
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>).

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2 VAC 5-600-10	Amended	16:20 VA.R. 2458	5/31/00
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4 VAC 20-252-120	Amended	16:14 VA.R. 1860	3/1/00
4 VAC 20-270-40 emer	Amended	16:14 VA.R. 1885	3/1/00-3/30/00
4 VAC 20-270-40	Amended	16:16 VA.R. 2041	3/30/00
4 VAC 20-310-30	Amended	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-35	Added	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-40	Amended	16:19 VA.R. 2378	5/15/00
4 VAC 20-310-50	Amended	16:19 VA.R. 2379	5/15/00
4 VAC 20-430-55	Added	16:14 VA.R. 1860	3/1/00
4 VAC 20-430-70	Amended	16:14 VA.R. 1860	3/1/00
4 VAC 20-500-55	Added	16:14 VA.R. 1861	3/1/00
4 VAC 20-561-10 through 4 VAC 20-561-30 emer	Added	16:12 VA.R. 1710	2/2/00-2/22/00
4 VAC 20-620-10 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-20	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-20 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-30	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-30 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
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4 VAC 20-620-50	Amended	16:20 VA.R. 2464	5/25/00
4 VAC 20-620-50 emer	Amended	16:18 VA.R. 2293	4/26/00-5/25/00
4 VAC 20-620-70	Amended	16:14 VA.R. 1861	3/1/00
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4 VAC 20-720-40	Amended	16:12 VA.R. 1671	2/4/00
4 VAC 20-720-50	Amended	16:12 VA.R. 1672	2/4/00
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4 VAC 25-130-795.6	Amended	16:15 VA.R. 1968	5/10/00
4 VAC 25-130-795.7	Amended	16:15 VA.R. 1968	5/10/00
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4 VAC 25-130-795.9	Amended	16:15 VA.R. 1969	5/10/00
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4 VAC 25-130-795.11	Amended	16:15 VA.R. 1970	5/10/00
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6 VAC 15-31-160	Amended	16:24 VA.R. 3086	9/17/00
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6 VAC 20-171-420	Erratum	16:14 VA.R. 1911	--
Title 9. Environment			
9 VAC 5-10-20*	Amended	16:17 VA.R. 2135	*
9 VAC 5-20-21	Amended	16:17 VA.R. 2161	7/1/00
9 VAC 5-20-180*	Amended	16:17 VA.R. 2142	*
9 VAC 5-20-202	Amended	16:17 VA.R. 2163	7/1/00
9 VAC 5-40-10*	Amended	16:17 VA.R. 2144	*
9 VAC 5-40-20*	Amended	16:17 VA.R. 2145	*
9 VAC 5-40-30*	Amended	16:17 VA.R. 2149	*
9 VAC 5-40-40*	Amended	16:17 VA.R. 2150	*
9 VAC 5-40-50*	Amended	16:17 VA.R. 2151	*
9 VAC 5-40-5200	Amended	16:24 VA.R. 3102	10/1/00
9 VAC 5-40-6000 through 9 VAC 5-40-6230	Added	16:17 VA.R. 2164-2178	7/1/00
9 VAC 5-40-6180	Erratum	16:19 VA.R. 2399	--
9 VAC 5-50-10*	Amended	16:17 VA.R. 2152	*
9 VAC 5-50-20*	Amended	16:17 VA.R. 2152	*
9 VAC 5-50-30*	Amended	16:17 VA.R. 2155	*
9 VAC 5-50-40*	Amended	16:17 VA.R. 2156	*
9 VAC 5-50-50*	Amended	16:17 VA.R. 2157	*
9 VAC 5-50-400	Amended	16:14 VA.R. 1863	5/1/00
9 VAC 5-60-10*	Amended	16:17 VA.R. 2158	*
9 VAC 5-60-20*	Amended	16:17 VA.R. 2158	*
9 VAC 5-60-30*	Amended	16:17 VA.R. 2159	*
9 VAC 5-60-60	Amended	16:14 VA.R. 1864	5/1/00

* Effective date suspended.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-60-90	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 5-60-100	Amended	16:14 VA.R. 1864	5/1/00
9 VAC 25-210 (Forms)	Amended	16:12 VA.R. 1711-1714	--
9 VAC 25-220-60	Amended	16:15 VA.R. 1971	5/10/00
9 VAC 25-220-70	Amended	16:15 VA.R. 1971	5/10/00
9 VAC 25-260-350	Amended	16:17 VA.R. 2178	6/7/00
9 VAC 25-260-400	Amended	16:17 VA.R. 2179	6/7/00
Title 11. Gaming			
11 VAC 10-60-10	Amended	16:21 VA.R. 2623	8/4/00
11 VAC 10-60-15	Added	16:21 VA.R. 2627	8/4/00
11 VAC 10-60-20	Amended	16:21 VA.R. 2628	8/4/00
11 VAC 10-60-30	Repealed	16:21 VA.R. 2628	8/4/00
11 VAC 10-60-40	Amended	16:21 VA.R. 2629	8/4/00
11 VAC 10-60-60	Repealed	16:21 VA.R. 2631	8/4/00
11 VAC 10-60-70	Amended	16:21 VA.R. 2631	8/4/00
11 VAC 10-60-120	Amended	16:21 VA.R. 2633	8/4/00
11 VAC 10-60-130	Amended	16:21 VA.R. 2636	8/4/00
11 VAC 10-60-140	Amended	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-150	Amended	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-290	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-300	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-310	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-60-320	Added	16:21 VA.R. 2637	8/4/00
11 VAC 10-180-10 through 11 VAC 10-180-80	Amended	16:23 VA.R. 2892-2898	7/10/00
Title 12. Health			
12 VAC 5-80-10	Amended	16:16 VA.R. 2042	7/1/00
12 VAC 5-80-20	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-30	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-40	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-50	Repealed	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-80	Amended	16:16 VA.R. 2043	7/1/00
12 VAC 5-80-90	Amended	16:16 VA.R. 2045	7/1/00
12 VAC 5-80-95	Added	16:16 VA.R. 2045	7/1/00
12 VAC 5-80-100	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-80-110	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-80-120	Repealed	16:16 VA.R. 2046	7/1/00
12 VAC 5-165-10 through 12 VAC 5-165-310	Added	16:16 VA.R. 2048-2051	5/24/00
12 VAC 5-165-100	Erratum	16:19 VA.R. 2399	--
12 VAC 5-590-370	Amended	16:21 VA.R. 2647	8/3/00
12 VAC 5-590-545	Added	16:21 VA.R. 2662	8/3/00
12 VAC 5-590 Appendix O	Added	16:21 VA.R. 2667	8/3/00
12 VAC 5-610-10	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-20	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-30	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-40	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-50	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-70	Amended	16:16 VA.R. 2052	7/1/00
12 VAC 5-610-75	Added	16:16 VA.R. 2053	7/1/00
12 VAC 5-610-80	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-90	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-100	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-110	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-120	Amended	16:16 VA.R. 2053	7/1/00
12 VAC 5-610-130	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-140	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-150	Repealed	16:16 VA.R. 2051	7/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-610-170	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-180	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-190	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-200	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-230	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-250	Amended	16:16 VA.R. 2055	7/1/00
12 VAC 5-610-255	Added	16:16 VA.R. 2057	7/1/00
12 VAC 5-610-260	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-270	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-280	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-290	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-300	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-330	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-340	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-360	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-370	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-380	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-390	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-420	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-430	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-440	Amended	16:16 VA.R. 2058	7/1/00
12 VAC 5-610-441 through 12 VAC 5-610-448	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-450	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-470	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-480	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-490	Amended	16:16 VA.R. 2061	7/1/00
12 VAC 5-610-500	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-510 through 12 VAC 5-610-550	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-560	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-570	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-580	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-591	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-592	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-593	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-594	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-596	Added	16:16 VA.R. 2063	7/1/00
12 VAC 5-610-597	Added	16:16 VA.R. 2064	7/1/00
12 VAC 5-610-598	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-599	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-599.1 through 12 VAC 5-610-599.3	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-620	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-650	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-670	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-690	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-700	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-740	Amended	16:16 VA.R. 2068	7/1/00
12 VAC 5-610-800	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-810	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-815	Added	16:16 VA.R. 2068	7/1/00
12 VAC 5-610-817	Added	16:16 VA.R. 2069	7/1/00
12 VAC 5-610-820	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-830	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-840	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-880	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-890	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-930	Amended	16:16 VA.R. 2051	7/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-610-940	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-950	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-960	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-965	Added	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-980	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1080	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1140	Amended	16:16 VA.R. 2051	7/1/00
12 VAC 5-610-1150	Repealed	16:16 VA.R. 2051	7/1/00
12 VAC 30-10-140	Amended	16:18 VA.R. 2239	7/1/00
12 VAC 30-10-1000 emer	Added	16:23 VA.R. 2912	7/1/00-6/30/01
12 VAC 30-20-500 through 12 VAC 30-20-599 emer	Added	16:23 VA.R. 2912-2914	7/1/00-6/30/01
12 VAC 30-40-345	Added	16:15 VA.R. 1973	5/10/00
12 VAC 30-50-10	Amended	16:18 VA.R. 2240	7/1/00
12 VAC 30-50-100	Amended	16:18 VA.R. 2244	7/1/00
12 VAC 30-50-105	Amended	16:18 VA.R. 2246	7/1/00
12 VAC 30-50-140	Amended	16:18 VA.R. 2247	7/1/00
12 VAC 30-50-180	Amended	16:19 VA.R. 2380	7/5/00
12 VAC 30-50-220	Amended	16:18 VA.R. 2248	7/1/00
12 VAC 30-50-320	Added	16:18 VA.R. 2240	7/1/00
12 VAC 30-50-490 emer	Added	16:23 VA.R. 2920	7/1/00-6/30/01
12 VAC 30-50-560	Amended	16:18 VA.R. 2249	7/1/00
12 VAC 30-50-570	Amended	16:18 VA.R. 2250	7/1/00
12 VAC 30-50-580	Added	16:18 VA.R. 2251	7/1/00
12 VAC 30-70-140 through 12 VAC 30-70-143 emer	Repealed	16:23 VA.R. 2914-2916	7/1/00-6/30/01
12 VAC 30-70-200	Repealed	16:18 VA.R. 2253	7/1/00
12 VAC 30-70-201	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-210	Repealed	16:18 VA.R. 2253	7/1/00
12 VAC 30-70-211	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-220	Repealed	16:18 VA.R. 2256	7/1/00
12 VAC 30-70-221	Added	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-230	Repealed	16:18 VA.R. 2256	7/1/00
12 VAC 30-70-231	Added	16:18 VA.R. 2263	7/1/00
12 VAC 30-70-240	Repealed	16:18 VA.R. 2257	7/1/00
12 VAC 30-70-241	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-250	Repealed	16:18 VA.R. 2257	7/1/00
12 VAC 30-70-251	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-260	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-261	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-270	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-271	Added	16:18 VA.R. 2264	7/1/00
12 VAC 30-70-280	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-281	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-290	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-291	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-300	Repealed	16:18 VA.R. 2258	7/1/00
12 VAC 30-70-301	Added	16:18 VA.R. 2265	7/1/00
12 VAC 30-70-310	Repealed	16:18 VA.R. 2259	7/1/00
12 VAC 30-70-311	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-320	Repealed	16:18 VA.R. 2259	7/1/00
12 VAC 30-70-321	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-330	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-331	Added	16:18 VA.R. 2266	7/1/00
12 VAC 30-70-340	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-341	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-350	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-351	Added	16:18 VA.R. 2267	7/1/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-70-360	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-361	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-370	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-371	Added	16:18 VA.R. 2267	7/1/00
12 VAC 30-70-380	Repealed	16:18 VA.R. 2260	7/1/00
12 VAC 30-70-381	Added	16:18 VA.R. 2268	7/1/00
12 VAC 30-70-390	Repealed	16:18 VA.R. 2261	7/1/00
12 VAC 30-70-391	Added	16:18 VA.R. 2268	7/1/00
12 VAC 30-70-400	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-410	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-420	Amended	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-435	Added	16:18 VA.R. 2269	7/1/00
12 VAC 30-70-450	Amended	16:18 VA.R. 2270	7/1/00
12 VAC 30-70-460	Amended	16:18 VA.R. 2270	7/1/00
12 VAC 30-80-160	Repealed	16:19 VA.R. 2380	7/5/00
12 VAC 30-90-20 emer	Amended	16:23 VA.R. 2948	7/1/00-6/30/01
12 VAC 30-90-30 through 12 VAC 30-90-33 emer	Repealed	16:23 VA.R. 2948-2951	7/1/00-6/30/01
12 VAC 30-90-34 emer	Amended	16:23 VA.R. 2951	7/1/00-6/30/01
12 VAC 30-90-35 through 12 VAC 30-90-37 emer	Added	16:23 VA.R. 2953-2956	7/1/00-6/30/01
12 VAC 30-90-40 emer	Amended	16:23 VA.R. 2956	7/1/00-6/30/01
12 VAC 30-90-41 emer	Amended	16:23 VA.R. 2956	7/1/00-6/30/01
12 VAC 30-90-42 emer	Repealed	16:23 VA.R. 2958	7/1/00-6/30/01
12 VAC 30-90-43 emer	Repealed	16:23 VA.R. 2959	7/1/00-6/30/01
12 VAC 30-90-50 emer	Amended	16:23 VA.R. 2959	7/1/00-6/30/01
12 VAC 30-90-51 emer	Amended	16:23 VA.R. 2959	7/1/00-6/30/01
12 VAC 30-90-53 emer	Repealed	16:23 VA.R. 2960	7/1/00-6/30/01
12 VAC 30-90-54 emer	Repealed	16:23 VA.R. 2960	7/1/00-6/30/01
12 VAC 30-90-60 emer	Amended	16:23 VA.R. 2960	7/1/00-6/30/01
12 VAC 30-90-65 emer	Amended	16:23 VA.R. 2961	7/1/00-6/30/01
12 VAC 30-90-130 through 12 VAC 30-90-133 emer	Repealed	16:23 VA.R. 2916-2917	7/1/00-6/30/01
12 VAC 30-90-136 emer	Added	16:23 VA.R. 2961	7/1/00-6/30/01
12 VAC 30-90-160 emer	Amended	16:23 VA.R. 2961	7/1/00-6/30/01
12 VAC 30-90-220 through 12 VAC 30-90-222 emer	Repealed	16:23 VA.R. 2961-2962	7/1/00-6/30/01
12 VAC 30-90-260 emer	Repealed	16:23 VA.R. 2962	7/1/00-6/30/01
12 VAC 30-90-264 emer	Amended	16:23 VA.R. 2962	7/1/00-6/30/01
12 VAC 30-90-280 emer	Repealed	16:23 VA.R. 2965	7/1/00-6/30/01
12 VAC 30-100-260	Amended	16:18 VA.R. 2252	7/1/00
12 VAC 30-120-61 through 12 VAC 30-120-68	Added	16:18 VA.R. 2240-2243	7/1/00
12 VAC 30-120-700 through 12 VAC 30-120-800 emer	Added	16:23 VA.R. 2922-2946	7/1/00-6/30/01
Title 13. Housing			
13 VAC 5-21-10	Amended	16:20 VA.R. 2468	9/15/00
13 VAC 5-21-20	Amended	16:20 VA.R. 2468	9/15/00
13 VAC 5-21-30	Repealed	16:20 VA.R. 2468	9/15/00
13 VAC 5-21-31	Added	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-40	Repealed	16:20 VA.R. 2469	9/15/00
13 VAC 5-21-41	Added	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-50	Repealed	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-51	Added	16:20 VA.R. 2471	9/15/00
13 VAC 5-21-60	Repealed	16:20 VA.R. 2470	9/15/00
13 VAC 5-21-61	Added	16:20 VA.R. 2471	9/15/00
13 VAC 5-21-71	Added	16:20 VA.R. 2472	9/15/00
13 VAC 5-51-10 through 13 VAC 5-51-120	Repealed	16:20 VA.R. 2473-2476	9/15/00
13 VAC 5-51-11 through 13 VAC 5-51-121	Added	16:20 VA.R. 2477-2484	9/15/00
13 VAC 5-51-130	Amended	16:23 VA.R. 2902	9/15/00
13 VAC 5-51-131	Added	16:20 VA.R. 2484	9/15/00
13 VAC 5-51-133	Added	16:20 VA.R. 2484	9/15/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-51-135	Added	16:23 VA.R. 2903	9/15/00
13 VAC 5-51-136	Added	16:20 VA.R. 2485	9/15/00
13 VAC 5-51-150	Amended	16:20 VA.R. 2485	9/15/00
13 VAC 5-51-170	Amended	16:20 VA.R. 2485	9/15/00
13 VAC 5-51-181	Added	16:20 VA.R. 2486	9/15/00
13 VAC 5-51-182	Added	16:20 VA.R. 2487	9/15/00
13 VAC 5-51-190	Added	16:20 VA.R. 2487	9/15/00
13 VAC 5-51-200	Added	16:20 VA.R. 2487	9/15/00
13 VAC 5-61-10 through 13 VAC 5-61-190	Repealed	16:20 VA.R. 2488-2495	9/15/00
13 VAC 5-61-11	Added	16:20 VA.R. 2495	9/15/00
13 VAC 5-61-15	Added	16:20 VA.R. 2496	9/15/00
13 VAC 5-61-21	Added	16:20 VA.R. 2496	9/15/00
13 VAC 5-61-25	Added	16:20 VA.R. 2497	9/15/00
13 VAC 5-61-31	Added	16:20 VA.R. 2497	9/15/00
13 VAC 5-61-35	Added	16:20 VA.R. 2498	9/15/00
13 VAC 5-61-41	Added	16:20 VA.R. 2498	9/15/00
13 VAC 5-61-45	Added	16:20 VA.R. 2499	9/15/00
13 VAC 5-61-51	Added	16:20 VA.R. 2499	9/15/00
13 VAC 5-61-55	Added	16:20 VA.R. 2501	9/15/00
13 VAC 5-61-61	Added	16:20 VA.R. 2502	9/15/00
13 VAC 5-61-65	Added	16:20 VA.R. 2503	9/15/00
13 VAC 5-61-71	Added	16:20 VA.R. 2503	9/15/00
13 VAC 5-61-75	Added	16:20 VA.R. 2503	9/15/00
13 VAC 5-61-81	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-85	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-91	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-95	Added	16:20 VA.R. 2504	9/15/00
13 VAC 5-61-101	Added	16:20 VA.R. 2505	9/15/00
13 VAC 5-61-105	Added	16:20 VA.R. 2505	9/15/00
13 VAC 5-61-111	Added	16:20 VA.R. 2506	9/15/00
13 VAC 5-61-115	Added	16:20 VA.R. 2507	9/15/00
13 VAC 5-61-121	Added	16:20 VA.R. 2508	9/15/00
13 VAC 5-61-125	Added	16:20 VA.R. 2508	9/15/00
13 VAC 5-61-131	Added	16:20 VA.R. 2508	9/15/00
13 VAC 5-61-135	Added	16:20 VA.R. 2509	9/15/00
13 VAC 5-61-141	Added	16:20 VA.R. 2509	9/15/00
13 VAC 5-61-145	Added	16:20 VA.R. 2510	9/15/00
13 VAC 5-61-151	Added	16:20 VA.R. 2510	9/15/00
13 VAC 5-61-155	Added	16:20 VA.R. 2511	9/15/00
13 VAC 5-61-165	Added	16:20 VA.R. 2511	9/15/00
13 VAC 5-61-171	Added	16:20 VA.R. 2512	9/15/00
13 VAC 5-61-200	Amended	16:23 VA.R. 2903	9/15/00
13 VAC 5-61-220	Amended	16:23 VA.R. 2905	9/15/00
13 VAC 5-61-225	Added	16:20 VA.R. 2515	9/15/00
13 VAC 5-61-230	Added	16:23 VA.R. 2906	9/15/00
13 VAC 5-61-245	Added	16:20 VA.R. 2515	9/15/00
13 VAC 5-61-290	Amended	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-310	Amended	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-315	Added	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-317	Added	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-340	Amended	16:20 VA.R. 2516	9/15/00
13 VAC 5-61-345	Added	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-360	Amended	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-390	Amended	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-395	Added	16:20 VA.R. 2517	9/15/00
13 VAC 5-61-400	Amended	16:20 VA.R. 2517	9/15/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
13 VAC 5-61-410	Amended	16:20 VA.R. 2518	9/15/00
13 VAC 5-61-415	Added	16:20 VA.R. 2518	9/15/00
13 VAC 5-61-430	Amended	16:20 VA.R. 2518	9/15/00
13 VAC 5-61-440	Amended	16:20 VA.R. 2520	9/15/00
13 VAC 5-61-447	Added	16:20 VA.R. 2522	9/15/00
13 VAC 5-61-450	Amended	16:20 VA.R. 2522	9/15/00
13 VAC 5-61-460	Added	16:20 VA.R. 2522	9/15/00
13 VAC 5-100-10 through 13 VAC 5-100-20	Added	16:20 VA.R. 2523	5/31/00
13 VAC 5-111-10	Amended	16:17 VA.R. 2189	6/8/00
13 VAC 5-111-100	Amended	16:17 VA.R. 2193	6/8/00
13 VAC 5-111-120	Amended	16:17 VA.R. 2193	6/8/00
13 VAC 5-111-130	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-160	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-165	Added	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-170	Amended	16:17 VA.R. 2194	6/8/00
13 VAC 5-111-180	Amended	16:17 VA.R. 2195	6/8/00
13 VAC 5-111-190	Amended	16:17 VA.R. 2195	6/8/00
13 VAC 5-111-240	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-280	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-300	Amended	16:17 VA.R. 2196	6/8/00
13 VAC 5-111-300	Amended	16:24 VA.R. 3103	9/14/00
13 VAC 5-111-310	Amended	16:17 VA.R. 2197	6/8/00
13 VAC 5-111-310	Amended	16:24 VA.R. 3104	9/14/00
13 VAC 5-111-390	Amended	16:17 VA.R. 2197	6/8/00
13 VAC 10-40-20	Amended	16:19 VA.R. 2384	5/17/00
13 VAC 10-40-120	Amended	16:19 VA.R. 2386	5/17/00
13 VAC 10-40-160	Amended	16:19 VA.R. 2386	5/17/00
13 VAC 10-40-170	Amended	16:19 VA.R. 2387	5/17/00
13 VAC 10-40-230	Amended	16:19 VA.R. 2387	5/17/00
Title 14. Insurance			
14 VAC 5-215-20	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30	Erratum	16:14 VA.R. 1912	--
14 VAC 5-215-30 through 14 VAC 5-215-70	Amended	16:21 VA.R. 2675-2677	7/1/00
14 VAC 5-215-110	Amended	16:21 VA.R. 2678	7/1/00
Title 15. Judicial			
15 VAC 5-80-10 through 15 VAC 5-80-50	Added	16:20 VA.R. 2524-2526	5/24/00
15 VAC 10-10-10	Amended	16:16 VA.R. 2069	3/24/00
Title 16. Labor and Employment			
16 VAC 15-40-10	Amended	16:18 VA.R. 2272	6/22/00
16 VAC 15-40-50	Amended	16:18 VA.R. 2272	6/22/00
Title 18. Professional and Occupational Licensing			
18 VAC 30-20-10	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-80	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-170	Amended	16:18 VA.R. 2273	6/21/00
18 VAC 30-20-180	Amended	16:18 VA.R. 2274	6/21/00
18 VAC 30-20-230	Amended	16:18 VA.R. 2274	6/21/00
18 VAC 47-10-10 through 18 VAC 47-10-90	Added	16:12 VA.R. 1675-1676	3/29/00
18 VAC 47-20-10 through 18 VAC 47-20-240	Added	16:13 VA.R. 1776-1782	4/12/00
18 VAC 60-20-30	Amended	16:18 VA.R. 2278	6/21/00
18 VAC 60-20-110	Amended	16:18 VA.R. 2281	6/21/00
18 VAC 60-20-120	Amended	16:18 VA.R. 2281	6/21/00
18 VAC 76-10-65	Added	16:17 VA.R. 2198	4/19/00
18 VAC 85-20-22	Amended	16:13 VA.R. 1766	4/12/00
18 VAC 85-20-22	Amended	16:21 VA.R. 2679	8/2/00
18 VAC 85-20-131	Amended	16:21 VA.R. 2680	8/2/00
18 VAC 85-20-240	Amended	16:13 VA.R. 1767	4/12/00

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18 VAC 85-20-280	Amended	16:21 VA.R. 2680	8/2/00
18 VAC 85-31-10	Amended	16:13 VA.R. 1772	4/13/00
18 VAC 85-31-25	Added	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-40	Amended	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-50	Amended	16:13 VA.R. 1773	4/13/00
18 VAC 85-31-60	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-65	Added	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-80	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-90	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-100	Amended	16:13 VA.R. 1774	4/13/00
18 VAC 85-31-120	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-130	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-135	Added	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-140	Amended	16:13 VA.R. 1775	4/13/00
18 VAC 85-31-160	Amended	16:13 VA.R. 1768	4/12/00
18 VAC 85-40-80	Amended	16:13 VA.R. 1769	4/12/00
18 VAC 85-50-115	Amended	16:21 VA.R. 2682	8/2/00
18 VAC 85-50-170	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-80-120	Amended	16:13 VA.R. 1770	4/12/00
18 VAC 85-101-160	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 85-110-10	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-30	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-35	Amended	16:13 VA.R. 1771	4/12/00
18 VAC 85-110-90	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 85-110-100	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 90-20-30	Amended	16:13 VA.R. 1782	4/12/00
18 VAC 90-20-190	Amended	16:13 VA.R. 1782	4/12/00
18 VAC 90-20-230	Amended	16:13 VA.R. 1783	4/12/00
18 VAC 90-20-350	Amended	16:13 VA.R. 1783	4/12/00
18 VAC 90-40-10	Amended	16:21 VA.R. 2683	8/2/00
18 VAC 90-40-80	Repealed	16:21 VA.R. 2684	8/2/00
18 VAC 90-40-90	Amended	16:21 VA.R. 2684	8/2/00
18 VAC 90-40-120	Amended	16:21 VA.R. 2684	8/2/00
18 VAC 105-30-70	Amended	16:20 VA.R. 2534	7/19/00
18 VAC 110-20-10	Amended	16:21 VA.R. 2685	8/2/00
18 VAC 110-20-220	Amended	16:21 VA.R. 2687	8/2/00
18 VAC 115-20-10	Amended	16:13 VA.R. 1786	4/12/00
18 VAC 115-20-20	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-30	Repealed	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-35	Added	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-40	Amended	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-40	Erratum	16:16 VA.R. 2081	--
18 VAC 115-20-45	Added	16:13 VA.R. 1787	4/12/00
18 VAC 115-20-49	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-49	Erratum	16:16 VA.R. 2081	--
18 VAC 115-20-50	Amended	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-51	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-52	Added	16:13 VA.R. 1788	4/12/00
18 VAC 115-20-60	Repealed	16:13 VA.R. 1790	4/12/00
18 VAC 115-20-70	Amended	16:13 VA.R. 1790	4/12/00
18 VAC 115-20-80	Repealed	16:13 VA.R. 1791	4/12/00
18 VAC 115-20-100	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-110	Amended	16:13 VA.R. 1785	4/12/00
18 VAC 115-20-130	Amended	16:13 VA.R. 1791	4/12/00
18 VAC 115-20-140	Amended	16:13 VA.R. 1792	4/12/00
18 VAC 115-20-150	Amended	16:13 VA.R. 1785	4/12/00

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18 VAC 115-30-30	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-40	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-110	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-120	Amended	16:13 VA.R. 1793	4/12/00
18 VAC 115-30-160	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-20	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-35	Amended	16:13 VA.R. 1794	4/12/00
18 VAC 115-40-61	Added	16:13 VA.R. 1794	4/12/00
18 VAC 115-50-20	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-30	Amended	16:13 VA.R. 1795	4/12/00
18 VAC 115-50-40	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-90	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-100	Amended	16:13 VA.R. 1796	4/12/00
18 VAC 115-50-130	Added	16:13 VA.R. 1796	4/12/00
18 VAC 120-10-10 through 18 VAC 120-10-90	Repealed	16:14 VA.R. 1867-1868	5/1/00
18 VAC 120-10-170	Amended	16:14 VA.R. 1868	5/1/00
18 VAC 125-20-30	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 125-20-130	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 125-20-170	Amended	16:13 VA.R. 1797	4/12/00
18 VAC 155-20-10 through 18 VAC 155-20-50	Amended	16:14 VA.R. 1869-1871	5/1/00
18 VAC 155-20-60 through 18 VAC 155-20-90	Repealed	16:14 VA.R. 1871-1872	5/1/00
18 VAC 155-20-100 through 18 VAC 155-20-160	Amended	16:14 VA.R. 1872-1874	5/1/00
18 VAC 155-20-170	Repealed	16:14 VA.R. 1874	5/1/00
18 VAC 155-20-175	Added	16:14 VA.R. 1874	5/1/00
18 VAC 155-20-180 through 18 VAC 155-20-230	Amended	16:14 VA.R. 1875-1877	5/1/00
18 VAC 155-20-240 through 18 VAC 155-20-270	Repealed	16:14 VA.R. 1879-1880	5/1/00
18 VAC 155-20-280	Amended	16:14 VA.R. 1880	5/1/00
18 VAC 155-20-290	Repealed	16:14 VA.R. 1880	5/1/00
Title 20. Public Utilities and Telecommunications			
20 VAC 5-203-10 through 20 VAC 5-203-50	Added	16:23 VA.R. 2908-2910	7/1/00
20 VAC 5-311-10 through 20 VAC 5-311-60	Added	16:20 VA.R. 2541-2553	5/26/00
20 VAC 5-315-10 through 20 VAC 5-315-90	Added	16:20 VA.R. 2555-2558	5/25/00
20 VAC 5-320-10 through 20 VAC 5-320-130	Added	16:24 VA.R. 3108-3113	7/19/00
Title 22. Social Services			
22 VAC 15-30-10	Amended	16:18 VA.R. 2282	6/21/00
22 VAC 40-30-10 et seq.	Repealed	16:18 VA.R. 2284	6/21/00
22 VAC 40-60-10 through 22 VAC 40-60-60	Amended	16:12 VA.R. 1676-1679	7/1/00
22 VAC 40-60-70	Repealed	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-80	Amended	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-90	Amended	16:12 VA.R. 1679	7/1/00
22 VAC 40-60-100	Repealed	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-110 through 22 VAC 40-60-150	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-180	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-190	Amended	16:12 VA.R. 1680	7/1/00
22 VAC 40-60-200	Amended	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-210	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-220	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-230	Repealed	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-235	Added	16:12 VA.R. 1681	7/1/00
22 VAC 40-60-240	Repealed	16:12 VA.R. 1682	7/1/00
22 VAC 40-60-250	Repealed	16:12 VA.R. 1682	7/1/00
22 VAC 40-60-260	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-270	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-280	Amended	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-290	Repealed	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-300	Amended	16:12 VA.R. 1683	7/1/00

