

E. Customer payments that are less than the total bill balance shall be credited first to [~~basic local exchange access and usage, with any remainder credited next to~~] any [other LEC] noncompetitive tariffed services, [and finally with any remainder credited] to any other charges on the bill.

VA.R. Doc. No. R98-306; Filed May 18, 1999, 3:24 p.m.

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-720-10 et seq. Pertaining to Restrictions on Oyster Harvest (adding 4 VAC 20-720-45).

Statutory Authority: §§ 28.2-201, 28.2-210 and 28.2-507 of the Code of Virginia.

Effective Date: May 5, 1999, through May 31, 1999.

Summary:

This emergency regulation establishes an additional harvest season for the taking of oysters from the public grounds in the James River Seed Area and Jail Island and Point of Shoals Clean Areas. This extended season is for the harvest of clean cull size oysters only. The season time period is May 5, 1999, through May 31, 1999.

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

4 VAC 20-720-45. Extension of the public oyster harvest season for the James River.

A. *The season extension shall be from May 5, 1999, through May 31, 1999; except, should the bushel quota for clean cull oysters, as set forth in 4 VAC 20-720-10 et seq., be caught up prior to the May 31, 1999, closing date, then the season shall be closed at that time.*

B. *Areas open to harvest during this extended period are the James River Seed Area and the Jail Island and Point of Shoals Clean Cull Areas.*

C. *During this extended public oyster harvest season, only the harvesting of clean cull size oysters, as defined in 4 VAC 20-260-10 et seq., shall be allowed.*

D. *All other applicable laws and regulations shall apply during this extension of the public oyster harvest season.*

VA.R. Doc. No. R99-164; Filed May 5, 1999, 9:27 a.m.



TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: 22 VAC 40-35-5 et seq. Virginia Independence Program: Virginia Employer Tax Credits (amending 22 VAC 40-35-10; adding 22 VAC 40-35-126 through 22 VAC 40-35-128).

Statutory Authority: §§ 58.1-439.9 and 63.1-25 of the Code of Virginia.

Effective Dates: May 19, 1999, through May 18, 2000.

Preamble:

Source: This emergency regulation was necessitated by the passage of House Bill 696, the Virginia Employer Tax Credit, during the 1998 session of the Virginia General Assembly. Therein, prior to December 31, 1998, the State Board of Social Services is mandated to promulgate regulations for (i) establishing procedures for claiming the tax credit and (ii) providing for the allocation of tax credits among taxpayers requesting credits and employers claiming grants under the Virginia Targeted Tax Grant Program.

Emergency Situation: This bill constitutes an emergency situation as HB 696, as enacted by the 1998 Virginia General Assembly, mandated that the State Board of Social Services promulgate regulations to enact the bill prior to December 31, 1998, in less than 280 days from the date that the law was enacted.

Changes that the Regulation will Implement: The regulation sets forth time frames for the submission of applications for the Virginia Employer Tax Credit and the Virginia Targeted Job Grant (see 22 VAC 40-35-129 and 22 VAC 40-35-128, respectively.) These sections also define the requirements for submission of applications for the respective programs. 22 VAC 40-35-129 details how funds will be allocated for the programs.

Why the Regulation is Essential: The agency has not concluded that the regulation is essential to protect the health, safety or welfare of citizens or for the efficient and economical performance of an important government function. The regulation is, however, necessary to comply with the statutory provisions of HB 696 to promulgate regulations prior to December 31, 1998.

Agency Contact: Tom Steinhauser, Department of Social Services, Division of Temporary Assistance Programs, Theater Row Building, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1703.

22 VAC 40-35-10. Definitions.

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

"Actively seeking employment" means satisfactorily participating in any assigned job-seeking activity while in the program.

"Adult portion" means the TANF amount paid on behalf of the parent or other caretaker-relative with whom the TANF child resides, including a minor parent. This amount is the difference in the standard of assistance for a family size which includes the adult and the standard of assistance for a family size of one less person.

"AFDC-Foster Care" means a federal program authorized under § 472 of the Social Security Act (42 USC § 672) and administered by the Virginia Department of Social Services, which provides financial assistance on behalf of qualifying children.

"Agreement" means the written individualized agreement of personal responsibility required by § 63.1-133.49 of the Code of Virginia.

"Allotment" means the monthly food stamp benefit given to a household.

"Applicant" means a person who has applied for TANF or TANF-UP benefits and the disposition of the application has not yet been determined.

"Assistance unit" means those persons who have been determined categorically and financially eligible to receive assistance.

"Caretaker-relative" means the natural or adoptive parent or other relative, as specified in 45 CFR 233.90(c)(1)(v), who is responsible for supervision and care of the needy child.

"Case management" means the process of assessing, coordinating, monitoring, delivering or brokering activities and services necessary for VIEW participants to enter employment or employment-related activities as quickly as possible.

"Case management services" means services which include, but are not limited to, job development and job placement, community work experience, education, skills training, and support services.

"Case manager" means the worker designated by the local department of social services, a private-sector contractor or a private community-based organization including nonprofit entities, churches, or voluntary organizations that provide case management services.

"Child day care" means those services for which a participant is eligible pursuant to child day care services policy.

"Child day care services/program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of children under the age of 13 (or children up to 18 years of age if they are physically or mentally incapable of caring for themselves or subject to court supervision) for less than a 24-hour period.

"Community work experience" means work for benefits in a public or private organization that serves a community/public function.

"Department" means the Virginia Department of Social Services.

"Diversionary cash assistance" means a one-time lump sum payment to an individual or third-party vendor to prevent long-term receipt of TANF.

"Division of Child Support Enforcement" or *"DCSE"* means that division of the Virginia Department of Social Services which is responsible under Title IV-D of the Social Security Act (42 USC §§ 651-669) to locate noncustodial parents, establish paternity, establish child support and health care orders, enforce payment of delinquent support, and collect and distribute support payments.

"Employer Tax Credit" means a tax credit available to an employer pursuant to § 58.1-439.9 of the Code of Virginia, as amended.

"Family" means a TANF assistance unit.

"Food Stamp Program" means the program administered through the Virginia Department of Social Services through which a household can receive food stamps with which to purchase food products.

"Full Employment Program" or *"FEP"* means subsidized, training-oriented, employment which replaces the TANF and food stamp benefits of a participant. This component of VIEW is designed to train the recipient for a specific job, increase his self-sufficiency and improve his competitiveness in the labor market.

"Full-time unsubsidized employment" means employment which is considered by the employer to be full time, but in no case less than 30 hours per week, and for which no JOBS, VIEW, TANF, or food stamp funds are used to pay the individual's salary.

"Grant" means the monthly TANF benefit payment.

"Hardship exceptions" means prescribed reasons which, if applicable, would allow an extension of receipt of TANF benefits.

"He" means a male or female, as applicable.

"Hiring authority" means an individual with the authority to hire employees for a business.

"In loco parentis" means an adult relative or other adult who is acting in place of a parent.

"Incapacitated" means a medically verified condition which renders an individual unable to work.

"Job Opportunities and Basic Skills Training Program (JOBS)" means the program authorized by Title IV-F of the Social Security Act (42 USC §§ 681-687). This program provides education, training and work experience to enhance employment opportunities for TANF recipients who are not exempt from participation.

Emergency Regulations

"Job finding" means identification of available jobs.

"Job matching" means matching a participant's minimum skills or prior work experience to available job openings.

"Job placement" means placing a participant in an unsubsidized or subsidized job. Job placement is the result of job finding and job matching.

"Job search" means a structured, time-limited period in which the participant is required to search for employment. To complete the job search, the participant must search and apply for a set number of jobs.

"Job skills training" means training in technical job skills or required knowledge in a specific occupational area in the labor market.

"Local agency" or *"local department"* means any one of the local social services or welfare agencies throughout the Commonwealth which administers the VIP program.

"Minor parent" means any parent under 18 years of age.

"On-the-job training" means training which is provided by an employer during routine performance of a job.

"Parent" means a mother or father, married or unmarried, natural, or adoptive following entry of an interlocutory order. The parent may be a minor parent.

"Participant" means a TANF or TANF-UP recipient who is participating in the VIEW program.

"Participating family" means an assistance unit including a parent who participates in the Virginia Initiative for Employment not Welfare (VIEW) Program.

"Part-time unsubsidized employment" means employment of at least eight hours but less than 30 hours per week and for which no JOBS, VIEW, TANF, or food stamp funds are used to pay the individual's salary.

"Post-secondary education" means formal instruction at an institution of higher education or vocational school leading to the attainment of a certificate, an associate degree, or a baccalaureate degree.

"Qualified business employer" means an employer whose business employed not more than 100 employees at the time that the employer first hired a qualified employee.

"Qualified employee" means an employee who is a Virginia resident and is a recipient of Temporary Assistance for Needy Families (TANF).

"Qualified employer" means an employer who may participate in the Virginia Targeted Jobs Grant Program by virtue of meeting all of the program criteria for employers.

"Qualified participant" means a Virginia Initiative for Employment not Welfare participant who meets all of the program criteria and may be hired by a qualified employer.

"Recipient" means an individual who is presently receiving a TANF assistance payment or whose eligibility exists even though the assistance payment is zero.

"Recipient family" means an assistance unit in which the caretaker-relative is a parent of the eligible child and the parent's needs may or may not be included on the grant.

"Relative" means spouse, child, grandchild, parent, or sibling of a qualified employer.

"Sanction" means to reduce or suspend a participant's TANF grant or food stamp allotment or both, where applicable, for noncompliance with these regulations or the statute.

"School" means (i) any public school from kindergarten through grade 12 operated under the authority of any locality within this Commonwealth or (ii) any private or parochial school that offers instruction at any level or grade from kindergarten through grade 12.

"Support services" means services such as child care or transportation provided to program participants to enable the participant to work or to receive training or education which are intended to lead to employment.

"Temporary Assistance for Needy Families" or *"TANF"* means the program authorized in § 406 of the Social Security Act (42 USC § 606) and administered by the Virginia Department of Social Services, through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or *"TANF-UP"* means the program authorized in § 407 of the Social Security Act (42 USC § 607), § 63.1-105 of the Code of Virginia and administered by the Virginia Department of Social Services, which provides aid to two-parent families with dependent children who are *deprived of parental support or care by reason of the unemployment of the parent who is the principal wage earner* in financial need.

"Time limitations" means a specified period of time, under the statute, to receive TANF.

"Transitional support services" means child care, transportation or medical assistance provided to working participants whose TANF has been terminated either voluntarily, although still eligible for TANF, or involuntarily, due to time limitations.

"Truant" means a child who (i) fails to report to school for three consecutive school days, or for a total of five scheduled school days per month or an aggregate of seven scheduled school days per school calendar quarter, whichever occurs sooner, and no indication has been received by school personnel that the child's parent or guardian is aware of the child's absence, and a reasonable effort by school personnel to notify the parent or guardian has failed; or (ii) is not enrolled in school at any time during the month.

"Underemployed" means working at a job for less than the federal hourly minimum wage.

"Unsubsidized employment" means employment in which no government funds are used to subsidize directly the wages earned by a participant.

"Virginia Independence Program" or "VIP" means the program in the Commonwealth of Virginia which is made up of the TANF Program and the Virginia Initiative for Employment not Welfare.

"Virginia Initiative for Employment not Welfare" or "VIEW" means the Job Opportunities and Basic Skills Training Program as implemented in the Commonwealth.

~~"Virginia Targeted Jobs Grant Program" or "VTJG" means the program established in § 63.1-25.3 of the Code of Virginia which pays a grant to employers who hire qualified participants in the Virginia Initiative for Employment not Welfare Program means a grant paid to an employer in accordance with § 63.1-25.3 of the Code of Virginia (1950), as amended.~~

"Work activity" means participation in unsubsidized employment, FEP, part-time work, community work experience, or on-the-job training.

PART IV. EMPLOYER TAX CREDIT.

22 VAC 40-35-126. Employer Eligibility.

A. For taxable years beginning on and after January 1, 1999, a qualified business employer shall be allowed a credit imposed against taxes imposed by Article 2, 6, and 10 of Chapter 3, Title 58.1 of the Code of Virginia in an amount equal to five percent of the annual salary paid during the taxable year to a qualified employee; however in no case shall the credit exceed \$750 per qualified employee.

B. For the purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business.

C. Any credit not usable for a taxable year may be carried over to the next three taxable years. The amount of any credit allowed shall not exceed the tax imposed for the taxable year. A credit may not be carried back to a prior taxable year. If a qualified business that is subject to the tax limitation is allowed another credit under another provision of the Code, or has a credit carryover from a preceding taxable year, such employer must first utilize any credit which does not have a carry over provision, and then any credit which is carried forward from a prior taxable year, prior to using a credit allowed under this section.

D. The amount of tax credits available, when added to the amount of grants made to employers under the Virginia Targeted Jobs Grant Program for the fiscal year, shall not exceed the amount appropriated to the Virginia Targeted Jobs Grant Fund as provided in the general appropriation act.

E. No qualified business employer shall be eligible to claim a credit for any taxable year that the employer is the recipient of a grant for the same qualified employee under the Virginia Targeted Jobs Grant Program.

PART V.

PROCEDURES FOR CLAIMING A VIRGINIA TARGETED JOBS GRANT OR EMPLOYER TAX CREDIT.

22 VAC 40-35-127. Procedures for Claiming a Virginia Targeted Jobs Grant.

No later than three months following the close of a taxable year, but no later than April 15 of each year, any employer who hires a qualified employee during the taxable year must submit an application for a Virginia Targeted Jobs Grant (VTJG) to the Virginia Department of Social Services, Division of Financial Management, pursuant to 22 VAC 40-35-125.

A. The employer will include on the application:

1. The taxable year for which the qualified employee was hired
2. The employee name and SSN
3. The date the qualified employee was hired
4. Total wages paid to the qualified employee during the taxable year
5. Total hours worked by the employee during the taxable year
6. The employer federal ID#
7. A statement that the qualified employee was not previously employed by the employer within 12 months of the date the qualified employee was hired
8. A certification that the employee is not a relative and has worked for more than 1,000 hours at a rate of pay which is at least the minimum wage during the taxable year for which the employer is claiming the VTJG.

B. By May 15 of each year the total amount of VTJGs will be calculated and grants will be issued by the DSS in accordance with 22 VAC 40-35-125 C.

C. Unused balances for a fiscal year will be issued to qualifying employers as an Employer Tax Credit.

22 VAC 40-35-128. Procedures for Claiming an Employer Tax Credit.

A. By April 15 of each year, any qualified business employer who hires a qualified employee during a taxable year beginning on or after January 1, 1999, must submit a Virginia Employer Tax Credit Application Form to the Virginia Department of Social Services, Division of Financial Management.

B. The request will include:

1. A certification that company meets the definition of a qualified business employer as defined in § 58.1-439.9 of the Code
2. The employee name and SSN
3. The taxable year for which the qualified employee was hired

Emergency Regulations

4. *The date the qualified employee was hired*
5. *Total wages paid to the qualified employee during the taxable year*
6. *Total hours worked by the employee during the taxable year*
7. *The employer federal ID#*

C. *After the department calculates and issues VTJG payments, the unexpended VTJG appropriation, as set forth in 22 VAC 40-35-127 C, will be used to determine each qualified employers entitlement to a Employer Tax Credit. Based upon the number of Employer Tax Credit requests received and the balance of VTJG funds, the department will determine the maximum Employer Tax Credits (MTC) allowed, not to exceed \$750 per qualified employee. If funds are not sufficient to cover the cost of the MTC to which each employer is entitled, each employer will be authorized a credit proportionate to his share of the available funding. The department will notify each qualified employer of the Employer Tax Credit allowable for the taxable year which will be the MTC or a lesser amount based upon wages paid or maximum funding available. By June 15 of each year, the department will issue certifications of allowable Employer Tax Credits to each qualified employer. The employer may amend their tax return for the taxable year for which the credit was earned, or may apply the credit to a future year pursuant to § 58.1-439.9 of the Code.*

D. *The department will notify DPB of the combined VTJG issued and MTC certified in the FY by June 30 of each year.*

PART ~~IV~~. VI.
APPEALS.

/s/ Clarence H. Carter
Commissioner, Department of Social Services
Date: March 31, 1999

/s/ Claude A. Allen
Secretary of Health and Human Resources
Date: April 20, 1999

/s/ James S. Gilmore, III
Governor
Date: May 17, 1999

Commonwealth of Virginia
Department of Social Services

Virginia Employer Tax Credit Application Form

EMPLOYER NAME: _____

ADDRESS: _____ PHONE: _____

TAX IDENTIFICATION NUMBER: _____

TAXABLE YEAR (*month/year through month/year*): _____

NO. OF EMPLOYEES AT THE TIME THE TANF EMPLOYEE WAS HIRED _____

EMPLOYEE NAME: _____

EMPLOYEE SSN: _____

DATE OF EMPLOYMENT: _____

TOTAL WAGES PAID DURING TAXABLE YEAR: _____

I, _____ certify that the information provided
(Employer)

above is true and correct to the best of my knowledge.

Employer Signature

Date

Return completed form to the Virginia Department of Social Services, Division of Financial Management.

Department of Social Service Use only:

The above referenced employee was receiving TANF assistance on the date of hire identified above.

Verified by: _____
Signature

Position

Emergency Regulations

Title of Regulation: 22 VAC 40-190-10 et seq. **Regulation for Criminal Record and Child Abuse/Neglect Registry Checks for Child Welfare Agencies (amending 22 VAC 40-190-10, 22 VAC 40-190-20, 22 VAC 40-190-30, 22 VAC 40-190-40, 22 VAC 40-190-50, 22 VAC 40-190-60, and 22 VAC 40-190-70; adding 22 VAC 40-190-25 and 22 VAC 40-190-80 through 22 VAC 40-190-150).**

Statutory Authority: §§ 63.1-25, 63.1-198.4, and 63.1-202 of the Code of Virginia.