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22 VAC 40-60-310	Repealed	16:12 VA.R. 1683	7/1/00
22 VAC 40-60-320	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-330	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-340	Amended	16:12 VA.R. 1684	7/1/00
22 VAC 40-60-350	Repealed	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-360	Repealed	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-370 through 22 VAC 40-60-420	Amended	16:12 VA.R. 1685	7/1/00
22 VAC 40-60-425	Added	16:12 VA.R. 1686	7/1/00
22 VAC 40-60-430 through 22 VAC 40-60-470	Amended	16:12 VA.R. 1686-1687	7/1/00
22 VAC 40-60-480	Repealed	16:12 VA.R. 1687	7/1/00
22 VAC 40-60-490	Amended	16:12 VA.R. 1687	7/1/00
22 VAC 40-60-510	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-520	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-530	Repealed	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-540	Repealed	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-550	Amended	16:12 VA.R. 1688	7/1/00
22 VAC 40-60-554	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-556	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-560	Amended	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-564	Added	16:12 VA.R. 1689	7/1/00
22 VAC 40-60-570 through 22 VAC 40-60-610	Amended	16:12 VA.R. 1689-1691	7/1/00
22 VAC 40-60-620 through 22 VAC 40-60-650	Repealed	16:12 VA.R. 1691-1692	7/1/00
22 VAC 40-60-670	Repealed	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-680	Amended	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-690	Amended	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-691	Added	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-692	Added	16:12 VA.R. 1692	7/1/00
22 VAC 40-60-694	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-695	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-697	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-698	Added	16:12 VA.R. 1693	7/1/00
22 VAC 40-60-699	Added	16:12 VA.R. 1695	7/1/00
22 VAC 40-60-700	Amended	16:12 VA.R. 1696	7/1/00
22 VAC 40-60-705	Added	16:12 VA.R. 1696	7/1/00
22 VAC 40-60-710 through 22 VAC 40-60-760	Repealed	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-770	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-780	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-790	Repealed	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-800	Amended	16:12 VA.R. 1697	7/1/00
22 VAC 40-60-810 through 22 VAC 40-60-840	Repealed	16:12 VA.R. 1697-1698	7/1/00
22 VAC 40-60-850	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-860	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-870	Repealed	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-880	Amended	16:12 VA.R. 1698	7/1/00
22 VAC 40-60-885	Added	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-890 through 22 VAC 40-60-950	Repealed	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-960	Amended	16:12 VA.R. 1699	7/1/00
22 VAC 40-60-970	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-980	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-990	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1000	Repealed	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1010	Amended	16:12 VA.R. 1700	7/1/00
22 VAC 40-60-1020	Amended	16:12 VA.R. 1700	7/1/00

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22 VAC 40-60-1030 through 22 VAC 40-60-1060	Repealed	16:12 VA.R. 1701-1702	7/1/00
22 VAC 40-130-10**	Amended	16:22 VA.R. 2745	**
22 VAC 40-130-25**	Added	16:22 VA.R. 2748	**
22 VAC 40-130-30 through 22 VAC 40-130-140**	Amended	16:22 VA.R. 2749-2751	**
22 VAC 40-130-155**	Added	16:22 VA.R. 2751	**
22 VAC 40-130-160**	Repealed	16:22 VA.R. 2751	**
22 VAC 40-130-170 through 22 VAC 40-130-190**	Amended	16:22 VA.R. 2751-2752	**
22 VAC 40-130-195**	Added	16:22 VA.R. 2753	**
22 VAC 40-130-198**	Added	16:22 VA.R. 2754	**
22 VAC 40-130-200**	Amended	16:22 VA.R. 2754	**
22 VAC 40-130-202**	Added	16:22 VA.R. 2754	**
22 VAC 40-130-210**	Amended	16:22 VA.R. 2754	**
22 VAC 40-130-211**	Added	16:22 VA.R. 2756	**
22 VAC 40-130-212**	Added	16:22 VA.R. 2757	**
22 VAC 40-130-213**	Added	16:22 VA.R. 2758	**
22 VAC 40-130-220**	Amended	16:22 VA.R. 2758	**
22 VAC 40-130-221**	Added	16:22 VA.R. 2759	**
22 VAC 40-130-223**	Added	16:22 VA.R. 2759	**
22 VAC 40-130-230 through 22 VAC 40-130-250**	Amended	16:22 VA.R. 2760	**
22 VAC 40-130-251**	Added	16:22 VA.R. 2760	**
22 VAC 40-130-260**	Amended	16:22 VA.R. 2760	**
22 VAC 40-130-261**	Added	16:22 VA.R. 2760	**
22 VAC 40-130-270**	Amended	16:22 VA.R. 2761	**
22 VAC 40-130-271**	Added	16:22 VA.R. 2765	**
22 VAC 40-130-272**	Added	16:22 VA.R. 2765	**
22 VAC 40-130-280**	Amended	16:22 VA.R. 2766	**
22 VAC 40-130-289**	Added	16:22 VA.R. 2767	**
22 VAC 40-130-290**	Amended	16:22 VA.R. 2767	**
22 VAC 40-130-300**	Amended	16:22 VA.R. 2768	**
22 VAC 40-130-301**	Added	16:22 VA.R. 2768	**
22 VAC 40-130-310**	Amended	16:22 VA.R. 2769	**
22 VAC 40-130-312**	Added	16:22 VA.R. 2770	**
22 VAC 40-130-314**	Added	16:22 VA.R. 2771	**
22 VAC 40-130-320 through 22 VAC 40-130-360**	Amended	16:22 VA.R. 2771-2772	**
22 VAC 40-130-365**	Added	16:22 VA.R. 2773	**
22 VAC 40-130-370 through 22 VAC 40-130-400**	Amended	16:22 VA.R. 2773-2776	**
22 VAC 40-130-401**	Added	16:22 VA.R. 2776	**
22 VAC 40-130-402**	Added	16:22 VA.R. 2777	**
22 VAC 40-130-403**	Added	16:22 VA.R. 2778	**
22 VAC 40-130-404**	Added	16:22 VA.R. 2778	**
22 VAC 40-130-406**	Added	16:22 VA.R. 2778	**
22 VAC 40-130-410**	Amended	16:22 VA.R. 2778	**
22 VAC 40-130-420**	Amended	16:22 VA.R. 2779	**
22 VAC 40-130-424**	Added	16:22 VA.R. 2779	**
22 VAC 40-130-430 through 22 VAC 40-130-450**	Amended	16:22 VA.R. 2779-2780	**
22 VAC 40-130-452 through 22 VAC 40-130-459**	Added	16:22 VA.R. 2780-2784	**
22 VAC 40-130-470 through 22 VAC 40-130-550**	Amended	16:22 VA.R. 2784-2785	**
22 VAC 40-130-600 through 22 VAC 40-130-820**	Added	16:22 VA.R. 2785-2796	**
22 VAC 40-325-10	Added	16:22 VA.R. 2797	8/16/00
22 VAC 40-325-20	Added	16:22 VA.R. 2797	8/16/00
22 VAC 40-705-10	Amended	16:12 VA.R. 1705	3/29/00
22 VAC 40-705-40	Amended	16:12 VA.R. 1707	3/29/00

** Regulatory process suspended for 30 days beginning August 14, 2000.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 24. Transportation and Motor Vehicles			
24 VAC 30-40-30	Amended	16:18 VA.R. 2285	7/1/00
24 VAC 30-40-580	Amended	16:18 VA.R. 2287	7/1/00
24 VAC 30-40-600 through 24 VAC 30-40-640	Amended	16:18 VA.R. 2288-2290	7/1/00

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 5-20-10 et seq. General Provisions.** The regulation amendments are being proposed to incorporate the latest edition of referenced technical documents into the Regulations for the Control and Abatement of Air Pollution.

Section 110, paragraph 2 of Title I of the Clean Air Act Amendments of 1990 (42 USC § 7471) requires that the state implementation plan shall "provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to . . . monitor, compile, and analyze data on ambient air quality . . ." This law is implemented by EPA through 40 CFR 51.212, which states that the plan must provide for "enforceable test methods for each emission limit specified in the plan."

To meet this requirement, the department has, where appropriate, incorporated by reference a series of mostly industry-generated test methods that reflect the most current technical information available and that will enable the state to meet this Act requirement.

Need: The amendments are needed because the regulations must be current and timely, which means that the technical documents incorporated must be the most recent edition. EPA has indicated that it will not approve state plans if the technical documents referenced are not up to date and accurate. In addition to meeting federal requirements for the provision of enforceable test methods that are acceptable to EPA, incorporation of these documents has many additional advantages to the public and to the state.

The amendments concern documents that are technical in nature and pertain to areas in which the agency has limited expertise or resources to conduct extensive research. For example, the "Flammable and Combustible Liquids Code," which is published by the National Fire Protection Association as an American National Standard, contains important information that would not otherwise be readily determined by the state with its own devices.

In addition, the agency must ensure that its references to technical standards--for example, test methods--must be consistent with standards developed and accepted by the scientific and industrial communities. By keeping state requirements consistent with these standards, the state and the regulated community avoid conflict and confusion, and ensure technical accuracy.

Use of these standards is advantageous to industry. Most of the standards have been developed by industrial professional societies. Like the state, many industries do not have the wherewithal to do their own research and develop their own standards. Use of these standards assures convenience and consistency for their users, as well as a strong degree of confidence in their accuracy.

Relying on existing standards also saves the state time and financial resources by eliminating duplication of research. Finally, the regulations must reflect the most up-to-date technical information available to ensure that public health and welfare are protected.

Potential Issues:

1. To amend 9 VAC 5-20-21 of 9 VAC 5 Chapter 20 to update information related to technical documents incorporated by reference.
2. To amend 9 VAC 5-20-21 of 9 VAC 5 Chapter 20 as may be necessary to maintain consistency with Title 40 of the Code of Federal Regulations.

Alternatives: Alternatives to the proposed regulation amendments are being considered by the department. 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: to ensure that technical documents incorporated by reference into the Commonwealth's regulations are complete and accurate.
2. Take no action to amend the regulations and continue using outdated references. This option is not being considered because it would result in the use of outdated and inaccurate information.

Public Participation: The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal and (ii) the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held by the department to receive comments on and to discuss the intended action. Information on the date, time, and place of the meeting is published in the Calendar of Events section of the *Virginia Register*. 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.

Notices of Intended Regulatory Action

The department is soliciting comments on the advisability of forming an ad hoc advisory group, utilizing a standing advisory committee or consulting with groups or individuals registering interest in working with the department to assist in the drafting and formation of any proposal. The primary function of any group, committee or individuals that may be utilized is to develop recommended regulation amendments for department consideration through the collaborative approach of regulatory negotiation and consensus. Any comments relative to this issue may be submitted using the same procedures as those used for submitting written comments pursuant to this notice.

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

Public comments may be submitted until September 8, 2000.

Contact: Karen G. Sabasteanski, Policy Analyst, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426 or FAX (804) 698-4510.

VA.R. Doc. No. R00-223; Filed July 12, 2000, 7:29 a.m.

VIRGINIA WASTE MANAGEMENT BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-60-10 et seq. Virginia Hazardous Waste Management Regulations.** The purpose of the proposed action is to incorporate federal regulatory text into the Commonwealth's regulations and maintain consistency between the Commonwealth and federal regulations. The regulations provide for the effective monitoring of the generation, transportation, treatment, storage, and disposal of hazardous waste in the Commonwealth. The proposed amendments are intended to maintain the equivalency of the Commonwealth's regulations with those issued by the United States Environmental Protection Agency (USEPA) under the Resource Conservation and Recovery Act of 1976 (RCRA) and the Hazardous and Solid Waste Amendments of 1984 (HSWA). Maintaining the Commonwealth's equivalency will enable the Commonwealth to remain eligible to carry out its own hazardous waste management program and be an authorized state under the federal acts.

Need: Monitoring of the generation, transportation, treatment, storage, and disposal of hazardous wastes in the Commonwealth is essential to protect the public health, safety and welfare of the citizens of the Commonwealth from the effects of these activities if improperly performed. These amendments are necessary to ensure the regulations of the Commonwealth are current and conform to applicable federal regulations. In addition, maintaining the equivalency of the Commonwealth's regulations with those issued by the U.S. Environmental Protection Agency under the Resource Conservation and Recovery Act of 1976 and the Hazardous and Solid Waste Amendments of 1984, the Commonwealth remains eligible to carry out its own hazardous waste management program and be an authorized state under the federal acts.

Substance: Amendment 15A will further consider incorporation of changes in the federal regulations in Title 40 of the Code of Federal Regulations occurring since Amendment 14 through at least July 1, 1999, including amendments promulgated in the Federal Register on the following dates: January 3, 1995, December 6, 1994, January 13, 1995, February 9, 1995, April 17, 1995, May 12, 1995, April 4, 1995, May 19, 1995, June 29, 1995, July 11, 1995, September 29, 1995, October 30, 1995, December 11, 1995, February 9, 1996, March 26, 1996, April 8, 1996 (2), April 30, 1996, June 28, 1996, July 10, 1996, August 26, 1996, February 17, 1997, April 12, 1996, July 1, 1996, December 6, 1994, May 19, 1995, September 29, 1995, November 13, 1995, February 9, 1996, June 5, 1996, November 23, 1996, January 14, 1997, February 12, 1997, May 12, 1997, June 13, 1997, June 17, 1997, July 14, 1997, August 28, 1997, December 5, 1997, December 8, 1997, April 15, 1998, May 4, 1998, June 29, 1998, May 6, 1998, July 14, 1998, May 26, 1998, June 8, 1998, June 19, 1998, August 6, 1998, August 31, 1998, September 4, 1998, September 9, 1998, September 24, 1998, October 22, 1998, November 30, 1998, December 24, 1998, January 21, 1999, February 11, 1999, May 11, 1999, May 14, 1999, and July 6, 1999. These amendments of the federal regulations address, at least, the following items:

1. Revisions of the Universal Treatment Standards re Land Disposal Restrictions or related changes;
2. Revisions to listings and exemptions of certain carbamate chemicals production wastes (U and K listings);
3. Housekeeping changes related to adoption errors and obsolete provisions;
4. Adoption of additional test methods related to rules that prohibit liquids in landfills;
5. New rules about the public participation process in the permitting of storage, treatment and disposal facilities and for test burns at incinerators and combustion facilities;
6. Correction of adoption errors in the exclusion rules for recovered oil which is recycled;
7. Addition of rules related to Phase III of the Land Disposal Restriction and treatment standards concerning carbamate pesticide production wastes, primary aluminum production wastes, characteristic wastes, listed wastes, and wastes that are diluted;
8. Identification of import and export wastes subject to the graduated system of controls under the Organization for Economic Cooperation and Development;
9. Revisions of rules for disposal of wastes from conditionally exempt small quantity generators;
10. Adoption of additional air standards for the control of organic emissions from tanks, surface impoundments, containers and miscellaneous units, including during accumulation of waste on site;

Notices of Intended Regulatory Action

11. Extensions of the national capacity variance (under Phase III of the Land Disposal Restrictions) for spent potliners for primary aluminum production;

12. Adoption of Military Munitions Rule, which identifies when conventional and chemical military munitions become a hazardous waste, provides rules for the safe storage and transport of such waste, changes rules regarding emergency responses involving munitions and explosives, and exempts generators and transporters from manifest requirements on right-of-ways that are on or along the border of contiguous properties under the control of the same person;

13. Adoption of Land Disposal Restrictions - Phase IV, which establishes treatment standards under the land disposal restrictions for waste from wood preserving operations, revises recordkeeping related to land disposal restrictions, regulates polymerizations as a treatment alternative, clarifies de minimis amounts exemption of characteristic wastewaters, and excludes processed circuit boards and scrap metal from regulation as hazardous wastes;

14. Update the incorporation by reference citation of SW-846, Third Edition, "Test Methods for Evaluation Solid Waste, Physical/Chemical Methods," to include changes through January 13, 1997 (through Update III);

15. Revisions and withdrawals of certain rules related to listing of carbamate wastes;

16. Extension of alternate treatment standard for carbamate under the land disposal restrictions (Aug. 26, 1997 to Aug. 26, 1998);

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

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

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

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

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

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

which wastes fall under the Bevill exemption, adoption of treatment standards under the land disposal restrictions for contaminated soils as waste, and adoption of corrections and clarifying provisions to the land disposal restrictions;

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

24. Listing of four petroleum refining process wastes as hazardous (K169-K172) excluding certain recycled secondary materials from the definition of solid waste. The materials include both oil-bearing residuals from petroleum refineries and oil from associated petrochemical facilities, when they are inserted into the refining process; and spent caustic from liquid treating operations when used as a feedstock to make certain chemical products. The rule clarifies an existing exclusion for recovered oil from certain petroleum industry sources. Finally, this rule applies the universal treatment standards to the petroleum refining wastes.

25. On May 26, 1998 (63 FR 28556), EPA published an amendment to the Land Disposal Restriction treatment standards for metal-bearing hazardous wastes which exhibit the characteristic of toxicity (commonly referred to as the Phase IV rule). The new, Phase IV treatment standards in that rule are not well suited for zinc micronutrient fertilizers and the new standards could result in greater use of zinc fertilizers that contain relatively higher concentrations of hazardous constituents. EPA expects to develop a more consistent and comprehensive approach to regulating hazardous waste-derived fertilizers, and currently intends to leave this amendment, which places an administrative stay on the new treatment standards, in place until those new regulations are adopted. In the interim, the fertilizers affected by this amendment would remain subject to the previous treatment standards for toxic metals found at 40 CFR 268.41 in the July 1, 1990, edition of the CFR.

26. Revision of the waste treatment standards applicable to 40 waste constituents associated with the production of carbamate wastes. First, the rule establishes revised treatment standards for seven specific carbamate waste constituents (A2213; bendiocarb phenol; diethylene glycol, dicarbamate; dimetilan; formparanate; isolan; and tirpate) for which there are no available analytical reference standards. The rule also deletes the treatment standard for one additional constituent (o-phenylenediamine) for which available analytical methods do not achieve reliable measurements.

27. Extension of the compliance date until November 26, 1998, for a limited portion of the Phase IV Final Rule (63 FR 28556). The Phase IV Final Rule amended the Land Disposal Restriction treatment standards for metal-bearing hazardous wastes exhibiting the toxicity characteristic. This action extends the date for treatment standards only for secondary lead slags exhibiting the toxicity characteristic for one or more metals that are

generated from thermal recovery of lead-bearing wastes (principally batteries). In the interim, the affected wastes are still subject to the treatment standards for TC metals set forth in the Third Final Rule (55 FR 22520).

28. Interim replacement standards for spent potliners from primary aluminum reduction (EPA hazardous waste K088) under its Land Disposal Restrictions program. Spent potliners will now be prohibited from land disposal unless the wastes have been treated in compliance with the numerical standards contained within this rule. The newly promulgated treatment standards will be in place until EPA has fully reviewed all information on all treatment processes which may serve as a basis for a more permanent revised standard. In addition, the K088 national capacity variance is extended until September 21, 1998.

29. Modification of the requirement for a post-closure permit to allow for the use of a variety of authorities to impose requirements on nonpermitted land disposal units requiring post-closure care. As a result, regulators have the flexibility to use alternate mechanisms under a variety of authorities to address post-closure care requirements based on the particular needs at the facility. The rule also amends the regulations governing closure of land-based units that have released hazardous constituents to allow certain regulated units where releases may have mingled with releases from solid waste management units to be addressed through the corrective action program. This will provide regulators the discretion to use corrective action requirements, rather than closure requirements, to address the closure of these regulated units. Finally, the rule specifies the Part B information submission requirements for facilities that receive post-closure permits.

30. Streamlining of the permitting process for treatment, storage and disposal of remediation wastes managed at cleanup sites. The new requirements: (i) make permits faster and easier to obtain, (ii) provide that obtaining these permits will not subject the owner/operator to facility-wide corrective action at remediation-only facilities, and (iii) allow the use of Remediation Action Plans (RAPs) as an alternative to traditional RCRA permits. Regulations are also finalized regarding use of staging piles during cleanup and providing an exclusion for dredged materials managed under appropriate Clean Water Act or Marine Protection Research and Sanctuaries Act permits. In addition, this rule expands the use of Corrective Action Management Units and Temporary Unit to include implementing clean up remedies at permitted facilities that are not subject to 40 CFR 264.101.

31. Correction of errors that appeared in the May 11, 1995, Universal Waste Rule (60 FR 25492). No new regulatory requirements are created with this rule; instead it (i) makes three corrections to regulations governing the management of spent lead-acid batteries that are reclaimed, (ii) corrects the definition of a small quantity universal waste handler, and (iii) clarifies the

export requirements which apply to destination facilities when the facilities act as universal waste handlers.

32. Clarification of certain regulatory text and reinstate certain regulatory provisions that were inadvertently removed contained in the rules to reduce organic air emissions from certain hazardous waste management activities to levels that are protective of human health and the environment (59 FR 62896, December 6, 1994).

33. Temporarily deferral from the definition of hazardous waste landfill leachate and landfill gas condensate derived from previously disposed wastes that now meet the listing descriptions of one or more of the recently added petroleum refinery wastes (K169, K170, K171, and K172). This exemption applies to landfill leachate and gas condensate subject to regulation under the Clean Water Act. The exempted leachate may not ordinarily be managed in surface impoundments or otherwise placed on the land after February 13, 2001, except for the purpose of providing storage under temporary or emergency conditions.

34. Clarification and/or technical corrections to the following five final rules published by EPA:

(1) May 12, 1997, regulations promulgating Land Disposal Restrictions (LDR) treatment standards for wood preserving wastes, as well as reducing the paperwork burden for complying with LDRs;

(2) May 26, 1998, regulations promulgating LDR treatment standards for metal-bearing wastes, as well as amending the LDR treatment standards for soil contaminated with hazardous waste, and amending the definition of which secondary materials from mineral processing are considered to be wastes subject to the LDRs;

(3) August 31, 1998, an administrative stay of the metal-bearing waste treatment standards as they apply to zinc micronutrient fertilizers;

(4) September 4, 1998, an emergency revision of the LDR treatment standards for hazardous wastes from the production of carbamate wastes; and

(5) September 24, 1998, revised treatment standards for spent aluminum potliners from primary aluminum production.

35. Approval of use of EPA Method 1664, Revision A: N-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry (hereafter Method 1664) for use in EPA's Clean Water Act (CWA) programs, and incorporates Method 1664 by reference for use in EPA's Resource Conservation and Recovery Act (RCRA) programs. The rule also deletes Method 9070 and adds revised Method 9071B as Update IIIA to the Third Edition of the EPA-approved test methods manual SW-846.

36. Addition of spent hazardous waste lamps to the list of universal wastes. Handlers of universal wastes are subject to less stringent standards for storing,

Notices of Intended Regulatory Action

transporting, and collecting these wastes. The streamlined universal waste management requirements under 40 CFR Part 273 should lead to better management of spent lamps and will facilitate compliance with hazardous waste requirements.

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

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

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

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

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

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

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

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

Alternatives: The board will, during the Notice of Intended Regulatory Action and the Notice of Public Comment period, request comments on or alternatives to the amendments. In addition, a technical advisory committee will advise the board on what amended regulatory text should be proposed. The committee will advise the board on less intrusive and less burdensome alternatives, where such exist.

The vast majority of changes to be considered will be the direct result of incorporation of federal regulatory text into the Commonwealth's regulations, and consistency with federal regulations is required by Federal law and regulation and necessary for authorization of the Commonwealth's program the U.S. Environmental Protection Agency. Many of the changes resulting from changes to the federal regulations that are to be incorporated by this amendment are themselves a reduction in intrusion and burden on the regulated community from prior federal requirements currently incorporated into the Commonwealth regulations.

Public Participation: The board is seeking comments on the intended regulatory action, including ideas to assist in the

development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of this issue of the Virginia Register of Regulations.

The board intends to use the participatory approach to develop a proposal.

The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until October 10, 2000.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213.

VA.R. Doc. No. R00-267; Filed August 8, 2000, 4:30 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 Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-60-10 et seq. Virginia Hazardous Waste Management Regulations.** The purpose of the proposed action is to repeal 9 VAC 20-60-261 B 8 to clarify that low-level radioactive waste is not subject to the requirements of Chapter 60. During sweeping changes to the chapter during Amendment 14 (effective February 17, 1999) text that may be interpreted erroneously was inadvertently included in the regulation. The text may be read to require low-level radioactive waste to be managed as a hazardous waste. This action is to repeal 9 VAC 20-60-261 B 8 in its entirety and conform the Commonwealth's regulations to federal regulations.

Alternatives: The board will, during the Notice of Intended Regulatory Action and the Notice of Public Comment period, request comments on or alternatives to the amendments. At this time the only alternative that has been considered is to not repeal the language. This alternative is not recommended, as the language may be misconstrued to impose unnecessary requirements on the management of low-level radioactive wastes.

Public Participation: The board is seeking comments on the intended regulatory action, including ideas to assist in the development of a proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of this issue of the Virginia Register of Regulations.

The board seeks comment from the public on whether to use the participatory approach to assist the agency in the development of a proposal.

The agency intends to hold a public hearing on the proposed regulation after publication.

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

Public comments may be submitted until October 10, 2000.

Notices of Intended Regulatory Action

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213.

VA.R. Doc. No. R00-253; Filed August 3, 2000, 12:02 p.m.

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Virginia Waste Management Board has **WITHDRAWN** the Notice of Intended Regulatory Action for **9 VAC 20-180-10 et seq. Regulations Governing the Commercial Transportation of Nonhazardous Municipal Solid Waste and Regulated Medical Waste by Truck**, which was published in 16:7 VA.R. 759-760 December 20, 1999.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4378.



TITLE 11. GAMING

STATE LOTTERY 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 Lottery Board intends to consider amending regulations entitled: **11 VAC 5-10-10 et seq. Guidelines for Public Participation in Regulation Development and Promulgation**. The purpose of the proposed action is to delete nonessential language, simplify the regulation, and add a section regarding the periodic review of the regulations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

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.

VA.R. Doc. No. R00-241; Filed July 26, 2000, 10:44 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 Lottery Board intends to consider amending regulations entitled: **11 VAC 5-20-10 et seq. Administration Regulations**. The purpose of the proposed action is to simplify and clarify the regulations and eliminate redundant and unnecessary language. Amendments under consideration include, but are not limited to (i) clarifying definitions; (ii) repealing certain detailed

procurement procedures, with the exception of reference to standards of ethics and competitive principles, and including these specific procedures in department manuals which will be incorporated by reference; (iii) eliminating the specific percentage allocation of lottery revenue among prizes, the State Lottery Fund and retailer compensation; (iv) eliminating the Lottery Prize Special Reserve Fund; (v) eliminating the specific frequency of external audits and of board meetings; and (vi) clarifying procedures for informal and formal licensing conferences and hearings. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

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.

VA.R. Doc. No. R00-242; Filed July 26, 2000, 10:44 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 Lottery Board intends to consider repealing regulations entitled: **11 VAC 5-30-10 et seq. Instant Game Regulations**. The purpose of the proposed action is to reorganize current lottery regulations by combining the instant licensing and game provisions with those for on-line games and incorporating them into two new regulations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

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.

VA.R. Doc. No. R00-243; Filed July 26, 2000, 10:44 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 Lottery Board intends to consider promulgating regulations entitled: **11 VAC 5-31-10 et seq. Licensing Regulations**. The purpose of the proposed action is to create a new regulation containing lottery retailer licensing requirements, including eligibility, application procedure, bonding and bank account requirements, licensing terms and fees, retailer compensation, standards of conduct, license denial or revocation, and audit of records. The licensing regulations under consideration are essentially those that are contained currently in the Lottery's Instant and On-Line Game Regulations. Because of duplication of provisions in each of these chapters, all lottery retailer licensing requirements will be combined and restated under a single chapter. The

Notices of Intended Regulatory Action

agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

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.