Effective Dates: May 19, 1999, through May 18, 2000.

Preamble:

Amendments to §§ 63.1-198, 63.1-198.1, 63.1-198.2, 63.1-198.4, and 63.1-199 of the Code of Virginia, effective on July 1, 1998, require changes in criminal record checks for child welfare agencies and the addition of Child Abuse and Neglect Central Registry checks. An emergency regulation is necessary in order to promulgate regulations to be effective within 280 days of July 1, 1998, as required by the 1998 General Assembly.

The following new provisions are included in the emergency regulation:

- The specific crimes for which convictions are barriers to employment, volunteer service, approval, registration or licensure have been increased, as mandated by the Code of Virginia.
- Conviction of any other felony (other than the specific barrier crimes) in the five years prior to the application date for employment, volunteer service, approval, registration or licensure has been added as a barrier to such, as mandated by the Code of Virginia.
- Being the subject of a founded complaint of child abuse or neglect has been added as a prohibition to employment, volunteer service, approval, registration or licensure, as mandated by the Code of Virginia, and procedures have been established to implement this provision.
- Convictions include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony conviction if committed by an adult, as mandated by the Code of Virginia.
- A person disqualified from licensure, registration, employment, volunteer service or approval because of a felony conviction in the prior five years that is other than a specific barrier crime may apply for a waiver from the Commissioner of Social Services, as allowed for in the Code of Virginia. The procedures for implementing this provision have been set forth in the regulation.

- For administrative purposes, or if changes are made in the Code of Virginia related to criminal record or child abuse/neglect checks, or if there is reason to suspect a conviction or founded disposition, the Commissioner may require another check for any individual required by law to obtain a check.
- Religious exempt child day centers have been added to the proposed regulation, as set forth in the Code of Virginia. Procedures for criminal record and child abuse/neglect registry checks for religious exempt centers and their sponsoring religious institutions have been established in the regulation.
- Clarifications and technical changes have been made to increase the clarity of the regulation and to eliminate confusion.

Agency Contact: Tom Steinhauser, Department of Social Services, Division of Temporary Assistance Programs, Theater Row Building, 730 East Broad Street, Richmond, VA 23219-1849, telephone (804) 692-1703.

CHAPTER 190.
REGULATION FOR CRIMINAL RECORD AND CHILD
ABUSE/NEGLECT REGISTRY CHECKS FOR CHILD
WELFARE AGENCIES.

22 VAC 40-190-10. Definitions.

The following words and terms, when used in conjunction with this chapter, shall have the following meanings:

"Applicant for licensure or registration" means all agents of child welfare agencies and family day homes, including owners, partners or officers of the governing board of a corporation or association, who have applied for licensure or registration.

"Barrier crimes" means certain crimes which automatically bar an individual convicted of same from employment or volunteer services at child welfare agencies. ~~They also prevents prevent~~ persons convicted of same who are screened as adoptive or foster parents by child-placing agencies, and caretakers approved by family day systems, from assuming such roles. In addition, barrier crimes prohibit licensure or registration of a child welfare agency if the applicant for licensure or registration has been convicted of same, and in the case of a family day home, if any other adult living in the home has been convicted of same. Barrier crimes also prohibit a child day center from operating under religious exemption from licensure if any other person officially involved in the operations of the center has been convicted of same. These crimes, ~~as are specified by § 63.1-198.1 of the Code of Virginia, are murder; abduction for immoral purposes; sexual assault; pandering; crimes against nature involving children; taking indecent liberties with children; abuse and neglect of children, including failure to secure medical attention for an injured child; obscenity offenses; and abuse and neglect of incapacitated adults. and are listed in 22 VAC 40-190-25.~~

"Central Criminal Records Exchange" means the information system containing conviction data of those crimes committed in Virginia, maintained by the Department of State Police, through which the criminal history record request is processed.

"Child Abuse and Neglect Central Registry" means the information system containing all founded cases of child abuse and neglect within the Commonwealth of Virginia. The Central Registry is maintained by the Child Protective Services Unit in the Virginia Department of Social Services. The child abuse/neglect history record request is processed through the Central Registry.

"Child Abuse and Neglect Central Registry report" means the information resulting from a search of the Child Abuse and Neglect Central Registry. The information tells whether or not a person has been the subject of a founded complaint of child abuse or neglect. The report is issued by the Child Protective Services Unit in the Virginia Department of Social Services.

"Child abuse/neglect history record request" means the Virginia Department of Social Services, Child Protective Services Unit form used to authorize the department to generate a Child Abuse and Neglect Central Registry report on an individual.

"Child welfare agency" means, as defined in § 63.1-195 of the Code of Virginia, a child day center, child day center system, child-placing agency, child caring institution, family day home, family day system, or independent foster home.

"Commissioner" means the Commissioner of the Virginia Department of Social Services, also known as the Director of the Department.

"Contracting organization" means the agency which has been designated by the Department of Social Services to administer the voluntary registration program for family day home providers.

"Criminal history record request" means the Department of State Police form used to authorize the State Police to generate a criminal record report on an individual.

"Criminal record report" means either the criminal record clearance or the criminal history record issued by the Central Criminal Records Exchange, Department of State Police. The criminal record clearance provides conviction data only related to barrier crimes. The criminal history record discloses all known conviction data.

"Employee" means all personnel hired at a facility regardless of role, service, age, function or duration of employment at the facility. Employees also include those individuals hired through a contract to provide services for the facility.

"Facility" means a child welfare agency as defined in this section and § 63.1-195 of the Code of Virginia and subject to licensure or voluntarily registered by the Department of Social Services, or a child day center operating under a religious exemption from licensure.

"Good character and reputation" means findings have been established and knowledgeable and objective people agree that the individual (i) maintains business, professional, family and community relationships which are characterized by honesty, fairness, truthfulness and dependability, and (ii) has a history or pattern of behavior that demonstrates that the individual is suitable and able to care for, guide, supervise and protect children. Relatives by blood or marriage and persons who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

~~"Officer of the board" means anyone holding an office on the board of the facility and responsible for its operation in any manner.~~

"Other person(s) officially involved in the operations of a religious exempt center" means agents of the religious institution and members of the governing board who are involved in the day-to-day operations of the child day center or who are alone with, in control of, or supervising one or more children. NOTE: The governing board is the board having decision-making authority over the operation of the center.

"Parent-volunteer" means someone supervising, without pay, a group of children which includes the parent-volunteer's own child in a program of care which operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to § 63.1-198.1 or § 63.1-198.2 of the Code of Virginia.

"Religious exempt center" means a child day center operated or conducted under the auspices of a religious institution that has filed with the Commissioner of Social Services an annual statement of intent to operate a child day center and other information as specified in § 63.1-196.3 of the Code of Virginia.

"Sworn disclosure statement" means a document to be completed, signed, and submitted by the applicant for licensure or registration and applicants for employment or volunteer service, applicants for foster home and adoptive home approval, and adults living in the family day home, except that volunteers in religious exempt centers are not required to provide a sworn disclosure statement. The document indicates ~~that~~ whether or not the individual has ~~neither~~ a conviction ~~nor~~ or pending charges in, or outside, the Commonwealth of Virginia of those crimes which act as barriers to employment at or approval of the indicated facilities. The document also indicates whether or not the individual has ever been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. This is required as specified in §§ 63.1-198 ~~and~~, 63.1-198.1, and 63.1-198.2 of the Code of Virginia.

"Volunteer" means anyone who, without pay, at any time would be alone with, in control of, or supervising one or more children outside the physical presence of a paid facility staff member. This pertains to all activities occurring at the facility location or sponsored by the ~~licensed~~ facility. This

Emergency Regulations

also includes volunteer staff counted for purposes of maintaining required ratios for the program.

22 VAC 40-190-20. Legal base and applicability.

A. ~~Sections Section 63.1-198 and 63.1-198.4~~ of the Code of Virginia ~~require~~ requires all applicants, their agents, and board members who are involved in the day-to-day operations of a child welfare agency or who are alone with, in control of, or supervising one or more children to obtain a criminal record report from the Department of State Police and a *Child Abuse and Neglect Central Registry report from the Department of Social Services*. Sections 63.1-198, 63.1-198.1 and 63.1-198.2 require all employees and volunteers of child welfare agencies as defined by § 63.1-195 of the Code of Virginia, including caretakers approved by family day care systems, all adults living in the family day home, and those individuals approved by child-placing agencies as foster or adoptive parents, ~~must also~~ to obtain a criminal record report and a *Child Abuse and Neglect Central Registry report*. Section 63.1-198.2 also requires any other person *officially involved in the operations of a religious exempt center to obtain a criminal record report and a Child Abuse and Neglect Central Registry report*.

EXCEPTION: (As set forth in ~~§ 63.1-198 and~~ §§ 63.1-198.1 and 63.1-198.2 of the Code of Virginia) "The provisions of this section~~---~~ shall not apply to a parent-volunteer of a child attending ~~such~~ a licensed or, registered or *religious exempt* facility whether or not such parent-volunteer will be alone with any child in the performance of his duties. NOTE: See 22 VAC 40-190-10 for definition of "parent-volunteer."

B. Section ~~63.1-198.4~~ 63.1-198 of the Code of Virginia requires all applicants, their agents, and board members who are involved in the day-to-day operations of a child welfare agency or who are alone with, in control of, or supervising one or more children to provide the hiring or approving authority, facility or agency with a sworn disclosure statement. Sections 63.1-198, 63.1-198.1 and 63.1-198.2 require all employees and volunteers as defined in § 63.1-195 of the Code of Virginia, including caretakers approved by family day systems, all adults living in the family day home, and those individuals approved by child-placing agencies as foster or adoptive parents, ~~must also~~ to provide a sworn disclosure statement, *except that volunteers in religious exempt centers are not required to provide a sworn disclosure statement*.

22 VAC 40-190-25. Barrier crimes specified by § 63.1-198.1 of the Code of Virginia.

A. Crimes as set out in the Code of Virginia:

1. Murder as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
2. Malicious wounding by mob as set out in § 18.2-41;
3. Abduction as set out in § 18.2-47 A;
4. Abduction for immoral purposes as set out in § 18.2-48;

5. Assault and bodily wounding as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
6. Robbery as set out in § 18.2-58;
7. Car jacking as set out in § 18.2-58.1;
8. Extortion by threat as set out in § 18.2-60;
9. Any felony stalking violation as set out in § 18.2-60.3;
10. Sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
11. Arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
12. Burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2;
13. Any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
14. Drive by shooting as set out in § 18.2-286.1;
15. Use of a machine gun in a crime of violence as set out in § 18.2-289;
16. Aggressive use of a machine gun as set out in § 18.2-290;
17. Use of a sawed-off shotgun in a crime of violence as set out in § 18.2-300 A;
18. Pandering as set out in § 18.2-355;
19. Crimes against nature involving children as set out in § 18.2-361;
20. Incest as set out in § 18.2-366;
21. Taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1;
22. Abuse and neglect of children as set out in § 18.2-371.1, including failing to secure medical attention for an injured child as set out in § 18.2-314;
23. Obscenity offenses as set out in § 18.2-374.1;
24. Possession of child pornography as set out in § 18.2-374.1:1;
25. Electronic facilitation of pornography as set out in § 18.2-374.3;
26. Abuse and neglect of incapacitated adults as set out in § 18.2-369;
27. Employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379;
28. Delivery of drugs to prisoners as set out in § 18.2-474.1;
29. Escape from jail as set out in § 18.2-477;
30. Felonies by prisoners as set out in § 53.1-203.

B. Crimes in other states that are equivalent to those specified in subsection A of this section.

C. Any felony other than those specified in subsection A of this section for which a person has been convicted in the five years prior to the application date for employment, volunteer service, approval, registration or licensure.

EXCEPTION: For a religious exempt center, rather than five years prior to the application date for employment, it shall be five years prior to employment.

22 VAC 40-190-30. Sworn disclosure statement.

A. The sworn disclosure statement shall be completed prior to employment or commencement of volunteer service at a facility, or prior to licensure, registration, or approval. (NOTE: A model form is available from the department upon request.)

EXCEPTION: A sworn disclosure statement shall not be required for volunteers in religious exempt centers.

B. As a means of administering this chapter or if changes are made in the Code of Virginia related to criminal record checks or child abuse/neglect record checks, the commissioner may require that another sworn disclosure statement be completed. This may apply to persons who were employed, commenced volunteer service or were approved on or after July 1, 1992, or to applicants for renewal of a license or registration, as follows:

1. The commissioner shall determine when another statement is required for employees and volunteers participating in the operation of a facility, foster parents and family day providers approved by family day systems or for applicants for renewal of a license or registration; and

2. The commissioner shall provide written notification to facilities when another sworn disclosure statement is required.

EXCEPTION: Another sworn disclosure statement shall not be required by the commissioner for employees and volunteers in religious exempt centers.

C. If there is reason to suspect that any individual required by this chapter to obtain a sworn disclosure statement has been convicted of or is the subject of pending charges for a barrier crime, the affected facility or the Department of Social Services may require that another sworn disclosure statement be completed.

EXCEPTION: Another sworn disclosure statement shall not be required by the Department of Social Services for individuals employed at a religious exempt center.

D. Any person required by this chapter to complete a sworn disclosure statement shall be ineligible for employment, volunteer service, licensure, registration or approval, if the sworn disclosure statement shows a conviction of a barrier crime or a founded complaint of child abuse or neglect. Convictions shall include prior adult

convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony conviction if committed by an adult within or outside the Commonwealth.

~~B-~~ E. Any person making a false statement on the sworn disclosure statement shall be guilty of a Class 1 misdemeanor.

~~C-~~ F. The sworn disclosure statement shall be attached and filed with the criminal record report and the Child Abuse and Neglect Central Registry report.

22 VAC 40-190-40. General requirements.

A. Prior to the issuance of an initial license or registration, the criminal record report for the applicant or applicants for licensure or registration shall be made available to the commissioner's representative.

B. As a means of administering this chapter or if changes are made in the Code of Virginia related to criminal record checks, the commissioner may require another criminal record report for the applicant for renewal of a license or registration. The following shall apply:

1. The commissioner shall determine when another report is required and provide written notification to facilities;

2. The report shall be made available to the commissioner's representative.

~~B-~~ C. The criminal record report shall be obtained on or prior to the 21st day of employment or volunteer service for individuals participating in the operation of a facility.

EXCEPTION EXCEPTIONS:

1. The criminal record report shall be obtained prior to approval of foster and adoptive homes by private child-placing agencies and prior to approval of family day providers by family day systems.

2. The criminal record report shall be obtained prior to employment or volunteer service at a religious exempt center.

D. The criminal record report shall be obtained prior to any other person being officially involved in the operations of a religious exempt center.

E. For a religious exempt center, the sponsoring religious institution shall provide to the commissioner, with its statement of intent to operate a child day center, documentation that the center and institution are in compliance with the requirements of § 63.1-198.2 relating to criminal history record checks.

F. As a means of administering this chapter or if changes are made in the Code of Virginia related to criminal record checks, for those who were employed, commenced volunteer service or were approved on or after July 1, 1992, the commissioner may require that another criminal record report be obtained. The following shall apply:

Emergency Regulations

1. The commissioner shall determine when another report is required for employees and volunteers participating in the operation of a facility, foster parents and family day providers approved by family day systems; and

2. The commissioner shall provide written notification to facilities when another criminal record report is required.

EXCEPTION: Another criminal record report shall not be required by the commissioner for employees and volunteers in religious exempt centers.

G. If there is reason to suspect that any individual required by this chapter to obtain a criminal record report has been convicted of a barrier crime, the affected facility or the Department of Social Services may require that another criminal record report be obtained.

EXCEPTION: Another criminal record report shall not be required by the Department of Social Services for individuals employed or working at religious exempt centers or for others officially involved in the operations of religious exempt centers.

~~G.~~ H. Any person required by this chapter to obtain a criminal record report shall be ineligible for licensure, registration, approval, employment, volunteer service or any facility related activity, if the report contains convictions of the barrier crimes. In addition, for a religious exempt center, any other person shall be ineligible for official involvement in the operations of the religious exempt center if the report contains convictions of the barrier crimes. Convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense which would have been at the time of conviction a felony conviction if committed by an adult within or outside the Commonwealth.

~~D.~~ I. If a criminal history record report is requested, it shall be the responsibility of the licensee or registered family day home provider to ensure that the employee or volunteer has not been convicted of any of the barrier crimes. For a religious exempt center, it shall be the responsibility of the sponsoring religious institution to ensure that the employee or volunteer has not been convicted of any of the barrier crimes.

~~E.~~ J. Criminal record reports shall be kept confidential. Reports on employees and volunteers shall only be received by the facility administrator, board president, licensee, registered provider, or their designee. For a religious exempt center, this also includes the administrator or director of the sponsoring religious institution or his designee.

~~F.~~ K. A criminal record report issued by the State Police shall not be accepted by the facility, institution, registration or contract agency, or by the Department of Social Services if the report is dated more than 90 days prior to the date of employment or volunteer service at the facility or date of application for approval as a foster home, adoptive home, or family day home, or date of application for licensure or registration. For other persons officially involved in the operations of a religious exempt center, a criminal record report issued by the State Police shall not be accepted by the

institution or the center if the report is dated more than 90 days prior to the date of official involvement.

L. If an individual is denied employment, volunteer service, licensure, registration or approval because of convictions appearing in his criminal record report, the facility or the Department of Social Services, as appropriate, shall provide a copy of the information obtained from the Central Criminal Records Exchange to the person.

22 VAC 40-190-50. Validity of criminal record reports.

A. Contract agencies or facility staff shall accept only the original criminal record report, i.e., the document issued by the Central Criminal Records Exchange, Department of State Police. Photocopies will not be acceptable.

EXCEPTION: Facilities using temporary agencies for the provision of substitute staff shall request have a letter from the agency containing the following information:

1. The name of the substitute staff person;
2. The date of employment; and
3. A statement verifying that the criminal record report has been obtained within 21 days of employment by the temporary agency, is on file at the temporary agency, and does not contain barrier crimes, except that for religious exempt centers, the statement must verify that the report has been obtained prior to employment.

This letter shall have the same maintenance and retention requirements of a criminal record report.

B. Each criminal record report shall be verified by the contract agency or operator of the facility by matching the name, social security number and date of birth to establish that all information pertaining to the individual cleared through the Central Criminal Records Exchange is exactly the same as another form of identification such as a driver's license. If any of the information does not match, a new criminal history request must be submitted to the Central Criminal Records Exchange with correct information.

C. A criminal record report remains valid as long as the employee, volunteer, foster parents, or family day home provider remains in continuous service at the same facility, unless the commissioner has required that another criminal record report be obtained and then the new report remains valid under the same condition. For other persons officially involved in the operations of a religious exempt center, a criminal record report remains valid as long as the person remains in continuous service at the same center.

EXCEPTION: Criminal record reports are required every two years for voluntary registration program participants.

D. When an individual terminates employment, foster parent service or ceases volunteer work at one facility or institution and begins work at another facility or institution, the criminal record report secured for the prior facility or institution shall not be valid for the new facility or institution. A new criminal record report and sworn disclosure statement shall be required.

EXCEPTIONS:

1. When an ~~employee~~ *individual* transfers to a facility owned and operated by the same entity, with a lapse in service of not more than 30 days, a new criminal record report shall not be required *for this transfer*. The file at the previous facility shall contain a statement in the *person's record of the former employee* indicating that the original criminal record report has been transferred or forwarded to the new location.

2. A criminal record report for an individual who takes a leave of absence will remain valid as long as the period of separation does not exceed six consecutive months. Once a period of six consecutive months has expired, a new criminal record report and sworn disclosure statement are required.

22 VAC 40-190-60. Maintenance of criminal record reports.

A. The original report shall be maintained at the facility where the person is employed, volunteers or is approved.

B. Criminal record reports conforming to the requirements for all employed staff or utilized volunteers and approved homes shall be maintained in the files of the facility during the time the individual is employed, volunteering or is approved and for one year after termination. *Criminal record reports conforming to the requirements for all other persons officially involved in the operations of a religious exempt center shall be maintained in the files of the center during the time the person is employed or volunteering and for one year after termination.*

Criminal record reports shall be made available by the facility to the licensing representative or the representative of the contract agency.

EXCEPTION: See 22 VAC 40-190-50 D 1.

C. When an employee is rotated among several facilities owned or operated by the same entity, the original criminal record report shall be maintained at the primary place of work or designated facility location. A copy of the criminal record report shall be on file at the facility where the employee is actively working which has a notation of where the original report is filed.

D. Criminal record reports shall be maintained in locked files. These files shall be accessible only to the following facility related staff: the licensee, administrator, registered provider, board president, or their designee. *For a religious exempt center, this also includes the administrator or director of the sponsoring religious institution or his designee.*

PART IV.

THE CHILD ABUSE AND NEGLECT CENTRAL REGISTRY REPORT.

22 VAC 40-190-70. Requirements for board members General requirements.

~~A. A criminal record report shall be obtained from any officer of the board who is involved in the day-to-day~~

~~operations of the facility, or who is alone with, in control of, or is supervising one or more children. When applicable, the criminal record report shall be obtained by the facility within 21 days after the board member assumes the position.~~

~~B. When a board officer changes position within a board, a new criminal record report is not required.~~

~~C. Officers of advisory boards are not required to obtain criminal record reports.~~

A. *Prior to the issuance of an initial license or registration, the Central Registry report for the applicant for licensure or registration shall be made available to the commissioner's representative.*

B. *As a means of administering this chapter or if changes are made in the Code of Virginia related to child abuse/neglect record checks, the commissioner may require another Central Registry report for the applicant for renewal of a license or registration. The following shall apply:*

1. *The commissioner shall determine when another report is required and provide written notification to facilities.*

2. *The report shall be made available to the commissioner's representative.*

C. *The Central Registry report shall be obtained on or prior to the 21st day of employment or volunteer service for individuals participating in the operation of a facility.*

EXCEPTIONS:

1. *The Central Registry report shall be obtained prior to approval of foster and adoptive homes by private child-placing agencies and prior to approval of family day providers by family day systems.*

2. *The Central Registry report shall be obtained prior to employment or volunteer service at a religious exempt center.*

D. *The Central Registry report shall be obtained prior to any other person being officially involved in the operations of a religious exempt center.*

E. *For a religious exempt center, the sponsoring religious institution shall provide to the commissioner, with its statement of intent to operate a child day center, documentation that the center and institution are in compliance with the requirements of § 63.1-198.2 relating to Central Registry checks.*

F. *As a means of administering this chapter or if changes are made in the Code of Virginia related to Central Registry checks, for those who were employed, commenced volunteer service or were approved on or after July 1, 1992, the commissioner may require that another Central Registry report be obtained. The following shall apply:*

1. *The commissioner shall determine when another report is required for employees and volunteers participating in the operation of a facility, foster parents*

Emergency Regulations

and family day providers approved by family day systems; and

2. The commissioner shall provide written notification to facilities when another Central Registry report is required.

EXCEPTION: Another Central Registry report shall not be required by the commissioner for employees and volunteers in religious exempt centers.

G. If there is reason to suspect that any individual required by this chapter to obtain a Central Registry report has a founded disposition of child abuse or neglect, the affected facility or the Department of Social Services may require that another Central Registry report be obtained.

EXCEPTION: Another Central Registry report shall not be required by the Department of Social Services for individuals employed or working at religious exempt centers or for other persons officially involved in the operations of religious exempt centers.

H. Any person required by this chapter to obtain a Central Registry report shall be ineligible for licensure, registration, approval, employment, volunteer service or any facility related activity, if the report shows that the person is listed in the Central Registry with a founded disposition of child abuse or neglect. In addition, for a religious exempt center, any other person shall be ineligible for official involvement in the operations of the religious exempt center if the report shows that the person is listed in the Central Registry with a founded disposition of child abuse or neglect.

I. Central Registry reports shall be kept confidential. Reports on employees and volunteers shall only be received by the facility administrator, board president, licensee, registered provider, or their designee. For a religious exempt center, this also includes the administrator or director of the sponsoring religious institution or his designee.

J. A Central Registry report issued by the Child Protective Services Unit in the Virginia Department of Social Services shall not be accepted by the facility, institution, registration or contract agency, or by the Department of Social Services if the report is dated more than 90 days prior to the date of employment or volunteer service at the facility, date of application for approval as a foster home, adoptive home, or family day home, or date of application for licensure or registration. For other persons officially involved in the operations of a religious exempt center, a Central Registry report issued by the Child Protective Services Unit in the Virginia Department of Social Services shall not be accepted by the institution or the center if the report is dated more than 90 days prior to the date of official involvement.

K. If an individual is denied employment, volunteer service, licensure, registration or approval because of information from the Central Registry, the facility or the Department of Social Services, as appropriate, shall provide a copy of the information obtained from the Central Registry to the person.

22 VAC 40-190-80. Validity of Child Abuse and Neglect Central Registry reports.

A. Contract agencies or facility staff shall accept only the original Central Registry report, i.e., the document issued by the Child Protective Services Unit in the Virginia Department of Social Services. Photocopies will not be acceptable.

EXCEPTION: Facilities using temporary agencies for the provision of substitute staff shall have a letter from the agency containing the following information:

1. The name of the substitute staff person;
2. The date of employment; and
3. A statement verifying that the Central Registry report has been obtained within 21 days of employment, is on file at the temporary agency, and does not contain a founded disposition of child abuse/neglect, except that for religious exempt centers, the statement must verify that the report has been obtained prior to employment.

This letter shall have the same maintenance and retention requirements of a Central Registry report.

B. Each Central Registry report shall be verified by the contract agency or operator of the facility by matching the name, social security number and date of birth to establish that all information pertaining to the individual cleared through the Child Abuse and Neglect Central Registry is exactly the same as another form of identification such as a driver's license. If any of the information does not match, a new child abuse/neglect history record request must be submitted to the Central Registry with correct information.

C. A Central Registry report remains valid as long as the employee, volunteer, foster parents, or family day home provider remains in continuous service at the same facility, unless the commissioner has required that another Central Registry report be obtained and then the new report remains valid under the same condition. For other persons officially involved in the operations of a religious exempt center, a Central Registry report remains valid as long as the person remains in continuous service at the same center.

EXCEPTION: Central Registry reports are required every two years for voluntary registration program participants.

D. When an individual terminates employment, foster parent service or volunteer work at one facility or institution and begins work at another facility or institution, the Central Registry report secured for the prior facility or institution shall not be valid for the new facility or institution. A new Central Registry report and sworn disclosure statement shall be required.

EXCEPTIONS:

1. When an individual transfers to a facility owned and operated by the same entity, with a lapse in service of not more than 30 days, a new Central Registry report shall not be required. The file at the previous facility shall contain a statement in the person's record indicating that

the original Central Registry report has been transferred or forwarded to the new location.

2. A Central Registry report for an individual who takes a leave of absence will remain valid as long as the period of separation does not exceed six consecutive months. Once a period of six consecutive months has expired, a new Central Registry report and sworn disclosure statement are required.

22 VAC 40-190-90. Maintenance of Child Abuse and Neglect Central Registry reports.

A. The original report shall be maintained at the facility where the person is employed, volunteers or is approved.

B. Central Registry reports conforming to the requirements for all employed staff or utilized volunteers and approved homes shall be maintained in the files of the facility during the time the individual is employed, volunteering or is approved and for one year after termination. Central Registry reports conforming to the requirements for all other persons officially involved in the operations of a religious exempt center shall be maintained in the files of the center during the time the person is employed or volunteering and for one year after termination.

Central Registry reports shall be made available by the facility to the licensing representative or the representative of the contract agency.

EXCEPTION: See 22 VAC 40-190-80 D 1.

C. When an employee is rotated among several facilities owned or operated by the same entity, the original Central Registry report shall be maintained at the primary place of work or designated facility location. A copy of the Central Registry report shall be on file at the facility where the employee is actively working which has a notation of where the original report is filed.

D. Central Registry reports shall be maintained in locked files. These files shall be accessible only to the following facility related staff: the licensee, administrator, registered provider, board president, or their designee. For a religious exempt center, this also includes the administrator or director of the sponsoring religious institution or his designee.

PART V. THE WAIVER.

22 VAC 40-190-100. General provisions.

A. Persons disqualified from operating, working or volunteering at a facility or denied approval as foster or adoptive parents by a child-placing agency because of a conviction of a felony within the five years prior to the application date for licensure, registration, employment, volunteer service or approval may apply in writing for a waiver from the commissioner.

EXCEPTION: The commissioner shall not grant a waiver to any person who has been convicted of any of the crimes listed in 22 VAC 40-190-25 A 1-30 and B.

B. The commissioner may grant the waiver if he determines that:

1. The person is of good moral character and reputation; and
2. The waiver would not adversely affect the safety and well-being of children in the person's care.

C. Any waiver granted shall be available for inspection by the public.

D. The facility shall provide a copy of the waiver to every parent and guardian of the children in its care for any waiver granted for its operators, employees or volunteers.

22 VAC 40-190-110. The application.

A. The application shall consist of a personally prepared waiver request and other documents required by this section.

B. The waiver request must be submitted in typewritten form and must include the following:

1. A statement that the request was solely and personally prepared by the requester and that the content has neither been edited nor altered by another person, provided, however, that the document may have been typed by another person.

2. A statement that the requester understands that the waiver will be available for inspection by the public and that the facility will provide a copy of the waiver to every parent and guardian of the children in its care if the waiver is granted.

3. A statement that the requester understands that information in the waiver request and accompanying documents will be made available by the commissioner to any person upon request if the waiver is granted.

4. Personal and employment information including:

- a. Name;
- b. Address;
- c. Telephone number and other contact information;
- d. Social security number;
- e. Birth date;
- f. Family members or other living arrangements;
- g. Current employment; and
- h. Employment history.

5. A factual account of the crime for which the requester was convicted, including the type of crime, dates, locales and circumstances.

6. A factual explanation of the requester's history and current status with relevant justice systems.

7. Any other information the requester wishes the commissioner to consider, such as training, treatments, interests, hobbies, community involvement.

Emergency Regulations

8. An explanation of why the requester thinks the waiver should be granted, for example, how granting it would benefit all affected parties.

9. Notarized signature and date.

C. The application, which may include additional documents at the requester's discretion, must include the following:

1. A nonrefundable check, made payable to the Treasurer of Virginia, in the amount of \$50 for application processing.

2. A copy of the criminal history screening report that was the basis for disqualification.

3. A copy of all necessary documents verifying the requester's statements regarding past and current involvement with relevant justice systems, for example, court orders, discharge papers, parole status reports, etc.

4. A statement by the licensee, that is, the sponsoring agency or facility, which specifies:

a. Type of position for which the requester is being considered;

b. Rationale for its decision to offer or consider employment, volunteer service, or approval to the individual;

c. Rationale for believing that accepting the individual would be in the consumers' interest; and

d. Licensee's plan for supervision and monitoring of the individual's performance if accepted.

5. At least four references who will vouch for the requester's good character and reputation.

NOTE: See 22 VAC 40-190-10 for definition of "good character and reputation."

6. A statement by the licensee that it will, if the waiver is granted and the individual is accepted, conscientiously comply with all posting and notification requirements for the duration of the waiver.

D. The requester shall be responsible for submitting the application to the commissioner.

22 VAC 40-190-120. Evaluation of the request.

A. The commissioner may delegate all aspects of processing and evaluating the request, provided that responsibility for making the final decision may not be delegated below the level of a division director.

B. The commissioner shall evaluate the request and base his conclusions on at least the following considerations:

1. Content of all submissions;

2. Nature of the disqualifying offense or offenses and relevance to decision criteria;

3. Extent and pattern of criminal history, including the age at commission and length of time since the disqualifying conviction occurred; and

4. In the case of prospective foster parents for a licensed child-placing agency, a review of the criminal record requirements of the Safe Families and Adoption Act of 1997 to determine if this federal law would permit a waiver.

C. The commissioner may request additional information that is reasonable and necessary to evaluate the application.

D. The commissioner may interview the applicant or other individuals in the course of conducting an investigation sufficient to verify and evaluate the information received.

E. The commissioner may attach stipulations to the granting of the waiver that he may deem advisable, such as restrictions on the type of position, type of children in the individual's care or proximity, nature of supervision required, etc.

22 VAC 40-190-130. The decision notification process.

A. All notifications shall be sent concurrently to the requester and the sponsoring licensee.

B. The commissioner shall acknowledge, in writing, receipt of the application and shall notify the requester and the licensee whether the request appears to be complete.

C. The commissioner shall notify the requester and the licensee of his decision in writing by certified mail.

D. If granted, the waiver shall be issued for a specific individual and a specific facility or agency and shall include the following:

1. Name of individual;

2. Name of facility or agency;

3. Effective dates;

4. Terms and conditions;

5. Stipulations, if any;

6. Criminal conviction for which waiver was granted;

7. Date of criminal conviction;

8. Relevant court and location;

9. Sentence served; and

10. Signature of commissioner and date.

E. If the waiver application is denied, the requester shall be advised of the reasons for the denial and that appeal provisions are available under the Administrative Process Act.

F. The commissioner shall consider an application abandoned and close the file, without the requester having recourse to appeal, when the following circumstances exist:

1. More than 60 days have elapsed since the commissioner advised the requester and the licensee that the application was incomplete or since the commissioner requested additional information reasonably necessary to evaluate the application; and

2. The commissioner warns the requester by certified mail that the application shall be ruled abandoned unless the requester responds with complete information within 15 days.

22 VAC 40-190-140. Modification, revocation, and expiration.

A. The individual and the licensee may request a modification to the waiver if a change is desired for any of the terms, conditions or stipulations. The commissioner shall respond to the modification request after the information he requires is provided.

B. The commissioner may revoke a waiver if, after investigation, he determines that:

1. The application contained false, deceptive or misleading information;

2. The terms, conditions or stipulations of the waiver have been violated; or

3. New or expanded information becomes known about the individual that casts doubt on the individual's character, reputation or suitability to work with or in proximity of children.

C. If a waiver is revoked, the commissioner shall advise, by certified mail, the individual and the licensee of the reasons for the revocation and the appeal provisions available to the requester in the Administrative Process Act.

D. A waiver shall automatically expire when one of the following circumstances exists:

1. The individual terminates the approved arrangement with the sponsoring facility; or

2. The waiver expiration date, which shall not exceed five years from the date of conviction, is reached.

22 VAC 40-190-150. Posting and parental notification.

A. Any facility employing staff, allowing volunteers or operated by a person whose disqualification has been waived by the commissioner shall post a copy of the waiver in a prominent place at each public entrance.

B. For any individual for whom a waiver was granted, at the time the person accepts employment, volunteer service or is allowed to begin operating a facility, the facility shall provide a copy of the waiver to every parent and guardian of the children in its care.