VA.R. Doc. No. R00-244; Filed July 26, 2000, 10:44 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 Lottery Board intends to consider repealing regulations entitled: **11 VAC 5-40-10 et seq. On-Line Game Regulations.** The purpose of the proposed action is to reorganize current lottery regulations by combining on-line licensing and game provisions with those for instant games and incorporating them into two new regulations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

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.

VA.R. Doc. No. R00-245; Filed July 26, 2000, 10:44 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 Lottery Board intends to consider promulgating regulations entitled: **11 VAC 5-41-10 et seq. Lottery Game Regulations.** The purpose of the proposed action is to create a new regulation containing procedures specifically related to all types of lottery games, including operational parameters for the conduct of games, validation requirements and payment of prizes. The lottery game regulations under consideration are essentially those that are contained currently in the Lottery's Instant Game and On-Line Game Regulations with certain revisions. The new regulations are more generic to all lottery games and include provisions for the instant ticket full redemption program and cash prize redemption option for jackpot prizes. Numerous other revisions are being considered to simplify the language regarding ticket validation and prize payment. Because of duplication of provisions in the Instant Game and On-Line Game Regulations, all lottery game provisions and requirements will be combined and restated under this single chapter. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 58.1-4007 of the Code of Virginia.

Public comments may be submitted until September 13, 2000.

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.

VA.R. Doc. No. R00-246; Filed July 26, 2000, 10:44 a.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-371-10 et seq. Regulations for the Licensure of Nursing Facilities.** The purpose of the proposed action is to make permanent emergency amendments to the nursing facility regulations made necessary by 1999 legislation. The amendment to 12 VAC 5-371-40 will implement authority for the Health Commissioner to condition license renewal on whether facilities have provided previously agreed levels of charity care. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until August 31, 2000.

Contact: Carrie Eddy, Policy Analyst, Department of Health, Center for Quality Care Services, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2157 or FAX (804) 367-2149.

VA.R. Doc. No. R00-226; Filed July 17, 2000, 2:33 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider amending regulations entitled: **12 VAC 5-410-10 et seq. Rules and Regulations for the Licensure of Hospitals.** The purpose of the proposed action is to make permanent emergency amendments to the hospital regulations made necessary by 1999 legislation. The amendment to 12 VAC 5-410-70 will implement authority for the Health Commissioner to condition license renewal on whether facilities have provided previously agreed levels of charity care. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12 and 32.1-102.2 of the Code of Virginia.

Public comments may be submitted until August 31, 2000.

Notices of Intended Regulatory Action

Contact: Carrie Eddy, Policy Analyst, Department of Health, Center for Quality Care Services, 3600 W. Broad St., Suite 216, Richmond, VA 23230, telephone (804) 367-2157 or FAX (804) 367-2149.

VA.R. Doc. No. R00-224; Filed July 17, 2000, 2:33 p.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Health intends to consider promulgating regulations entitled: **12 VAC 5-615-10 et seq. Regulations for Authorized Onsite Soil Evaluators.** The purpose of the proposed action is to make permanent certain emergency regulations made necessary by 1999 legislation. The regulations will implement a program that will allow private sector soil evaluators a role in approving private septic systems. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 32.1-12, 32.1-163.5 and 32.1-164 of the Code of Virginia.

Public comments may be submitted until August 31, 2000.

Contact: Donald J. Alexander, Director, Division of Onsite Sewage and Water Services, Department of Health, P.O. Box 2448, Room 117, Richmond, Virginia 23218, telephone (804) 786-1620, FAX (804) 225-4003.

VA.R. Doc. No. R00-225; Filed July 11, 2000, 12:03 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services** and **12 VAC 30-120-10 et seq. Waivered Services.** The purpose of the proposed action is to promulgate a regulation for individual and family developmental disability support services waivers consistent with the federally-approved waiver. This action also adds case management services to the Title XIX State Plan for this targeted population. 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 September 13, 2000, to Karen Lawson, Analyst, Division of Long-Term Care, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R00-231; Filed July 21, 2000, 12:06 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 Department of Medical Assistance Services intends to consider amending regulations entitled: **12 VAC 30-120-10 et seq. Waivered Services.** The purpose of the proposed action is to provide family planning services (only) up to 24 months post delivery for women who were Medicaid eligible for their prenatal care and deliveries. Presently, DMAS is permitted by federal law to extend Medicaid eligibility for all covered services for only 60 days to these women. The 1999 Session of the General Assembly directed DMAS to seek a § 1115 (a) waiver from the Health Care Financing Administration. 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 August 30, 2000, to Anita Cordill, Analyst, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219.

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

VA.R. Doc. No. R00-218; Filed June 30, 2000, 4:21 p.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to consider amending regulations entitled: **18 VAC 30-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Audiology and Speech-Language Pathology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111 or FAX (804) 662-9523.

VA.R. Doc. No. R00-255; Filed August 3, 2000, 11:45 a.m.

Notices of Intended Regulatory Action

BOARD OF DENTISTRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled: **18 VAC 60-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9606 or FAX (804) 662-9943.

VA.R. Doc. No. R00-257; Filed August 3, 2000, 11:45 a.m.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled: **18 VAC 65-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9907 or FAX (804) 662-9943.

VA.R. Doc. No. R00-258; Filed August 3, 2000, 11:45 a.m.

BOARD OF HEALTH PROFESSIONS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Health Professions intends to consider amending regulations entitled: **18 VAC 75-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Hugh C. Cannon, Executive Director, Board of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9964 or FAX (804) 662-9114.

VA.R. Doc. No. R00-259; Filed August 3, 2000, 11:46 a.m.

BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: William L. Harp, 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.

VA.R. Doc. No. R00-260; Filed August 3, 2000, 11:46 a.m.

BOARD OF NURSING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing intends to consider amending regulations entitled: **18 VAC 90-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

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 or FAX (804) 662-9512.

VA.R. Doc. No. R00-261; Filed August 3, 2000, 11:45 a.m.

Notices of Intended Regulatory Action

BOARD OF NURSING HOME ADMINISTRATORS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Nursing Home Administrators intends to consider amending regulations entitled: **18 VAC 95-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Marcia J. Miller, Executive Director, Board Nursing Home Administrators, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-7457 or FAX (804) 662-9943.

VA.R. Doc. No. R00-262; Filed August 9, 2000, 11:11 a.m.

BOARD OF OPTOMETRY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Optometry intends to consider amending regulations entitled: **18 VAC 105-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9910 or FAX (804) 662-7098.

VA.R. Doc. No. R00-263; Filed August 3, 2000, 11:46 a.m.

BOARD OF PHARMACY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Pharmacy intends to consider amending regulations entitled: **18 VAC 110-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

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.

VA.R. Doc. No. R00-266; Filed August 3, 2000, 11:46 a.m.

BOARD OF COUNSELING

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Counseling intends to consider amending regulations entitled: **18 VAC 115-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9133 or FAX (804) 662-9943.

VA.R. Doc. No. R00-256; Filed August 3, 2000, 11:45 a.m.

BOARD OF PSYCHOLOGY

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Psychology intends to consider amending regulations entitled: **18 VAC 125-10-10 et seq. Public Participation Guidelines.** The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913 or FAX (804) 662-9943.

VA.R. Doc. No. R00-264; Filed August 3, 2000, 11:46 a.m.

Notices of Intended Regulatory Action

BOARD OF SOCIAL WORK

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled: **18 VAC 140-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

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

VA.R. Doc. No. R00-254; Filed August 3, 2000, 11:45 a.m.

BOARD OF VETERINARY MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Veterinary Medicine intends to consider amending regulations entitled: **18 VAC 150-10-10 et seq. Public Participation Guidelines**. The purpose of the proposed action is to update and clarify certain sections. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 9-6.14:7.1 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 27, 2000.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9915 or FAX (804) 662-7098.

VA.R. Doc. No. R00-265; Filed August 3, 2000, 11:45 a.m.

purpose of the proposed action is to provide necessary regulation for implementation of the Child Care Development Fund Services Plan, which covers expenditures of more than \$100 million in federal, state and local dollars to subsidize, increase and improve child care. 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 September 13, 2000.

Contact: Vincent J. Jordan, Program Manager, Department of Social Services, 730 E. Broad St., Richmond, VA 23219-1849.

VA.R. Doc. No. R00-234; Filed July 25, 2000, 11:52 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-660-10 et seq. Child Day Care Services Policy**. The

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 8. EDUCATION

STATE BOARD OF EDUCATION

September 28, 2000 - 2:30 p.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

October 27, 2000 - 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 Education intends to amend regulations entitled: **9 VAC 20-160-10 et seq. Regulations Governing Secondary School Transcripts.** The proposed amendments specify the manner in which the public schools shall account for and exhibit verified credit on the student transcript.

Statutory Authority: §§ 22.1-16 and 22.1-253.13:3 of the Code of Virginia.

Contact: Vernon Wildy, Division of Secondary Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2877 or FAX (804) 225-2524.

Board intends to amend regulations entitled: **9 VAC 20-80-10 et seq. Solid Waste Management Regulations.** The proposed amendments clarify and correct minor matters or improve procedural requirements, reduce regulatory burden, and reflect changes in the Virginia Waste Management Act.

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

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

October 4, 2000 - 10 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

October 30, 2000 - 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 Accountancy intends to **repeal** regulations entitled: **18 VAC 5-20-10 et seq. Board for Accountancy Regulations** and **adopt** regulations entitled: **18 VAC 5-21-10 et seq. Board of Accountancy Regulations.** The board is currently operating under emergency regulations that implement the provisions of Senate Bill 926 passed by the 1999 Session of the General Assembly. The proposed regulations are necessary to replace the emergency regulations and to continue to implement the provisions of SB 926.

Statutory Authority: §§ 54.1-201 and 54.1-2002 of the Code of Virginia.

Contact: Christine Martine, Regulatory Board Administrator, Board of Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-6128 or (804) 367-9753/TTY ☎

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Reproposed

September 28, 2000 - 11 a.m. -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

October 5, 2000 - 1:30 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

October 27, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management

Public Comment Periods - Proposed Regulations

BOARDS OF PHARMACY AND MEDICINE

October 10, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 3, Richmond, Virginia.

October 27, 2000 - 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 Boards of Pharmacy and
Medicine intend to adopt regulations entitled: **18 VAC
110-40-10 et seq. Regulations Governing
Collaborative Practice Agreements.** The boards are
proposing regulations governing collaborative practice
agreements, which will replace the emergency
regulations currently in effect.

Statutory Authority: §§ 54.1-2400, 54.1-3303 and 54.1-
3303.1 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.

BOARD OF PSYCHOLOGY

September 21, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 1, Richmond, Virginia.

October 27, 2000 - 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 Psychology intends
to amend regulations entitled: **18 VAC 125-20-10 et seq.
Regulations Governing the Practice of Psychology.**

The purpose of the proposed action is to set the criteria
and fees for licensure of school psychologists-limited.

Statutory Authority: § 54.1-2400 and Chapter 36 (§ 54.1-
3600 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Janet Delorme, Executive Director, Board of
Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA
23230-1717, telephone (804) 662-9913 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 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-160-10 et seq. Regulations Governing Secondary School Transcripts (amending 8 VAC 20-160-30).

Statutory Authority: §§ 22.1-16 and 22.1-253.13:3 of the Code of Virginia.

Public Hearing Date: September 28, 2000 – 2:30 p.m.

Public comments may be submitted until October 27, 2000.

(See Calendar of Events section for additional information)

Basis: Article VIII, § 4 of the Virginia Constitution vests general supervisory authority for the public schools in the Virginia Board of Education.

Additionally, the Code of Virginia authorizes the board to promulgate regulations necessary to carry out those powers and duties given to it. Section 22.1-253.13:3 B of the Code of Virginia authorizes the board to promulgate Standards of Accreditation which include student outcome measures, course and credit requirements for graduation from high school and assessments to measure student progress.

Further, § 22.1-253.13:4 authorizes the board to prescribe requirements for completion of high school programs.

Purpose: In June 1995, the Board of Education adopted new Standards of Learning in the core subject areas of mathematics, science, English, and history and social sciences. The new standards raised the academic expectations for all students in Virginia's public schools. Subsequently, the Board of Education adopted revised Standards of Accreditation. Thus, the Regulations Governing Secondary School Transcripts need to be revised to require that verified units earned by students be recorded on the students' transcripts.

The high school transcript forms a perpetual record of the students' academic progress. Therefore, the proposed revisions are important to the public's welfare in order to ensure that all students' transcripts are complete and accurate and provide the documentation necessary to affirm that students have met the requisite academic requirements for earning the high school diploma.

Substance: The Standards of Accreditation require that students earn *verified units of credit* in addition to the standard unit of credit. A *verified unit of credit* is awarded when, in addition to successfully completing a 140-hour course, the student passes the associated Standards of Learning test. Beginning with the ninth graders in 2000-01, a student must earn verified units of credit in order to graduate.

That is, for the Standard diploma a student must earn 22 units of credit and six verified units of credit. For the Advanced Studies diploma, a student must earn 24 units of credit and nine verified units of credit.

SOL tests have been developed for the following specific high school courses:

English	Grade 9-11 SOL—there are two tests: a reading, literature, and research multiple choice test and a writing test made up of an essay and multiple-choice items.
Math	Algebra I Algebra II Geometry
History	World History to 1000 A.D. plus World Geography World History from 1000 A.D. to Present plus World Geography U.S. History World Geography
Science	Earth Science Biology Chemistry

In high school, the tests are given for certain high school courses and are given each year in the fall, spring, and summer. If a student does not pass a SOL test that is needed for the verified credit for a diploma, then the student needs to retake the test until he passes it in order to qualify to earn either the Standard or Advanced Studies Diploma.

The proposed substantive change in the regulations is the provision that the total verified credits earned will be recorded on the student transcript. This provision is not contained in the current regulations, and the change is proposed in order to indicate whether a student has met all requirements for graduation, which includes earning verified units as specified in the Standards of Accreditation. No additional changes in the current regulations are anticipated at this point in the regulatory review process.

Issues: The Board of Education's analysis of the proposed revision indicates no disadvantages to the public or to the Commonwealth. The advantage is that the proposed revisions, once implemented, would create changes in the high school transcript. These changes would provide information to schools, colleges, potential employers, military recruiters, and other persons and entities that have legitimate access to the student transcript. Such persons and entities would be able to determine readily that the student has met all requirements for graduation, including the requirements of the Standards of Accreditation related to verified credits.

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

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accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Board of Education (board) proposes to revise the Regulations Governing Secondary School Transcripts in order to be consistent with changes in the Regulations Establishing Standards for Accrediting Public Schools in Virginia (Standards of Accreditation). Under the Standards of Accreditation, students will be required to earn a prescribed number of verified units in order to graduate.¹ Students who receive a passing score on an end-of-course Standards of Learning (SOL) exam and receive a passing grade in the course, are awarded a verified unit of credit for the course. The board's revisions to the Regulations Governing Secondary School Transcripts include adding the total number of verified credits earned to the list of items required to be recorded on student transcripts and adding language that specifically prohibits the recording of the student's SOL exam scores on their transcript.

Estimated economic impact. The proposed requirement to record verified credits on transcripts would not have any significant economic impact. It may reduce the already small probability that a school would mistakenly award a diploma to a student who had not earned a sufficient number of verified credits.

The proposal to add language that prohibits the recording of the student's SOL test scores on their transcript seems to unnecessarily eliminate information that could be useful to college admissions committees and students. The regulations do require that transcripts include "results on college performance-related standardized tests such as College Entrance Examination Board or equivalent." Presuming that the SOL exams are well designed and do provide reasonably accurate indications of students' knowledge and abilities, SOL scores could be used by admissions staff to more accurately determine the best-qualified students. Students who score below their true ability on the SATs due to illness or some other unfortunate event, would have the opportunity to demonstrate their knowledge and ability on other exams (the SOLs) that are standardized across schools. Students who perform poorly on one SOL exam due to illness, etc., would have the SATs and other SOL exams to demonstrate that that one unfortunate score may not truly represent their knowledge and ability. Thus, if the SOL exams are well designed and do provide reasonably accurate indications of students' knowledge and abilities,

prohibiting the recording of SOL exam scores rather than requiring their inclusion may reduce the likelihood that college admissions staffs will be able to determine which applicants are best qualified for admission.²

Businesses and entities affected. The proposed changes to the regulation will affect secondary schools and students within all 132 public school divisions in the Commonwealth.

Localities particularly affected. All localities in the Commonwealth are affected by this regulation.

Projected impact on employment. The proposed changes to this regulation are unlikely to affect employment

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

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Education has carefully reviewed the economic impact analysis and will continue with its analysis during the public comment period.

Summary:

The Regulations Governing Secondary School Transcripts standardize the manner in which schools record and report the courses each student has taken and the student's academic performance in high school.

The Board of Education's Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131-10 et seq.) contain graduation requirements for students earning high school diplomas in Virginia. The Standards of Accreditation require that beginning with the ninth grade class of 2000-2001 (graduating class of 2004), students will be required to earn a prescribed number of verified units. This requirement for verified units affects students who are currently taking high school credit-bearing courses in grade 7 or earlier. Each student in middle and secondary schools shall take all applicable end-of-course Standards of Learning tests following course instruction. Students who achieve a passing score on an end-of-course Standards of Learning test and receive a passing grade in the course shall be awarded a verified unit of credit in that course. To keep with the changes in the Standards of Accreditation, a revision to the Board of Education's Regulations governing Secondary School Transcripts is necessary to account for and exhibit verified units of credit on the students' transcripts.

CHAPTER 160.

REGULATIONS GOVERNING SECONDARY SCHOOL TRANSCRIPT TRANSCRIPTS.

8 VAC 20-160-30. Format options.

Localities have two options for the secondary school transcript format. They may use the Department of Education

¹ This requirement will take effect starting with the ninth grade class of 2000-2001 (graduating class of 2004).

² According to the Department of Education, the board chose not to require the inclusion of SOL exam scores on transcripts due to objections from local division personnel and parents. No further explanation was given.

model or develop their own following board regulations. Transcripts developed locally shall be approved by the Department of Education. No standard format is required. *The accreditation status of a high school shall not be included on the student transcript provided to colleges, university or employers.*

The required information is as follows:

1. Name of school division;
2. Student legal name;
3. Student number;
4. Birthdate;
5. Sex;
6. Home address;
7. Home telephone number;
8. Graduation date;
9. Type of diploma;
10. Name of schools student attended each year;
11. Number of days absent within given school year;
12. Course work listed by year with grades;
13. Total credits earned by year;
14. *Total verified credits earned;*
- ~~14- 15. Credits to date;~~
- ~~15- 16. Grade point average;~~
- ~~16- 17. Credit summary for entire school experience;~~
- ~~17- 18. Key to symbols and abbreviations used to denote accelerated, advanced, advanced placement, honors, and summer school courses;~~
- ~~18- Passing score;~~
19. Rank in class with given number of semesters used for computation;
20. Final driver education grade;
21. Test record, to include results on college performance-related standardized tests such as College Entrance Examination Board or equivalent, *excluding Standards of Learning (SOL) test scores;*
22. Signature and title of school official;
23. Date of school official signature;
24. School name;
25. Telephone number of school;
26. Department of Education code number.

VA.R. Doc. No. R99-185; Filed August 9, 2000, 10:40 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Withdrawal

Title of Regulation: **Regulations for the Control and Abatement of Air Pollution (Rev. G97). 9 VAC 5-40-10 et seq. Existing Stationary Sources (repealing 9 VAC 5-40-160 through 9 VAC 5-40-230). 9 VAC 5-50-10 et seq. New and Modified Stationary Sources (repealing 9 VAC 5-50-160 through 9 VAC 5-50-230). 9 VAC 5-60-10 et seq. Hazardous Pollutant Sources (adding 9 VAC 5-60-150 through 9 VAC 5-60-220 and 9 VAC 5-60-250 through 9 VAC 5-60-320).**

The State Air Pollution Control Board, at its meeting on July 11, 2000, authorized the Department of Environmental Quality to terminate the adoption process for Revision G97 concerning emission standards for toxic pollutants. Therefore, the proposed regulatory action published in 15:6 VA.R. 776-809 December 7, 1998, has been withdrawn.

VA.R. Doc. No. R97-534; Filed August 4, 2000, 7:44 a.m.

VIRGINIA WASTE MANAGEMENT BOARD

Reproposed

REGISTRAR'S NOTICE: Due to its length, the reproposed regulation filed by the Virginia Waste Management Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Environmental Quality, 629 East Main Street, Richmond, VA.

Questions may be directed to and copies of the regulation may be obtained from Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, FAX (804) 698-4266, toll-free 1-800-592-5482 or (804) 698-4021/TTY.

Title of Regulation: **9 VAC 20-80-10 et seq. Solid Waste Management Regulations (amending 9 VAC 20-80-10, [9 VAC 20-80-40,] 9 VAC 20-80-60, 9 VAC 20-80-80, 9 VAC 20-80-100, [9 VAC 20-80-110,] 9 VAC 20-80-120, 9 VAC 20-80-140, 9 VAC 20-80-150, 9 VAC 20-80-160, 9 VAC 20-80-170, 9 VAC 20-80-180, [9 VAC 20-80-190,] 9 VAC 20-80-200, 9 VAC 20-80-210, 9 VAC 20-80-220, [9 VAC 20-80-240,] 9 VAC 20-80-250, 9 VAC 20-80-260, 9 VAC 20-80-270, 9 VAC 20-80-280, 9 VAC 20-80-290, 9 VAC 20-80-310, [9 VAC 20-80-320,] 9 VAC 20-80-330, 9 VAC 20-80-340, [~~9 VAC 20-80-350,~~ 9 VAC 20-80-360, 9 VAC 20-80-370,] 9 VAC 20-80-380, [~~9 VAC 20-80-460,~~ 9 VAC 20-80-400,] 9 VAC 20-80-470, 9 VAC 20-80-480, 9 VAC 20-80-500, [9 VAC 20-80-510, 9 VAC 20-80-520,] 9 VAC 20-80-530, 9 VAC 20-80-540, 9 VAC 20-80-560,**

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9 VAC 20-80-620, 9 VAC 20-80-630, 9 VAC 20-80-640, [9 VAC 20-80-650,] 9 VAC 20-80-670, 9 VAC 20-80-700, 9 VAC 20-80-730, [9 VAC 20-80-750,] 9 VAC 20-80-760, [9 VAC 20-80-790,] Appendices [2.1,] 5.1, 5.5, [7.1, 7.2, 7.3,] 7.4 and 9.1; adding [9 VAC 20-80-113,] 9 VAC 20-80-115, [9 VAC 20-80-450, 9 VAC 20-80-460,] 9 VAC 20-80-485 and Appendix 5.6; repealing [~~9 VAC 20-80-360, 9 VAC 20-80-370, 9 VAC 20-80-400,~~] Appendices [~~4.1,] 5.2 [, and] 5.3 [, ~~7.1, 7.2 and 7.3~~]).~~

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

Public Hearing Dates:

September 28, 2000 - 11 a.m. (Roanoke)

October 5, 2000 - 1:30 p.m. (Richmond)

Public comments may be submitted until October 27, 2000.

(See Calendar of Events section for additional information)

Basis: 40 CFR Part 258 provides the federal authority for the criteria for municipal solid waste landfills.

The presently proposed amendment deals with the portions of the regulations that are not affected by the federal requirements and that are not subject to the federal program approval. Therefore, the state regulations are no more restrictive than the federal regulations.

The Virginia Waste Management Act authorizes the Waste Management Board to supervise and control waste management activities in the Commonwealth and to promulgate regulations necessary to carry out its powers and duties. Article 2 of the Act prohibits the ownership or operation of an open dump.

The Act further prohibits any person from operating a facility for the disposal, treatment, or storage of nonhazardous solid waste without a permit from the Director of the Department of Environmental Quality (§ 10.1-1408.1 A of the Code of Virginia). The Act requires the permit to contain such conditions or requirements that would prevent a substantial present or potential danger to human health and the environment (§ 10.1-1408.1 E of the Code of Virginia).

Purpose: The principal purpose of the Virginia Solid Waste Management Regulations is to provide clear and appropriate standards for the management of waste, as well as substantive and procedural guidelines to establish a sound basis for the issuance of permits for disposal, treatment, and storage of nonhazardous solid waste. The regulations also provide procedures for addressing unauthorized activities such as open dumping and unpermitted operation. The proper storage, treatment, and disposal of solid waste is necessary for the protection of public health, safety, and welfare.

The changes contained in the proposed amendment are designed to capitalize on the department's experience in administering the regulatory requirements during the past eight years by clarifying and simplifying technical requirements and by streamlining the administrative procedures. In this proposal numerous unnecessary steps, procedures, and determinations have been minimized or eliminated. The proposal provides for clear mechanisms to

allow wastes to be used beneficially. In addition, the proposal amends several sections in response to legislation passed by the 1999 General Assembly.

Substance:

Part I - Definitions

A definition of a "waste derived fuel product" has been added to provide a mechanism for legitimate fuels that are manufactured from wastes to have a mechanism for exemption. Prior to providing this definition and the additional clarifications in other sections of the regulations, the production of the fuel, and the use of the fuel required a solid waste management facility permit.

Part II – General Information

- A. Provisions for continued operation to vertical design capacity for all disposal facilities have been added to this section. In addition, provisions for horizontal expansion of construction/demolition/debris (CDD) landfills and industrial landfills have been added. These requirements are derived from § 10.1-1408.1 N of the Waste Management Act.
- B. Exemptions from permitting requirements have been added for household composting, and composting for educational purposes.
- C. Timeframes for implementing the 10-year program outlined in § 10.1-1408.1 E of the Waste Management Act have been added. Section 10.1-1408.1 E required the director to review, and issue written findings on the compliance history of each permittee, as well as the technical limitations, standards, and regulations on which the original permit was based every 10 years. Timeframes for the implementation of this program are required to be added to the board's regulations.
- D. Requirements for a control program for unauthorized wastes have been added to this section. Facility owners will be required to institute a program to detect and segregate unauthorized wastes.
- E. The provisions for the solid waste information assessment program required by § 10.1-1413.1 of the Waste Management Act has been added.

Appendix 2.1 – Penalties and Enforcement

This section includes updated provisions of § 10.1-1455 of the Waste Management Act, which was modified during the 1999 legislative session.

Part III – Identification of Solid Waste

- A. Criteria have been provided to establish beneficial uses of waste materials. A list of recognized wastes and their uses has been provided to allow the use of waste materials regardless of whether they have been reclaimed.
- B. Coal combustion products can be used under a roadway embankment and not just under the footprint of a road. This will eliminate a cumbersome approval under the Regulations Governing Management of Coal Combustion Byproduct.

Part IV – Management of Open Dumps and Unpermitted Facilities

As it previously existed, the administrative requirements required under Part IV were very burdensome. In addition, the director was required to make a large number of determinations throughout the remedial process. This section has been streamlined and clarified, and the director's determinations have been limited to specific phases of the remedial process.

Part V – Solid Waste Disposal Facility Standards

- A. Sanitary landfill siting has been modified to provide for recent legislation prohibiting new landfills, and lateral expansion of landfills in wetlands. Other provisions for landfill siting required under § 10.1-1408.4 B have also been added.
- B. Groundwater monitoring requirements for CDD and industrial landfills and for facilities not subject to federal requirements are provided for in Appendix 5.6.
- C. Permit amendment for groundwater protection standards is no longer required. Approvals will be necessary for the use of background values. A variance will still be necessary for alternate groundwater protection standards.
- D. Approval of closure and post-closure plans has been provided for in Amendment 2. Legislation passed in 1999 addressing post-closure monitoring and maintenance in § 10.1-1410.2 requires closure and post-closure plans to be approved.
- E. The corrective action program has been updated to allow the facility operator to initiate corrective action at an early point in time to streamline corrective action. The program also provides for presumptive remedies and in some cases will eliminate extensive studies leading to a more formal selection of remedies.

Part VI - Other Solid Waste Management Facility Standards

- A. Updated provisions have been provided for composting. The regulation establishes two types of composting facilities and four categories of waste materials. These updated provisions allow for reduced siting and design requirements for some types of composting. In addition, establishing categories of waste allows for specific testing procedures to be performed that are the most applicable for a given category of waste. This section has also been updated to allow for a permit-by-rule (PBR) procedure for compost facilities accepting less than 700 tons/quarter. Specific PBR application procedures are provided in Part VII.
- B. The first proposal of Amendment 2 had been to consolidate the provisions for waste piles, transfer stations, materials recovery facilities, and energy recovery facilities into sections for storage and treatment in piles, and storage and treatment in tanks. This reproposal returns Part VI to its original form, which provides a separate section for each type of facility.

- C. Provisions for remediation waste management units have been added. Remediation waste management unit criteria provide a mechanism for temporary solid waste management units that are used during voluntary remediation. The criteria provide for an expedited approval, and a basis for the director's evaluation.
- D. Requirements for landfill mining have been added.

Part VII – Permitting of Solid Waste Management Facilities

- A. Provides for a permit-by-rule for composting facilities.
- B. Adds public comment period required by § 10.1-1408.1 B 5.
- C. Simplifies the permit amendment procedures reducing the categories of amendment from three to two. The substantive amendment category has been eliminated. The various amendments outlined in Appendix 5.6 were revised accordingly.

Part VIII – Special Wastes

- A. Provisions for asbestos waste have been clarified and updated to be more consistent with the federal requirements.
- B. Provides for criteria for waste tire storage units.
- C. Under the original proposal, the section regarding petroleum contaminated soil had been updated to provide for a health based disposal alternative. This has been modified to be more consistent with the previous regulations.

Part IX – Rulemaking Petitions and Procedures

No substantive revisions.

Issues:

Advantages to public:

1. Eliminates unnecessary permitting and provides exemptions from permitting requirements.
2. Provides a mechanism for reusable wastes to be evaluated for beneficial use.
3. Streamlines and clarifies procedures for the remediation of open dumps and unpermitted facilities. Clarifies and speeds process for corrective action.
4. Provides for quicker permit for composting facilities less than 700 tons/quarter. In addition, no permit fee is required for a permit-by-rule.
5. Clarifies requirements for remediation waste management, tire management, and landfill mining.
6. Makes the regulation more consistent with applicable state laws.

Advantages to the agency and the Commonwealth:

1. Makes the requirements of the regulations easier to understand and, therefore, easier to implement.
2. Provides formal procedures for various determinations and evaluations by the director, thereby eliminating

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inconsistency. These evaluations and determinations include beneficial use evaluations, determinations for the remediation of open dumps and unpermitted facilities, and state groundwater monitoring program, and the corrective action program.

Disadvantages to the public, the agency, and the Commonwealth:

There are no immediately apparent disadvantages that could be determined.

Fiscal Impact: There do not appear to be any additional costs to implement and enforce the proposed regulation that are not already present for the existing regulation. There do not appear to be any increases in the costs of the regulation on localities. Since the proposed regulation does provide new mechanisms to exempt certain waste management activities, the department feels that fewer individuals and businesses will be affected by the regulation over all. At a minimum, the permitted facilities in the state will be directly affected by the regulation. The types and numbers of permitted facilities in the state are set forth below:

Landfills	251
Materials recovery Facilities	34
Transfer stations	59
Incinerators/energy recovery facilities	7
Composting facilities	1
Other facilities	3
Total	355

Summary:

The Virginia Solid Waste Management Regulations are designed to provide clear and appropriate standards for the management of nonhazardous solid waste, to prevent open dumping and to prescribe substantive and procedural requirements for the issuance of permits. The Virginia Solid Waste Management Regulations were first adopted in December 1988 as a complete revision of the 1971 regulations that governed disposal of solid wastes in the Commonwealth prior to that time. Responding to the promulgation of federal RCRA Subtitle D regulations in October 1991, the Virginia Waste Management Board amended the regulations in March 1993 to reflect the federal requirements contained in 40 CFR Part 258.

As a result of the regulatory review conducted by the department, and in response to the petition for rulemaking submitted by the Municipal Landfill Group, an organization of about 40 municipalities, Amendment 2 was proposed to clarify and streamline the regulations and to take into account experience gained by the department since the inception of the modern program. In its effort, the department was assisted by a Technical Advisory Committee that consisted of representatives of the solid waste management community, including environmental consultants, legal professionals and the general public.

Excluding response to public comments, this revised proposal consists of about 300 major and minor changes. While the majority of changes were made to clarify and correct minor matters or to improve procedural

requirements, 77 changes were made to reduce the regulatory burden and nine changes were made to reflect changes in the Virginia Waste Management Act itself. The major proposed changes are:

- 1. Development of a state groundwater monitoring program applicable to certain closed sanitary landfills and all construction/demolition/debris and industrial waste landfills;*
- 2. Elimination of the requirement for a permit amendment to establish groundwater protection standards;*
- 3. Development of the concept of presumptive remedies to streamline the corrective action process;*
- 4. Development of a permit-by-rule procedure for composting facilities; and*
- 5. Streamlining of remedial actions for open dumps and unpermitted facilities.*

Since March 6, 1998, when the last draft of Amendment 2 was proposed, the regulations have been modified in order to address public comments, and to begin to address the provisions of the 1999 legislative session. Seventy-eight separate individuals and organizations provided over 550 comments during the public comment period for this regulation. Due to the extensive comments that were being received during the public comment, the public comment period was extended three times. Although the majority of the suggested changes were minor in nature, several proposed changes to the regulation have been eliminated, and several new provisions have been added.

Due to opposition during the public comment period, permit-by-rule for captive industrial landfills has been eliminated. In addition, the health-based criteria proposed for the disposal of petroleum-contaminated soil has been eliminated and replaced with a program substantially the same as the existing program.

Amendment 2 addresses 1999 legislation including the provisions for municipal solid waste landfill siting required under § 10.1-1408.4 of the Code of Virginia and the provisions for post-closure monitoring and maintenance required by § 10.1-1410.2 of the Code of Virginia. In addition, Appendix 2.1 of the regulation has been updated to reflect the updated language of § 10.1-1455 of the Code of Virginia, which sets out penalties.

VA.R. Doc. No. R95-709; Filed August 8, 2000, 4:30 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF ACCOUNTANCY

Title of Regulation: 18 VAC 5-20-10 et seq. Board for Accountancy Regulations (REPEALING).

Title of Regulation: 18 VAC 5-21-10 et seq. Board of Accountancy Regulations.

Statutory Authority: §§ 54.1-201 and 54.1-2002 of the Code of Virginia.

Public Hearing Date: October 4, 2000 – 10 a.m.

Public comments may be submitted until October 30, 2000.

(See Calendar of Events section for additional information)

Basis: The board's authority to promulgate the proposed regulations is contained in § 54.1-2002 of the Code of Virginia. Subsection B of § 54.1-2002 of the Code of Virginia specifically mandates that the board certify and issue CPA certificates to individuals to practice public accounting and to restrict the practice of public accounting to those individuals who are so certified. The board is further mandated to ensure the continued competence of those possessing CPA certificates. Subsection B of § 54.1-2002 of the Code of Virginia also mandates that the board issue registration certificates to firms that engage in the practice of public accountancy and to take the necessary actions to ensure that registered firms and the CPA certificate holders they employ adhere to the standards of conduct and practice established by regulation. Subsection C of § 54.1-2002 of the Code of Virginia grants the board the authority to establish, by regulations, the rules and procedures for implementation of the provisions of Chapter 20 of Title 54.1 of the Code of Virginia.

Purpose: The board's proposed regulations are necessary to implement the requirements of SB 926 passed by the 1999 Session of the Virginia General Assembly. The board was mandated by SB 926 (1999) to implement its provisions by emergency regulations no later than October 1, 1999. Emergency regulations may, by statute, be effective for no more than one year. For this reason, the board must promulgate the proposed regulations in order to replace the emergency regulations that will expire on October 3, 2000. Failure to promulgate new regulations and have them in effect by October 3, 2000, will result in the board's former regulations (effective April 1, 1997) coming back into effect. The former regulations do not contain the provisions necessary to implement SB 926 (1999) and would not provide the level of protection for the public health, safety or welfare currently in effect under the emergency regulations.

Substance: The following is a summary of the revisions to the board's April 1, 1997, regulations that are being proposed to implement SB 926 (1999). A number of these proposed revisions are already in effect under the emergency regulations that took effect on October 4, 1999.

Certain definitions have been added, modified or deleted to comply with the mandates established in SB 926 (1999). The definitions have been amended in accordance with the new requirements of Chapter 20 of Title 54.1 of the Code of Virginia.

The fee schedule governing application fees, examination fees, renewal fees and reinstatement fees has been established in compliance with § 54.1-113 of the Code of Virginia. In addition, a prorated fee schedule has been

established to accommodate the implementation of a staggered renewal system for all board regulants. This staggered renewal system replaces the current system in which every license issued by the board expires on September 30 of each year. The renewal fees are mandated in § 54.1-2004 of the Code of Virginia.

New qualifications for education, examination and eligibility to receive a CPA certificate have been established for candidates who will be applying for an initial CPA certificate after July 1, 2006. SB 926 (1999) has amended § 54.1-2003 to establish more stringent standards for applicants who apply on July 1, 2006, and thereafter.

Several sections of the regulation have been deleted in their entirety due to new provisions mandated by SB 926 (1999).

A new section has been added that governs the issuance of original CPA certificates, certificates by endorsement and substantial equivalency qualifications, and supervising CPA qualifications. Specifically, SB 926 (1999) mandates that "certificate holders" and "licensees" will both become holders of CPA certificates - ending the current two-tier system. In order to obtain a CPA certificate, the applicant must complete the education, examination and experience requirements. Once all requirements are met, the individual may obtain a CPA certificate, which will act as a license. The certificate authorizes the individual to practice public accountancy.

SB 926 (1999) also mandates that each applicant for a certificate by endorsement submit an application documenting that the applicant holds a corresponding certificate as a certified public accountant issued after meeting examination and other requirements under laws of the state(s) from which the applicant is seeking endorsement.

CPA certificate holders will be required to meet additional experience requirements before supervising services involving the practice of public accounting, or before signing or authorizing another person to sign the accountant's report on the financial statements on behalf of the firm.

A new section that establishes additional requirements for supervising CPAs has been added. In addition to the one year of experience required to receive a CPA certificate, CPAs desiring to supervise shall have one additional year of experience in the practice of public accounting, as defined in 18 VAC 5-21-10, beyond that required for the initial CPA certificate.

A new section that establishes new requirements for the registration of CPA firms has been added. To implement the amended provisions of § 54.1-2005 B of the Code of Virginia, any firm with one or more offices in the Commonwealth that practices, directly or indirectly, public accounting or that uses the term "Certified Public Accountant(s)" or the designation "CPA" in the name of the firm, shall register with the board to obtain a registration certificate.

A new section has been added to provide specific guidelines and requirements to implement the amended provisions of § 54.1-2005 C 5 and D 2 of the Code of Virginia, which now requires public accounting firms with one or more offices in the Commonwealth engaged in public accounting or that use the term "Certified Public Accountant(s)" or the designation

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"CPA" in the name of the firm to undergo a peer review at least once every three years after becoming registered.

The requirements for renewal and reinstatement of CPA certificates have been amended to implement a staggered renewal system so as to result in an approximately equal number of certificates expiring each month.

New standards of practice and conduct for all regulants have been added in compliance with the new provisions of SB 926 (1999).

Sections have been added to establish specific Standards of Practice for CPA certificate holders involved in various aspects of the practice of public accounting as identified by SB 926 (1999).

A section has been added to establish new standards of practice for new firm regulants as established by SB 926 (1999).

A section has been added to clarify new CPE requirements as provided in § 54.1-2004 B and C of the Code of Virginia.

Issues: The primary advantage to the public of implementing the new regulatory provisions is the enhanced protection to the public resulting from the additional oversight of a profession that has inherent qualities distinguishing it from ordinary work and that requires specialized skill and training. The primary advantage to the board and to the Commonwealth is the reasonable implementation of an Act of the General Assembly. No disadvantages to the public, the agency, or the Commonwealth have been identified.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The Virginia Board of Accountancy (board) is currently operating under emergency regulations that implement the provisions of Senate Bill 926 passed by the 1999 Session of the Virginia General Assembly. The proposed regulations replace the emergency regulations and continue to implement the provisions of Senate Bill 926. There are several significant changes to the pre-emergency regulations. Proposed amendments include: (i) the elimination of the certificate of maintenance, (ii) a reduction in the amount of experience required to earn an original CPA certificate/license, (iii) the elimination of a continuing professional education requirement for an original CPA certificate/license, (iv) a less restrictive definition of what constitutes acceptable coursework for the continuing professional education requirement, (v) a provision allowing

CPAs certified in certain other states to practice public accountancy in the Commonwealth without a Virginia CPA certificate, (vi) a large increase in the maximum cost of the CPA examination, (vii) a provision allowing CPAs to charge commissions under certain circumstances, (viii) a requirement that firms based in the Commonwealth that practice public accounting or use the term "Certified Public Accountant(s)" or the designation "CPA" register with the board, and (ix) a requirement that all firms that practice public accounting undergo formal peer review.

Estimated economic impact. Under the pre-emergency regulations, CPAs in Virginia could hold either a certificate of license or a certificate of maintenance. For either certificate, the holder was required to complete certain coursework requirements and pass the CPA examinations. An individual could use the CPA designation on their business cards, in advertising, etc., by holding the certificate of maintenance. A certificate of maintenance did not permit the practice of public accounting. In order to practice public accounting, a CPA was required to hold a certificate of license. In addition to passing the CPA examinations and the required initial coursework, the CPA was required to have two years of applicable experience and 20 hours of continuing professional education in order to qualify for an original certificate of license. For renewal of the certificate of license, CPAs were required to complete a total of 120 hours (in real time, not credit hours) of continuing professional education every three years. Renewal of the certificate of maintenance did not require continuing professional education. Annual fees for initial licensure were \$15 for the certificate of maintenance and \$55 for the certificate of license. Renewal fees were \$10 and \$30 annually, respectively.

Under the proposed regulations, there is only one CPA certification. For the 7,186 former holders of the certificate of license, the proposed new certificate is less burdensome in several respects. The new certificate is less burdensome in that the initial and renewal fees, both \$24, are lower than the fees were for the certificate of license. The new CPA certificate requires one year of more broadly defined applicable experience, versus the two years of more restrictively defined applicable experience required for the certificate of license. Also, there is no continuing professional education requirement prior to obtaining the original CPA certificate. Additionally, the 120 hours of continuing professional education that are required for renewal are much more broadly defined for the new certificate. For the certificate of license, the continuing professional education had to be in courses pertaining to accounting that were approved by the board. Under the proposed regulations, "the CPA certificate holder may choose the areas of study and courses." Since the new CPA certificate is somewhat easier to obtain and renew than the old certificate of license, it is possible that some individuals will choose to obtain the new certificate and practice public accounting who would not have obtained the certificate of licensure. These individuals would provide new competition in the public accounting market. But the number of such individuals is likely to be small, especially considering the significant new burden of peer review that firms that practice public accounting will face. It seems likely that the benefits of reduced requirements will outweigh the costs of a potential small addition to competition. Thus,

former holders of the certificate of license will likely be better off by its elimination and replacement with the new CPA certificate.

For CPAs who would have held a certificate of maintenance¹ under the pre-emergency regulations, obtaining and renewing the new CPA certificate is clearly more burdensome. The initial and renewal fees, both \$24, are higher than the fees were for the certificate of maintenance. The new CPA certificate requires one year of applicable experience versus no experience requirement for the certificate of maintenance. Also, the new CPA certificate requires 120 hours of continuing professional education over three years for certificate renewal, versus no continuing professional education requirement for the certificate of maintenance. There is a significant opportunity cost associated with this requirement. Those 120 hours could instead be devoted toward three weeks of earning income via one's business, or time with one's family, or leisure, or some other chosen pursuit. Additionally, since these 120 hours can be in any area chosen by the CPA, this requirement provides no assurance to the public that the CPA is keeping up to date on skills relevant toward competence in their profession. Clearly, former holders of the certificate of maintenance are worse off by its elimination and replacement with the new CPA certificate.

The proposed regulations include a provision allowing CPAs based and certified in certain other states to practice public accountancy in the Commonwealth without a Virginia CPA certificate if their states' CPA certification requirements are "substantially equivalent" or exceed the requirements for a Virginia CPA certification. This proposed amendment may be beneficial to consumers of public accounting services in Virginia. The supply of public accounting services could be increased, while the minimum qualifications of those providing the services is not reduced.

The new regulations also increase the ceiling on the cost of the CPA examination fee from \$200 to \$1,000. According to the Department of Professional and Occupational Regulation (DPOR), the maximum amount of the examination was changed to cover the anticipated increase in cost when the examination is given via a computer system. Under the expected computer-based system, CPA candidates would have much more choice as to when they took the exam. There is no indication that candidates would be able to continue to take the exam via the less expensive non-computerized method. It is likely that a significant percentage of candidates would not be willing or able to pay several hundreds of dollars more in order to gain greater flexibility of when the exam is taken. The potential large increase in cost of the exam could create a barrier to entry into the profession for less affluent candidates.

Under the pre-emergency regulations, CPAs were forbidden from receiving commissions. The purpose of this prohibition was to avoid a conflict of interest on the part of a CPA

providing public accounting services. The proposed regulations allow CPAs to earn commissions from non-public accounting clients. This allows CPAs to earn additional income by, for example, selling financial products, without creating a conflict of interest with their public accounting clients. This proposed amendment would likely produce a net economic benefit since CPAs will be permitted to conduct additional types of profit-making business without substantially producing a conflict of interest risk.

The pre-emergency regulations required only professional corporations and professional limited liability companies to register with the board and pay \$40 for an original registration and \$30 to renew. Registrations lasted for two years. The proposed regulations require all firms that are based in the Commonwealth that practice public accounting or use the term "Certified Public Accountant(s)" or the designation "CPA" register with the board. Thus, all CPA firms are now required to register and pay a \$24 fee every two years. For professional corporations and professional limited liability companies the biennial fee is down from \$30, while it is increased from \$0 for other firms. The proposed change does seem to be more equitable and is unlikely to create a significant burden to any firm.

Under the proposed regulations, all firms that practice public accounting or compile financial statements in accordance with American Institute of Certified Public Accountants' standards, must undergo and pass a formal peer review every three years. The peer review must be performed pursuant to standards no less stringent than those of the AICPA (American Institute of Certified Public Accountants). When an organization requests approval to conduct peer reviews, the board will examine the program and decide on a case-by-case basis whether the program meets or exceeds the AICPA standards. The AICPA and the VSCPA (Virginia Society of Certified Public Accountants) are currently the only two approved (by the board) providers of peer reviews in the Commonwealth.

The benefit of the required peer review is presumably to help ensure that CPA firms based in Virginia provide competent service to their clients. There is insufficient information to determine to what extent that peer reviews help accomplish this goal. In the proposed regulation, CPA firms are free to choose which fellow CPA (who belongs to one of the approved organizations, but is not a member of the firm) conducts their peer review. Allowing firms to handpick their reviewer may reduce the likelihood that borderline questionable practices result in a negative peer review. Thus, allowing firms to choose their own reviewer may reduce the value of mandatory peer reviews.

According to DPOR, the cost of peer review varies depending on whether the work performed by the CPA firm requires an on-site review or an off-site review, as well as the size and nature of the firm's practice. The AICPA states that the cost of an on-site review varies between \$1,500 and \$3,500 for an average firm, while an off-site review costs between \$400 and \$800. In order to obtain a peer review by the AICPA, you must belong to the AICPA. The VSCPA states that an on-site review will cost between \$1,300 and \$2,700, while an off-site review will cost between \$300 and \$800. The VSCPA

¹ According to the Department of Professional and Occupational Regulation, there were 6,708 certificates of maintenance holders prior to the implementation of the emergency regulations. The existing certificate of maintenance holders were given new CPA certificates at the time of implementation, but are required to meet the renewal requirements for the new certificate.

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provides peer reviews for non-members, but at a 10% higher cost than the member rate. Since only members may be reviewed by the AICPA, and the VSCPA offers a discount to its members, the proposed regulations clearly encourage CPAs to join one of these two private organizations.

Since no accurate estimate is available for the potential benefits of the proposed peer review requirement, it cannot be determined whether the potential benefits exceed the substantial costs.

Businesses and entities affected. The proposed changes to the regulation affect all certified public accountants in Virginia, all individuals desiring to become certified public accountants in the Commonwealth, certified public accountants that are licensed in other states who desire to serve clients based in Virginia, and all firms based in the Commonwealth that practice public accounting or use the term "Certified Public Accountant(s)" or the designation "CPA." Prior to the implementation of the emergency regulations, there were 7,186 licensed CPAs and 6,708 CPA certificate of maintenance holders in Virginia. As of April 30, 2000, there were 13,997 CPA certificate holders in the Commonwealth. Prior to the implementation of the emergency regulations, there were 431 professional corporations and 40 professional limited liability companies registered to practice public accountancy in Virginia. As of April 30, 2000, there were 1,000 firms registered with the board.

Localities particularly affected. The proposed changes to the regulation affect localities throughout the Commonwealth.

Projected impact on employment. The proposed changes to this regulation are not expected to affect employment.

Effects on the use and value of private property. The elimination of the certificate of maintenance will increase costs for individuals that do not practice public accounting, but wish to maintain their CPA designation. The increased costs may decrease the value of their practice and may prompt some individuals to drop their certification. The elimination of the certificate of licensure and the introduction of the new certificate reduce costs for individuals that practice public accounting and may increase the value of their practice. The elimination of a continuing professional education requirement for an original CPA certificate/license and the less restrictive definition of what constitutes acceptable coursework for the continuing professional education requirement may reduce costs for some CPAs, potentially increasing the value of their practice. The quintupling of the ceiling for examination fees may lead to a large enough increase in cost to produce a barrier to entry into the profession. The provision allowing CPAs to charge commissions to non-public accounting clients has the potential to significantly increase the value of some firms. The implementation of mandatory peer reviews will increase costs for CPA firms, potentially decreasing the value of firms by a small amount. But the implementation of mandatory peer reviews will also very likely increase the membership and revenues of the AICPA and the VSCPA.

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

Summary:

The board is currently operating under emergency regulations that implement the provisions of Senate Bill 926 passed by the 1999 Session of the Virginia General Assembly. The proposed regulations replace the emergency regulations and continue to implement the provisions of Senate Bill 926. Because of the significant changes being proposed, the existing regulation, 18 VAC 5-20-10 et seq., is being repealed and will be replaced by 18 VAC 5-21-10 et seq. Proposed amendments include: (i) the elimination of the certificate of maintenance; (ii) a reduction in the amount of experience required to earn an original CPA certificate/license; (iii) the elimination of a continuing professional education requirement for an original CPA certificate/license; (iv) a less restrictive definition of what constitutes acceptable coursework for the continuing professional education requirement; (v) a provision allowing CPAs certified in certain other states to practice public accountancy in the Commonwealth without a Virginia CPA certificate; (vi) a large increase in the maximum cost of the CPA examination; (vii) a provision allowing CPAs to charge commissions under certain circumstances; (viii) a requirement that firms based in the Commonwealth that practice public accounting or use the term "Certified Public Accountant(s)" or the designation "CPA" register with the board; and (ix) a requirement that all firms that practice public accounting undergo formal peer review.

CHAPTER 21.

BOARD OF ACCOUNTANCY REGULATIONS.

PART I.

DEFINITIONS AND FEES.

18 VAC 5-21-10. Definitions.

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

"Accredited institution" means any degree-granting college or university accredited at the time of the applicant's degree or attendance by any of the following: Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, and Western Association of Schools and Colleges.

"Assurance" means any act or action, whether written or oral, expressing an opinion or conclusion about the reliability of a financial statement or about its conformity with any financial accounting principles or standards.

"Audit" means expressing an opinion about the fairness of presentation of financial statements in accordance with prescribed criteria.

"Board" means the Board of Accountancy.

"Certify," "audit," "examine," "review," or "express or disclaim an opinion," when referenced to financial information or the practice of public accountancy, are terms which, when

used in connection with the issuance of reports, state or imply assurance of conformity with generally accepted accounting principles, generally accepted auditing standards, and review standards. The terms include forms of language disclaiming an opinion concerning the reliability of the financial information referred to or relating to the expertise of the issuer.

"Client" means a person or entity that contracts with or retains a firm for performance of services by a CPA certificate holder or registration certificate holder subject to Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Commission" means compensation generated from the purchase or sale of a product or service and which would not be generated but for the purchase or sale of the product or service.

"Contact hour" means 50 minutes of participation in a group program or 50 minutes of average completion time in a self-study program.

"Contingent fee" means a fee established for the performance of a service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is obtained, or in which the amount of the fee is dependent upon the finding or result obtained. Fees shall not be considered contingent if fixed by courts or other public authorities, or in tax matters if determined based on the results of judicial proceedings or the findings of governmental agencies. A CPA certificate holder's fees may vary depending on the complexity of services rendered, and such variation shall not be considered a contingent fee.

"Continuing Professional Education (CPE)" means an integral part of the lifelong learning required to provide competent service to the public; the formal set of activities that enables accounting professionals to maintain and increase their professional competence.

"CPE reporting year" means the period beginning on July 1 of a calendar year and ending on June 30 of the following calendar year.

"CPE reporting cycle" means the three CPE reporting years immediately preceding the year the CPA certificate is renewed pursuant to 18 VAC 5-21-170.

"CPA certificate" means a certificate as a certified public accountant ("CPA") issued by the board pursuant to Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter, which shall function as a license, or a corresponding certificate as a certified public accountant issued after meeting examination and other requirements under the laws of any other state.

"Credit hour" means successful completion of a course of study measured in a contact hour.

"Examination" means, when used in the context of services provided by CPAs, expressing an opinion about the fairness of presentation of financial information in accordance with prescribed criteria.

"Financial statement" means writing or other presentation, including accompanying notes, which presents, in whole or in part, historical or prospective financial position, results of operations or changes in financial position of any person, corporation, partnership or other entity.

"Firm" means a sole proprietorship, partnership, corporation, limited liability company, limited liability partnership, or any other form of organization permitted by law.

"Good character" means a lack of a history of dishonest or felonious acts.

"Group program" means an educational process designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

"Interactive self-study program" means a program designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware, or administrative systems that provide significant ongoing, interactive feedback to the learner regarding his learning process. Evidence of satisfactory completion of each program segment by the learner is often built into such programs. These programs clearly define lesson objectives and manage the student through the learning process by requiring frequent student response to questions that test for understanding of the material presented, providing evaluative feedback to incorrectly answered questions, and providing reinforcement feedback to correctly answered questions. Capabilities are used that, based on student response, provide appropriate ongoing feedback to the student regarding his learning progress through the program.

"Noninteractive self-study program" means any self-study program that does not meet the criteria for interactive self-study programs.

"Original CPA certificate" means a CPA certificate issued by the board other than a CPA certificate by endorsement.

"Peer review" means a study, appraisal, or review, by a CPA certificate holder who is not affiliated with the firm being reviewed, of one or more aspects of the professional work of a firm that engages in the practice of public accounting or compiles financial statements in accordance with the American Institute of Certified Public Accountants' Statements on Standards for Accounting and Review Services (SSARS).

"Practice of public accountancy" or "public accounting" means the giving of an assurance, in a report or otherwise, whether expressly or implicitly, unless this assurance is given by an employee to his employer.

"Practice of taxation" means the providing of tax compliance and tax advice services.

"Registration" means the process through which a firm obtains a registration certificate from the board.

"Registration certificate" means a certificate issued to a firm that has met all of the requirements for registration under this chapter.

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"Regulant" means any CPA certificate holder or registration certificate holder who is subject to Chapter 20 (§ 54.1-200 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Renewal month" means the month of the calendar year in which a firm is required to renew its registration certificate.

"Report" or "reports," when used with reference to financial statements, means an opinion or disclaimer of opinion or other form of language or representation that states or implies any form of assurance or denial of assurance.

"Self-study program" means an educational process designed to permit a participant to learn a given subject without major involvement of an instructor. Self-study programs do not include informal learning.

"SSARS" means Statements on Standards for Accounting and Review Services established by the American Institute of Certified Public Accountants.

"Standards of conduct" means the standards set forth in 18 VAC 5-21-120.

"Standards of practice for CPA certificate holders" means the standards set forth in 18 VAC 5-21-130, 18 VAC 5-21-140 and 18 VAC 5-21-150.

"State" means any state of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and Guam.

"Substantial equivalency" means a determination by the board or its designee that the education, examination and experience requirements contained in the statutes and administrative rules of another jurisdiction are comparable to, or exceed, the education, examination and experience requirements contained in this chapter, or that an individual CPA from another jurisdiction has met education, examination and experience requirements that are comparable to, or exceed, the education, examination, and experience requirements contained in Chapter 20 (§ 54.1-2000 et seq.) of Title 54.1 of the Code of Virginia and this chapter.

"Wall certificate" means the symbolic document suitable for wall display that is issued by the board to an individual meeting the requirements for a CPA certificate set forth in 18 VAC 5-21-130.

18 VAC 5-21-20. Fees.

A. All fees are nonrefundable and the date of receipt by the board or its agent is the date that will be used to determine whether it is on time.

B. The following fees are effective October 4, 1999:

Original CPA certificate application	\$24
CPA certificate by endorsement application	\$24
Registration certificate application	\$24
CPA certificate renewal	\$24
Registration certificate renewal	\$24
CPA certificate late renewal	\$25
Registration certificate late renewal and, effective [insert the effective date of this	\$25

chapter], late application

CPA certificate reinstatement \$60

Registration certificate reinstatement \$60

If the renewal fee is not received by the board within 30 days after the expiration date printed on the CPA certificate or the registration certificate, the regulant shall pay the renewal and the late renewal fees. Regulants applying for reinstatement shall pay all unpaid renewal fees in addition to the late renewal and the reinstatement fees.

C. In order to implement a staggered billing program, the renewal fee for CPA certificate holders whose CPA certificates expire on September 30, 2000, shall be as follows depending upon the new expiration date assigned to the regulant:

March 31, 2001	\$12
April 30, 2001	\$14
May 31, 2001	\$16
June 30, 2001	\$18
July 31, 2001	\$20
August 31, 2001	\$22
September 30, 2001	\$24
October 31, 2001	\$26
November 30, 2001	\$28
December 31, 2001	\$30
January 31, 2002	\$32
February 28, 2002	\$34

D. The late filing fee for CPA certificate holders who fail to complete or report their CPE as required by this chapter shall be:

1. If received by the board up to four months late, \$25.
2. If received by the board more than four months late but not more than six months late, \$50.
3. If received by the board more than six months late, \$75.