C. Prior to enrollment, each parent or guardian of a child who is a prospective new admission to a facility shall be provided, by the facility, a copy of any waiver granted for its employees, volunteers or operators.

D. A child-placing agency shall provide a copy of the waiver to the parents or other legal guardian if their child is placed with a foster parent whose disqualification has been waived by the commissioner.

E. In parental placement adoptions, a child-placing agency shall provide a copy of the waiver to the birth parents if their child is to be placed with an adoptive parent whose disqualification has been waived by the commissioner.

F. In agency adoptions, a child-placing agency shall provide the birth parents with a written notification that a waiver has been granted to the adoptive parent. The notification shall only provide information about the nature of the conviction, but shall not give identifying information about the adoptive parent to the birth parents.

/s/ Clarence H. Carter
Commissioner, Department of Social Services
Date: March 5, 1999

/s/ Claude A. Allen
Secretary of Health and Human Resources
Date: March 25, 1999

/s/ James S. Gilmore, III
Governor
Date: May 17, 1999

VA.R. Doc. No. R99-178; Filed May 19, 1999, 11:33 a.m.



GENERAL NOTICES/ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Notice Regarding Military History Museum

The Department of Conservation and Recreation will undertake a study to determine the feasibility of establishing a military history museum in Virginia. This study results from the passage of House Joint Resolution Number 526 by the 1999 General Assembly. The museum is to focus on the military efforts of the twentieth century. In addition to the display of twentieth century armaments, the intent of the bill is to provide a public location where demonstrations and reenactments can be safely mounted for their educational value.

There are three components to the study. The first is an analysis of establishment costs for a military museum; the second is an identification of locations that will attract a sufficient number of visitors to defray operational costs; and the third is a determination of the availability of military artifacts, including weaponry and military vehicles.

The department invites input on how the study might be advanced or on information related to the three components outlined in the joint resolution. Anyone with an interest in the project, please provide comments or questions to Mr. R. G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor Street, Suite 326, Richmond, Virginia 23219, (804) 786-4132. The department will develop the study and submit it to the General Assembly by November 1999.

STATE CORPORATION COMMISSION

Bureau of Insurance

May 12, 1999

Administrative Letter 1999-3

TO: All Insurers, Health Services Plans, Health Maintenance Organizations (HMOs) and Other Interested Parties

RE: Legislation Enacted by the 1999 Virginia General Assembly

We have attached for your reference staff summaries of certain statutes enacted or amended and re-enacted during the 1999 Session of the Virginia General Assembly. The effective date of these statutes is July 1, 1999, except as otherwise indicated in this letter. Each organization to which this letter is being sent should review the attachments carefully and see that notice of these laws is directed to the proper persons, including appointed representatives, to ensure that appropriate action is taken to effect compliance with these new legal requirements. Please note that this document is a summary of legislation. It is neither a legal review and interpretation nor a full description of the legislative amendments made to insurance-related laws

during the 1999 Session. Each organization is responsible for legal review of the statutes pertinent to its operations.

/s/ Alfred W. Gross
Commissioner of Insurance

NOTE: EXCEPT WHERE OTHERWISE INDICATED, ALL
BILLS ARE EFFECTIVE 7/1/99

PROPERTY AND CASUALTY BILLS

Chapter 4 (Senate Bill 448)

This bill amends § 38.2-2204 by specifying that an insurer is not prohibited from limiting its liability to the policy's limits for any one accident regardless of the number of insureds under the policy. This language is being added as a result of the Virginia Supreme Court decision in Haislip v. Southern Heritage Insurance Company (254 Va. 265) in which the insurer was required to pay damages on behalf of the named insured for negligent entrustment even though the insurer had already paid the policy's limits on behalf of the permissive user who negligently operated the insured's vehicle.

Chapter 129 (House Bill 2307)

This bill amends § 38.2-517 by requiring the Commission to investigate any written complaints received pursuant to this section regardless of whether the complaint is submitted by an individual or a repair facility. The written authorization of the insured or the claimant must be obtained first. The bill also makes insurers, which use third parties, accountable for any violation of § 38.2-517 by the third party.

Chapter 491 (Senate Bill 1015)

This bill amends § 38.2-1903 by allowing workers' compensation large deductible plans for large risks to be exempt from the filing requirements of Chapter 19. Large risks are defined as those which generate a total estimated standard premium for workers' compensation insurance of at least \$250,000 annually, or less or in combination with other lines if approved by the Commission. (The \$250,000 minimum annual premium now applies to retrospective rating plans as well. This has been changed from \$500,000.) Large deductible plans are defined as workers' compensation rating plans that include a per-claim deductible of at least \$100,000. A copy of any large deductible plan must be made available to the Commission upon request. Also, insurers' experience attributable to large risks must still be reported in accordance with the uniform statistical plan.

Chapter 493 (Senate Bill 1102)

This bill amends § 38.2-514.2 by allowing a motor vehicle rental contract "enroller" to solicit, negotiate, procure, or effect insurance as long as the written disclosure required by this section is provided to the prospective renter. Section 38.2-1800 has been amended to define a "motor vehicle rental contract enroller" as an unlicensed hourly or salaried employee of a motor vehicle rental company that receives no direct or indirect commission from the insurer, renter, or the vehicle rental company. The term "motor vehicle rental

contract insurance agent” has been amended to clarify that it does not include the term “enroller.”

Chapter 514 (House Bill 1465)

This bill amends § 38.2-2231 by allowing parties upon agreement to try their cases involving disputed auto physical damage claims in a court of competent jurisdiction as an alternative to arbitrating according to the Nationwide Intercompany Arbitration Agreement, or any successor thereto. The bill also stipulates that if an insurer cannot show proof of its membership in the Nationwide Intercompany Arbitration Agreement, or any successor thereto, an action may be asserted in a court of competent jurisdiction.

Chapter 647 (Senate Bill 1278)

This bill adds a new chapter to Title 6.1 (Banking and Finance Code) called the Real Estate Agent Registration Act. The purpose of the bill is to require “lay real estate settlement agents” performing settlement services to comply with the qualification and financial responsibility requirements of the Consumer Real Estate Settlement Protection Act (CRESPA). A “lay real estate settlement agent” is defined as a person who is not licensed as an attorney; is not a party to the real estate transaction; provides escrow, closing, or settlement services; and is listed as the settlement agent on the settlement statement.

Chapter 711 (Senate Bill 1230)

Effective 8-1-99

This bill amends § 8.01-581.15 (Civil Remedies and Procedure Code) by raising the cap on medical malpractice recoveries to \$1.5 million. The law applies to acts of malpractice occurring on or after August 1, 1999. The cap increases by \$50,000 on July 1 of each year except that it increases by \$75,000 in 2007 and 2008. The increase in 2008 is the final increase. The increase each year applies to acts of malpractice occurring on or after the effective date of the increase.

Chapter 806 (Senate Bill 1018)

This bill amends Chapter 50 of Title 38.2 (Virginia Birth-Related Neurological Injury Compensation Fund) by allowing a legal representative of a child born between January 1, 1988 and July 1, 1990 to file a claim under Chapter 50 by July 1, 2000 if the infant would have met the definition of “birth-related neurological injury” as that term was defined in 1990. (The definition was broadened in 1990.) The claim is required to have been previously filed and dismissed because it did not meet the definition.

Chapter 822 (House Bill 1555)

This bill adds a new section to Title 8.01 (Civil Remedies and Procedure Code) and amends § 38.2-5003 by requiring the Workers’ Compensation Commission to set a matter for hearing when a civil action has been referred to it by a circuit court to determine whether the cause of action satisfies the requirements of the Virginia Birth-Related Neurological Injury Compensation Act. Section 8.01-273.1 makes it clear that,

when a cause of action has been referred to the Workers’ Compensation Commission, the court must stay all proceedings pending an award and notification by the Workers’ Compensation Commission.

Chapter 823 (House Bill 1556)

This bill amends § 38.2-5009 by requiring that the provisions of § 65.2-531 of the Code of Virginia apply to any benefits awarded for loss of earnings under the Virginia Birth-Related Neurological Injury Compensation Act. Section 65.2-531 prohibits claims from being assignable.

Chapter 824 (House Bill 1557)

This bill amends § 38.2-5016 by staggering the terms of the board members of the Virginia Birth-Related Neurological Injury Compensation Program. The bill also changes the number of directors required for a quorum from five to four directors.

Chapter 825 (House Bill 1558)

This bill adds a new section numbered § 38.2-5004.1 which requires insurance companies licensed in Virginia and self-insurers to file a report with the Virginia Birth-Related Neurological Injury Compensation Program whenever a claim is made that alleges a possible birth-related neurological injury. The report is to be completed on a form provided by the program. The program will then be required to inform the parents or guardians of the program’s existence and eligibility requirements. The report is not admissible in any court and is not an inference of liability.

Chapter 826 (House Bill 1559)

This bill amends § 38.2-5015 by clarifying that the assets of the Virginia Birth-Related Neurological Injury Compensation Fund are trust funds and may be used solely to award recipients and to administer the program.

Chapter 918 (House Bill 2292)

This bill amends § 38.2-2232 by requiring insurers to offer limits of liability for uninsured private pleasure watercraft coverage equal to the liability limits of the private pleasure watercraft policy. However, no insurer is required to pay damages for uninsured private pleasure watercraft coverage in excess of the limits of uninsured private pleasure watercraft coverage provided by the policy. The optional uninsured coverage must include coverage for bodily injury and property damage liability, but a provision has been added stating that such property damage liability coverage is excess over any other valid and collectible insurance. The bill has also been amended to clarify that the provision only applies to stand-alone marine policies, and a new subsection has been added pertaining to service of process and subrogation.

Chapter 992 (House Bill 1901)

This bill amends § 38.2-2206 (dealing with uninsured motorist) by stating that the bringing of an action against John Doe tolls the statute of limitations for purposes of bringing an action against the actual owner or operator that caused the injury or damages until that person’s identity

General Notices/Errata

becomes known. An action against the actual owner or operator may not be brought more than three years after bringing an action against John Doe.

YEAR 2000 COMPLIANCE

Chapter 17 (House Bill 1663)

This bill adds a general civil procedure law at § 8.01-418.3 to provide that Year 2000 (Y2K) assessments and documents shall not be discoverable or admissible in evidence unless a court orders discovery or admissibility following an in camera review and a showing of good cause.

Chapter 859 (House Bill 1671)

This bill enacts a public (non-codified) law that provides immunity from liability for damages to any person for injury resulting from disclosing information, in good faith, about a "Year 2000 problem" or "Y2K failure" affecting computer systems and programs. The statute does not, however, limit liability in court for those persons who disclose Y2K information for profit or disclose information, which, under conditions specified in the statute, is material and false, inaccurate or misleading.

COMPANY TAXATION BILLS

Chapter 571 (Senate Bill 908)

This bill amends subsection B of § 58.1-2526 (Taxation Code) to give the Commission specific authority to refund excess regulatory costs paid pursuant to § 38.2-1026.

FINANCIAL REGULATION BILLS

Chapter 20 (Senate Bill 901)

This bill makes several amendments to § 38.2-5802 regarding the Bureau's oversight of managed care health insurance plans (MCHIPs). This bill clarifies for the MCHIPs when each of the filing requirements enacted in 1998 Senate Bill 712 becomes applicable to the MCHIPs. Each subsection in § 38.2-5802 contains filing requirements, which become applicable for health carriers at different stages during the licensing and certification processes. This bill simply clarifies these filing requirements for all that read the statute.

Chapter 61 (Senate Bill 909)

This bill amends § 38.2-2811 to authorize the Commission to make or direct an examination of a medical malpractice joint underwriting association at least once in every five years and in accordance with examination provisions comprising Article 4 of Chapter 13 of Title 38.2. The existing statute required examinations at a greater frequency than necessary. This amendment updates the medical malpractice joint underwriting association statute by incorporating provisions that guide the financial examinations of other licensees. The proposed provisions will authorize an examination whenever the Commission considers it expedient for the protection of the interests of the people of this Commonwealth, and will

require examination at least once every five years rather than each year.

Chapter 331 (House Bill 2708)

This bill adds § 6.1-2.9:8 (Banking and Finance Code) to the Code of Virginia to authorize banks, savings institutions and credit unions to act as trustees or custodians of the medical savings accounts authorized by federal law. The bank, savings institution or credit union is required to administer medical savings accounts in accordance with federal law. The bill also directs the Joint Commission on Health Care, with the assistance of the Bureau of Insurance and the Department of Taxation, to examine the current provisions of federal and state taxation and insurance laws to determine the feasibility of licensing group self-insurance associations that will pool their liabilities for the purpose of offering high-deductible, catastrophic health insurance coverage to holders of medical savings accounts. This study shall be completed prior to the 2000 Session of the Virginia General Assembly.

Chapter 482 (Senate Bill 894)

This bill amends §§ 38.2-4307 and 38.2-4307.1. The bill provides that annual statements, supplemental schedules and other forms filed by health maintenance organizations (HMOs), whether prepared on an annual or quarterly basis, should be, as far as practicable, the same as other forms in general use in the United States and prepared in accordance with appropriate instructions and publications adopted by the National Association of Insurance Commissioners (NAIC). A new subsection E in § 38.2-4307 authorizes the Commission to require all such filings be in machine-readable format and on the form blank prepared by the National Association of Insurance Commissioners (NAIC). A new subsection F in § 38.2-4307 authorizes the Commission to require HMOs to file copies of their annual statements with the NAIC. A new subsection B in § 38.2-4307.1 authorizes the Commission to require HMOs to file their statements with the NAIC on a quarterly basis.

INSURANCE AGENTS AND CONTINUING EDUCATION BILLS

Chapter 2 (House Bill 1274)

This bill adds a new section numbered § 38.2-1812.2. The bill allows an agent to charge fees for services as long as the applicant or policyholder consents in writing before the services are rendered and a schedule of fees is maintained in the agent's office. The consent form must include the applicant's or policyholder's signature, the duration of the services, the amount of fees to be charged, the services for which the fees will be charged, and a statement that the agent is also entitled to receive a commission. The provision applies to new and renewal policies issued or renewed on or after July 1, 1999.

Chapter 44 (Senate Bill 900)

This bill amends §§ 38.2-1840, 38.2-1841, 38.2-1847, 38.2-1859, 38.2-4802 and 38.2-4803 to conform all relevant

portions of Title 38.2 to indicate that license application and renewal fees are nonrefundable application processing fees.

Chapter 59 (Senate Bill 892)

This bill amends §§ 38.2-1826, 38.2-1842, 38.2-1856, 38.2-1864, and 38.2-5703, and adds a new § 38.2-4803.1. All of these changes and additions are to require licensed agents, consultants, reinsurance intermediaries, managing general agents, surplus lines brokers and viatical settlement brokers to report within 30 days to the Commission the facts and circumstances regarding any felony conviction.

Chapter 86 (House Bill 1543)

This bill amends §§ 38.2-1800, 38.2-1815, 38.2-1816, 38.2-1817, 38.2-1824, 38.2-1866, 38.2-4224 and 38.2-4313. It eliminates the "Health Agent" license type, along with the pre-licensing study course and examination requirements and the continuing education requirements for that license type.

In § 38.2-1824, the bill provides that no new licenses will be issued and no existing licenses will be reinstated beginning July 1, 1999. However, those holding an active Health Agent license on July 1, 1999 will be permitted to keep the license for a period of one year, during which time the licensee will be required to satisfy the requirements for obtaining a full Life and Health Agent license. All Health Agent licenses still in effect on June 30, 2000 will be administratively terminated.

The amendment to § 38.2-1866, eliminating the Health Agent license from the license types subject to continuing education requirements, has a delayed effective date of January 1, 2000. Such licenses, then, will be exempt from continuing education requirements for the biennium beginning January 1, 1999, as they will no longer be in effect by the end of that biennium on December 31, 2000.

Chapter 97 (House Bill 2222)

This bill amends § 38.2-1812 by adding a provision allowing insurance agents to receive commissions or other valuable consideration in their trade name as long as the trade name has been properly filed with the Bureau of Insurance pursuant to § 38.2-1822 E.

Chapter 490 (Senate Bill 984)

This bill amends §§ 38.2-1800, 38.2-1814, and 38.2-1824 by eliminating the limited license for bail bond agents. Those wishing to sell such coverage on or after July 1, 1999 must obtain a full Property and Casualty Agent license. However, bail bond agents and agencies that currently hold the limited license (as of July 1, 1999) are grandfathered.

Chapter 493 (Senate Bill 1102)

This bill amends § 38.2-514.2 by allowing a motor vehicle rental contract "enroller" to solicit, negotiate, procure, or effect insurance as long as the written disclosure required by this section is provided to the prospective renter. Section 38.2-1800 has been amended to define a "motor vehicle rental contract enroller" as an unlicensed hourly or salaried employee of a motor vehicle rental company that receives no

direct or indirect commission from the insurer, renter, or the vehicle rental company. The term "motor vehicle rental contract insurance agent" has been amended to clarify that it does not include the term "enroller."

LIFE AND HEALTH BILLS

Chapter 35 (Senate Bill 244)

This bill adds § 38.2-3418.8 and amends Chapter 43 of Title 38.2 to make § 38.2-3418.8 applicable to health maintenance organizations (HMOs). The bill requires each insurer proposing to issue an individual or group hospital, medical or major medical subscription contract, and each HMO providing a health care plan for health care services to provide coverage for diabetes. The bill applies to all insurance policies, contracts and plans delivered, issued for delivery, reissued, or extended on or after July 1, 1999, or at any time thereafter when any term of the policy, contract or plan is changed or any premium adjustment is made.