E. The fee for a replacement wall certificate shall be \$25.

F. A fee of \$25 will be charged in addition to the fees established in this section for submitting a check to the board which is dishonored by the institution upon which it is drawn.

G. The fee for the examination provided for in 18 VAC 5-21-30 C shall consist of the administration expenses of the board ensuing from the board's examination procedures and contract charges. Examination 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 examination fee shall be based on the board's cost of administering the examination, not to exceed \$1,000.

PART II.
ENTRY REQUIREMENTS FOR CPA CERTIFICATE,
REGISTRATION CERTIFICATE AND CPA SUPERVISING
SERVICES INVOLVING THE PRACTICE OF PUBLIC
ACCOUNTING.

18 VAC 5-21-30. Qualifications for CPA certificate.

A. Each applicant must be a person of good character as defined in 18 VAC 5-21-10.

B. Education prior to taking the examination.

1. Each applicant whose application to sit for the examination is received by the board before July 1, 2006, shall have received a baccalaureate degree or its equivalent conferred by an accredited college or university as required by § 54.1-2003 B 1 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-2003 B 1 of the Code of Virginia:

- a. At least 24 semester hours of accounting including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 18 semester hours in business courses (other than the courses described in subdivision 1 a of this subsection).

An applicant whose application is received under the requirements of this subdivision may take the examination so long as the requirements of subdivision C 2 of this section are met.

2. Each applicant whose application to sit for the examination is received by the board on or after July 1, 2006, shall meet the requirements of § 54.1-2003 B 2 of the Code of Virginia and shall at the time the application is received have completed the following courses at the undergraduate or graduate level to meet the accounting concentration requirement of § 54.1-2003 B 2 of the Code of Virginia:

- a. At least 30 semester hours of accounting, including courses covering the subjects of financial accounting, auditing, taxation, and management accounting; and
- b. At least 24 semester hours in business courses (other than the courses described in subdivision 2 a of this subsection).

3. A quarter hour of coursework shall be considered the equivalent of two-thirds of a semester hour of coursework.

4. Each applicant with a degree or coursework earned at a nonaccredited college or university shall, if credit for such degree or coursework is to be considered by the board, (i) have his educational credentials evaluated by an academic credentials service approved by the board or an accredited institution, as defined in 18 VAC 5-21-10, to determine the extent to which such credentials are equivalent to the education requirements set forth in subdivisions 1 and 2 of this subsection and (ii) submit

such evaluations to the board, which may accept or reject the evaluator's recommendations in whole or in part.

5. Evidence of having obtained the required education shall be submitted in the form of official transcripts transmitted in a manner determined by the board. In unusual circumstances, the board may accept other evidence it deems to be substantially equivalent.

C. Examination.

1. Each applicant shall pass (i) a national uniform examination, as approved by the board, in auditing, business law and professional responsibilities, accounting and reporting (taxation, managerial, governmental and not-for-profit organizations), financial accounting and reporting, and other such related subject areas as deemed appropriate by the board and (ii) an ethics examination approved by the board. Each part of the examination must be passed with a minimum grade established by the board.

2. If at a given sitting of the examination an applicant passes two or more but not all sections, then the applicant shall be given credit for those sections that the applicant has passed and need not sit for reexamination in those sections provided the following conditions are met:

- a. At that sitting, the applicant wrote all sections of the examination for which the applicant did not have credit;
- b. The applicant attained a minimum grade of 50 on each section taken at that sitting;
- c. The applicant passes the remaining sections of the examination within six consecutive examinations (irrespective of the date on which the examination credit was earned) given after the one at which the first sections were passed; and
- d. At each subsequent sitting at which the applicant seeks to pass any additional sections, the applicant writes all sections for which the applicant does not have credit.

3. The board may, at its discretion, waive any of the above requirements for carryover examination credits, if such waiver is in the public interest.

4. Each applicant shall follow all rules and regulations established by the board with regard to conduct at the examination. Such rules shall include instructions communicated prior to the examination date and instructions communicated at the examination site on the date of the examination.

5. Failure to comply with the rules and regulations governing conduct in the examination may result in the loss of established eligibility to sit for the examination or credit for examination parts passed.

6. An applicant to sit for the examination shall obtain an application form from the board or its designee, complete the application in accordance with the instructions on the application, and submit the application together with all

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required documents to the board or its designee by the date determined by the board or its designee.

7. An applicant who fails to appear for the examination or reexamination shall forfeit the fees charged for that examination or reexamination unless excused by the board.

8. The fee to sit for the examination is established in 18 VAC 5-21-20 G, whether paid directly to the board or to a designee under contract to the board.

D. Experience.

1. Each applicant for initial issuance of a CPA certificate under this section shall provide documentation of having met the experience requirements established by § 54.1-2003 C of the Code of Virginia, which requires at least one year of acceptable experience in accounting or a related field. The experience may include providing any type of service or advice involving the use of accounting, management, financial, tax, or consulting advisory skills or services. Acceptable experience shall include employment in government, industry, academia or public accounting or related services. The applicant's experience may be supervised by a non-CPA certificate holder, although, when completing the application for the CPA certificate, the experience must be verified by a CPA certificate holder.

2. One year of experience shall consist of full- or part-time employment that extends over a period of no less than a year and no more than three years and includes no fewer than 2,000 hours of performance of services described in subdivision 1 of this subsection.

18 VAC 5-21-40. Issuance of original CPA certificate; CPA certificate by endorsement; and substantial equivalency.

A. Practicing as a CPA in the Commonwealth of Virginia. Only an individual who (i) holds a valid CPA certificate or (ii) meets the substantial equivalency requirements in this section may practice as a CPA in the Commonwealth of Virginia.

B. Original CPA certificate.

1. Each individual who desires to use the CPA designation shall first obtain a CPA certificate.

2. Each applicant for an original CPA certificate shall submit an application, on a form provided by the board, which shall document that the requirements of 18 VAC 5-21-30 have been met. If the application is received by the board three or more years after the successful completion of the CPA examination by the applicant, the applicant shall, in addition, submit evidence of having met the continuing professional education (CPE) requirements established by 18 VAC 5-21-160 A 1 or A 2, whichever is applicable. Each applicant shall agree to comply with the statutes and regulations of any other state in which he is authorized to practice.

3. Each application for an original CPA certificate shall be accompanied by the fee established in 18 VAC 5-21-20.

C. CPA certificate by endorsement.

1. Each individual who holds a CPA certificate in a state other than Virginia and either (i) has moved his principal place of business to Virginia or (ii) does not meet the substantial equivalency provision outlined in subsection G of this section must obtain a CPA certificate by endorsement prior to practicing as a CPA in Virginia.

2. Each applicant for a CPA certificate by endorsement shall submit an application, on a form provided by the board, which shall document that the applicant holds a corresponding CPA certificate as a certified public accountant issued after meeting examination and other requirements under laws of the state(s) from which the applicant is seeking a CPA certificate by endorsement. The application shall include the following:

a. From each state from which the applicant has received a CPA certificate (or from the applicant directly if the state is unable to provide the information), a written statement from the board of each state confirming that the applicant (i) is in good standing in that state; (ii) has not been found guilty of violating that state's standards of conduct or practice; (iii) has no pending actions alleging violations of that state's standards of conduct or practice; (iv) has met the education requirements in effect in that state when the applicant passed the examination described in 18 VAC 5-21-30 C; and (v) has met the experience requirement for a CPA certificate in effect in Virginia when the CPA certificate by endorsement application is received by the board. An applicant who holds a CPA certificate from a state that the board has determined meets the substantial equivalency provision set forth in § 54.1-2004.1 of the Code of Virginia shall be considered to have met the requirements of clauses (iv) and (v) of this paragraph.

b. A written statement from the applicant affirming that the applicant has (i) not violated the board's standards of conduct or standards of practice and (ii) met the board's continuing education requirements.

The board may deny the application for a CPA certificate by endorsement if the applicant is not in good standing in the other states which have issued CPA certificates to the applicant or if any information from the applicant indicates a failure to comply with the aforementioned standards.

3. Each application for a CPA certificate by endorsement shall be accompanied by the fee established in 18 VAC 5-21-20.

D. Each CPA certificate holder shall have the privilege of using the CPA designation provided the CPA certificate holder complies with the (i) standards of conduct, (ii) standards of practice, and (iii) the renewal requirements established by the board. Upon expiration of the CPA certificate, the CPA certificate holder shall cease displaying the CPA certificate and the wall certificate, and shall cease affixing and using the CPA designation in any manner.

E. CPA certificate holders shall have met the experience requirements established in 18 VAC 5-21-50 before supervising services involving the practice of public accounting, or signing or authorizing another person to sign the accountant's report on the financial statements on behalf of the firm.

F. CPA certificates shall be renewed in compliance with 18 VAC 5-21-80.

G. Privilege to practice without a CPA certificate by endorsement, substantial equivalency.

1. A holder of a CPA certificate from a state other than Virginia and with a principal place of business in a state other than Virginia shall either obtain a CPA certificate by endorsement as outlined in subsection C of this section or meet the substantial equivalency requirements of this subsection.

2. To implement the provisions of § 54.1-2004.1 A of the Code of Virginia, the privilege to practice under substantial equivalency shall be evidenced by the following:

a. If the individual's CPA certificate is issued by a state that the board has determined is substantially equivalent, the CPA certificate issued by that state shall constitute evidence of the privilege to practice.

b. If the individual's CPA certificate is issued by a state that the board has determined is not substantially equivalent, the CPA certificate holder shall notify the board in writing that he intends to practice in the Commonwealth and shall provide documentation acceptable to the board that he has personally satisfied the requirements for substantial equivalency. An approval letter from the board shall constitute evidence of the privilege to practice.

c. A CPA certificate by endorsement shall be obtained if the CPA exercising the privilege to practice under substantial equivalency moves his principal place of business to Virginia or ceases to have an office in any other state.

3. For the purposes of implementing § 54.1-2004.1 B 2 of the Code of Virginia relating to the privilege of practicing public accounting extended to nonresident CPA certificate holders, the board shall determine the state to be served based on whose statutes and regulations most closely correspond to those of the Commonwealth of Virginia.

4. The board shall determine whether a state meets the substantial equivalency provisions for nonresident CPA certificate holders by periodically obtaining, reviewing and approving a list of states, which in the opinion of the board, meet the substantial equivalency provisions for nonresident CPA certificate holders.

18 VAC 5-21-50. Additional requirements for CPAs supervising services involving the practice of public accountancy.

A. To implement the provisions of § 54.1-2005 C 7 of the Code of Virginia, any individual CPA certificate holder who is responsible for supervising services involving the practice of public accounting, or signs or authorizes another person to sign on behalf of the firm the accountant's report on the financial statement resulting from the practice of public accounting, shall meet the requirements set forth in subsection B of this section.

Nothing in this section is intended to proscribe an individual who does not have a CPA certificate from affixing his signature to any statement or report for his employer's internal or management use and designating his position, title or office.

B. Requirements.

1. CPA certificate. Any individual desiring to supervise public accountancy services shall hold a currently valid CPA certificate or CPA certificate by endorsement issued by this board or shall be in compliance with the substantial equivalency requirements in 18 VAC 5-21-40 F.

2. Experience. In addition to the one year of experience required to receive a CPA certificate, such individual shall have completed one year of additional experience in the practice of public accounting, as defined in 18 VAC 5-21-10, with not less than 600 of these hours in the performance of audits if the services involve an audit or not less than 600 of these hours in the performance of reviews or audits if the services involve a review but not an audit. One year of experience shall consist of no fewer than 2,000 hours of full or part-time employment that extends over a period of no less than one year and no more than three years. The experience must have been gained under the direct supervision of a CPA licensed in any state. Persons who held a license, as defined in the board's regulations effective on April 1, 1997, issued by the board and in effect on October 4, 1999, shall be deemed to have met this experience requirement.

18 VAC 5-21-60. Registration of firms.

A. To implement the provisions of § 54.1-2005 B of the Code of Virginia, any firm with one or more offices in the Commonwealth that practices, directly or indirectly, public accounting or that uses the term "Certified Public Accountant(s)" or the designation "CPA" in the name of the firm shall register with the board.

B. A firm in existence prior to October 4, 1999, that is subject to the peer review requirement established in 18 VAC 5-21-70 but has not undergone such a review shall comply with this requirement no later than October 3, 2002. A firm organized after October 3, 1999, shall comply with the peer review requirement established in 18 VAC 5-21-70 no later than the third anniversary of the issuance of its initial registration.

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C. To implement the provisions of § 54.1-2005 C of the Code of Virginia, any firm with an office in the Commonwealth providing or offering to provide services involving the practice of public accounting shall be issued a registration certificate by the board upon its application and payment of the required fee provided the firm is in compliance with § 54.1-2005 C of the Code of Virginia.

1. Each firm shall submit an application on forms provided by the board, which shall contain the following:

a. A statement that the applicant is registering pursuant to § 54.1-2005 B of the Code of Virginia and has complied with each of the requirements of § 54.1-2005 C of the Code of Virginia.

b. A copy of the peer review documents as required by 18 VAC 5-21-70.

c. The designation of a CPA certificate holder that will be the primary contact for the firm, including a firm with multiple offices.

2. To implement § 54.1-2005 C 3 of the Code of Virginia, all non-CPA owners shall work in the firm. "Work in the firm" means that the non-CPA owner works full-time for the firm (at least 1,000 hours a year), and that retirees and owners no longer working full time shall have one year from the last day of their full-time involvement with the firm to dispose of their interest. Heirs shall have two years in which to dispose of the ownership interest.

D. To implement § 54.1-2005 D of the Code of Virginia, any firm with an office in the Commonwealth that is not engaged in the practice of public accounting but uses the term "Certified Public Accountant" or the "CPA" designation in its name shall be issued a registration certificate by the board upon its application and payment of the required fee provided the firm is in compliance with § 54.1-2005 C 1, 2, 3, and 8 of the Code of Virginia. Any such firm in existence prior to October 4, 1999, that had not previously registered with the board shall register by November 30, 1999.

1. Such firm shall submit an application provided by the board, which application shall contain the following:

a. A statement that the applicant is registering pursuant to § 54.1-2005 D of the Code of Virginia and has complied with each of the requirements set forth in § 54.1-2005 D of the Code of Virginia.

b. A statement that the firm has or has not compiled financial statements in compliance with SSARS.

c. If the firm has compiled financial statements in accordance with SSARS, a copy of the peer review documents as required by 18 VAC 5-21-70.

d. The designation of a CPA certificate holder that will be the primary contact for the firm, including a firm with multiple offices.

2. To implement § 54.1-2005 C 3 of the Code of Virginia, "work in the firm" means the non-CPA owner works full-time (at least 1,000 hours a year). Retirees and owners no longer working full time shall have one calendar year from the last day of their full-time involvement with the

firm to dispose of their interest. Heirs shall have two years in which to dispose of their ownership interest.

E. The fee for a registration certificate is set forth in 18 VAC 5-21-20.

F. Pursuant to § 54.1-2005 C 6 of the Code of Virginia, all firms required to obtain registration certificates shall meet the standards set forth in 18 VAC 5-21-160.

G. Each registration certificate shall be renewed in compliance with 18 VAC 5-21-80.

18 VAC 5-21-70. Peer review.

A. To implement the provisions of § 54.1-2005 C 5 and D 2 of the Code of Virginia, registered firms meeting the requirements set forth in this section shall provide the board with evidence, as described in subsection E of this section, that the firm has undergone, no less frequently than every three years, a peer review. Firms not required to register with the board are not required to comply with the peer review requirement.

B. If a firm performs the services described in subsection D of this section, a peer review is required and the firm shall provide evidence of such peer review to the board in accordance with the dates set forth in subsection C of this section.

C. Applicable dates.

1. Evidence of a peer review is not required for an initial or renewal application for a registration certificate filed prior to January 1, 2002.

2. Initial or renewal applications due after December 31, 2001, are required to include evidence of a peer review subject to the following exceptions:

a. A firm first initiating services requiring a peer review shall comply with the peer review requirement within three years of first initiating services requiring a peer review. If such firm had not previously registered with the board, then registration is required prior to initiating services requiring registration and evidence of a timely peer review shall be provided with the first application for renewal immediately following the aforementioned three-year period. If such firm had previously registered with the board, evidence of a timely peer review shall be provided with the renewal application immediately following the end of the aforementioned three-year period.

b. A firm first initiating services that require a level of review, as described in subsection D of this section, that is higher than previously required, shall comply with the higher peer review requirement within three years of the date of first initiating the higher level of services requiring a higher level of peer review. If such firm had not previously registered with the board, then registration is required prior to initiating the higher level of services requiring registration and evidence of a timely peer review applicable to the higher level service shall be provided with the first application for renewal immediately following the aforementioned

three-year period. If such firm had previously registered with the board, evidence of a timely peer review applicable to the higher level services shall be provided with the renewal application immediately following the end of the aforementioned three-year period.

c. If the firm submits with its application, either initial or renewal, evidence of a peer review that was not performed pursuant to standards that the board deems are at least comparable to the peer review program of the American Institute of Certified Public Accountants, then such firm shall submit evidence of a peer review performed in accordance with standards that are at least comparable to those of the American Institute of Certified Public Accountants by the due date of its next application for renewal. No further extensions will be permitted. Those who fail to comply by this date are subject to disciplinary action.

D. The nature of the services requiring a peer review and the nature of such reviews are set forth in this subsection.

1. System review. This review applies to firms that perform engagements under the Statements on Auditing Standards (SASs) or examinations of prospective financial information under the Statements on Standards for Attestation Engagements (SSAEs), as established by the American Institute of Certified Public Accountants, or the Government Auditing Standards (the Yellow Book) issued by the U. S. General Accounting Office (GAO).

This review shall result in a report that (i) expresses an unmodified opinion on the firm's system of quality control for the practice involving the services described in subdivision 1 of this subsection or (ii) expresses a modified opinion, which modifications are satisfactorily resolved as evidenced by a final acceptance letter from the administering entity. Such reviews shall be performed and reported in accordance with standards that are at least comparable to the peer review program of the American Institute of Certified Public Accountants.

2. Engagement review. This review is required for firms that are not required to have a system review and who are not eligible to have a report review as described in subdivision 3 of this subsection. It applies to registered firms that do not perform engagements in accordance with SASs or examinations of prospective financial statements under the SSAEs but do perform engagements in accordance with the Statements on Standards for Accounting and Review Services (SSARs) or review engagements in accordance with the SSAEs, both as established by the American Institute of Certified Public Accountants.

This review shall result in a report that indicates whether anything came to the reviewer's attention that caused the reviewer to believe that the reports submitted did not comply with the requirements of professional standards in all material respects or, if applicable, describe the general nature of significant departures from those standards, or, if adverse, a statement that the firm did not comply with the requirements of professional standards

in all material respects. Such reviews shall be performed and reported in accordance with standards that are at least comparable to the peer review program of the American Institute of Certified Public Accountants.

3. Report review. This review applies to firms that only perform compilations, as described in the SSARs, that omit substantially all disclosures.

This review shall result in a report that lists comments and recommendations based on whether the financial statements and the related accountant's report appear to conform with the requirements of the aforementioned standards in all material respects. Such reviews shall be performed and reported in accordance with standards that are at least comparable to the peer review program of the American Institute of Certified Public Accountants.

E. Required evidence of peer review. The applicant for an initial or a renewal registration certificate shall attach a copy of the final acceptance letter from the entity administering the peer review program as evidence that the firm has obtained the required peer review. A copy of this letter shall generally be considered evidence, however, the board reserves the right to request a copy of the peer review report or any other document relating to the peer review program.

PART III.

RENEWAL/REINSTATEMENT OF CPA CERTIFICATE AND REGISTRATION CERTIFICATE AND OTHER GENERAL REQUIREMENTS.

18 VAC 5-21-80. Requirement for renewal.

A. Each CPA certificate issued under the provisions of this chapter shall expire one year from the last day of the month wherein the initial CPA certificate was issued and shall be renewable for periods of one year thereafter, except for CPA certificates with a September 30, 2000, expiration date. Each CPA certificate that expires on September 30, 2000, shall be renewed in a manner to implement a staggered renewal system, whereby all CPA certificates expiring on September 30, 2000, shall be renewed so as to cause an approximately equal number of CPA certificates to expire each month during the 12-month cycle beginning in March 2001 and ending in February 2002. The fee during this initial implementation period will include a pro rata charge or credit for the period between March 31, 2001, and February 28, 2002.

B. Each registration certificate shall expire two years from the last day of the month wherein issued and shall be renewable for periods of two years thereafter.

C. Registration certificates issued to professional corporations and professional limited liability companies in accordance with the regulations of the board in effect beginning on April 1, 1997, shall become void on November 30, 1999. Those firms shall register with the board in compliance with the requirements of 18 VAC 5-21-60 no later than November 30, 1999. A pro rata credit for the unexpired term of any existing registration certificate will be credited against the fee for the registration required by this subsection.

D. Renewal notices will be mailed to the regulant at the last known address of record. Failure to receive written notice does not relieve the regulant of the requirement to renew and

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pay the required fee. The date the board receives the renewal notice and fee shall determine whether other fees established by 18 VAC 5-21-20 are payable. Fees shall not be refunded or prorated.

E. Fees for renewal of a CPA certificate and a registration certificate are established in 18 VAC 5-21-20.

F. Representations. An individual holding a CPA certificate issued by the board shall submit a renewal application provided by the board, which application shall contain a statement that the applicant has (i) complied with the board's standards of conduct and applicable standards of practice; (ii) met the applicable continuing professional education (CPE) requirements set forth in § 54.1-2004 B of the Code of Virginia, § 54.1-2004 C of the Code of Virginia and 18 VAC 5-21-160 for the three years prior to the year the renewal application is submitted; and (iii) met the requirements set forth in 18 VAC 5-21-50 B if the CPA certificate holder is responsible for supervising services involving the practice of public accounting, or signs or authorizes another person to sign the accountant's report on the financial statement on behalf of the firm.

A firm practicing public accounting and holding a registration certificate issued by the board shall submit (i) a renewal application provided by the board that shall contain a statement that the registrant has complied with the board's standards of conduct and applicable standards of practice, and the requirements of § 54.1-2005 C of the Code of Virginia relating to firm ownership and (ii) a copy of the peer review report and the letter from the supervising entity accepting the report as evidence that it has undergone, no less frequently than once every three years, a peer review that expresses an opinion on the firm's system of quality control if the firm performed auditing, accounting or attestation engagements providing some level of assurance, or a report review if the firm compiled financial statements but did not perform auditing, accounting or attestation engagements providing some level of assurance during the three years preceding the calendar year in which the application is received. Such reviews shall be performed and reported in accordance with standards that are at least comparable to the peer review program of the American Institute of Certified Public Accountants. If the peer review report describes material deficiencies, the firm must provide evidence from the reviewer or supervising entity that the firm has corrected any material deficiencies within the time period set forth in the aforementioned standards or one year from the date of the peer review report, whichever is shorter. A firm in existence prior to October 4, 1999, that is subject to the aforementioned requirement but has not undergone such a review must comply with this requirement by June 30, 2002.

G. The board shall deny the renewal application if the regulant fails to meet the renewal requirements.

H. If the required renewal fee is received more than 30 days after the expiration date but within one year after the expiration date, a late fee will be charged in addition to the renewal fee as provided for in 18 VAC 5-21-20.

18 VAC 5-21-90. Requirement for reinstatement.

A. In addition to meeting the requirements for renewal set forth in 18 VAC 5-21-80, a regulant shall comply with the following requirements if the regulant fails to renew within 12 months after the expiration of the applicable certificate:

1. If the regulant fails to renew his CPA certificate or registration certificate within 12 months following its expiration or voluntary termination by the holder of a CPA certificate or registration certificate, he will be required to present reasons for reinstatement.
2. No application for reinstatement shall be considered while the petitioner is under sentence for criminal offense related to the practice of accountancy, including any period during which the petitioner is on probation or parole for such offense.
3. Reinstatement fees, which are nonrefundable and shall not be prorated, are established in 18 VAC 5-21-20.
4. Applicants for reinstatement of the CPA certificate shall affirm on a form provided by the board that they continue to meet the standards for entry as set forth in 18 VAC 5-21-30, and for renewal as set forth in 18 VAC 5-21-80. Applicants for reinstatement of the registration certificate shall affirm on a form provided by the board that they continue to meet the standards of conduct and applicable standards of practice, and the renewal requirements set forth in 18 VAC 5-21-80.
5. If the regulant has failed to renew his CPA certificate or registration certificate for a period of 12 months or longer, a reinstatement fee as set forth in 18 VAC 5-21-20 shall be due in addition to the renewal fee and late renewal fee established in 18 VAC 5-21-20.
6. The renewal fee and late fee for each renewal period in which the regulant failed to renew his CPA certificate or registration certificate shall be paid as set forth in 18 VAC 5-21-20.

B. If the requirements set forth in subsection A are not met, the board shall advise the applicant that reinstatement has been denied and the reasons for the denial. The reinstatement request may be resubmitted when the applicant believes the matters affecting the reinstatement application have been satisfactorily resolved. The reinstatement applicant may request a proceeding in accordance with the provisions of the Administrative Process Act (§ 9-6.14:4.1 et seq. of the Code of Virginia).

18 VAC 5-21-100. Status of certificate holder during the period prior to reinstatement.

A regulant who is reinstated shall be regarded as having been a regulant continuously 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. A regulant who is not reinstated shall be regarded as unlicensed from the expiration date of the CPA certificate or registration certificate forward. Nothing in 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 time for which the regulant held a CPA certificate or registration certificate.

18 VAC 5-21-110. Notification of change of address or name, response to board communication.

A. Each regulant shall notify the board in writing within 30 days of any change of address or name.

B. Each regulant shall respond within 30 days to any request for information made by the board.

**PART IV.
STANDARDS OF CONDUCT.**

18 VAC 5-21-120. Standards of conduct for all regulants.

A. *Responsibilities.* A regulant shall exercise sensitive professional and moral judgment in all activities.

B. *Public interest.* A regulant shall act in a way that serves the public interest, honors the public trust, and demonstrates commitment to professionalism.

C. *Integrity and objectivity.* A regulant shall perform all professional responsibilities with the highest sense of integrity, maintain objectivity and freedom from conflicts of interest in discharging professional responsibilities, and avoid knowingly misrepresenting facts or inappropriately subordinating his judgment to others.

D. *Independence.* A CPA certificate holder and registration certificate holder shall be independent in fact and appearance when offering to provide or providing services pursuant to the standards listed in the definition of "standards of practice for CPA certificate holders."

E. *Professional competence.* A regulant shall undertake only those professional services that can reasonably be expected to be completed with professional competence.

F. *Due professional care.* A regulant shall exercise due professional care in the performance of professional services.

G. *Planning and supervision.* A regulant shall adequately plan and supervise the performance of professional services.

H. *Sufficient relevant data.* A regulant shall obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to any professional services performed.

I. *Accounting principles.* A CPA certificate holder shall not express an opinion or state affirmatively that financial statements or other financial data of any entity are presented in conformity with generally accepted accounting principles or state that the CPA certificate holder is not aware of any material modifications that should be made to such statements or data in order for them to be in conformity with generally accepted accounting principles, if such statements or data contain any departure from any of the standards described in the definition of the "standards of practice for CPA certificate holders" that has a material effect on the statements or data taken as a whole with the following exception: the CPA certificate holder can demonstrate that, due to unusual circumstances, the financial statements or data would otherwise have been misleading without the departure, and the approximate effects of the departure, if

practicable, and the reasons why compliance with the principle would result in a misleading statement are provided in the statements or data.

J. *Confidential client information.* A regulant shall not disclose any confidential client information without the specific consent of the client. This rule shall not be construed to (i) affect in any way the regulant's obligation to comply with a validly issued and enforceable subpoena or summons, or to prohibit a regulant's compliance with applicable laws and government regulations, (ii) prohibit review of a regulant's professional practice by this board, (iii) prohibit a review in conjunction with a prospective purchase, sale or merger of all or part of a regulant's practice so long as the regulant takes appropriate precautions (e.g., through a written confidentiality agreement) so that the prospective purchaser does not disclose any information obtained in the course of the review, or (iv) prohibit a review in conjunction with a peer review of a firm as provided in 18 VAC 5-21-70. The reviewers of such information shall not use to their advantage nor disclose any regulant's confidential client information that comes to their attention.

K. *Contingent fees.* As provided in § 54.1-2007 D 2 and 3 of the Code of Virginia, a CPA certificate holder shall not perform for a contingent fee: (i) any services for, or receive such a fee from, a client for whom the CPA certificate holder or the CPA certificate holder's firm performs services which involve the practice of public accounting, during the period when such services are being provided and during the period covered by the financial statements; or (ii) prepare an original tax return or claim for a tax refund for a contingent fee for any client.

L. *Commissions and referral fees.*

1. *Prohibited commissions.* As provided in § 54.1-2007 D 1 of the Code of Virginia, a CPA certificate holder shall not recommend to a client any product or services for a commission, or, for a commission, recommend or refer any product or service to be supplied by a client, or receive a commission when the CPA certificate holder also performs for that client any service which involves the practice of public accounting. This prohibition applies during the period in which the CPA certificate holder is providing services which involve the giving of an assurance or during the period covered by any financial statements that were prepared by the CPA certificate holder as a part of such services.

2. *Disclosure of permitted commissions.* As provided in § 54.1-2007 E of the Code of Virginia, a CPA certificate holder who is not prohibited from accepting a commission and who is paid or expects to be paid a commission shall disclose that fact to any person or entity to whom the CPA certificate holder recommends or refers a product or service to which the commission applies.