Coverage under this bill must include benefits for equipment, supplies and outpatient self-management training and education, including medical nutrition therapy, for the treatment of insulin-dependent diabetes, insulin-using diabetes, gestational diabetes, and noninsulin-using diabetes if prescribed by a health care professional legally authorized to prescribe such items under law. To qualify for coverage under this new law, diabetes outpatient self-management training and education must be provided by a certified, registered or licensed health care professional.

Carriers are prohibited from imposing upon any person receiving benefits pursuant to this new law any copayment, fee or condition that is not equally imposed upon all individuals in the same benefit category.

The provisions of this bill do not apply to short-term travel, accident only, limited or specified disease policies, or individual conversion policies or contracts, policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, or any other similar coverage under state or federal governmental plans.

Chapter 116 (House Bill 1769)

This bill amends § 38.2-3540.1 to revise the requirement that an insurer provide a record of the claims incurred under a group policy. The bill reduces the time that the record must be made available to the policyholder from 60 days prior to renewal (or other times when the premium or policy may be changed), to 30 days prior to renewal.

The bill applies to policies, contracts and plans delivered, issued for delivery, reissued or extended on and after July 1, 1999 or when, after the bill is effective, any term of the policy, contract or plan is changed or the premium is adjusted.

Chapter 276 (House Bill 1936)

This bill amends § 38.2-3542, dealing with notice to employees upon termination of group health insurance coverage.

General Notices/Errata

Subsection A is amended to make the requirements applicable not only to employers who are paying all or part of the premium, but also where the employer is taking responsibility for payroll deducting and remitting the premium to the insurer. The subsection is further amended to clarify that the notice requirement applies not only where the employer receives notice of termination from an insurer, but also where the plan being terminated is a self-insured plan.

Subsection B is amended to provide that the employer who collects from employees or covers any part of the cost of coverage and who knowingly fails to remit to the insurer or plan such funds required to maintain coverage in accordance with the policy or contract provisions shall not only be guilty of a Class I misdemeanor, but shall also be subject to civil suit for any medical expenses the employee may become liable for as a result of the employer letting such coverage be terminated.

A new Subsection C is created to prohibit retroactive termination. If the coverage terminates due to nonpayment of premium by the employer, the carrier is prohibited from terminating a covered individual's coverage unless and until the employer has been provided with a written or printed notice of termination, including a specific date, not less than fifteen days from the date of such notice, by which coverage will terminate if the overdue premium is not paid. Coverage shall not be permitted to terminate for at least fifteen days after such notice has been mailed, and each carrier is required to make reimbursement on all valid claims for services incurred prior to the date coverage is terminated.

Chapter 298 (House Bill 1546)

This bill amends § 58.1-322 (Taxation Code) to add an exclusion from Virginia taxable income for long term health care insurance for tax years beginning January 1, 2000 and thereafter. The exclusion applies "provided that the individual has not claimed a deduction for federal income tax purposes."

Chapter 321 (House Bill 2345)

This bill creates new Code § 38.2-3407.3:1 and requires carriers, when accepting premium payments in arrears, to credit such payments first to the longest outstanding arrearage, and then in succession to the most recent arrearage or payment due.

Chapter 586 (House Bill 721)

This bill amends §§ 38.2-233, 38.2-1800, 38.2-1814, 38.2-1822, 38.2-1824, 38.2-3725, 38.2-3735 and 38.2-3737 to provide that disclosures required by the above referenced sections may be combined with other disclosure statements required by federal or state law to avoid redundancy.

The bill changes the phrase "each plan of insurance" to "the insurance coverage" in §§ 38.2-233 and 38.2-3737. The term "credit property agent" is revised to "credit property and involuntary unemployment insurance agent."

The bill adds an exemption from license requirements for a person who enrolls individuals under group plans as part of

his or her employment responsibilities but receives no commission or other valuable consideration for the enrollments. In addition, the compensation should in no manner be contingent on the number of individuals enrolled or the amount of premium from the enrollments. The bill defines the term "enrolling individuals" as meaning, for the subsection, "the process of informing individuals of the availability of coverages, calculating the insurance charge, assisting with completion of the enrollment application, preparing and delivering the certificate of insurance, answering questions regarding the coverages, and assisting the individual in making an informed decision whether or not enrollment under the group plan is elected."

The bill also adds language to subsection F of § 38.2-3725 listing some of the factors that the Commission may consider when determining a fair return to insurers to assure the availability of credit insurance. The bill also adds creditor's representative to the signatures required on an application or enrollment form.

Chapter 649/643 (House Bill 871/Senate Bill 1235)

This bill contains a number of sweeping managed care changes. It combines parts of 14 separate bills that had been introduced during the 1999 Session of the Virginia General Assembly. The bill also includes a number of provisions applicable to the state employee benefits plan, but these are not summarized below.

1. The bill adds in § 32.1-137.6 (Health Code) a requirement for managed care health insurance plans' (MCHIPs) complaint systems. The complaint forms and written procedures to be given to covered persons must include a clear and understandable description of the covered person's right to appeal denials of adverse determinations and the procedure for making an appeal pursuant to § 32.1-137.15. The forms must include the phone number for the managed care licensee and the mailing address, phone number and e-mail address of the Managed Care Ombudsman (Ombudsman). A copy of an annual complaint report for each MCHIP must be submitted to the Ombudsman.

2. The bill also provides in § 32.1-137.15 that if any appeal is denied, the notification of the denial must include a clear and understandable notice of the appealing party's right to seek review of the denial according to § 38.2-5900, the procedures for obtaining the review, and the binding nature of the appeal. The notification must also include the addresses and phone numbers for the Ombudsman.

3. The bill adds § 38.2-3407.9:01 and amends § 38.2-4219 (health services plans) and § 38.2-4319 (HMOs). The section applies to insurers proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; corporations providing individual or group subscription contracts; and HMOs providing health care plans that include coverage for prescription drugs on an outpatient basis. The bill allows any such policy, contract or plan to apply a formulary to prescription drug benefits if the formulary is developed in accordance with provisions in the bill.

If an insurer, corporation or HMO maintains one or more drug formularies, each insurer, corporation or HMO must:

make available to participating providers and pharmacists and to nonpreferred or nonparticipating providers the complete drug formulary or formularies, including a list of the drugs on the formulary by major therapeutic category that specifies whether a drug is preferred over other drugs; and

establish and maintain a process that allows an enrollee to obtain, without additional cost-sharing beyond that for formulary drugs, coverage for a specific, medically necessary nonformulary prescription drug if the formulary drug is determined by the insurer, corporation, or HMO, after reasonable investigation and consultation with the physician, to be inappropriate. The insurer, corporation or HMO has one business day to act on requests.

4. The bill amends § 38.2-3407.10 and increases the number of days that an enrollee can request to continue receiving health care from a primary care provider (PCP) being terminated to 90 days from the current 60 days. The notice that a provider must receive prior to being terminated is also increased to 90 days from the current 60 days. (Effective for contracts issued or renewed after July 1, 1999.)

The section also permits a provider to continue rendering health services to an enrollee who has entered the second trimester of pregnancy at the time of the provider's termination except when a provider is terminated for cause. The enrollee has the option to continue the care through to post-partum care after delivery.

The section permits a provider to continue providing services to an enrollee who is determined to be terminally ill, as defined in § 1861 (dd) (3) (A) of the Social Security Act, at the time the provider is terminated except when a provider is terminated for cause. The enrollee has the option of continuing the treatment for the terminal illness for the remainder of his or her life.

These provisions apply to contracts entered into or renewed after July 1, 1999.

5. A new subsection L is added to § 38.2-3407.10 to require carriers that require preauthorization before rendering medical treatment to have personnel available to approve such preauthorization at all times.

6. A new subsection M is added to § 38.2-3407.10 to require carriers to provide to group policyholders written notice of at least 60 days before any new benefit reductions are effective. The group policyholders must provide 30 days' notice to enrollees.

7. Subsection P of § 38.2-3407.10 (formerly subsection M prior to renumbering) is amended. Contracts between providers and carriers must not include provisions pursuant to which a provider or group of providers must deny covered services that the provider or group of providers knows are medically necessary and appropriate that are provided to an enrollee or group of enrollees with similar conditions. This

provision also applies to Chapter 42 (health services plans) and Chapter 43 (HMOs) of Title 38.2. These requirements apply to contracts entered into or renewed after July 1, 1999.

8. The bill adds § 38.2-3407.11:1 and amends §§ 38.2-4214 (health services plans) and 38.2-4319 (HMOs). (Effective for contracts issued or renewed after July 1, 1999.) The section requires that any insurer proposing to issue individual or group accident and sickness insurance policies; corporations providing individual or group accident and sickness subscription contracts, and HMOs providing health care plans must permit any individual covered under such plan direct access, pursuant to subsection B of § 38.2-3407.11:1, to health care services from a participating specialist who is authorized to provide such services under the plan and has been selected by the individual.

Subsection B of § 38.2-3407.11:1 requires that an insurer, corporation or HMO, providing health insurance coverage, have a procedure by which a participant, beneficiary, or enrollee with an ongoing special condition may, after consultation with the PCP, receive a referral to a specialist who will be responsible for and capable of providing and coordinating the individual's primary and specialty care related to the initial specialty referral. If the care would most appropriately be coordinated by a specialist, the plan or issuer shall refer the individual to a specialist. The bill defines "special condition" as a condition or disease that is (i) life threatening, degenerative, or disabling and (ii) requires specialized care over a prolonged period of time.

During the treatment period authorized in the referral, the specialist must be permitted to treat the individual without a further referral and may authorize referrals, procedures, tests and other medical services related to the initial referral as the PCP would be permitted to authorize. The insurer, corporation or HMO must inform subscribers about this section by written notice.

The section applies to policies, contracts and plans delivered, issued for delivery, reissued, renewed or extended or at any time when any term is changed or any premium adjustment is made. It does not apply to short-term travel or accident-only policies, or short-term nonrenewable policies of more than 6 months' duration or contracts issued to persons eligible for Medicare or similar coverage under state or federal government plans.

9. The bill adds § 38.2-3407.13 and amends § 38.2-4214 (health services plans), § 38.2-4319 (HMOs) and § 38.2-4509 (dental or optometric services plans). The section prohibits insurers proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, a corporation providing individual or group subscription contracts, a HMO providing health care plans, and a dental services plan offering or administering prepaid dental services from refusing to accept or make reimbursement pursuant to an assignment of benefits to a dentist or oral surgeon by an insured, subscriber or enrollee.

Subsection B of § 38.2-3407.13 defines "assignment of benefits" as meaning the transfer of dental care coverage

General Notices/Errata

reimbursement benefits or other rights under an insurance policy, subscription contract or dental services plan by insured, subscriber, or plan enrollee. The assignment is not effective until the insurer, corporation or plan is notified in writing.

10. The bill adds § 38.2-3418.8 and amends § 38.2-4319 (HMOs). The section requires insurers proposing to issue individual or group accident and sickness policies providing hospital, medical and surgical, or major medical coverage on an expense incurred basis; corporations providing individual or group subscription contracts and HMOs providing health care plans to provide coverage for patient costs for clinical trials for treatment studies on cancer, including ovarian cancer. The section applies to policies, contracts or plans delivered, issued for delivery or renewal in the Commonwealth on and after July 1, 1999.

The section requires that reimbursement for patient costs in clinical trials for cancer must be determined according to the same manner as reimbursement for other medical and surgical procedures. The coverage is to have durational limits, dollar limits, deductibles, copayments and coinsurance factors that are no less favorable than for physical illness generally. The section defines the terms "cooperative group," "FDA," "Member," "Multiple project assurance contract," "NCI," "NHI" and "patient cost" in subsection C.

Subsection D of § 38.2-3418.8 requires that coverage for clinical trials for treatment studies on cancer be provided if the treatment is being conducted in a Phase II, III or IV clinical trial. The treatment may be provided on a case-by-case basis if the treatment is being provided in a Phase I clinical trial.

Subsection E of § 38.2-3418.8 provides that the treatment described in subsection D § 38.2-3418.8 must be provided by a clinical trial approved by the National Cancer Institute (NCI); an NCI cooperative group or an NCI center; the FDA in the form of an investigational new drug application, the Federal Department of Veterans Affairs; or an institutional review board of an institution in Virginia that has a multiple project assurance contract approved by the Office of Protection from Research Risks of the NCI.

Section § 38.2-3418.8 provides, in subsection F, that the facility and personnel providing the treatment must be capable of doing so by virtue of their experience, training and expertise.

The coverage under § 38.2-3418.8 applies only if (1) there is no clearly superior, noninvestigational treatment alternative and (2) the available clinical or pre-clinical data provide a reasonable expectation that the treatment will be at least as effective as the noninvestigational alternative and (3) the member and physician or other health provider conclude the member's participation would be appropriate pursuant to the procedures in the policy or evidence of coverage.

The section does not apply to short-term travel, accident-only, limited or specified disease policies or contracts designed for issuance to persons eligible for coverage under

Medicare, or other similar coverage under state or governmental plans or to short-term nonrenewable policies of not more than six months' duration.

11. The bill adds § 38.2-3418.9 to require coverage for laparoscopy-assisted vaginal hysterectomy and vaginal hysterectomy. The coverage is to include benefits for a minimum stay of not less than 23 hours for a laparoscopy-assisted vaginal hysterectomy and 48 hours for a vaginal hysterectomy as outlined in Milliman and Robertson's guidelines. The bill does not require a stay of the above hours when the covered person and attending physician determine a shorter stay is appropriate. The section applies to policies, contracts and plans, delivered, issued for delivery, reissued or extended on and after July 1, 1999, or any time when the term of the policy, contract or plan is changed or any premium adjustment is made. The section does not apply to short-term travel, accident only, limited or specified disease or individual conversion policies or contracts, or policies designed for person's eligible for Medicare or similar state or federal governmental plans.

12. Section 38.2-3407.14 is enacted to require insurers issuing individual or group policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; corporations providing individual or group subscription contracts; and HMOs to provide prior written notice of intent to increase an annual premium by more than 35% for renewal. The notice must be at least 60 days prior to the proposed renewal of coverage.

13. Section 38.2-3407.15 is enacted to prohibit individual or group accident and sickness policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; corporations providing individual or group subscription contracts; or HMOs from refusing to accept or make reimbursement pursuant to an assignment of benefits to a health care provider or hospital. This is provided that the provider or hospital accepts the reimbursement as payment in full and will not bill for additional payment except for any deductible, copayment or coinsurance. The section does not apply to an assignment of benefits made to a dentist or oral surgeon.

14. Section 38.2-5804 is amended to include a requirement that the address and phone number of the managed care licensee be included in forms and procedures for the complaint system. The mailing address, phone number, and e-mail address of the Managed Care Ombudsman and the forms and procedures and a clear description of the right to appeal pursuant to § 32.1-137.15 must also be included.

15. The bill creates a new Chapter 59 in Title 38.2 that requires the establishment of an independent external review of adverse utilization review decisions by utilization review (UR) entities established pursuant to § 32.1-137.7. The bill provides in §§ 38.2-5900 through 38.2-5903 that a covered person or treating health care provider may appeal to the Bureau of Insurance for review of a final adverse decision for a health service costing more than \$500. The Commission may adopt regulations. The appeal must be filed within 30 days of the decision. The appeal must be on forms prescribed by the Bureau and must include a release for all

pertinent medical records. There is a \$50 nonrefundable filing fee. The fee will be collected by the Commission, paid into the state treasury, and credited to the fund for the maintenance of the Bureau. The Commission may waive the fee for good cause if the fee would cause financial hardship. The Bureau must provide a copy of the appeal to the UR entity that made the adverse decision.

The Bureau or its designee must conduct a preliminary review to determine (i) if the applicant is a covered person or treating health care provider with the consent of the covered person (ii) whether the benefit or services reasonably appears to be a covered service costing more than \$500, (iii) whether all complaint and appeal procedures available under Article 1.2 of Chapter 5 (§ 32.1-137.7 et seq.) of Title 32.1 (Health Code) have been exhausted and (iv) whether the application is otherwise complete and correctly filed. The review must be conducted within 5 working days of receipt of all information and documentation necessary. The Bureau must not accept any application that fails to meet the requirements set forth in subsection B of § 38.2-5901. The Bureau or its designee must notify the applicant and UR entity within 3 working days of the completion of the preliminary review whether or not the appeal is accepted.

The covered person, treating provider and UR entity must provide copies of relevant medical records within 10 working days of when notice of the acceptance of an appeal is mailed. The confidentiality of the medical records is to be maintained according to Virginia laws. The Bureau or its designee may request additional medical records. If the request for additional information is not supplied within 10 working days, the appeal may be dismissed or the final decision reversed at the Commissioner's discretion. The Commissioner may for good cause provide an extension of time for the covered person, provider, UR entity, and the Commission.

The Bureau is required to contract with one or more impartial health entities for the purpose of performing the review of final adverse decisions. The Commission must adopt regulations to assure that the entity has adequate standards, credentials and experience. The impartial health entity shall examine the decision to determine if it is objective clinically valid, compatible with established principles of health care and appropriate in light of the contractual obligations to the covered person. The entity must review the appeal; the response of the UR entity; any affidavits the covered person, treating provider or UR entity file with the Bureau of Insurance; and any medical records the impartial entity deems appropriate. Prior to assigning an appeal to an impartial health entity, the Bureau shall verify that the impartial health entity is not affiliated with or a subsidiary of or owned or controlled by a health plan, trade association of health plans or a professional association of health care providers.