3. *Disclosure of referral fees.* As provided in § 54.1-2007 F of the Code of Virginia, a CPA certificate holder who accepts a referral fee for recommending or referring any service of a CPA certificate holder shall disclose such payment to the client.

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M. Acts discreditable. A regulant shall not commit acts discreditable to the profession, as listed in § 54.1-2006 of the Code of Virginia and this chapter.

N. Advertising and other forms of solicitation. A regulant shall not seek to obtain clients by advertising or other forms of solicitation in a manner that is false, misleading, or deceptive, or by coercion, overreaching or harassing conduct.

O. Form of organization and name. A regulant shall not practice under a firm name that is false, misleading or deceptive.

PART V.

STANDARDS OF PRACTICE FOR CPA CERTIFICATE HOLDERS.

18 VAC 5-21-130. Standards of practice for CPA certificate holders involved in the practice of public accounting or compiling financial statements.

CPA certificate holders shall follow the standards, as applicable under the circumstances, set forth in this section in providing services involving the practice of public accounting or compiling financial statements:

1. Statements of Financial Accounting Standards issued by the Financial Accounting Standards Board;
2. Accounting Principles promulgated by the Accounting Principles Board of the American Institute of Certified Public Accountants;
3. Accounting Principles promulgated by the Committee on Accounting Procedure of the American Institute of Certified Public Accountants;
4. Statements on Auditing Standards issued by the Auditing Standards Board of the American Institute of Certified Public Accountants;
5. Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants;
6. Statements of Governmental Accounting and Financial Reporting Standards issued by the Governmental Accounting Standards Board;
7. Statements on Governmental Auditing Standards issued by the Comptroller General of the United States;
8. Statements on Standards for Attestation Engagements issued by the Accounting and Review Services Committee of the American Institute of Certified Public Accountants; and
9. Standards issued by various governmental bodies with which the auditor is required to comply.

18 VAC 5-21-140. Standards of practice for CPA certificate holders providing tax compliance and advice.

In addition to the standards of conduct established in 18 VAC 5-21-120, CPA certificate holders who provide tax compliance and tax advisory services shall comply with the following standards of practice:

1. Due diligence. A CPA certificate holder shall exercise due diligence as to accuracy in preparing, approving and filing, tax returns, documents, affidavits, and other papers relating to income tax matters.

2. Tax return positions.

a. A CPA certificate holder shall not recommend to a client that a position be taken with respect to the tax treatment of any item on a return unless the CPA certificate holder has a good faith belief that the position has a realistic possibility of being sustained administratively or judicially on its merits if challenged, or prepare or sign a return as an income tax return preparer if the CPA certificate holder knows that the return takes a position that the CPA certificate holder could not recommend under the aforementioned standard, except that a CPA certificate holder may recommend a position that the CPA certificate holder concludes is not frivolous so long as the position is adequately disclosed on the return or claim for refund.

b. In recommending certain tax return positions and in signing a return on which a tax return position is taken, a CPA certificate holder shall advise the client, where relevant, as to the potential penalty consequences of the recommended tax return position and the opportunity, if any, to avoid such penalties through disclosure.

c. A CPA certificate holder shall not recommend a tax return position that exploits the tax authority's tax election process, or serves as a mere "arguing" position advanced solely to obtain leverage in the bargaining process of settlement negotiation with the tax authority.

3. Answers to questions on returns. A CPA certificate holder shall make a reasonable effort to obtain from the client, and provide, appropriate answers to all questions on a tax return before signing as preparer.

4. Certain procedural aspects of preparing returns.

a. In preparing or signing a return, the CPA certificate holder may in good faith rely without verification upon information furnished by the client or by third parties; however, the CPA certificate holder shall not ignore the implications of information furnished and shall make reasonable inquiries if the information furnished appears to be incorrect, incomplete, or inconsistent either on its face or on the basis of other facts known to the CPA certificate holder.

b. Where the tax authority imposes a condition to deductibility or other tax treatment of an item (such as taxpayer maintenance of books and records or substantiating documentation to support the reported deduction or tax treatment), the CPA certificate holder shall make appropriate inquiries to determine to the CPA certificate holder's satisfaction whether conditions for deductibility or other tax treatment of an item (such as taxpayer maintenance of books and records or substantiating documentation to support the reported deduction or tax treatment) has been met.

c. The CPA certificate holder who is required to sign the return shall consider information actually known to the CPA certificate holder from the tax return of another client when preparing a tax return if the information is relevant to that tax return, its consideration is necessary to properly prepare that tax return, and use of such information does not violate any law or rule relating to confidentiality.

5. Use of estimates. A CPA certificate holder may prepare tax returns involving the use of the taxpayer's estimates if it is impracticable to obtain exact data and the estimated amounts are reasonable under the facts and circumstances known to the CPA certificate holder and so long as the presentation does not imply greater accuracy than exists.

6. Departure from a position previously concluded in an administrative proceeding or court decision. A CPA certificate holder shall base a recommendation of a position to be taken concerning the tax treatment of an item in the preparation or signing of a tax return upon the facts and the law as they are evaluated at the time the return is prepared or signed by the CPA certificate holder.

7. Knowledge of error: return preparation.

a. A CPA certificate holder shall inform the client promptly upon becoming aware of an error in a previously filed return or upon becoming aware of a client's failure to file a required return and recommend the measures to be taken.

b. If the CPA certificate holder is requested to prepare the current year's return and the client has not taken appropriate action to correct an error in a prior year's return, the CPA certificate holder shall consider whether to withdraw from preparing a return and whether to continue a professional relationship with a client.

8. Knowledge of error: administrative proceedings. When the CPA certificate holder is representing a client in an administrative proceeding with respect to a return which contains an error of which the CPA certificate holder is aware, the CPA certificate holder shall inform the client promptly upon becoming aware of the error, recommend the measures to be taken, and request the client's agreement to disclose the error to the tax authority. Lacking such agreement, the CPA certificate holder shall consider whether to withdraw from representing the client in the administrative proceeding and whether to continue in a professional relationship with the client.

9. Form and content of advice to clients.

a. In providing tax advice, the CPA certificate holder shall use judgment to ensure that the tax advice given to a client reflects professional competence and appropriately serves the client's needs.

b. In advising or consulting with a client on tax matters, the CPA certificate holder shall assume that the advice or consultation provided a client on tax

matters will affect the manner in which the matters or transactions considered ultimately will be reported on the client's tax returns.

18 VAC 5-21-150. Standards of practice for CPA certificate holders providing consulting services.

A CPA certificate holder providing management consulting advisory services shall comply with the following standards of practice:

1. Client interest. Serve the client interest by seeking to accomplish the objectives established by the understanding with the client while maintaining integrity and objectivity.

2. Understanding with client. Establish with the client a written or oral understanding about the responsibilities of the parties and the nature, scope, and limitations of services to be performed, and modify the understanding if circumstances require a significant change during the engagement.

3. Communication with client. Inform the client of (i) conflicts of interest that may occur pursuant to interpretations of the standards of conduct established in 18 VAC 5-21-120; (ii) significant reservations concerning the scope of benefits of the engagement; and (iii) significant engagement findings or events.

PART VI.

STANDARDS OF PRACTICE FOR FIRMS HOLDING REGISTRATION CERTIFICATES.

18 VAC 5-21-160. Standards of practice for firms holding registration certificates.

A. Use of terms by firms. No firm having an office in Virginia shall use or assume the title or designation "certified public accountant," "public accountant," "CPA," or any other title, designation, phrase, acronym, abbreviation, sign, card, or device tending to indicate that it is offering to practice or is practicing public accountancy unless at least 51% of the owners currently hold a valid CPA certificate or CPA certificate by endorsement.

B. Management of offices. Each firm's office or offices located in Virginia that is offering services involving the practice of public accountancy shall be managed by a certified public accountant holding a valid CPA certificate.

C. Client's records. Upon request, a firm shall furnish to the firm's client or former client, within a reasonable time, any accounting or other record prepared by and belonging to the client, or obtained from or on behalf of the client, which the regulant or another member of his firm removed from the client or the client's premises, or had received for the client's account.

D. Ownership of regulant's working papers and records. All working papers, including but not limited to statements, programs, records, schedules, and memoranda, prepared by the regulant incident to rendering services to a client are the property of the regulant's firm absent an express agreement between the firm and the client to the contrary. Such working papers shall not be sold, transferred, or bequeathed, to

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anyone other than a regulant without the consent of the client, except this rule shall not be construed to (i) affect in any way the regulant's obligation to comply with a validly issued and enforceable subpoena or summons, or to prohibit a regulant's compliance with applicable laws and government regulations or (ii) prohibit a transfer to another firm licensed in Virginia in conjunction with a sale or merger of all or part of a member's practice so long as the regulant takes appropriate precautions (e.g., through a written confidentiality agreement) so that the purchaser or merging entity does not disclose any information obtained in the transaction. The purchaser or party to a merger shall not use to their advantage nor disclose any member's confidential client information that comes to their attention.

E. Peer review. If required, a firm shall comply with the peer review requirements of 18 VAC 5-21-70.

F. Power of inspection. The board and its duly authorized agents shall have the power to inspect the work product and all supporting working papers and records of all regulants in connection with an investigation or relating to compliance with statutes and regulations.

PART VII.

CONTINUING PROFESSIONAL EDUCATION.

18 VAC 5-21-170. Continuing professional education requirements for CPA certificate holders.

A. CPE requirements for CPA certificate renewal.

1. As provided in § 54.1-2004 B of the Code of Virginia, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA certificate, and who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for the public, shall obtain 120 hours of continuing professional education (CPE) during each CPE reporting cycle with a minimum of 20 hours per CPE reporting year. The CPA certificate holder may choose the areas of study and courses.

2. Any person covered by this provision who, prior to implementation of § 54.1-2004 B of the Code of Virginia on October 4, 1999, provided one or more of the services described in subdivision 1 of this subsection but was not required to obtain CPE, shall obtain at least 20 hours of CPE in each of the CPE reporting years 2000, 2001 and 2002 and meet the 120 hour requirement for the reporting cycle ending June 30, 2002.

3. Any person commencing the services described in subdivision 1 of this subsection after December 31, 2000, shall have obtained 40 hours of CPE within the year preceding the date such services are first offered to the public and obtain the remaining 80 hours of CPE by the end of the second CPE reporting year following the date of commencing such services with no less than 20 hours in each of these two CPE reporting years.

4. The June 30 CPE reporting year commenced on July 1, 1999, for purposes of CPE certificate renewals on or after September 30, 2000. For purposes of initial adoption of a June 30 CPE reporting year, CPE credits obtained during the six-month period ended June 30, 1999, may be included in the CPE reporting year ending June 30, 2000.

5. As provided in § 54.1-2004 C of the Code of Virginia, effective July 1, 2002, any person referring to himself as a Certified Public Accountant or "CPA," including the use of the "CPA" title on individual business cards, letterhead and all other documents and devices except the CPA certificate, and who is performing or offering to perform any services involving accounting skills or auditing skills, issuing reports on financial advisory or consulting services, preparing tax returns, or furnishing advice on tax matters, for an employer or other organization and not for the public, or who is employed as an educator in the field of accounting, shall meet the following CPE requirements as a condition of renewal of the person's CPA certificate: (i) for the three-year reporting period beginning July 1, 2002, a minimum of 45 credit hours with a minimum of 10 hours per year, (ii) for the three-year reporting period beginning July 1, 2005, a minimum of 90 credit hours with a minimum of 15 hours per year, and (iii) for the three-year reporting periods beginning on or after July 1, 2008, a minimum of 120 credit hours with a minimum of 20 hours per year. The CPA certificate holder may choose the areas of study and courses.

6. Individuals failing to meet the CPE requirements may be subject to requalification, including possible re-examination and submission of experience qualifications. The board may, at its discretion, waive or defer CPE requirements so long as such waiver or deferral is in the public interest.

B. Requirements for retaining records.

1. It is the responsibility of the CPA certificate holder to retain evidence of satisfactory completion of CPE credit hours for a period of three years from the anniversary date of renewal. Such documentation shall be in the form of the certificate of completion provided by the sponsor or verification from the institution offering the course.

2. The CPA certificate holder shall provide such documentation to the board or its authorized agent upon request.

C. Continuing professional education credit.

1. One credit hour shall be given for each 50-minute period of instruction. One semester hour of college credit is 15 CPE credit hours and one quarter hour of college credit is 10 CPE credit hours.

2. A CPA certificate holder who instructs courses that qualify for CPE credit for participants will be awarded two additional hours of CPE for each credit hour of instruction. The instructor shall retain evidence to support the request for credit. The instructor shall be given no credit for subsequent sessions involving

substantially identical subject matter. The credit given for instructing shall not exceed 30 credit hours per CPE three-year period.

3. CPE credit hours for successful completion of a self-study course shall be established by the sponsor according to the type of CPE self-study program and pre-tests to determine average completion time. Interactive self-study programs shall receive CPE credit equal to the average completion time. Noninteractive self-study programs shall receive CPE credit equal to one-half of the average completion time. For example, an interactive self-study program that takes an average of two contact hours to complete shall receive two CPE credit hours, and a noninteractive self-study program that takes an average of two contact hours to complete shall receive one CPE credit hour.

NOTICE: The forms used in administering 18 VAC 5-21-10 et seq., Board of Accountancy Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Accountancy, 3600 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Original CPA Certificate Application, 03CERT (10/4/99)

CPA Certificate by Endorsement Application, 03END (10/4/99)

Verification of Experience, 03EXP (10/4/99)

Firm Registration Certificate Application, 03FIRM (10/4/99)

CPA Certificate Reinstatement Application, 03CRTREI (10/4/99)

VA.R. Doc. Nos. R00-21 and R00-22; Filed August 9, 2000, 11:49 a.m.

BOARDS OF PHARMACY AND MEDICINE

Title of Regulation: 18 VAC 110-40-10 et seq. Regulations Governing Collaborative Practice Agreements.

Statutory Authority: §§ 54.1-2400, 54.1-3300, and 54.1-3300.1 of the Code of Virginia.

Public Hearing Date: October 10, 2000 - 9 a.m.

Public comments may be submitted until October 27, 2000.

(See Calendar of Events section for additional information)

Basis: Section 54.1-2400 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to establish qualifications for licensure, to set fees and schedules for renewal, to establish requirements for an inactive license and to promulgate regulations in accordance with the Administrative Process Act that are reasonable and necessary to effectively administer the regulatory system.

The proposed regulations will replace emergency regulations that were promulgated to comply with statutory provisions of HB 2428 passed by the 1999 General Assembly (Chapter 1101). Chapter 1101 amended § 54.1-3300 by adding a definition of a "collaborative agreement" and added § 54.1-3300.1 that mandates promulgation of regulations by the Boards of Pharmacy and Medicine for collaborative practice agreements.

Purpose: In response to legislation introduced in the General Assembly in 1998, the Medical Society of Virginia and the Virginia Pharmacists Association signed a memorandum of agreement "for the purpose of determining the necessary guidelines for establishing collaborative practice agreements between physicians and pharmacists." A Joint Collaborative Practice Committee, consisting of five physicians and five pharmacists, was formed to gather information on collaborative agreements and address concerns raised on particular issues. A literature search was conducted, data was gathered, and a presentation was made on collaborative agreements that are currently in use. Its research indicated that collaborative practice agreements are being successfully utilized in many other states and in hospital and community settings in Virginia. Furthermore, the committee found that collaborative practice agreements allow "physicians and pharmacists to more efficiently optimize patient care by providing higher quality health care and drug therapy outcomes. Studies consistently show that collaborative practice agreements result in a reduction of morbidity and mortality associated with medication misadventures and improve patients' drug therapy outcomes by increasing compliance." It was the study report of the committee (submitted to the General Assembly December 1, 1998) that formed the basis for the legislation patroned by Delegate Chris Jones.

Also, the committee developed draft definitions and language for collaborative agreement guidelines, which became the basis for these proposed regulations.

The proposed regulations being promulgated by the board are those initially recommended by the Ad Hoc Committee of the Boards and adopted by the boards as emergency regulations. They are essential to protect patients who will participate in collaborative practice agreements with physicians and pharmacists.

Substance: 18 VAC 110-40-10 et seq. is being promulgated as a new regulation, replacing the emergency regulation on collaborative practice agreements currently in effect. In addition to definitions necessary for implementation of the regulation, it contains provisions for who may sign such an agreement, the required consent from the patient to participate, the essential content of an agreement and the treatment protocol. Regulations further provide for an approval process and an application fee for entities that want to enter into an agreement with a protocol outside the accepted standard of care. Finally, regulations provide for rescindment or alteration of the agreement and clarify that any collaborative agreement must be governed by current law.

Issues: Throughout the course of developing regulations and having them adopted by the two boards, several issues were

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raised by members of the committee or representatives of some interested party; all issues were explored and fully deliberated. Those issues or concerns included:

Issue #1. Any pharmacist and any practitioner may become part of the patient-specific agreement just by signing the agreement.

- The proposed regulations follow the provisions of law that state that a collaborative agreement means a voluntary, written arrangement between “one pharmacist and his designated alternate pharmacists involved directly in patient care at a location where patients receive services and a practitioner of medicine, osteopathy, or podiatry and his designated alternate practitioners involved directly in patient care...” It is clear that it is the pharmacist and the practitioner who are to designate their alternates in the agreement, just as it is in a protocol between a physician and a nurse practitioner. The agreement is between one pharmacist and one physician, but it is essential and mandated by law that each be allowed to designate one or more alternates who could be available to the patient.
- Every pharmacist and every practitioner who participates in the agreement must be a signatory to the agreement with the treatment protocol included, must be involved directly in patient care, and be at a location where patients regularly receive services.
- The patient has the authority and ability to not participate or to withdraw from participation at any time if he is uncomfortable with the signatories or any part of the agreement.

Issue #2. Certain conditions cannot be safely managed via a collaborative agreement, yet neither the bill nor the proposed regulations clearly define which diseases can be managed via an agreement and which cannot.

- The “standard of care” is not spelled out in law or regulation for procedures and treatments performed by practitioners. It is the physician who has the ultimate responsibility for his patient and for providing treatment in accordance with an appropriate standard of care. That is also the case with a collaborative practice agreement.
- The law specifically provides two scenarios under which a collaborative practice agreement may be used: (i) for conditions that have protocols that are clinically accepted as the standard of care (e.g., proven in clinical trials) or (ii) for conditions for which there is no clinically accepted standard of care but that have been approved by the boards. (§ 54.1-3300.1)
- The proposed regulations set up a process for such approval, by which a case decision would be rendered from an informal conference committee comprised of two members of each board. The Administrative Process Act would apply to such a proceeding with the right of the applicants to appeal any decision of the committee to the boards. (18 VAC 110-40-30)
- Since the professional licenses of the practitioner and the pharmacist are at stake, the expectation is that both would approach an agreement as a team working in the

best interest of the patient. Any party to an agreement (a physician, a pharmacist or a patient) could opt out of the agreement at any time the party was dissatisfied with any aspect of the agreement.

- A practitioner who is responsible for the care of his patient would have no reason to push his patient into the care of a pharmacist with a questionable ability to provide care. The procedures to be followed for reporting to the physician are to be clearly spelled out in the protocol, and physician oversight may be increased at any time if the situation warrants it. (18 VAC 110-40-40)
- The task force uniformly agreed that it was unnecessary and unwise to spell out in regulation which conditions or diseases could be managed under a collaborative agreement. Protocols for managing certain disease states or conditions are already in use in many hospitals with well-established standards of care.
- In recognition of the growing utilization of disease management protocols, the American Pharmaceutical Association has published a book entitled “The American Pharmaceutical Association Drug Treatment Protocols,” which contains 44 drug treatment protocols written and peer-reviewed by pharmacists, physicians and nurses. On average, 15 health care professionals were involved in the development of each protocol, which begins with a diagnosis made by the physician and then describes pharmacotherapeutic and pharmaceutical care choices. Current national guidelines, along with additional scientific literature, were used in developing the therapeutic protocols. The protocols may be used or modified by practitioners and pharmacists on the local level to meet the specific needs of their patients.

Issue #3. Proposed regulation does not assure that patients’ drug therapy will not be switched by pharmacists based on monetary or other nonclinical interests.

- Regulations do clearly provide that the drugs, drug categories, or drug therapies must be described in the treatment protocol contained in the agreement. The physician writes the order for a patient to participate in that protocol; the pharmacist has no independent authority to switch a patient to a drug that is not specified in the protocol. (18 VAC 110-40-40 B)
- Regulations also require that any collaborative agreement must comply with requirements of Chapter 33 (the Pharmacy Act) and Chapter 34 (The Drug Control Act), which require that a pharmacist fill a prescription only on the valid order of a practitioner. In addition, the Code states that “No prescription shall be filled which does not result from a bona fide practitioner-patient-pharmacist relationship.” (§ 54.1-3303) (18 VAC 110-40-70)
- Among the acts prohibited in the Drug Control Act is “Dispensing or causing to be dispensed, except as provided in § 32.1-87 relating to the Virginia Voluntary Formulary, a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without the permission of the person ordering or prescribing.” [§ 54.1-3457 (16)] As is stated above, any practitioner or

pharmacist treating a patient by using a collaborative agreement would have to comply with the current law. A pharmacist may only dispense a drug that is ordered by a prescriber for a specific patient. This is still the case with a collaborative agreement.

- Additionally, the use of collaborative agreements and protocols may be written or adjusted based on the needs of the individual patient. If the protocol normally allows the pharmacist to change from a specific drug to another specific drug following the procedure in the agreement, a practitioner may specify that such a switch would not be in the best interest of an individual patient and may disallow that aspect of the protocol in the order written for the patient.

- Participation in a collaborative practice agreement is entirely voluntary; the procedures and the protocol to be followed must be agreed to by all parties to the agreement - the patient, the physician and the pharmacist.

- "Drug-switching" occurs now, usually at the recommendation of the pharmacy benefits manager for an insurer or a health maintenance organization. However, the switching of a patient to a chemically dissimilar drug requires the physician's authorization. The same authorization by the prescriber is required in order for a pharmacist to "switch" a patient to a different drug than the one originally prescribed.

The Ad Hoc Committee and the boards reviewed and rejected the amendments proposed by PhRMA, concluding that they were both unnecessary and unduly restrictive.

- Delegate Chris Jones, chief patron of HB 2428, wrote to John Hasty, Director of the Department, that "the proposed regulations, as drafted by the Ad Hoc Committee on Collaborative Practice meet the spirit and intent of HB 2428." He had looked at a draft amendment that would have addressed the drug-switching issue and recommended against any amendments to the draft regulations adopted by the committee. Delegate Jones further stated emphatically that this was not a drug-switching bill, but a collaborative practice bill. He went on to say that he had followed the process and commended all of the involved parties for their efforts on behalf of the citizens of the Commonwealth.

Issue #4. Fee for Review of a Protocol by the Committee of the Joint Boards.

In the proposed regulation, the process for review and approval of a protocol that does not follow the accepted standards of care is established. Given that only those protocols that are outside the standards of care will need to be approved by the boards, it is expected that there will be very few, if any, applications for approval. There was concern that the fee be sufficient to cover the expenditures that would be incurred but would not be excessive or prohibitive. Since the protocols that will be submitted for approval will be those that are out of the ordinary, it is expected that the informal conference committee will have to contract with one or more consultants who have expertise or knowledge in the related

fields of medicine and pharmacology. The boards would have to compensate them for their time (current rate is \$90 to \$150 per hour) in studying the content of the protocol, reviewing the treatment plan, and testifying before the committee. If the applicants are not satisfied with the findings of the committee, they would have the right to appeal that decision to a joint hearing of the two boards. Without any history of applications for approval of protocols or of holding such informal conference committee hearings, it is difficult to project the actual costs, but the boards determined that a fee of \$750 was both reasonable and minimal.

1. The primary advantages and disadvantages to the public are as follows:

The boards do not believe that there are any disadvantages to the public, which is fully protected by current law on prescribing and provisions of the collaborative practice regulations. Participation is entirely voluntary and may be altered or rescinded by the patient at any time. Advantages of collaborative practice agreements to the public may include: closer monitoring of their disease state or condition, more effective drug treatment, and reduced cost by a reduction in the number of patient visits to a physician. By a collaborative agreement that actively involves the pharmacist with the physician in patient care, the patient may be better served by being able to take advantage of the expertise of the pharmacist in drug therapies and pharmacology.

2. There are no advantages or disadvantages to the agency or the Commonwealth. A collaborative agreement will be drawn between or among a group of practitioners without the need for specific approval from the boards. Costs for approval of a treatment protocol that is outside the accepted standard of care should be recovered from a fee charged to the applicants.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 9-6.14:7.1 G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation sets forth guidelines for establishing collaborative practice agreements between physicians and pharmacists. Provisions in the regulation address the following:

1. Who may sign a collaborative practice agreement;
2. Required consent from the patient to participate;
3. Content of an agreement and treatment protocol;
4. An approval process for a protocol outside the accepted standard of care;

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5. Record retention;
6. Rescindment or alteration of an agreement; and
7. Compliance with statutes and other regulations.

Estimated economic impact. Collaborative practice agreements are drug therapy management plans developed through voluntary collaboration between physicians and pharmacists for the purpose of improving patient outcomes. A study conducted by the Joint Collaborative Practice Committee¹ found that collaborative practice agreements are being successfully utilized in many other states and in hospital and community settings in Virginia. According to the Committee, "studies consistently show that collaborative practice agreements result in a reduction of morbidity and mortality associated with medication misadventures and improve patients' drug therapy outcomes by increasing compliance."²

By formalizing collaborative practice agreements, the proposed regulation may encourage more use of this practice, which is generally thought to provide more attentive management of medications with better compliance on the part of the patients and may reduce costs by reducing the number of patient visits to a physician. Setting guidelines for the use of collaborative practice agreements may provide additional protection for participating patients. There are no anticipated costs with the proposed regulation aside from the \$750 application fee for review of protocols outside the accepted standard of care. The proposed fee is intended to cover the expenditures associated with review and action on an application, however, there are expected to be very few if any applications for approval of such protocols.

Businesses and entities affected. The proposed regulation will affect any physicians and pharmacists who wish to enter into a collaborative practice agreement. According to the Department of Health Professions, there are currently 27,957 Doctors of Medicine and Surgery with active licenses; 503 Doctors of Podiatry with active licenses; 799 Doctors of Osteopathy with active licenses; and 7,446 Pharmacists with active licenses.

Localities particularly affected. No localities are particularly affected by the proposed regulation.

Projected impact on employment. The proposed regulation is not anticipated to have any effect on employment.

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

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Boards of Pharmacy and Medicine concur with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

The proposed regulations are promulgated pursuant to Chapter 1101 of the 1999 Acts of the Assembly and are intended to set forth provisions for signatories of an agreement, informed consent to the agreement, content of an agreement and treatment protocol, record retention, and an approval process for a protocol outside the accepted standard of care. The proposed regulations will replace emergency regulations and are identical to those regulations which became effective on January 20, 2000.

CHAPTER 40. REGULATIONS GOVERNING COLLABORATIVE PRACTICE AGREEMENTS.

18 VAC 110-40-10. Definitions.

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

"Agreement" means a collaborative practice agreement by which practitioners of medicine, osteopathy or podiatry and pharmacists enter into voluntary, written agreements to improve outcomes for their mutual patients using drug therapies, laboratory tests, and medical devices, pursuant to the provisions of § 54.1-3300.1 of the Code of Virginia.

"Committee" means an Informal Conference Committee, comprised of two members of the Board of Pharmacy and two members of the Board of Medicine.

"Pharmacist" means a pharmacist who holds an active license to practice pharmacy from the Virginia Board of Pharmacy and who is a signatory to a collaborative practice agreement.

"Practitioner" means, notwithstanding the definition in § 54.1-3401 of the Code of Virginia, a doctor of medicine, osteopathy, or podiatry who writes the order and is directly and ultimately responsible for the care of a patient being treated under an agreement and who holds an active license to practice from the Virginia Board of Medicine.

18 VAC 110-40-20. Signed authorization for an agreement.

A. The signatories to an agreement shall be a practitioner of medicine, osteopathy, or podiatry involved directly in patient care and a pharmacist involved directly in patient care. The practitioner may designate alternate practitioners, and the pharmacist may designate alternate pharmacists, provided the alternates are also signatories to the agreement and are involved directly in patient care at a location where patients regularly receive services.

B. An agreement shall only be implemented for an individual patient pursuant to an order from the practitioner for that patient and only after written informed consent from the patient has been obtained by the practitioner who authorizes the patient to participate in the agreement. A copy of the

¹ In response to legislation introduced in the 1998 General Assembly, the Medical Society of Virginia and the Virginia Pharmacists Association signed a memorandum of agreement "for the purpose of determining the necessary guidelines for establishing collaborative practice agreements between physicians and pharmacists." A Joint Collaborative Practice Committee, consisting of five physicians and five pharmacists, was formed to gather information on the collaborative agreements and address concerns raised on particular issues.

² Joint Collaborative Practice Committee, *Study of Collaborative Practice*, submitted to the General Assembly December 1, 1998; p. 6.

informed written consent from the patient shall be provided to the pharmacist.