The impartial health entity is to issue written recommendations on the final adverse decision within 30 working days. The Commissioner of Insurance, based on the recommendation, must issue a written notice affirming, modifying or reversing the final decision. The ruling is not to

be construed as a final finding, order or judgment of the Commission and is exempt from the Administrative Process Act. The Commissioner's ruling must carry out the recommendations of the entity unless the entity exceeded its authority or acted arbitrarily or capriciously. The written ruling will bind the covered person and the policy or contract issuer to the extent to which each would have been obligated by a judgment entered in an action at law or in equity with respect to the issues.

The Bureau of Insurance is to contract with one or more impartial health entities such as medical peer review organizations and independent UR companies. The Bureau must verify before assignment that the impartial health entity has no relationship or association with (i) the UR entity; (ii) the covered person; (iii) the treating health care provider; (iv) the medical care facility where the service would be provided; or (v) the development or manufacture of the drug device, procedure or other therapy that is the subject of the review.

There is no liability on the part of and no cause of action shall arise against any officer or employee of an impartial health entity for actions or statements made in good faith performance or their powers and duties.

A new subsection D in § 38.2-5902 is added to require any MCHIP that must provide previously denied services will be subject to payment of fees the Commission deems appropriate to cover the review costs.

Each insurer writing insurance defined as § 38.2-109, HMO, and nonstock corporation organized according to Chapter 42 (38.2-4200 et seq.) or Chapter 45 (38.2-4500 et seq.) must pay an assessment of an amount not to exceed 0.015 percent of the direct gross premium income during the preceding calendar year. The assessment must be apportioned, assessed and paid according to § 38.2-403. The assessment made and paid into the state treasury shall be deposited in a special fund designated "Bureau of Insurance Special Fund-State Corporation Commission." Money for necessary regulation, supervision and examination of regulated entities shall be appropriated from the fund.

The bill also creates, in §§ 38.2-5904 and 38.2-5905, the Office of Managed Care Ombudsman (Ombudsman) within the Bureau of Insurance. The Ombudsman shall promote and protect the interests of covered persons under managed health insurance plans. All state agencies must assist the Ombudsman in the performance of his duties.

The Ombudsman shall assist covered persons in understanding their rights and the processes available to them; answer inquiries from citizens by phone, e-mail, and in person; provide information on MCHIPs and other UR entities upon request; develop information on types of managed health insurance plans available, including mandated benefits and UR procedures and appeals; make available separately or through the existing Internet website for Bureau of Insurance, information on plans; maintain data on complaints and inquiries received, type of assistance requested, action taken and disposition; when requested,

General Notices/Errata

assist persons in using procedures and processes available to them, including UR appeals; ensure covered persons timely responses to inquiries and access to services of the Office of the Ombudsman; provide assessments of proposed and existing MCHIP laws and studies of other MCHIP issues upon request of the committees of the General Assembly or Joint Commission on Health Care (JCHC); monitor changes in federal and state laws; report annually to the appropriate committees of the General Assembly and the JCHC by December 1 of each year. The Ombudsman must report on activities of the Office and a summary of significant developments in federal and state laws; and conduct other activities the Commission considers appropriate. A person's written consent must be obtained to review medical records. Medical records must be maintained according to the confidentiality laws of Virginia.

The Commission shall promulgate regulations for the chapter, including provisions for expedited appeals for emergency care; and standards, credentials and qualifications for impartial health entities.

16. The second enactment clause in the bill requires the SCC to promulgate regulations for Chapter 59 (Independent Review and the Ombudsman) within 280 days of enactment of the bill. The third enactment clause provides that the bill is effective on July 1, 1999, but the appeals processes in Chapter 59 are effective the earlier of 90 days after the regulations are promulgated or July 1, 2000.

The provisions of §§ 38.2-3407.15 and its application to Chapters 42 (health services plans), 43 (HMOs) and 45 (dental or optometric services plans), are effective only if passed by the 2000 General Assembly. The Joint Commission on Health Care shall consult with the Bureau of Insurance and shall review the financial impact of the changes on health care costs, health insurance premiums and the availability of health care in Virginia.

Chapter 709/739 (Senate Bill 1176/House Bill 2213)

This bill amends §§ 38.2-510, 38.2-4214, 38.2-4319 and 38.2-4509 (to make these provisions applicable to health services plans, HMOs, and dental or optometric plans), and adds § 38.2-3407.13 relating to health insurance and fair business practices.

Section 38.2-510 A, which lists the practices that will be considered unfair claim settlement practices if performed with such frequency as to indicate a general business practice, is amended adding subsection 15. Subsection 15 provides that failure to comply with § 38.2-3407.13 or to perform any provider contract provisions pursuant to that section will be considered an unfair claim settlement practice.

Section 38.2-3407.13 is added which provides for ethics and fairness in carrier business practices.

Section 38.2-3407.13 A provides definitions for "carrier," "enrollee," "provider," "claim," "clean claim," "health care services," "health plan," "provider contract," "retroactive denial of a previously paid claim," and "retroactive denial of payment." The definition of "claim" does not include a

request for payment as an acceptable form of loss to be presented to a carrier.

Section 38.2-3407.13 B requires that every provider contract entered into by a carrier shall contain specific provisions requiring the carrier to adhere to or comply with certain minimum fair business standards in the processing and payment of claims. Subsection B lists these minimum fair business standards.

Subdivision B 1 requires that a carrier pay any claim within "forty" days of receipt of the claim.

Subdivision B 1 b requires a carrier to maintain a written or "electronic" record of the date of receipt of a claim.

Subdivision B 2 requires that carriers must request additional information from the person submitting the claim within "thirty" days after receipt of a claim. Additional language also emphasizes that the subsection does not require a carrier to pay a claim that is not a clean claim.

Subdivision B 3 allows a carrier up to sixty days after a claim is paid to pay the interest owing on the claim.

Subdivision B 4 a requires that a carrier establish reasonable policies allowing providers to confirm in advance, by telephone or "electronic means" if available, whether a service would be considered a medically necessary covered benefit and other carrier requirements.

Subdivision B 4 b requires carriers to make available to providers access to all policies applicable to the provider within "ten" business days of receipt of a request for such information.

Subdivision B 5 requires carriers to pay claims when the carrier has previously authorized the health care services or advised the provider or enrollee prior to the provision of such services that they are medically necessary and a covered benefit, except for certain circumstances listed in subdivisions 5 a and 5 b. Subdivision 5 b adds an exclusion in which the person receiving services was not eligible on the date of service and the carrier did not know of the person's eligibility status.

Subdivision B 6 prohibits a carrier from imposing retroactive denials on previously paid claims unless the carrier has provided at least thirty days prior written notice to the person submitting the claim, stating the reasons for the denial. This requirement is to become effective July 1, 2000. In addition, one of several other factors must apply, including that the time the original claim was paid has not exceeded 12 months, or that the number of days required by the carrier in its provider contract that a claim be submitted following the date the health care service was provided.

Subdivision B 8 requires that carriers submit to providers any changes to the provider contract at least 90 days in advance of the effective date. Subdivision B

9 allows carriers to comply with subdivisions B 7 and B 8 by providing a clear, written explanation of the policy.

Section 38.2-3407.13 C provides that the Commission shall have the jurisdiction to determine (1) if a carrier has violated subsection B of § 38.2-3407.13 by failing to include the requisite provisions in its provider contracts, and (2) if the carrier has failed to implement the minimum fair business standards pursuant to subdivisions B 1 and B 2.

Section 38.2-3407.13 D provides that no carrier shall be in violation of this section if failure to comply is caused in material part by the person submitting the claim, or if the carrier's noncompliance is the result of matters beyond the carrier's reasonable control which are not caused in material part by the carrier.

Section 38.2-3407.13 E provides that any provider who suffers damage as a result of a carrier's violation of this section or breach of any provider contract provision required by this section will be entitled to initiate an action to recover actual damages, and may be awarded reasonable attorney's fees and court costs. Damages awarded may be increased by three times the actual damages if it is determined that the violation or breach was a result of gross negligence and willful conduct. The Commission is not to be deemed "a trier of fact."

Section 38.2-3407.13 F provides that no carrier shall terminate or fail to renew a provider contract, or penalize a provider for invoking the provider's rights under this section or the provider contract.

Section 38.2-3407.13 G provides that this section shall apply to all carriers subject to regulation under Title 38.2.

Section 38.2-3407.13 H provides that this section shall apply to provider contracts entered into, amended, extended or renewed on or after July 1, 1999.

Section 38.2-3407.13 I cites § 38.2-223 as granting the Commission authority to promulgate regulations to implement this section.

Section 38.2-3407.13 J states severability provisions.

Section 38.2-3407.13 K states that the Commission shall have no jurisdiction to adjudicate individual controversies relating to this section.

Sections 38.2-4214, 38.2-4319 and 38.2-4509 are revised to make this bill applicable to health services plans, HMOs and dental or optometric plans.

Chapter 789/815 (House Bill 2463/ Senate Bill 1217)

This bill revises § 38.2-3431 in Article 5 (Group Market Reforms and Individual Coverage Offered to Employees of Small Employers) of Chapter 34 of Title 38.2 dealing with accident and sickness insurance. The bill revises subsection A 3 of § 38.2-3431 to remove individual coverage of employees of a small employer from the requirement of the article if the only criterion met in the subsection is that payroll deduction is permitted by the employer for the policy premium. The bill provides that the article applies if the employer has paid any portion of the premium and payroll

deduction is allowed provided that the issuer providing the coverage is registered as a small group carrier and has offered small group coverage to the employer as required by the article.

Chapter 856 (Senate Bill 1299)

This bill amends §§ 38.2-4214 (health services plans) and 38.2-4319 (HMOs), and adds § 38.2-3407.11:1 relating to standing referral for cancer pain management.

Section 38.2-3407.11:1 A requires that any insurer proposing to issue individual or group accident and sickness insurance policies; any corporation providing individual or group accident and sickness subscription contracts; and any HMO providing health care plans shall permit any individual covered under such plan who has been diagnosed with cancer to have a standing referral to a board-certified physician in pain management or oncologist.

Section 38.2-3407.11:1 B provides that a board-certified physician in pain management or oncologist shall be required to consult on a regular basis with the patient's primary care physician and oncologist regarding the plan of pain management for the patient. The board-certified physician in pain management or oncologist is not authorized to direct the patient to other services.

Section 38.2-3407.11:1 C allows an insurer, corporation or HMO to require that a board-certified physician in pain management or oncologist provide written notification to the patient's primary care physician of any visit to him.

Section 38.2-3407.11:1 D provides that each insurer, corporation or HMO subject to the provisions of this section are required to inform subscribers, in writing, within the policy or evidence of coverage, of the provisions of this section.

Section 38.2-3407.11:1 E provides that the requirements of this bill shall apply to all insurance policies, contracts, and plans delivered, issued for delivery, reissued, renewed, or extended or when any term is changed or any premium adjustment is made. This section does not apply to short-term travel or accident-only policies, to short-term nonrenewable policies of not more than six months' duration, or policies or contracts issued to persons eligible for Medicare, or any other similar coverage under state or federal governmental plans.

Sections 38.2-4214 and 38.2-4319 are revised to make this bill applicable to health services plans and HMOs.

Chapter 857 (Senate Bill 1300)

This bill amends §§ 32.1-137.7, 32.1-137.10, 32.1-137.13, and 32.1-137.15 (Health) and §§ 38.2-4214 (health services plan) and 38.2-4319 (HMOs). The bill revises the definition of "adverse decision" in § 32.1-137.7 to include a requirement that when a policy, contract, plan, certificate or evidence of coverage includes coverage for prescription drugs, any adverse decision for a prescription for alleviating cancer pain must be made within 24 hours of the request for coverage.

General Notices/Errata

The bill requires that the specific procedures for review determinations include an expedited review of no more than 24 hours for prescriptions for alleviating cancer pain. Treating providers are to be notified orally by phone within 24 hours of any adverse decision for drugs to alleviate cancer pain. A physician advisor is to review the issue of medical necessity with the provider if there is any adverse decision for prescriptions for cancer pain.

An expedited appeal process of no more than 24 hours is to be established for final appeals for adverse decisions for prescriptions for cancer pain. The treating physician is to have an opportunity for immediate appeal by phone when there is an adverse decision. An expedited appeal may be requested when a regular reconsideration would subject a cancer patient to pain.

Section 38.2-3407.6:1 applies to insurers issuing individual or group accident and sickness policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; corporations providing individual or group subscription contracts, or HMOs providing health care plans that issue policies, contracts or plans, including coverage for prescription drugs, on an inpatient or outpatient basis. The policies, contracts or plans must provide that benefits will not be denied for payment for any drug approved by the U.S. Food and Drug Administration for use in the treatment of cancer pain on the basis that the dosage is in excess of the recommended dosage if the prescription has been prescribed in compliance with §§ 54.1-2971.01, 54.1-3303 and 54.1-3408.1 (Professions and Occupations) for a patient with intractable cancer pain.

The bill does not apply to short-term travel, accident-only, or short-term nonrenewable policies of not more than 6 months' duration. The provisions of the bill apply to contracts, policies or plans delivered, issued for delivery or renewed on or after July 1, 1999.

Chapter 858 (House Bill 699)

This bill adds § 38.2-3418.8. The bill applies to insurers issuing individual and group accident and sickness policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis; corporations issuing individual or group subscription contracts; and HMOs providing health care plans for health care services. The bill requires the contracts to include coverage for hospice services. The provisions apply to policies, contracts or plans delivered, issued for delivery or renewed on or after July 1, 1999.

The bill defines the terms "hospice services," "individuals with a terminal illness," "palliative care" and "Medicare." The bill also provides that documentation requirements shall not be greater than those required for Medicare.

The bill does not apply to policies for short-term travel, accident only, short-term non-renewable contracts for not more than six months' duration, or policies designed for those eligible for Medicare. Insurers and HMOs are not prohibited from offering or providing hospice services if an

illness is not terminal or life expectancy is longer than 6 months.

Chapter 921 (House Bill 2354)

This bill amends § 38.2-3418.1:2 in the mandated benefits article (Article 2 of Chapter 34 of Title 38.2) and § 2.1-20.1 (Administration of Government Code) dealing with the health coverage requirements for state employees. The bill revises the current mandate that requires that individual or group accident and sickness policies providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; corporations providing subscription contracts; and health maintenance organizations providing health care plans to provide coverage for annual pap smears. The bill adds a requirement for coverage on and after July 1, 1999 for annual testing performed by any FDA-approved gynecologic cytology screening technologies.

The provisions do not apply to short-term travel, accident only, limited or specified disease policies or short-term nonrenewable policies of not more than six months' duration.

Chapter 923 (House Bill 2385)

This bill adds § 38.2-3407.13 and amends §§ 38.2-4214 and 38.2-4319 to make the bill applicable to health services plans and HMOs. The bill applies to accident and sickness insurers providing hospital, medical and surgical or major medical coverage on an expense-incurred basis; corporations providing individual or group subscription contracts and HMOs providing health care plans. All policies, contracts, or plans that include coverage for obstetrical services as an inpatient in a general hospital or obstetrical services by a physician must provide those benefits with durational limits, deductibles, coinsurance factors, and copayments that are no less favorable than for physical illness generally.

The bill applies to all policies, contracts, and plans delivered, issued for delivery, reissued, renewed, or extended or at any time when any term is changed or any premium adjustment is made on and after the effective date of the bill.

The bill does not apply to short-term travel, accident only, limited or specified disease, or individual conversion policies or contracts, or policies or contracts designed for issuance to persons eligible for Medicare, or any other similar coverage under state or federal governmental plans.

Chapter 941 (Senate Bill 430)

Effective 1/1/2000

This bill adds § 38.2-3412.1:01, amends § 38.2-3412 (the existing mental health mandate provision) and § 38.2-4319 to make the requirement applicable to HMOs. The bill also amends § 38.2-3412, the existing mental health mandate provision.

The bill requires insurers proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; corporations providing individual or group subscription contracts; and HMOs providing health

care plans to provide coverage for biologically-based mental illnesses. A “biologically-based mental illness” is defined as any mental or nervous condition caused by a biological disorder of the brain that results in a clinically significant syndrome that substantially limits the person’s functioning. Specifically, the following diagnoses are defined as biologically based mental illnesses as they apply to adults and children: schizophrenia, schizoaffective disorder, bipolar disorder, major depressive disorder, panic disorder, obsessive-compulsive disorder, attention deficit hyperactivity disorder, autism, and drug and alcohol addiction.

The benefits for the biologically-based mental illnesses may be different from benefits for other illnesses, conditions or disorders if the benefits meet the medical criteria necessary to achieve the same outcomes achieved by the benefits for any other illness, condition or covered disorder. However, the coverage for biologically-based mental illnesses is to be neither different nor separate from coverage for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, or copayment and coinsurance factors.

The bill does not preclude the undertaking of usual and customary procedures to determine the medical necessity and appropriateness of treatment provided that all medical necessity and appropriateness determinations are made in the same manner as for other illnesses, conditions, or disorders.

The bill does not apply to (i) short-term travel, accident only, limited or specified disease policies or (ii) short-term nonrenewable policies of not more than 6 months’ duration or (iii) policies or contracts designed for persons eligible for Medicare or other similar coverage under state or federal plans.

The bill also amends existing § 38.2-3412.1 to provide that § 38.2-3412.1 does not apply to “biologically-based mental illnesses” as defined in § 38.2-3412.1:01 unless coverage for mental illness is not otherwise available pursuant to § 38.2-3412.1:01.

The bill has a delayed effective date of January 1, 2000, and a “sunset” provision under which the law will expire on July 1, 2004. Prior to that date, the Special Advisory Commission on Mandated Health Insurance Benefits is to conduct a study to determine the effects, if any, of the coverage required under § 38.2-3412.1:01 on claims experience for and costs of policies, contracts or plans, and is required to submit its written report not later than December 1 of 2001, 2002, and 2003.

Chapter 1004 (House Bill 2283)

This bill amends §§ 38.2-3430.2, 38.2-3430.3, 38.2-3430.8, 38.2-3431, 38.2-3432.3, and 38.2-3514.1. The bill reduces the number of months of creditable coverage required in order to meet the definition of an “eligible individual” to 12 months for the purpose of obtaining other health insurance coverage, and adds a requirement that health insurance issuers include questions on health coverage applications

that will enable the health insurance issuers to determine if an applicant is an “eligible individual” as defined in § 38.2-3430.2.

In § 38.2-3430.2, the definition of “eligible individual” is amended to include individual health insurance coverage among the types of coverage that may be counted in determining prior creditable coverage, and specifies that where individual health insurance coverage is the most recent creditable coverage, the aggregate period of creditable coverage required is reduced to 12 months.

In § 38.2-3430.3, a requirement is added that health insurance issuers include on all applications for health insurance coverage questions that will enable the health insurance issuer to determine if an applicant is applying for coverage as an “eligible individual” as defined in § 38.2-3430.2.

Section 38.2-3430.8 is amended to make subsections A through E of § 38.2-3432.3 in the group market reforms article applicable to individual coverage.

In § 38.2-3431, the definition of “creditable coverage” is amended by adding individual health insurance to the list of qualifying coverages.

Section 38.2-3432.3 is amended by making the preexisting condition provision applicable to both group and individual coverage:

Subsection A is amended by making the existing definition and time limits (6-month lookback) applicable only to group coverage, and adding a new definition and time limit (1-year lookback) applicable to individual coverage. The section is further amended to permit the preexisting condition limitation period to extend no longer than 12 months, including for late enrollees.

Subsection B is amended by modifying the provision prohibiting pregnancy from being treated as a preexisting condition so that where the coverage being issued is individual coverage, the health insurance issuer may impose a preexisting condition exclusion for pregnancy existing on the effective date of coverage.

A new exception is added in Subsection B. The provision in § 38.2-3432.3 A 4 (formerly A 3) under which the exclusion period for preexisting conditions is reduced by the aggregate of the periods of creditable coverage applicable to the participant or beneficiary as of the enrollment date will not apply to health insurance coverage offered in the individual market on a “guarantee issue” basis without regard to health status, including open enrollment policies or contracts issued pursuant to § 38.2-4216.1 and policies, contracts, certificates or evidences of coverage issued through a bona fide association or to students through school sponsored programs at a college or university unless the person is an eligible individual as defined in § 38.2-3430.2.

General Notices/Errata

Section 38.2-3514.1 is amended by making that section inapplicable to all policies subject to Article 4.1 (§ 38.2-3430.1 et seq.) of Chapter 34 of Title 38.2.

STATE WATER CONTROL BOARD

Proposed Consent Special Order District of Columbia and District of Columbia Department of Corrections Lorton Correctional Complex

The State Water Control Board and the Virginia Waste Management Board propose to issue a Consent Special Order to the District of Columbia and the District of Columbia Department of Corrections (district) regarding the Lorton Correctional Complex located in Fairfax County, Virginia.

The order requires, among other things, that the district revise the complex's Underground Storage Tank (UST) Management Plan and Procedure Manual, submit notification forms for USTs as required, and manage USTs in accordance with the applicable regulations. In addition, the order requires that the district revise its Hazardous Waste Determination Plan (plan), implement the plan as revised, and provide hazardous waste management training to complex personnel.

On behalf of the boards, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through July 7, 1999. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please write or visit the Woodbridge address, or call (703) 583-3886 in order to examine or to obtain a copy of the order.

Proposed Amended Consent Special Order County of Spotsylvania Massaponax Wastewater Treatment Plant

The State Water Control Board (board) proposes to issue an amended consent special order (order) to the County of Spotsylvania (permittee) regarding the Massaponax Wastewater Treatment Plant (WWTP) located in Spotsylvania County, Virginia.

The Massaponax WWTP is subject to VPDES Permit No. VA0025658. The amended order modifies the interim effluent permit limitations for two parameters until the WWTP's upgrade and expansion is complete.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through July 7, 1999. Please address comments to Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia 22193. Please write or visit the Woodbridge

address, or call (703) 583-3886 in order to examine or to obtain a copy of the order.

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: 12 VAC 30-120-10 et seq. Waivered Services (Part VI: Medallion II).

Publication: 15:18 VA.R 2400-2403 May 24, 1999.

Corrections to Final Regulation:

Page 2402, column 1, 12 VAC 30-120-370 D 5, line 9, strike "Medicaid Managed Care Health Benefits Manager or the"

* * *

Title of Regulation: 12 VAC 30-140-10 et seq. Virginia Children's Medical Security Insurance Plan.

Publication: 15:17 VA.R 2268-2283 May 10, 1999.

Corrections to Proposed Regulation:

Page 2268, Public Hearing Date information, Public comments may be submitted until July 9, 1999

* * *

Title of Regulation: 12 VAC 30-140-10 et seq. Virginia Children's Medical Security Insurance Plan.

Publication: 15:17 VA.R 2267 May 10, 1999.


Corrections to "Public Comment Period - Proposed Regulation" section:


Public comments on this regulation may be submitted until July 9, 1999

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 28, 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 

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Virginia State Apple Board

† **June 10, 1999 - 10 a.m.** -- Open Meeting
Rowe's Family Restaurant, 486 Rowe Road, Staunton,
Virginia.

A meeting to review (i) past minutes, (ii) tax collections and (iii) various fall marketing promotions. 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 Nancy L. Israel at least five days before the meeting date so that suitable arrangements can be made.

Contact: Nancy L. Israel, Program Director, Virginia State Apple Board, Washington Bldg., 1100 Bank St., Suite 1012, Richmond, VA 23219, telephone (804) 371-6104 or FAX (804) 371-7786.

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 Charity Food Assistance Advisory Board

† **June 10, 1999 - 10 a.m.** -- Open Meeting
† **June 17, 1999 - 10 a.m.** -- Open Meeting
† **June 24, 1999 - 10 a.m.** -- Open Meeting

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

A meeting to consider potential content of a recommendation to be made to the Commissioner of Agriculture and Consumer Services concerning a charity food tax deduction program and a charity food purchase program. 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 Steven W. Thomas at least five days before the meeting date so that suitable arrangements can be made.

Contact: Steven W. Thomas, Executive Director, Virginia Charity Food Assistance Advisory Board, Department of Agriculture and Consumer Services, 1100 Bank St., Room 809, Richmond, VA 23219, telephone (804) 786-3936 or FAX (804) 371-7788.

Virginia Egg Board

† **June 18, 1999 - 7 a.m.** -- Open Meeting
Sands Ocean Club Resort, 9550 Shore Drive, Myrtle Beach, South Carolina. ♿ (Interpreter for the deaf provided upon request)

A meeting to review the minutes of the past meeting, review tax revenues and egg handlers, discuss financial statements, and review and approve the educational and promotional programs conducted by the Egg Council. 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 Cecilia Glembocki at least five days before the meeting date so that suitable arrangements can be made.

Contact: Cecilia Glembocki, Secretary, Virginia Egg Board, 911 Saddleback Court, McLean, VA 22102-1317, telephone (703) 790-1984, toll-free 1-800-779-7759 or FAX (703) 821-6748.

Virginia Marine Products Board

June 16, 1999 - 6 p.m. -- Open Meeting
Elija'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 Pork Industry Board

† **July 9, 1999 - 3:30 p.m.** -- Open Meeting
Airport Marriott Hotel, 2801 Hershberger Road, Roanoke, Virginia. ♿

A meeting to review past minutes, conduct general business, elect new officers, approve projects, and formulate the annual budget. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodations in order to participate at the meeting should contact John H. Parker at least five days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Virginia Pork Industry Board, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 1012, Richmond, VA 23219, telephone (804) 786-7092 or FAX (804) 371-7786.

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

Calendar of Events


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.


VIRGINIA BOARD FOR ASBESTOS AND LEAD

† **August 17, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 


A meeting to conduct routine business. Public comment will be received 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) 367-2176, FAX (804) 367-2475 or (804) 367-9753/TTY 


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)


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 

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 


CEMETERY BOARD

† **June 9, 1999 - 10 a.m.** -- Open Meeting


† **June 23, 1999 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Legislative Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY 


† **July 14, 1999 - 9:30 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A general business meeting of the board. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 or (804) 367-9753/TTY 

† **July 14, 1999 - 8:30 a.m.** -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting of the Delivery Committee. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Karen O'Neal at least two weeks prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475 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.

COMPENSATION BOARD

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 

COMMONWEALTH COMPETITION COUNCIL

† **June 23, 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 meeting to elect a chairman and vice chairman.

Contact: Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, James Madison Bldg., 109 Governor St., P.O. Box 1475, Richmond, VA 23218-1475, telephone (804) 786-0240 or FAX (804) 786-1594.

Calendar of Events

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.

BOARD OF CONSERVATION AND RECREATION


† **June 18, 1999 - 1 p.m.** -- Open Meeting
Northern Virginia 4-H Educational Center, 600 4-H Center Drive, Front Royal, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting. A public comment period will follow the meeting.

Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

DEPARTMENT OF CONSERVATION AND RECREATION


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

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)

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 CORRECTIONS

† **June 15, 1999 - 9:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


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

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

† **June 16, 1999 - 8:30 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


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

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

† **June 16, 1999 - 10 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 

A meeting of the full board. Public comment will be received.

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

† **June 17, 1999 - 10 a.m.** -- Open Meeting
Board of Corrections, 6900 Atmore Drive, Board Room, Richmond, Virginia. 


A meeting of the Liaison Committee to discuss criminal justice matters which may be presented to the full board.

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


BOARD OF DENTISTRY

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 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 

† **June 22, 1999 - 2 p.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 discuss issues pertaining to the Virginia Economic Development Partnership.


Contact: Kimberly M. Ellett, Administrative Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8108 or FAX (804) 371-8112.

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 

VIRGINIA EMPLOYMENT COMMISSION

† **June 17, 1999 - 11 a.m.** -- Open Meeting

Virginia Employment Commission, 703 East Main Street, Room 303, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the advisory board to discuss the status of recent state and federal legislation affecting workforce services.

Contact: Carol Nixon, Administrative Staff Assistant, Virginia Employment Commission, 703 E. Main St., Room 300, Richmond, VA 23219, telephone (804) 786-3001, FAX (804) 225-3923 or (804) 371-8050.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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.

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.


† **June 30, 1999 - 9:30 a.m.** -- Open Meeting

Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia.

Calendar of Events

A meeting of the Citizens Wetlands Advisory Committee to develop a wetlands strategy for the Commonwealth which addresses the administration's commitment to a net gain in wetland acreage. A public comment period is scheduled prior to adjournment.

Contact: William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4022.

† **July 20, 1999 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the Virginia Ground Water Protection Steering Committee to discuss ground water protections issues. Meeting minutes and agenda are available from Mary Ann Massie by request.

Contact: Mary Ann Massie, Environmental Program Planner, Department of Environmental Quality, P. O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4042 or FAX (804) 698-4032.

VIRGINIA 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

June 9, 1999 - 9 a.m. -- Open Meeting
† **June 23, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Rooms 2 and 3, 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.

† **June 22, 1999 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. 

A public hearing on future legislation.


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 30, 1999 - 1 p.m.** -- Open Meeting
Pavilion Conference Center, 1000 19th Street, Virginia Beach, Virginia. 

A general business meeting. There will be a 15-minute public comment period at the beginning of the meeting.

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

VIRGINIA GEOGRAPHIC INFORMATION NETWORK ADVISORY BOARD

† **June 10, 1999 - 1:30 p.m.** -- Open Meeting
Doubletree Hotel, 2350 Seminole Trail, Charlottesville, Virginia. 

A regular business meeting.

Contact: Bill Shinar, Virginia Geographic Information Network Coordinator, Council on Information Management, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175 or FAX (804) 371-2795.

DEPARTMENT OF HEALTH

Biosolids Use Information Committee

† **June 17, 1999 - 1 p.m.** -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ♿

A meeting immediately following the 10 a.m. Biosolids Use Regulations Advisory Committee meeting to evaluate specific concerns relating to the agricultural use of biosolids, including the final Biosolids Use Regulations and the land application, marketing or distribution of biosolids.

Contact: C. M. Sawyer, Director, Division of Wastewater Engineering, Department of Health, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-1755 or FAX (804) 786-5567.

Biosolids Use Regulations Advisory Committee

† **June 17, 1999 - 10 a.m.** -- Open Meeting
UVA Richmond Center, 7740 Shrader Road, Suite E, Richmond, Virginia. ♿

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

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

DEPARTMENT OF HEALTH PROFESSIONS

† **June 8, 1999 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ♿

A meeting of the Regulatory Research Committee regarding the progress of its studies to regulate clinical laboratory personnel and speech language pathology assistants. The committee will also review the workplan for the study into the merger of the Audiology and Speech-Language Pathology Board and the Board for Hearing Aid Specialists. Public comment will be received at the beginning of the meeting.

Contact: Terri Behr, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor,

Richmond, VA 23230, telephone (804) 662-9915, FAX (804) 662-7098 or (804) 662-7197/TTY ♿

† **June 8, 1999 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ♿

A meeting of the Ad Hoc Committee on Establishing Independent Boards to receive updates on its studies evaluating the merit of an independent board of physical therapy (HJR 504 (99)) and on the merit of an independent board of chiropractic (SJR 433 (99)). Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY ♿

† **June 8, 1999 - 11 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Enforcement Committee to review the results of the Joint Legislative Audit and Review Commission's study of the agency's enforcement processes and to consider the board's final proposed recommendations. The committee will also review the status of the criminal background check study and consider policy options. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY ♿

† **June 8, 1999 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Executive Committee to review agency budget proposals and to review a legislative proposal to codify the recommended criteria for evaluating the need to regulate health care professions. The committee will also review a legislative proposal to receive authority to authorize demonstration projects and receive an update on the strategic plan for the agency. Public comment will be received at the beginning of the meeting.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY ♿

† **June 8, 1999 - 2 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Room 2, Richmond, Virginia. ♿

A meeting of the board to receive a status report on the department's strategic plan and to receive reports and recommendations of its committees. Public comment will be received at the beginning of the meeting.

Calendar of Events

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY ☎

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 ☎

BOARD FOR HEARING AID SPECIALISTS

† **June 21, 1999 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4W, Richmond, Virginia. ♿

A meeting to administer the hearing aid specialist practical examination and train examiners to assist in the administration of the next scheduled exam.

Contact: Sharon W. Sweet, Examination Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8572 or (804) 367-9753/TTY ☎

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.

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

† **July 6, 1999 - 9 a.m.** -- Open Meeting
† **August 3, 1999 - 9 a.m.** -- Open Meeting
† **September 7, 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.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **June 15, 1999 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting of the Board of Commissioners. The Board of Commissioners will (i) review and, if appropriate, approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Commissioners may also meet before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free 1-800-968-7837, or (804) 783-6705/TTY ☎


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.

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


VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **June 10, 1999 - 9:30 a.m.** -- Open Meeting
Pocahontas Building, 900 East Main Street, Ground Floor Auditorium, Richmond, Virginia. 

A work session of the State Song Subcommittee to give members of the subcommittee an opportunity to discuss in detail the attributes of the 20 songs that remain under consideration before considering how to narrow the list.

Contact: Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, Pocahontas Bldg., 900 E. Main St., Suite 103, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999 or (804) 828-1120/TTY 

STATE BOARD OF JUVENILE JUSTICE


† **June 9, 1999 - 9 a.m.** -- Open Meeting
Cedar Lodge Training Facility, Bon Air Juvenile Correctional Campus, Old Bon Air Road, Richmond, Virginia. 

Committees of the board will meet to receive certification reports. The full board convenes at 10 a.m. to take certification action and elect board officers. Also scheduled is an approximately one-hour demonstration of the "Handle with Care PLUS" techniques.


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

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 

STATE LAND EVALUATION ADVISORY COUNCIL

† **August 17, 1999 - 10 a.m.** -- Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. 

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

Contact: H. Keith Mawyer, Property Tax Manager, Department of Taxation, Office of Customer Services, Property Tax Unit, 2220 W. Broad St., Richmond, VA , telephone (804) 367-8020.

COMMISSION ON LOCAL GOVERNMENT

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.


Calendar of Events

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.


VIRGINIA MANUFACTURED HOUSING BOARD

† **June 24, 1999 - 10 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, The Jackson Center, 2nd Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular monthly meeting.

Contact: Curtis L. Mclver, Associate Director, Department of Housing and Community Development, Manufactured Housing Office, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160 or (804) 371-7089/TTY 

MARINE RESOURCES COMMISSION

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.

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NOTE: CORRECTION IN DATE FOR PUBLIC COMMENTS
July 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 July 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


† **July 16, 1999 - 2 p.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room, Richmond, Virginia.

August 6, 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 Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture.** The purpose of the proposed amendments is to require evidence of continuing competency in order to renew a license to practice medicine, osteopathy, podiatry, chiropractic and physician acupuncture; amendments are also proposed to establish an inactive license, a fee to renew an inactive license, and requirements for reactivation.

Statutory Authority: §§ 54.1-2400 and 54.1-2912.1 of the Code of Virginia.

Contact: Warren W. Koontz, M.D., Executive Director, Board of Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908 or FAX (804) 662-9943.

† **August 6, 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 Executive Committee will meet in open and closed session to (i) review disciplinary files requiring administrative action, (ii) adopt amendments, (iii) approve for promulgation regulations as presented, (iv) interview applicants, and (v) act on other issues that come before the board. The chairman will entertain public comments on agenda items for 15 minutes following adoption of the agenda.