1. The patient may decline to participate or withdraw from participation at any time.
2. Prior to giving consent to participate, the patient shall be informed by the practitioner of the cooperative procedures that will be used pursuant to an agreement. The procedures to be followed pursuant to an agreement shall be clearly stated on the informed consent form.
3. As part of the informed consent, the practitioner and the pharmacist shall provide written disclosure to the patient of any contractual arrangement with any other party or any financial incentive that may impact one of the party's decisions to participate in the agreement.

18 VAC 110-40-30. Approval of protocols.

A. If a practitioner and a pharmacist intend to manage or treat a condition or disease state for which there is not a protocol that is clinically accepted as the standard of care, the practitioner and pharmacist shall submit a proposed protocol for approval. The committee shall, in accordance with § 9-6.14:11 of the Code of Virginia, receive and review the proposed treatment protocol and recommend approval or disapproval to the boards.

B. For a proposed treatment protocol in which practitioner oversight increases from that which is the accepted standard of care, approval by the committee is not required.

C. In order to request a protocol review by the committee, the practitioner and the pharmacist shall submit:

1. An application and required fee of \$750; and
2. Supporting documentation that the protocol follows an acceptable standard of care for the particular condition or disease state for which the practitioner and the pharmacist intend to manage or treat through an agreement.

18 VAC 110-40-40. Content of an agreement and treatment protocol.

A. An agreement shall contain treatment protocols that are clinically accepted as the standard of care within the medical and pharmaceutical professions.

B. The treatment protocol shall describe the disease state or condition, drugs or drug categories, drug therapies, laboratory tests, medical devices, and substitutions authorized by the practitioner.

C. The treatment protocol shall contain a statement by the practitioner that describes the activities the pharmacist is authorized to engage in, including:

1. The procedures, decision criteria, or plan the pharmacist shall follow when providing drug therapy management;
2. The procedures the pharmacist shall follow for documentation; and

3. The procedures the pharmacist shall follow for reporting activities and results to the practitioner.

D. An agreement shall be valid for a period not to exceed two years. The signatories shall

implement a procedure for reviewing and, if necessary, revising the procedures and protocols of a collaborative agreement at least every two years.

18 VAC 110-40-50. Record retention.

A. Signatories to an agreement shall keep a copy of the agreement on file at their primary places of practice.

B. An order for a specific patient from the prescribing practitioner authorizing the implementation of drug therapy management pursuant to the agreement shall be noted in the patient's medical record and kept on file by the pharmacist.

C. A copy of the informed written consent from the patient shall be maintained in the patient's medical record and kept on file along with the practitioner's order by the pharmacist in a readily retrievable manner.

18 VAC 110-40-60. Rescindment or alteration of the agreement.

A. A signatory may rescind or a patient may withdraw from an agreement at any time.

B. A practitioner may override the collaborative agreement whenever he deems such action necessary or appropriate for a specific patient.

18 VAC 110-40-70. Compliance with statutes and regulations.

Any collaborative agreement or referral under an agreement governed by this chapter shall be in compliance with the requirements of the Practitioner Self-Referral Act (§ 54.1-2410 et seq. of the Code of Virginia) and with Chapters 29 (§ 54.1-2900 et seq.), 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia and regulations promulgated pursuant thereto.

VA.R. Doc. No. R00-97; Filed July 27, 2000, 11:46 a.m.

BOARD OF PSYCHOLOGY

Title of Regulation: 18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology (amending 18 VAC 125-20-10 and 18 VAC 125-20-30; adding 18 VAC 125-20-43).

Statutory Authority: § 54.1-2400 and Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

Public Hearing Date: September 21, 2000 – 9 a.m.

Public comments may be submitted until October 27, 2000.

(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.) and 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia provide the basis for these regulations.

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

Section 54.1-3606 establishes the requirement for the licensure of school psychologists-limited and specifies the qualifications that must be met.

Purpose: Amendments are proposed pursuant to a statutory mandate in Chapters 967 and 1005 of the 1999 Acts of the Assembly that provide for the board to license school psychologists-limited upon review of credentials and payment of an application fee. Regulations of the board for licensure and practice are promulgated to protect the health, safety and welfare of children who are in the need of school psychologist services.

Substance: A definition for "school psychologist-limited" is added to clarify that it is a person licensed pursuant to § 54.1-3606 to provide school psychology services in public school divisions.

The proposal establishes an application processing and initial licensure fee of \$85 to cover the licensure fee for 1/2 of a renewal period, which is the average initial licensure period for new licenses, and a \$10 fee for a wall certificate.

The proposed biennial renewal fee of \$100 reflects the cost of administrative and disciplinary activities of the board and the allocated costs of the department.

A \$35 late renewal fee is proposed to establish a fee that is 35% of the renewal fee in accordance with the agency's *Principles for Fee Development*.

All remaining fees applicable to this license are proposed at the same rate as for the other licensure categories.

The proposed amendments establish the documentation required for licensure in accordance with the provisions of § 54.1-3606 of the Code of Virginia.

Issues:

1. Qualifications for licensure. Chapters 967 and 1005 of the 1999 Acts of the Assembly amended the practice act for psychology by adding subsection B to § 54.1-3606, which mandates that the board promulgate regulations for the licensure of school psychologists-limited. The Code is very specific that the board shall issue a license "without examination" to persons "licensed by the Board of Education with an endorsement in psychology and a master's degree in psychology." Therefore, the board was not authorized to impose additional criteria or qualifications for licensure, and the adopted regulations follow the specific language of the law.

2. Establishment of fees for school psychologists-limited. The board recently submitted proposed fee changes for its three existing licensure categories based on the agency's *Principles for Fee Development*. The same *Principles* were used to establish application, renewal, and late-renewal fees for school psychologists-limited. Other fees are generic to all professions, and will be assessed at the same rate as already established for the existing licensure categories.

Since the credentials review of the school psychologists-limited applications will be less involved than the review of applications for independent practice, there will be less board member and staff time spent in review. Therefore, the board determined that the application fee should reflect the less costly review. The proposed \$85 application fee is comprised of a \$25 processing fee based on the estimated cost of staff time, plus 1/2 of the biennial renewal fee based on the average time period of initial licensure, plus a \$10 fee for a wall certificate based on printing and mailing costs.

The board also determined that the likelihood of disciplinary action is much lower for this new category, since practice is limited to structured school settings under appropriate supervision. Therefore, the board is proposing a renewal fee at half the rate of the other licensure categories to cover the administrative costs of board meetings, mailings, and staff time, and the cost of disciplinary hearings at a reduced rate.

The proposed late renewal fee is based on 35% of the biennial renewal fee, in accordance with the agency's *Principles for Fee Development*. As stated previously, a proposal to change fees for the other licensure categories according to the same *Principles* has been submitted to the administration for approval.

3. Scope of practice for school psychologists-limited. During the development of regulations, questions were raised about the scope of practice for school psychologists-limited. While the statute is clear that their practice is limited to the public schools of the Commonwealth, it does not further specify the scope of activities that are or are not permitted. However, the practice of school psychology is defined in § 54.1-3600, so it is presumed that persons practicing with the school license would be practicing within that scope of practice definition. Therefore, the board determined that no additional amendments were necessary or authorized to clarify the scope of practice for school psychologists-limited, who are also subject to disciplinary action for unprofessional conduct if they practice without skill and safety.

Advantages to the licensees and the school systems: Persons seeking licensure as school psychologists-limited will only need to meet the requirements of law - a master's degree in school psychology and licensure from the Department of Education with an endorsement in the field. There is very little benefit to the individuals holding this license, since it will not entitle them to practice outside the public schools where they are already employed.

The advantage of these regulations, which simply establish a license as required by law, is for the employers of the licensees who will seek Medicaid reimbursement for their services. If the Health Care Financing Authority does reimburse for services rendered by persons holding this limited license, schools will have significant additional dollars with which to pay for mandated services to children.

Disadvantages to the licensees: For licensees, there will be some additional costs - \$85 to apply for the license and \$100 to renew the license every two years. In addition, persons holding the new license will be subject to the laws and regulations of the Board of Psychology as well as the rules

and policies of the Board of Education and the local school systems.

Advantages or disadvantages to the public: The advantages of this license to the public are the possibility that additional Medicaid funding will be made available to support school psychology services offered in the public schools, thereby increasing the availability of such services to children. In addition, local school funds that would be required to pay for such services may be available for other needs.

Advantages or disadvantages to the agency: The board may have to license and regulate as many as 500 new licensees, but there will be additional income through fees to support that activity. There should be very little impact on the Enforcement division, since the board anticipates few disciplinary problems with this licensure category.

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. Section 54.1-3606 (B) of the Code of Virginia directs the Board of Psychology to offer a limited license for school psychologists practicing solely in Virginia public school divisions. The proposed regulation sets forth the application and educational requirements for this license.

Estimated economic impact. Individuals providing psychological services in public schools must hold a license from the Board of Education (BOE) with an endorsement in psychology. Additionally, some practitioners are independently licensed as a "School Psychologist" by the Board of Psychology at the Department of Health Professions (DHP). The minimum requirements for a DHP School-Psychologist license include a master's degree in psychology and passing the required examination(s). The 1999 General Assembly directed the Board of Psychology to offer a "School Psychologist-Limited" license *without examination* to persons licensed by the Board of Education with an endorsement in psychology and a master's degree in psychology.

Currently, only DHP-licensed psychologists are authorized to bill Medicaid for services rendered to Medicaid-eligible children. Upon approval by the Health Care Financing Administration (HCFA), this regulatory change will allow employers of individuals holding the proposed limited-license to seek Medicaid reimbursement for their services.

If HCFA authorizes reimbursement for services rendered by persons holding the proposed school-psychiatrist license, the number of providers eligible to bill Medicaid could increase,

although it is not possible to estimate the magnitude of this potential impact at this time. The Department of Education reports that as of December 1997, there were 585 psychologists providing services in the Virginia public school system. However, there is insufficient information available to determine how many of those providers already hold an independent school-psychologist license. Of those providers who only hold a BOE license, it is also unknown how many have a master's degree in psychology and would be eligible for the proposed limited license.

The proposed school-psychologist license regulations include an \$85 application-processing fee and \$100 for biennial renewal of the license. However, since the benefits of the license (reimbursement by Medicaid) will accrue to employers, it would seem reasonable to expect that local school divisions will financially assist school psychologists in becoming licensed. Since this would be a voluntary action, we can assume that there exists a net economic benefit for each individual who obtains the proposed school-psychologist license.

Businesses and entities affected. The proposed regulation will affect the estimated 585 individuals licensed by the Board of Education with an endorsement in psychology.

Localities particularly affected. The proposed regulation is not expected to uniquely affect any particular localities.

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

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

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

Summary:

The proposed amendments establish licensure fees and application instructions for licensure as school psychologists-limited for individuals who are licensed by the Board of Education with an endorsement in psychology and a master's degree in psychology.

18 VAC 125-20-10. Definitions.

The following words and terms, in addition to the words and terms defined in § 54.1-3600 of the Code of Virginia, when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"APA" means the American Psychological Association.

"APPIC" means the Association of Psychology Postdoctoral and Internship Centers.

"Applicant" means a person who submits a complete application for licensure with the appropriate fees.

"Board" means the Virginia Board of Psychology.

"Candidate for licensure" means a person who has satisfactorily completed the appropriate educational and

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experience requirements for licensure and has been deemed eligible by the board to sit for the required examinations.

"*Demonstrable areas of competence*" means those therapeutic and assessment methods and techniques, and populations served, for which one can document adequate graduate training, workshops, or appropriate supervised experience.

"*Internship*" means an ongoing, supervised and organized practical experience obtained in an integrated training program identified as a psychology internship. Other supervised experience or on-the-job training does not constitute an internship.

"*NASP*" means the National Association of School Psychologists.

"*NCATE*" means the National Council for the Accreditation of Teacher Education.

"*Professional psychology program*" means an integrated program of doctoral study designed to train professional psychologists to deliver services in psychology.

"*Regional accrediting agency*" means one of the six regional accrediting agencies recognized by the United States Secretary of Education established to accredit senior institutions of higher education.

"*Residency*" means a post-internship, post-terminal degree, supervised experience approved by the board.

"*School psychologist-limited*" means a person licensed pursuant to § 54.1-3606 of the Code of Virginia to provide school psychology services solely in public school divisions.

"*Supervision*" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual consultation, guidance and instruction with respect to the skills and competencies of the person supervised.

"*Supervisor*" means an individual who assumes full responsibility for the education and training activities of a person and provides the supervision required by such a person.

18 VAC 125-20-30. Fees required by the board.

A. The board has established fees for the following:

	<i>Applied psychologists</i>	<i>Clinical psychologists</i>	<i>School psychologists- limited</i>
1. Registration of residency (per residency request)	\$50		
2. Add or change supervisor	\$25		
3. Application processing and initial	\$200		\$85

licensure

4. Biennial renewal of license	\$225	\$100
5. Late renewal	\$80	\$35
6. Verification of license to another jurisdiction	\$25	\$10
7. Duplicate license	\$5	
8. Additional or replacement wall certificate	\$15	\$15
9. Returned check	\$25	\$25
10. Reinstatement of a lapsed license	\$270	
11. Reinstatement following revocation or suspension	\$500	

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

C. Examination fees shall be established and made payable as determined by the board.

18 VAC 125-20-43. Requirements for licensure as a school psychologist-limited.

A. Every applicant for examination for licensure as a school psychologist-limited shall submit to the board:

1. A copy of a current license issued by the Board of Education showing an endorsement in psychology.
2. An official transcript showing completion of a master's degree in psychology.
3. A completed Employment Verification Form.
4. The application fee.

B. At the time of licensure renewal, school psychologists-limited shall be required to submit an updated Employment Verification Form if there has been a change in school district.

NOTICE: The forms used in administering 18 VAC 125-20-10 et seq., Regulations Governing the Practice of Psychology, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Psychologist Application for Licensure by Examination, PSYEX1 (rev. 2/00).

Application for Licensure as a School Psychologist-Limited, SCHLTD 1 (eff. 8/00).

Employment Verification Form, SCHLTD 2 (eff. 8/00).

Registration of Residency – Post-Graduate Degree Supervised Experience, PSY2 (rev. 2/00).

Psychologist Application for Licensure by Endorsement, PSYEN1 (rev. 2/00).

Psychologist Application for Reinstatement of a Lapsed License, PSYREIN (eff. 2/00).

Psychologist Application for Reinstatement Following Disciplinary Action, PSYREDISC (eff. 2/00).

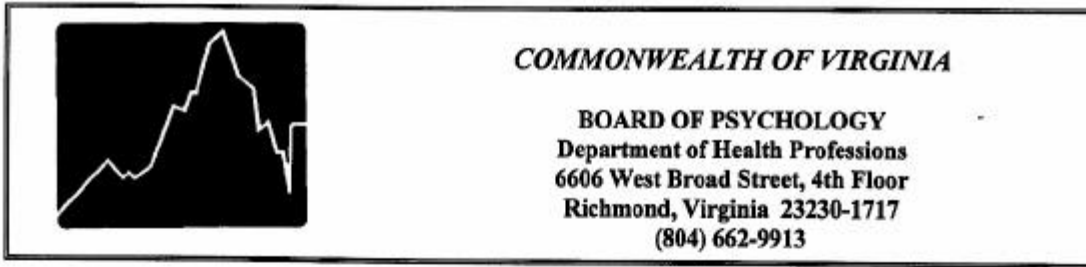
Verification of Post-Degree Supervision, PSY3 (rev. 6/99).

Internship Verification, PSY4 (rev. 6/99).

Licensure/Certification Verification, PSY5 (rev. 6/99).

Areas of Graduate Study, PSY6 (rev. 6/99).

Renewal Notice and Application (rev. 2/00).



APPLICATION FOR LICENSURE AS A SCHOOL PSYCHOLOGIST-LIMITED

I hereby make application for licensure to practice as a School Psychologist-Limited in the Commonwealth of Virginia. The following evidence of my qualifications is submitted with a **check or money order** in the amount of **\$85.00** made payable to the Treasurer of Virginia. **I understand that the application fee is non-refundable.**

INSTRUCTIONS	PLEASE TYPE OR PRINT	USE BLACK INK	
1. Applications lacking a Social Security Number or Virginia Department of Motor Vehicles control number will not be processed. 2. Applications lacking all supporting documentation (including official transcripts) will not be processed.			
I. GENERAL INFORMATION			
Full Name (Last, First, Middle, Suffix, Maiden Name)	Degree	Social Security/Virginia DMV Control Number	
Date of Birth			
Print Your Name As You Would Like It To Appear On Your Wall Certificate			
Licensure Address (Street and/or Box Number, City, State, ZIP Code)*		Home Telephone Number	
Alternate Mailing Address (if different from above)*		Business Telephone Number	
Fax Number		E-Mail Address	
LICENSURE/CERTIFICATION - List all the states in which you now hold or have ever held an occupational license or certificate to practice as a psychologist or other mental health care practitioner. A verification form must be completed for each of the listings below.			
STATE	LICENSE/CERTIFICATE NUMBER	ISSUE DATE	TYPE OF LICENSE/CERTIFICATE

In accordance with Section 54.1-116 of the *Code of Virginia* you are required to submit your Social Security Number or your *Virginia* control number. Refer to instruction sheet.

*The licensure address is public information under the Freedom of Information Act. The Alternate Mailing address and phone numbers will not be provided as public information.

ANSWER THE FOLLOWING QUESTIONS:

	YES	NO
2. Have you ever been denied the privilege of taking an occupational licensure or certification examination? If yes, state what type of occupational examination and where: _____	[]	[]
3. Have you ever had any disciplinary action taken against an occupational license to practice or are any such actions pending? *If yes, see below.	[]	[]
4. Have you ever been convicted of a violation of or pled nolo contendere to any federal, state, or local statute, regulation or ordinance or entered into any plea bargaining relating to a felony or misdemeanor? (Excluding traffic violations, except for driving under the influence.) *If yes, see below.	[]	[]
5. Have you ever been censured, warned, or requested to withdraw from your employment, terminated from any health care facility, agency, or practice? *If yes, see below.	[]	[]

***If you answered "YES", please provide an explanation on a separate sheet of paper and any supporting documentation.**

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

AFFIDAVIT
(To be completed before a notary public)

State of _____ County/City of _____

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

Signature of Applicant

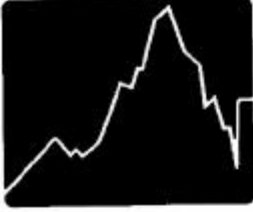
Subscribed to and sworn to before me this _____ day of _____, 19_____.

My commission expires on _____.

Signature of Notary Public

SEAL

eff. 8/2000

	<p>COMMONWEALTH OF VIRGINIA BOARD OF PSYCHOLOGY Department of Health Professions 6606 West Broad Street, 4th Floor Richmond, Virginia 23230-1717 (804) 662-9913</p>
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EMPLOYMENT VERIFICATION

Part I. Applicant Information – To be completed by applicant	
Name: _____ SSN or DMV Control Number _____	
Position Title: _____	
Address: _____	
Telephone: Business _____ Home _____	
Part II. Employer Verification – To be completed by supervisor or personnel officer.	
The individual named above is applying for licensure as a school psychologist-limited under the Virginia Board of Psychology. Please verify the employment status for this individual	
Name: _____ Position Title _____	
School Division: _____	
Address: _____	
Telephone: _____ Nature of Association with Applicant: _____	
Have any disciplinary actions been taken against this applicant by an immediate supervisor or by the Board of Education? _____ Yes _____ No	
Comments: _____ _____ _____ _____	
Signature	Date

eff 8/2000

VA.R. Doc. No. R99-186; Filed August 9, 2000, 11:11 a.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

Title of Regulation: 4 VAC 20-890-10 et seq. **Pertaining to Channeled Whelk (amending 4 VAC 20-890-20 and 4 VAC 20-890-40).**

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

Effective Date: October 1, 2000.

Summary:

The amendments (i) stipulate that a conch-pot license is required to possess channeled whelk; (ii) provide for the use of bait bags in conch pots unless otherwise specified; (iii) exempt the use of a bait bag for individuals who do not use horseshoe crab as bait in conch pots, and set forth violations associated with the use of bait bags and horseshoe crabs; (iv) specify the quantity of horseshoe crab that may be placed in a conch pot; and (v) prohibit any person from landing, attempting to land, or possessing channeled whelk that were harvested by pots that do not comply with this regulation.

Agency Contact: Deborah R. Cawthon, Regulatory Coordinator, Marine Resources Commission, P.O. Box 756, Newport News, VA 23607, telephone (757) 247-2248.

4 VAC 20-890-20. Definitions.

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

"Bait bag" means a bag, box, or other container that is designed for the purposes of containing the bait within a conch pot.

"Bushel" means a Virginia bushel with a volumetric measure equivalent to 1.4 U.S. standard bushels or 3003.9 cubic inches.

*"Channeled whelk" means any whelk of the species *Busycotypus canaliculatus*.*

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

"Length" means the total length of a channeled whelk, measured from the tip of the apex to the outer tip of the shell opening.

4 VAC 20-890-40. Gear restrictions.

A. It shall be unlawful for any person to possess channeled whelk harvested from Virginia waters by any means other than by hand, licensed conch dredge, licensed crab dredge, or ~~permitted~~ licensed conch pot.

B. *Except as provided in subsection C of this section, it shall be unlawful for any person to place, set, or fish, or attempt to place, set, or fish any conch pot that does not contain a bait bag.*

C. *Any person not utilizing horseshoe crabs as bait for channeled whelk shall be exempt from the provisions of subsection B of this section, provided that the possession of any quantity of horseshoe crabs on board the vessel of such person shall constitute prima facie evidence of a violation of this chapter. Further, the presence of any quantity of horseshoe crab in any conch pot not equipped with a bait bag shall constitute prima facie evidence of a violation of this chapter.*

D. *It shall be unlawful for any person to place, set, or fish or attempt to place, set, or fish any conch pot that contains more than one-half of a female horseshoe crab or more than two halves of male horseshoe crabs.*

E. *It shall be unlawful for any person to land, attempt to land, or possess channeled whelk that were harvested by pots that do not meet the provisions of this chapter.*

VA.R. Doc. No. R00-248; Filed July 28, 2000, 2:38 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-131-10 et seq. **Regulations Establishing Standards for Accrediting Public Schools in Virginia (amending 8 VAC 20-131-10 through 8 VAC 20-131-150, 8 VAC 20-131-170, 8 VAC 20-131-180, 8 VAC 20-131-210, 8 VAC 20-131-220, 8 VAC 20-131-240, 8 VAC 20-131-260, 8 VAC 20-131-270, 8 VAC 20-131-280, 8 VAC 20-131-290, 8 VAC 20-131-300, 8 VAC 20-131-310, 8 VAC 20-131-320, and 8 VAC 20-131-340; adding 8 VAC 20-131-325 [~~and 8 VAC 20-131-335~~] ; repealing 8 VAC 20-131-250).**

Statutory Authority: §§ 22.1-19 and 22.1-253.13:3 of the Code of Virginia.

Effective Date: September 28, 2000.

Final Regulations

Summary:

The regulations (i) refine student-level consequences related to the testing program and the impact of such changes on the school's overall accreditation rating; (ii) refine the new accreditation ratings; and (iii) refine and clarify language inconsistencies in the current regulations.

The final provisions, as adopted, contain the following major changes since the repropounded regulations were published in the Virginia Register on June 5, 2000:

1. The board approved allowing students to earn high school diploma credit through performance on a wide range of tests in addition to Standards of Learning (SOL) tests. Tests approved by the board that students may use include Advanced Placement (AP), International Baccalaureate (IB), College-Level Examination Program (CLEP) for dual enrollment courses, SAT-II, Test of English as a Foreign Language (TOEFL), and others.

2. The board gave students currently in the 7th, 8th and 9th grades more flexibility in meeting the verified credit requirement for a high school diploma. The final regulations specify that students may meet the requirement for six verified credits by passing two tests in English and four chosen by the student. The current requirement that students pass one test in at least four academic areas will remain in effect for all students who are scheduled to graduate in 2007 and beyond.

3. The board revamped an earlier proposal to create a new Basic Diploma for students who could not meet the requirements for the Standard Diploma. In the final regulations, the board limited the new diploma to students with documented disabilities who are proceeding under a federally mandated Individual Education Program (IEP). The board also renamed this new diploma the "Modified Standard Diploma" to reflect more accurately that it is not equivalent to the Standard Diploma.

Agency Contact: Copies of the regulation may be obtained from Charles W. Finley, Assistant Superintendent for Accountability Services, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 786-9421.

8 VAC 20-131-10. Purpose.

The foremost purpose of public education in Virginia is to provide children with a quality education ~~to provide~~ giving them ~~with~~ opportunities to meet their fullest potential in life. The standards for the accreditation of public schools in Virginia are designed to ensure that an effective educational program is established and maintained in Virginia's public schools. The mission of the public education system, ~~first and foremost~~, is to educate students in the essential academic knowledge and skills in order that they may be equipped for citizenship, work, and a private life that is informed and free. The accreditation standards [~~are designed to~~]:

1. Provide an essential foundation of educational programs of high quality in all schools for all students.

2. Encourage continuous appraisal and improvement of the school program for the purpose of raising student achievement.

3. Foster public confidence.

4. Assure recognition of Virginia's public schools by other institutions of learning.

5. Establish a means of determining the effectiveness of schools.

Section 22.1-253.13:3 B of the Code of Virginia requires [~~that~~] the Virginia Board of Education (*hereinafter "board"*) promulgate regulations establishing standards for accreditation.

The statutory authority for these regulations is delineated in § 22.1-19 of the Code of Virginia [~~that~~ , *which*] includes the requirement that the board of Education shall provide for the accreditation of public elementary and secondary schools in accordance with regulations prescribed by it.

8 VAC 20-131-20. Philosophy, goals, and objectives.

A. Each school shall have [a] current philosophy, goals, and objectives that shall serve as the basis for all policies and practices and shall be developed using the following criteria:

1. The philosophy, goals, and objectives shall be developed with the advice of professional and lay people who represent the various populations served by the school and in consideration of the needs of the community and shall serve as a basis for the creation and review of the biennial school plan.

2. The school's philosophy, goals and objectives shall be consistent with the Standards of Quality.

3. The goals and objectives shall (i) be written in plain language so as to be understandable to noneducators, including parents; (ii) to the extent possible, be stated in measurable terms; and (iii) consist primarily of measurable objectives to raise student and school achievement in the core *academic areas of the Standards of Learning disciplines (SOL)*, to improve student and staff attendance, to reduce student drop-out rates, and to increase the quality of instruction through professional staff development and licensure.

4. The school staff and community representatives shall review ~~biennially~~ *annually* the extent to which the school has met its prior goals and objectives, analyze the school's student performance data including data by grade level or academic department as necessary, and report these outcomes to the ~~school division superintendent and the community and the division superintendent~~. A report delivered in writing or given ~~orally~~ in accordance with local school board policy ~~during a regularly scheduled parent teacher meeting at the school may be used to satisfy the reporting requirement of this section~~. This report shall be in addition to the school report card required by 8 VAC 20-131-270 B.

B. Copies of the school's philosophy, goals and objectives shall be available upon request.

8 VAC 20-131-30. Student achievement expectations.

A. Each student should learn the relevant grade level/course subject matter before promotion to the next grade. ~~For grades in which the SOL tests are given, achievement of a passing score on the SOL tests shall be considered in promotion/retention policies adopted by the local school board. Achievement expectations and participation in SOL testing of students with disabilities will be guided by provisions of their Individualized Education Plan (IEP) or 504 Plan. Participation of students identified as limited English proficient shall be determined by a committee convened to make such determinations. Limited English proficient students may be exempted from the SOL tests for one grade level only in grades 3, 5, and 8. In order to be granted verified credit, all students must meet the clock hour and testing requirements set forth in this chapter. The division superintendent shall certify to the Department of Education that the division's promotion/retention policy does not exclude students from membership in a grade [,] or participation in a course [,] in which SOL tests are to be administered.~~

B. Each student at grades 3, 5, and 8 shall take and be expected to achieve a passing score on the SOL tests for the student's respective grade. ~~In kindergarten through eighth grade, where SOL tests are administered, each student shall be expected to achieve a passing score on these take the [SOL] tests. Schools shall use the SOL test results in kindergarten through eighth grade as part of a multiple set of multiple criteria for determining advancing or retaining the promotion or retention of students in grades 3, 5, and 8. No promotion/retention policy shall be written in a manner as to systematically exclude students from membership in a grade or participation in a course in which SOL tests are to be administered. Students shall not be required to retake the SOL tests unless they are retained in grade and have not previously passed [the related SOL tests], or they participate in a remediation recovery program [established by the board] in English [(Reading, Literature, and Research)] or mathematics or both. [In addition, in grades K-8, in no case shall students be required to attend summer school or weekend remediation classes solely based on failing a SOL test in science or history/social science.]~~

[C. In kindergarten through grade 8, students may participate in a remediation recovery program as established by the board in English (Reading, Literature and Research) or mathematics or both. In grades 9 through 12, the remediation recovery program shall include all retakes of end-of-course SOL mathematics tests only. However, students in the ninth grade who are participants in a remediation recovery program may be retested on the eighth grade English (Reading, Literature and Research) and mathematics SOL tests.

D. The board recommends that students in kindergarten through grade 8 not be required to attend summer school or weekend remediation classes solely based on failing a SOL test in science or history/social science.]