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


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

† **July 15, 1999 - 9 a.m.** -- Open Meeting
Roanoke Airport Marriott, 2801 Hershberger Road, Roanoke,
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 


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.


COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD

† **June 15, 1999 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, Lee Building, 8004
Franklin Farms Drive, Conference Room 101, Richmond,
Virginia.  (Interpreter for the deaf provided upon request)


A meeting to discuss issues pertaining to the Commonwealth Neurotrauma Initiative. A public comment period will be held at the beginning of the meeting. Any person who needs special accommodations to participate in the meeting should contact Christine Grauer at least five days before the meeting date so that suitable arrangements can be made.

Contact: Christine Grauer, Program Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7162, FAX (804) 662-7663 or toll-free 1-800-552-5019 or 1-800-464-9950/TTY 


BOARD OF NURSING

† **June 14, 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 


BOARD OF NURSING HOME ADMINISTRATORS

† **June 17, 1999 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Special Conference Committee to hold disciplinary hearings. Public comment will not be received.

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

BOARD OF OPTOMETRY

† **June 11, 1999 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia. 

Calendar of Events

Informal conference hearings. This is a public meeting; however, public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098 or (804) 662-7197/TTY ☎

VIRGINIA OUTDOORS FOUNDATION

† **June 16, 1999 - 10 a.m.** -- Open Meeting
Augusta County Government Center, Verona, Virginia.

A meeting of the Open-Space Lands Preservation Trust Fund Advisory Board - Region 1.

Contact: Sherry Buttrick, Director, Virginia Outdoors Foundation, 1010 Harris St., Suite 4, Charlottesville, VA 22903, telephone (804) 293-3423 or FAX (804) 293-3859.

† **June 18, 1999 - 1 p.m.** -- Open Meeting
Wytheville Community College, Smyth Hall, Continuing Education Conference Room, Wytheville, Virginia. ♿
(Interpreter for the deaf provided upon request)

A meeting of the Open-Space Lands Preservation Trust Fund Advisory Board - Region 4 to conduct general business, review applications received for funding under the Open Space Lands Preservation Trust Fund, and make recommendations of funding. Public comment will be received after the conclusion of the regular business meeting.

Contact: Tamara Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor St., Room 317, Richmond, VA 23219, telephone (540) 951-2822.

BOARD OF PHARMACY

† **June 15, 1999 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

A general business meeting held in conjunction with the public hearing on 18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy. The board may consider disciplinary matters and conduct disciplinary hearings. Public comments will be received at the beginning of the meeting immediately following the approval of the agenda and the review and acceptance of minutes.

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

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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.

† **June 22, 1999 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia.

The Special Conference Committee will hear informal conferences. Public comments will not be received.

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) 662-9313.

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

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. ♿

The full board will 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 ☎

† **June 18, 1999 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

The Credentials Committee will conduct an informal hearing regarding applicant academic and experience credentials. 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) 662-9913, FAX (804) 662-9943 or (804) 662-7197/TTY ☎

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

The Regulatory Committee will discuss issues pertaining to temporary licensure and limited licensure of individuals licensed as school psychologists by the Department of Education.

Contact: Janet Delorme, Deputy Executive Director, 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 ☎

REAL ESTATE BOARD

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)

† **June 22, 1999 - 6:30 p.m.** -- Public Hearing
Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia. ♿ (Interpreter for the deaf provided upon request)

Calendar of Events

Public hearing in conjunction with House Joint Resolution 645, Property Owners' Association Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: 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) 367-8552, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

† June 24, 1999 - 2 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

General business meetings of the following committees:

Common Interest Community Management Information Fund Advisory Committee - 2 p.m.
Time-Share Advisory Committee - 3 p.m.

Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8526, FAX (804) 367-2475, or (804) 367-9753/TTY ☎

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† June 8, 1999 - 10 a.m. -- Open Meeting
Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The council will discuss the 1998 Virginia Recycling Markets Development Council annual report. Call Mike Murphy for details or e-mail mpmurphy@deq.state.va.us.

Contact: Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, toll-free 1-800-592-5482, (804) 698-4021/TTY ☎ or email mpmurphy@deq.state.va.us.

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 ☎

VIRGINIA RESOURCES AUTHORITY

† June 7, 1999 - 4 p.m. -- Open Meeting
McGuire Woods Battle & Boothe, World Trade Center, 101 West Main Street, Suite 9000, Norfolk, Virginia.

A meeting of the Budget Committee to discuss the proposed 1999-2000 annual budget.

Contact: Robert W. Lauterberg, Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.

† June 8, 1999 - 8:30 a.m. -- Open Meeting
McGuire Woods Battle & Boothe, World Trade Center, 101 West Main Street, Suite 9000, Norfolk, Virginia.


† July 13, 1999 - 9:30 a.m. -- Open Meeting
Virginia Resources Authority, Mutual Building, 909 East Main Street, Suite 700, Richmond, Virginia.

A meeting to approve minutes of the prior meeting, to review the authority's operations for the prior month, and to consider other matters and take other actions as the authority may deem appropriate. The planned agenda


of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: Robert W. Lauterberg, Executive Director, Virginia Resources Authority, P.O. Box 1300, Richmond, VA 23218, telephone (804) 644-3100 or FAX (804) 644-3109.


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 

SCIENCE MUSEUM OF VIRGINIA

† June 17, 1999 - 3 p.m. -- Open Meeting
4009 Fitzhugh Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Board of Trustees.

Contact: Karen Spencer, Administrative Assistant, Science Museum of Virginia, 2500 W. Broad St., Richmond, VA 23220, telephone (804) 367-6799, FAX (804) 367-6541 or toll-free 1-800-659-1727.


SMALL BUSINESS ENVIRONMENTAL COMPLIANCE ADVISORY BOARD

† June 15, 1999 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Training Room, Richmond, Virginia.


A regular meeting.

Contact: Richard Rasmussen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4394.


STATE BOARD OF SOCIAL SERVICES

† June 23, 1999 - 9 a.m. -- Open Meeting
† June 24, 1999 - 9 a.m. -- Open Meeting
Hotel Roanoke and Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia. 


A work session and business meeting.

Contact: Pat Rengnerth, Administrative Staff Specialist, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-1965, toll-free 1-800-552-3431, or toll-free 1-800-552-7096/TTY 


BOARD OF SOCIAL WORK

† June 11, 1999 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting of the Regulatory Committee to discuss issues pertaining to Continuing Education.


Contact: Janet Delorme, Deputy Executive Director, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943 or (804) 662-7197/TTY 

VIRGINIA SOIL AND WATER CONSERVATION BOARD


† June 22, 1999 - 10 a.m. -- Open Meeting
Virginia Power, 5000 Dominion Boulevard, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review Water Quality Improvement Act proposed guidelines.


Contact: Leon E. App, Acting Deputy Director, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-6124, FAX (804) 786-6141 or (804) 786-2121/TTY 

June 22, 1999 - 1 p.m. -- Open Meeting
Virginia Power Offices, 5000 Dominion Boulevard, Glen 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 

COMMONWEALTH TRANSPORTATION BOARD

† June 16, 1999 - 2 p.m. -- Open Meeting
Department of Transportation, 1401 E. Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A work session of the board and the Department of Transportation staff.

Calendar of Events

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

† **June 17, 1999 - 10 a.m.** -- Open Meeting
Department of Transportation, 1401 E. Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact Department of Transportation Public Affairs at (804) 786-2715 for schedule.

Contact: Shirley J. Ybarra, Secretary of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675.

DEPARTMENT OF TRANSPORTATION

† **June 10, 1999 - 9 a.m.** -- Open Meeting
Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia. (Interpreter for the deaf provided upon request)

A final hearing to receive comments on highway allocations for the upcoming year and on updating the Six-Year Improvement Program for the Interstate, Primary and Urban Systems, and mass transit for the Bristol, Salem, Lynchburg and Staunton districts.

Contact: James W. Atwell, Assistant Commissioner of Finance, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-5128.

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. (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Gloria J. Hatchel, Administrative Assistant, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011.

BOARD FOR THE VISUALLY HANDICAPPED

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

VIRGINIA VOLUNTARY FORMULARY BOARD

† **July 30, 1999 - 10 a.m.** -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor, Board Room, Richmond, Virginia.

A public hearing to consider the proposed adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revision to the formulary adds drugs and drug products to the formulary revision that became effective on July 27, 1998, and its most recent supplement. Copies of the proposed additions to the formulary are available for inspection at the Department of Health, Bureau of Pharmacy Services, 101 North 14th Street, Room S-45. Written comments received prior to 5 p.m. on July 30, 1999, will be made a part of the hearing record and considered by the formulary board.

Contact: James K. Thomson, Director, Bureau of Pharmacy, Virginia Voluntary Formulary Board, Monroe Bldg., 101 N. 14th St., Room S-45, Richmond, VA 23219, telephone (804) 786-4326 or FAX (804) 371-0236.

STATE WATER CONTROL BOARD

June 15, 1999 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting.

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. (Interpreter for the deaf provided upon request)

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 ☎

COLLEGE OF WILLIAM AND MARY

† **June 17, 1999 - 11 a.m.** -- Open Meeting
GTE Corporation, 1850 M Street, N.W., Suite 1200, Washington, DC.

A called meeting of the Board of Visitors to act on a resolution concerning contract and personnel for the College of William and Mary. Public comment will not be received. An informational release will be available four days prior to the board meeting for those individuals and organizations who request it.

Contact: William T. Walker, Jr., Director, Office of University Relations, College of William and Mary, 312 Jamestown Rd., P.O. Box 8795, Williamsburg, VA 23187-8795, telephone (757) 221-2624.

INDEPENDENT

STATE LOTTERY BOARD

† **June 23, 1999 - 9:30 a.m.** -- Open Meeting
Hotel Roanoke, 110 Shenandoah Avenue, N.E., Roanoke, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting of the board. Public comment will be received at the beginning of the meeting.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105 or FAX (804) 692-7775.

LEGISLATIVE

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 SUBCOMMITTEE STUDYING ELECTION LAWS INNOVATIONS, IMPROVED METHODS TO INFORM VOTERS ABOUT BALLOT ISSUES AND CANDIDATES (SJR 423, 1999)

† **June 30, 1999 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be directed to Mary Spain, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations.

Contact: Patty J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT SUBCOMMITTEE STUDYING LAND DEVELOPMENT PATTERNS AND WAYS TO ADDRESS DEMANDS RESULTING FROM RESIDENTIAL GROWTH (HJR 543)

† **June 9, 1999 - 10 a.m.** -- Open Meeting
Stafford County Board Chambers, 1300 Courthouse Road, Stafford, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. The same procedure will be utilized at the hearing as at other hearings held earlier this interim in Loudoun County and Chesapeake. Those interested in speaking may sign up on June 9 at the meeting site. Delegate Gladys Keating, Chair of the HJR 543 subcommittee has requested that those who address the subcommittee focus their remarks on possible solutions to growth problems. Depending on the number of persons requesting to speak it may be necessary to limit the amount of time allotted to each speaker. Questions regarding HJR 543 should be addressed to Jeff Sharp, Senior Attorney, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.


Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

Calendar of Events


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 

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **June 14, 1999 - 10 a.m.** -- Open Meeting


General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. 

A staff briefing on the final report of health regulatory boards.


Contact: Philip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Bldg., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

MEDICAID CARVE-OUT WORK GROUP OF THE JOINT SUBCOMMITTEE STUDYING THE FUTURE DELIVERY OF PUBLICLY FUNDED MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES (HJR 225)

† **July 8, 1999 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, 5th Floor, East Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Gayle Vergara or Nancy Roberts, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY 

CHRONOLOGICAL LIST

OPEN MEETINGS

June 7

Barbers, Board for
Medical Assistance Services, Department of
- Pharmacy Liaison Committee
† Resources Authority, Virginia
- Budget Committee

June 8

Aviation Board, Virginia
† Health Professions, Board of
- Enforcement Committee
- Ad Hoc Committee on Establishing Independent Boards
- Executive Committee
- Regulatory Research Committee
Psychology, Board of
† Recycling Markets Development Council, Virginia
† Resources Authority, Virginia
- Board of Directors

June 9

Aviation Board, Virginia
† Cemetery Board
- Legislative Committee
Emergency Planning Committee, Local - City of Alexandria
Funeral Directors and Embalmers, Board of
† Juvenile Justice, State Board of
† Land Development Patterns and Ways to Address Demands Resulting from Residential Growth, Joint Subcommittee Studying

June 10

† Agriculture and Consumer Services, Department of
- Virginia State Apple Board
- Virginia Charity Food Assistance Board
Child Day-Care Council
Fire Services Board, Virginia
- Fire/EMS Education and Training Committee
- Fire Prevention and Control Committee
- Legislative Liaison Committee
† Geographic Information Network Advisory Board, Virginia
† Intergovernmental Relations, Virginia Advisory Commission on
- State Song Subcommittee
† Transportation, Department of

June 11

Dentistry, Board of
- Special Conference Committee
Fire Services Board, Virginia
Health Professions, Department of
- Health Practitioner's Intervention Program
† Optometry, Board of
† Social Work, Board of
- Regulatory Committee

June 14

Barbers, Board for
† Legislative Audit and Review Commission, Joint
† Nursing, Board of
- Special Conference Committee
Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed

June 15

† Corrections, Board of
- Correctional Services Committee
Economic Development Partnership, Virginia
† Housing Development Authority, Virginia
- Board of Commissioners
† Neurotrauma Initiative Advisory Board,
Commonwealth
† Pharmacy, Board of
Polygraph Examiners Advisory Board
† Small Business Environmental Compliance Advisory
Board
Water Control Board, State

June 16

Agriculture and Consumer Services, Department of
- Virginia Marine Products Board
† Corrections, Board of
- Administration Committee
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
† Outdoors Foundation, Virginia
- Open-Space Lands Preservation Trust Fund
Advisory Board - Region I
† Transportation Board, Commonwealth
Treasury Board

June 17

† Agriculture and Consumer Services, Department of
- Virginia Charity Food Assistance Advisory Board
† Corrections, Board of
- Liaison Committee
† Employment Commission, Virginia
† Health, Department of
- Biosolids Use Information Committee
- Biosolids Use Regulations Advisory Committee
Labor and Industry, Department of
- Virginia Apprenticeship Council
Museum of Fine Arts, Virginia
- Executive Committee
† Nursing Home Administrators, Board of
- Special Conference Committee
Rights of Virginians with Disabilities, Department for
- Protection and Advocacy for Individuals with Mental
Illness Council
† Science Museum of Virginia
- Board of Trustees
† Transportation Board, Commonwealth

† William and Mary, College of
- Board of Visitors

June 18

Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board
- Virginia Egg Board
† Conservation and Recreation, Board of
Dentistry, Board of
- Special Conference Committee
† Outdoors Foundation, Virginia
- Open Space Lands Preservation Advisory Board -
Region 4
Professional Counselors, Marriage and Family
Therapists and Substance Abuse Treatment
Professionals, Board of Licensed
Professional and Occupational Regulation, Board for
† Psychology, Board of
- Credentials Committee

June 21

Barbers, Board for
Chesapeake Bay Local Assistance Board
Code Commission, Virginia
† Hearing Aid Specialists, Board for
Higher Education, State Council of

June 22

† Economic Development Partnership, Virginia
- Board of Directors
Higher Education, State Council of
Marine Resources Commission
† Pharmacy, Board of
- Special Conference Committee
† Soil and Water Conservation Board, Virginia

June 23

† Cemetery Board
- Legislative Committee
† Competition Council, Commonwealth
† Funeral Directors and Embalmers, Board of
† Lottery Board, State
Medicine, Board of
- Informal Conference Committee
† Social Services, State Board of

June 24

† Agriculture and Consumer Services, Department of
- Virginia Charity Food Assistance Advisory Board
Assistive Technology Loan Fund Authority
- Board of Directors
Compensation Board
† Manufactured Housing Board, Virginia
† Real Estate Board
- Common Interest Community Management
Information Advisory Committee
- Continuing Education Committee
- Fair Housing Committee
- Time-Share Advisory Committee
Rehabilitative Services, Board of
† Social Services, State Board of

Calendar of Events

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

June 30

† Election Laws Innovations, Improved Methods to Inform Voters About Ballot Issues and Candidates, Joint Subcommittee Studying
† Environmental Quality, Department of
- Citizens Wetlands Advisory Committee
† Funeral Directors and Embalmers, Board of

July 1

Conservation and Recreation, Department of
- Falls of the James Scenic River Advisory Board
Independent Living Council, Statewide

July 6

† Hopewell Industrial Safety Council
Local Government, Commission on

July 7

Local Government, Commission on

July 8

† Mental Health, Mental Retardation and Substance Abuse Services, Joint Subcommittee Studying the Future Delivery of Publicly Funded
- Medicaid Carve-Out Work Group

July 9

† Agriculture and Consumer Services, Department of
- Virginia Pork Industry Board
† Psychology, Board of
- Regulatory Committee

July 13

† Resources Authority, Virginia
- Board of Directors

July 14

† Cemetery Board
- Delivery Committee

July 15

† Medicine, Board of
- Informal Conference Committee

July 19

Accountancy, Board of

July 20

† Environmental Quality, Department of
- Ground Water Protection Steering Committee
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

August 3

† Hopewell Industrial Safety Council

August 6

† Medicine, Board of
- Executive Committee

August 17

† Asbestos and lead, Board for
† Land Evaluation Advisory Council, State

September 7

† Hopewell Industrial Safety Council

PUBLIC HEARINGS

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
† Funeral Director and Embalmers, Board of
† Real Estate Board

July 30

† Voluntary Formulary Board, Virginia