[~~E. E.] Each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction. Students who achieve a passing score on~~

an end-of-course SOL test shall ~~may~~ be awarded a verified unit of credit in that course *in accordance with the provisions of 8 VAC 20-131-110 B.* Students may earn verified units of ~~credits credit~~ in any courses for which end-of-course SOL tests are available. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade. [*However, no student who has failed an end-of-course SOL test but passed the related course shall be prevented from taking any other course in a content area and from taking the applicable end-of-course SOL test.*] *The board may approve other alternative [measures or means of assessment additional tests] to verify student achievement in accordance with guidelines adopted for verified units of credit described in 8 VAC 20-131-110 B.*

[~~D. F.] Students with disabilities for whom participation in the SOL testing program is deemed inappropriate according to their IEP or 504 plan and who cannot participate in the SOL tests shall be expected to demonstrate proficiency on an alternative assessment prescribed by the board in accordance with federal laws and regulations beginning with school year 2000-2001. Participation in SOL testing by students with disabilities will be prescribed by provisions of their Individualized Education Program (IEP) [~~or 504 Plan~~].~~

Beginning with the school year 2000-01, students with disabilities for whom participation in an alternate assessment is prescribed in their IEP ~~or 504 Plan~~ shall demonstrate proficiency on that assessment.

[~~E. G.] Participation in SOL testing by students identified as limited English proficient (LEP) shall be guided by a school-based committee convened to make such determinations. In kindergarten through eighth grade, limited English proficient students may be granted a one-time exemption from SOL testing in each of the four core areas.~~

8 VAC 20-131-40. Literacy Passport [~~Test Tests~~].

~~The SOL assessments shall constitute the primary evaluation of student academic achievement for the purpose of this chapter. Students shall also pass the literacy tests prescribed by the Board of Education in reading, writing, and mathematics in order to be promoted to the ninth grade except for students with disabilities who are progressing according to the objectives of their Individualized Education Plan (IEP) or 504 plan. Students transferring to a Virginia public school prior to the ninth grade shall also be required to pass the literacy tests in order to be promoted to the ninth grade. Students who are not promoted shall be enrolled in alternative programs leading to one or more of the following:~~

- ~~1. Passing the literacy tests;~~

~~Students who were in the eighth grade or above in the 1998-99 school year shall [~~also~~] be required to pass the Literacy Passport Tests in order to receive a Standard or Advanced Studies Diploma from a Virginia public school.~~

In order to receive a graded status, such students must pass the Literacy Passport Tests, except for students with disabilities who progress according to the goals of their Individualized Education Program (IEP) ~~or 504 Plan~~.

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Students who are not eligible for graded status shall be enrolled in appropriate programs leading to passing of the Literacy Passport Tests and one or more of the following:

- ~~2-~~ 1. High school graduation diploma;
- ~~3-~~ 2. General Educational Development (GED) [Certificate credential];
4. Certificate of Program Completion; and
- ~~5-~~ 4. Job entry skills.

8 VAC 20-131-50. Requirements for graduation.

A. ~~To receive a high school diploma, a student shall pass all components of the Literacy Passport Test as required by the Standards of Quality and prescribed by the Board of Education and meet the minimum requirements for one of the two diplomas outlined in subsection B or C of this section for grades 9 through 12. The requirements for a student to earn a diploma from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. Students may be awarded a diploma or certificate upon graduation from a Virginia high school.~~

When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the standard units required for graduation provided the courses meet SOL content requirements or are equivalent in content and academic rigor as those courses offered at the secondary level. To earn a verified unit of credit for these courses, students must meet the requirements of 8 VAC 20-131-110 B.

~~These~~ The following requirements shall be the only requirements for a diploma, ~~except that unless a local school board may prescribe has prescribed~~ additional requirements for a diploma if such requirements which have been approved by the board of Education. All additional requirements prescribed by local school boards [,] and in effect as of June 30, 1997, are approved to continue through June 30, 1999 2000, without those requirements pending further action by the board. The requirements for Certificates of Program Completion are developed by local school boards in accordance with the Standards of Quality.

B. Requirements for a Standard Diploma.

1. Beginning with the ninth grade class of 1998-99 ~~(graduating class of 2001-02)~~, students shall earn the standard ~~credits~~ units of credit outlined in subdivision [~~2~~ 4] of this subsection. ~~[Beginning with the ninth grade class of 2000-01] (graduating class of 2003-04), [students shall earn standard units of credit, including at least two sequential electives as required by the Standards of Quality, described in subdivision 2 of this subsection and, of the] standard [total units of credit earned, students shall earn the following number of verified units of credit (see 8 VAC 20-131-110):~~

- ~~a. English two,;~~
- mathematics [~~b. Math one,;~~
- ~~c. Science one,;~~

~~d. History/social science one,; and~~

~~e. One additional verified unit of credit of the student's own choosing.~~

2. During a transition period applicable only to the ninth grade classes of 2000-01, 2001-02, and 2002-03, students shall earn the standard units of credit described in subdivision 4 of this subsection and the following number of verified units of credit (8 VAC 20-131-110):

- a. English--two;
- b. Four additional verified units of credit of the student's own choosing.

3. Beginning with the ninth grade classes of 2003-04 and beyond, students shall earn the required standard and verified units of credit described in subdivision 4 of this subsection.]

[~~2-~~ 4.] Credits required for graduation with a Standard Diploma.

Discipline Area	[Standard] Units of Credit [Required]	[No. of Verified] Credits Required [to be Verified]
English	4	2
Mathematics ¹	3	1
Laboratory Science ²	3	1
History and Social Sciences ³	3	1
Health and Physical Education	2	
Fine Arts or Practical Arts	1	
Electives [⁴]	6	
Student Selected Test [^{4 5}]		1
Total	22	6

¹ Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least two course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of algebra and geometry. The board of Education may approve additional courses to satisfy this requirement.

² Courses completed to satisfy this requirement shall include course selections from at least two different science disciplines: earth sciences, biology, chemistry, or physics. The board of Education may approve additional courses to satisfy this requirement.

³ Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and one world history/geography course. Courses which satisfy the world history/geography [course requirement] are: (i) World History, (ii) World Geography, (iii) World History and Geography to 4000 A.D. Part I, (iv) World History and Geography 4000 A.D. to the Present Part II, or (v) a semester course of World History to 4000 A.D. Part I and a semester course of World Geography. The board of Education may approve additional courses to satisfy this requirement.

[⁴ Beginning with the graduating class of 2003, courses to satisfy this requirement shall include at least two sequential electives as required by the Standards of Quality.]

[^{4 5} A student may utilize [alternative measures additional tests] for earning verified credit in computer science, technology, or other areas as prescribed by the board in 8 VAC 20-131-110 B.

Students completing the requirements for the Standard Diploma may be eligible to receive a Board of Education seal or other an honor deemed appropriate by the local school board as described in subsection E F of this section.

C. Requirements for an Advanced Studies Diploma.

1. Beginning with the ninth grade class of 1998-99 (~~graduating class of 2001-02~~), students shall earn the standard ~~credits~~ *units of credit* outlined in subdivision 2 of this subsection. Beginning with the ninth grade class of 2000-01 (~~graduating class of 2003-04~~), students shall earn the standard [*and verified*] ~~credits~~ *units of credit* outlined in subdivision 2 of this subsection [*and, of the total credits earned, students shall earn the following number of verified units of credits (see 8 VAC 20-131-110):* .

- ~~a. English two,;~~
- ~~mathematics b. Math two,;~~
- ~~c. Science two,;~~
- ~~d. History/social science two,; and~~
- ~~e. One additional verified unit of credit of the student's own choosing.]~~

2. Credits required for graduation *with an Advanced Studies Diploma.*

Discipline Area	[Standard] Units of Credit [Required]	[No. of Verified] Credits Required [to be Verified]
English	4	2
Mathematics ¹	4	2
Laboratory Science ²	4	2
History and Social Sciences ³	4	2
Foreign Language ⁴	3	
Health and Physical Education	2	
Fine Arts or Practical Arts	1	
Electives	2	
Student Selected Test ⁵		1
Total	24	9

¹ Courses completed to satisfy this requirement shall be at or above the level of algebra and shall include at least three different course selections from among: Algebra I, Geometry, Algebra II, or other mathematics courses above the level of Algebra II. The board of Education may approve additional courses to satisfy this requirement.

² Courses completed to satisfy this requirement shall include course selections from at least three different science disciplines from among: earth sciences, biology, chemistry, or physics *or completion of the sequence of science courses required for the International Baccalaureate Diploma.* The board of Education may approve additional courses to satisfy this requirement.

³ Courses completed to satisfy this requirement shall include U.S. and Virginia History, U.S. and Virginia Government, and two world history/geography courses. Acceptable courses to satisfy the world history/geography requirements include: (i) World History and World Geography; (ii) World History and Geography ~~to 1000 A.D. Part I, and World History and Geography from 1000 A.D. to the Present Part II~~; or (iii) a semester course of World Geography,

a semester course of World History ~~to 1000 A.D. Part I, and a year-long course of World History 1000 A.D. to the Present Part II.~~ The board of Education may approve additional courses to satisfy this requirement.

⁴ Three years of one language or two years of two languages.

⁵ A student may utilize [*alternative measures additional tests*] for earning verified credit in computer science, technology, or other areas as prescribed by the board in 8 VAC 20-131-110 B.

Students completing the requirements for the Advanced Studies Diploma may be eligible to receive a Governor's seal or other an honor deemed appropriate by the local school board as described in subsection E F of this section.

D. Requirements for the [*Basic Modified Standard*] Diploma.

1. The [*Basic Modified Standard*] Diploma program is intended for certain students at the secondary level who [*have a disability and*] are unlikely to meet the [*credit*] requirements for a Standard Diploma. Eligibility and participation in the [*Basic Modified Standard*] Diploma program shall be determined by [*the following criteria: the student's Individual Education Program (IEP) team and the student, where appropriate, at any point after the student's eighth grade year.*]

[~~a. If the student has a disability and is eligible for special education, the selection of the Basic Diploma may be made by the student's Individual Education Program (IEP) team and the student, where appropriate, after the student's eighth grade year and after the student has participated in the SOL testing program. Students who were exempt from SOL tests by their IEP team prior to the 2000-01 school year may pursue this option provided they meet other eligibility requirements.~~

~~b. If the student does not have a disability, the determination shall be made after the ninth grade by the principal or his designee, the student's parents and the student based on criteria indicating that the student has:~~

~~(1) Taken all SOL courses and tests through ninth grade;~~

~~(2) Failed both the eighth grade English and mathematics SOL tests twice or, in the absence of a retake, failed to achieve an acceptable level of performance as determined by the board on the Stanford 9 (or other assessment determined by the board) in English and mathematics. The school shall maintain documentation of efforts to remediate the student's deficiencies between administrations of the tests;]~~

[~~(3) Secured 2. The school must secure] the informed [*written*] consent of the parent/guardian [*to enroll in and the student to choose*] this diploma [*option program*] after review of the student's academic history and the full disclosure of the student's options [*; and*].~~

3. The student who has chosen to pursue a Modified Standard Diploma shall also be allowed to pursue the Standard or Advanced Studies Diploma at any time throughout that student's high school career, and the

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~~student must not be excluded from courses and tests required to earn a Standard or Advanced Studies Diploma.]~~

~~[(4) Met any additional criteria established by the board.~~

~~4.] Beginning with the ninth grade class of 2000- [2004 01], students pursuing the [Basic Modified Standard] Diploma shall pass literacy and numeracy competency assessments prescribed by the board. [In addition, the student shall meet requirements for employability as adopted by the local school board and subject to review by the board and shall earn the units of credit prescribed in subdivision 2 of this subsection.~~

~~[2- 5]. Credits required for graduation with a [Basic Modified Standard] Diploma.~~

Discipline Area	Standard Units of Credit [Required]
English [¹]	[3 4]
Mathematics [^{2 1}]	3
Science [²]	[4 2]
History and [Civics-Social Science] ³	2
Health and Physical Education	2
[Computer Technology Fine or Practical Arts]	1
[Career/Occupational ⁴]	[2-6]
Electives [⁴]	[4 6]
Total	[18-22 20]

¹ ~~Courses completed to satisfy this requirement shall be approved by the board.~~

^{2 1} ~~Courses completed to satisfy this requirement shall [be approved by the board and shall be at or above general mathematics, applications of mathematics, or consumer mathematics include content from among applications of algebra, geometry, personal finance, and statistics in courses that have been approved by the board].~~

² ~~Courses completed shall include content from at least two of the following: applications of earth science, biology, chemistry, or physics in courses approved by the board.]~~

³ ~~Courses completed to satisfy this requirement shall include one unit of credit in U.S. and Virginia History and one unit of credit in U.S. and Virginia Government in courses approved by the board.~~

⁴ ~~Students pursuing this diploma shall complete a career/occupational program of the student's choosing that meets the employability requirements of subdivision 1 above. Beginning with the graduating class of 2003, courses to satisfy this requirement shall include at least two sequential electives in the same manner required for the Standard Diploma.]~~

~~[3- Students who opt for the Basic Diploma program after completion of the tenth grade year may substitute academic credit for career/occupational credit provided that they meet the locally developed employability and other requirements.~~

~~6. The student must meet any additional criteria established by the board.]~~

~~When students below the ninth grade successfully complete courses offered for credit in grades 9 through 12, credit shall be counted toward meeting the standard units required for graduation provided the courses meet SOL content requirements or are equivalent in content and~~

~~academic rigor as those courses offered at the secondary level, or verified units provided students achieve a passing score on end-of-course SOL tests. To earn a verified unit of credit for these courses, students must meet the requirements of 8 VAC 20-131-110 B.~~

~~E. In accordance with the requirements of the Standards of Quality, students with disabilities who complete the requirements of their Individualized Education Program (IEP) [and do not meet the requirements for other diplomas] shall be awarded Special Diplomas.~~

~~F. In accordance with the requirements of the Standards of Quality, students who complete prescribed programs of studies defined by the local school board but do not qualify for diplomas shall be awarded Certificates of Program Completion.~~

~~[G. In accordance with the provisions of the compulsory attendance law and 8 VAC 20-360-10 et seq., Regulations Governing General Education Development Certificates, students who do not qualify for diplomas may earn a high school equivalency credential.]~~

~~E. [G. H.] At a student's request, the local school board shall communicate or otherwise make known to institutions of higher education, potential employers, or other applicable third parties, in a manner that the local school board deems appropriate, that a student has attained the state's academic expectations by earning a Virginia diploma and [that] the value of such a diploma is not affected in any way by the accreditation status of the student's school.~~

~~E. F. [H. I.] Awards for exemplary student performance. 4. Students who complete the requirements for a standard diploma with an average grade of "B" or better in the required courses will receive a Board of Education seal on the diploma. Students who demonstrate academic excellence and/or outstanding achievements achievement may be eligible for one of the following awards:~~

~~1. The Governor's Seal of Advanced Academic Excellence will be awarded to students who complete the requirements for an Advanced Studies Diploma and earn a "Pass/Advanced" rating on the SOL tests used for verified units of credit to fulfill the diploma requirement. Students electing to substitute an alternative means of earning verified units of credit as proscribed by 8 VAC 20-131-110 B must meet requirements of guidelines adopted by the board. Students who complete the requirements for an Advanced Studies Diploma with an average grade of "B" or better [,] and successfully complete at least one advanced placement course (AP), international baccalaureate (IB) or one college-level course for credit [,] will receive the Governor's Seal on the diploma.~~

~~2. Students who complete the requirements for an advanced studies diploma with an average grade of "B" or better and successfully complete at least one advanced placement course (AP) or one college-level course for credit will receive a Governor's seal on the diploma. The Board of Education's Seal of Academic Excellence will be awarded to students who complete the~~

~~requirements for an Advanced Studies diploma with an "A" average in the courses required for the diploma and have successfully completed at least one Advanced Placement (AP) course, International Baccalaureate (IB) course, one college-level course, or one alternative means of earning verified units of credit in accordance with the provisions of 8 VAC 20-131-110 B. Students electing to substitute an alternative means to meet this requirement must meet provisions specified in guidelines adopted by the board for earning verified units of credit described in 8 VAC 20-131-110 B to qualify for this honor. Students who complete the requirements for a Standard Diploma with an average grade of "A" will receive a Board of Education Seal on the diploma.~~

~~3. The Superintendent's Seal of Academic Achievement will be awarded to students who complete the requirements for an Advanced Studies Diploma with a "B" average in the courses required for the diploma and have completed one college-level course or earned at least one verified unit of credit through an alternative means in accordance with the provisions of 8 VAC 20-131-110 B.~~

~~4. The Commonwealth Seal of Academic Achievement will be awarded to students who complete the requirements for a standard diploma with an "A" average in the courses required for the diploma.~~

~~5. 3. The Board of Education's Vocational Career and Technical Education Seal of Excellence will be awarded to students who earn a Standard or Advanced Studies Diploma and complete a prescribed sequence of courses in a vocational area of career and technical education concentration or specialization that they choose and either: (i) maintain an "A" a "B" or better average in those courses; or (ii) (i) pass an examination in a vocational area career and technical education concentration or specialization that confers either a certificate certification from a recognized industry, trade or professional association or (ii) acquire a professional license in that vocational area career and technical education field from the Commonwealth of Virginia.~~

~~4. The Board of Education's Seal of Advanced Mathematics and Technology will be awarded to students who earn either a Standard or Advanced Studies Diploma and (i) satisfy all of the mathematics requirements for the Advanced Studies Diploma (four units of credit including Algebra II; two verified units of credit) with a "B" average or better; and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry, or trade or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the board that confers college-level credit in a technology or computer science area.~~

~~3. 6. 5. Students may receive other seals or awards for exceptional academic, vocational career and technical, citizenship, or other exemplary performance in accordance with criteria defined by the local school board.~~

~~F. G. [J. J.] Students completing graduation requirements in a summer school accredited under this chapter shall be eligible for a diploma. The last school attended by the student during the regular session shall award the diploma unless otherwise agreed upon by the principals of the two schools.~~

~~G. H. Students who complete a prescribed course of study as defined by the local school board but who do not qualify for diplomas shall be awarded a Certificate of Program Completion by the local school board.~~

~~H. I. [J. K.] Students who complete honors, advanced, advanced placement, or college-level courses, or courses required for an International Baccalaureate Diploma or other alternative means to earn verified units of credit shall be deemed to have completed the requirements for graduation under these standards provided they have earned the standard units of credit and passed the end-of-course tests required to earn earned verified credits units of credit in accordance with the requirements of 8 VAC 20-131-50 A and B as required of students earning either a standard or an advanced studies diploma subsections B and C of this section or, in the case of a completed International Baccalaureate Diploma program, the number of verified credits required for an advanced studies diploma.~~

~~J. [K L.] Students [considering using an alternative means of earning verified units of credit as allowed by 8 VAC 20-131-440 B] shall be counseled annually regarding the opportunities for [doing so using additional tests for earning verified credits as provided in accordance with the provisions of 8 VAC 20-131-110 B,] and the consequences of failing to fulfill the obligations to complete the requirements for verified units of credit.~~

8 VAC 20-131-60. Transfer of credits.

~~A. For the purposes of this section [,] the term "beginning" means within the first 20 hours of instruction per course. The term "during" means after the first 20 hours of instruction per course.~~

~~B. A secondary school shall accept credits received from other accredited secondary schools, including summer schools, special sessions, schools accredited through the Virginia Council for Private Education, and educational programs operated by the state (VCPE). Credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted. The board will maintain contact with the VCPE to review on an annual basis the its accrediting procedures of the VCPE and direct any changes and modifications of such procedures in relation to the authority granted under these provisions and policies on a periodic basis as part of its policies under this section.~~

~~Students transferring into a Virginia public school shall be required to meet the requirements prescribed in 8 VAC 20-131-50 to receive a Standard or, Advanced Studies, or [Basic Modified Standard] Diploma [,] except as [modified provided] by subsection E F of this section. To receive a Special Diploma or Certificate of Program Completion, a student must meet the requirements prescribed by the Standards of Quality.~~

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~~B. C. Standard or verified units of credit earned by a student in a Virginia public school shall be transferable without limitation regardless of the accreditation status of the Virginia public school in which the credits were earned.~~

~~B. C. D. Records of transferred students shall be sent directly to the school receiving the student upon request of the receiving school in accordance with the provisions of the 8 VAC 20-150-10 et seq., Management of the Student's Scholastic Records in Virginia.~~

~~C. The transcript of a student who graduates or transfers from a Virginia secondary school shall show the minimum units of credit earned and required for graduation with a standard or advanced studies diploma.~~

~~D. E. Students transferring into a Virginia school division shall be required to earn a minimum of 22 standard credits (6 of which must be verified credits) for graduation. Each student's prior record shall be evaluated to determine the number of credits previously earned and the number of additional credits required for graduation. Specified courses normally taken at lower grade levels shall not be required provided the student has completed the courses required at those grade levels by the school division or state from which the student transferred. Students transferring from states not giving credit for health and physical education shall not be required to repeat these courses. Students transferring after the beginning of their senior or twelfth grade year shall be given every opportunity to earn a standard or advanced studies diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If this arrangement cannot be made, a waiver of the verified credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board. The academic record of a student transferring into Virginia public schools from other than a Virginia public school, shall be evaluated to determine the number of standard units of credit that have been earned, including credit from schools outside the United States, and the number of verified units of credit needed to graduate in accordance with subsection ~~E~~ F of this section. Virginia public schools shall accept standard and verified units of credit from other Virginia public schools and state-operated programs. Standard units of credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted or the student has been given credit by the previous school attended.~~

~~Students transferring above the tenth grade from schools or other education programs that do not require or give credit for health and physical education shall not be required to take these courses to meet graduation requirements.~~

~~E. F. Students transferring into entering a Virginia public high school from other than a Virginia public school for the first time after the tenth grade shall be encouraged to earn as many credits as possible toward the graduation that are requirements prescribed in 8 VAC 20-131-50. However, no transfer such student shall earn fewer than the following number of verified units [,] nor shall such students be~~

~~required to take SOL tests or [other alternative measures additional tests as] defined in 8 VAC 20-131-110 B for verified units of credit in courses previously completed at another school or program of study [,] unless necessary to meet the requirements listed in subdivisions 1 and 2 of this subsection:~~

~~1. For a Standard Diploma:~~

~~a. Students transferring in at entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;~~

~~b. Students transferring in entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of four verified units of credit: one each in English, mathematics, history, and science [except that during the transition period 2000-01 through 2002-03, students shall earn one in English and three of the student's own choosing]; and~~

~~c. Students transferring in entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of two verified units of credit: one in English and one of the student's [own] choosing.~~

~~2. For an Advanced Studies Diploma:~~

~~a. Students transferring in at entering a Virginia high school for the first time during the ninth grade or at the beginning of the tenth grade shall earn credit as prescribed in 8 VAC 20-131-50;~~

~~b. Students transferring in entering a Virginia high school for the first time during the tenth grade or at the beginning of the eleventh grade shall earn a minimum of six verified units of credit: two in English and one each in mathematics, history, and science and one of the student's [own] choosing; and~~

~~c. Students transferring in entering a Virginia high school for the first time during the eleventh grade or at the beginning of the twelfth grade shall earn a minimum of four verified units of credit: one in English and three of the student's [own] choosing.~~

~~F. G. Students transferring into entering a Virginia secondary high school for the first time after the first semester of their eleventh grade year must meet the requirements of subdivision F 1 c or F 2 c of this subsection section. Students transferring after 20 instructional hours per course of their senior or twelfth grade year shall be given every opportunity to earn a Standard or, Advanced Studies, or [Basic Modified Standard] Diploma. If it is not possible for the student to meet the requirements for a diploma, arrangements should be made for the student's previous school to award the diploma. If these arrangements cannot be made, a waiver of the verified unit of credit requirements may be available to the student. The Department of Education may grant such waivers upon request by the local school board in accordance with guidelines prescribed by the board.~~

H. Any local school division receiving approval to increase its course credit requirements for a diploma may not deny either the Standard, Advanced Studies, or [~~Basic Modified Standard~~] Diploma to any transfer student who has otherwise met the requirements contained in these standards if the transfer student can only meet the division's additional requirements by taking a heavier than normal course load in any semester, by taking summer school, or by taking courses after the time when he otherwise would have graduated.

~~G. I.~~ I. The transcript of a student who graduates or transfers from a Virginia secondary school shall conform to the requirements of 8 VAC 20-160-10 et seq., Regulations Governing Secondary School Transcripts.

J. The accreditation status of a high school shall not be included on the student transcript provided to colleges, universities, or employers. The board expressly states that any student who has met the graduation requirements established in 8 VAC 20-131-50 and has received a Virginia diploma holds a diploma that should be recognized as equal to any other Virginia diploma [of the same type], regardless of the accreditation status of the student's high school. It is the express policy of the board that no student shall be affected by the accreditation status of the student's school. The board shall take appropriate action, from time to time, to ensure that no student is affected by the accreditation status of the student's school.

8 VAC 20-131-70. Program of instruction and learning objectives.

A. Each school shall provide a program of instruction that promotes individual student academic achievement in the essential academic disciplines and shall provide additional instructional opportunities that meet the abilities, interests, and educational needs of students. Each school shall establish learning objectives to be achieved by students at successive grade levels that meet or exceed the knowledge and skills contained in the Standards of Learning for English, mathematics, science, and history/social science adopted by the board of Education in June 1995 and shall continually assess the progress of each student in relation to the objectives.

B. Instruction shall be designed to accommodate all students, including those with disabilities, those identified as gifted/talented [,] and those who have limited English proficiency. Each school shall provide students identified as gifted/talented with instructional programs taught by teachers with special training or experience in working with gifted/talented students. Students with disabilities shall have the opportunity to receive a full continuum of education services, in accordance with 8 VAC 20-180-10 et seq., Regulations Governing Special Education Programs for Children with Disabilities in Virginia, the "Special Education Program Standards," and other pertinent federal and state regulations.

8 VAC 20-131-80. Instructional program in elementary schools.

A. [~~Each~~ The] elementary school shall provide each student a program of instruction which corresponds to the

Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, and physical education and health [,] and shall provide students with a daily recess during the regular school year as determined appropriate by the school.

B. In [~~grades K kindergarten~~] through [grade] 3, reading, writing, spelling, and mathematics shall be the ~~core~~ focus of the instructional program. Schools shall maintain, in a manner prescribed by the board, an early skills and knowledge achievement record in reading and math for each student in grades [~~K kindergarten~~] through [grade] 3 to monitor student progress and to promote successful achievement ~~in~~ on the third grade SOL tests. This record shall be included with the student's records if the student transfers to a new school.

C. To provide students with sufficient opportunity to learn, a minimum of 75% of the annual instructional time of 990 hours shall be given to instruction in the disciplines of English, mathematics, science, and history/social science. Students who are not successfully progressing in early reading proficiency or who are unable to read [with comprehension] the materials necessary for instruction [with comprehension] shall receive additional instructional time in reading.

8 VAC 20-131-90. Instructional program in middle schools.

A. [~~Each~~ The] middle level school shall provide each student a program of instruction which corresponds to the Standards of Learning for English, mathematics, science, and history/social science. In addition, each school shall provide instruction in art, music, foreign language, physical education and health, and career and ~~vocational~~ technical exploration.

B. The middle school shall provide a minimum of eight ~~offerings~~ courses to students in [the] eighth grade: ~~four required courses~~ (. English, mathematics, science, and history/social science) and shall be required. Four elective courses (shall be available: level one ~~in~~ of a foreign language, one in health and physical education, one in fine arts, and one in career and ~~vocational~~ technical exploration).

C. Level one of a foreign language shall be available to all eighth grade students. ~~in~~ For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course in accordance with policies adopted by the local school board. Notice of this provision must be provided to parents with a deadline and format for making such a request. Nothing in this chapter shall be construed to prevent a middle school from offering any ~~appropriate other~~ credit-bearing ~~course~~ courses for graduation.

D. To provide students a sufficient opportunity to learn, each student shall be provided 140 clock hours per year of instruction in each of the four disciplines of English, math, science, and history/social science. Sixth grade students may receive an alternative schedule of instruction provided each student receives at least 560 total clock hours of instruction in the four academic disciplines.

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8 VAC 20-131-100. Instructional program in secondary schools.

A. ~~Each~~ *The* secondary school shall provide each student a program of instruction in the academic areas of English, mathematics, science, and history/social science that enables each student to meet the graduation requirements described in 8 VAC 20-131-50 and shall offer opportunities for students to pursue a program of studies in ~~several academic academics, fine arts, and vocational career and technical~~ areas including:

1. ~~Vocational Career and technical~~ education choices that prepare the student as a ~~vocational career and technical education~~ program completer in one of three or more occupational areas and that prepare the student for technical or preprofessional postsecondary programs;
2. Course work and experiences that prepare the student for college-level studies including access to at least two advanced placement courses or two college-level courses for credit; ~~and~~
3. Preparation for ~~scholastic aptitude~~ college admissions tests; ~~and~~
4. Opportunities to study and explore the fine arts.

B. Minimum course offerings for each secondary school, ~~grades 9 through 12,~~ shall provide ~~that opportunities for students can~~ to meet the graduation requirements stated in ~~this chapter~~ 8 VAC 20-131-50 and must include:

[Academic Subjects		23]
English	[(4)]	[4]
Mathematics	[(4)]	[4]
Science (Laboratory)	[(4)]	[4]
History and Social Sciences	[(4)]	[4]
Foreign Language	[(3)]	[3]
Electives	[(4)]	[4]
Vocational Career and		11
Technical Education		
Fine Arts		2
Health and Physical Education		2
Total Units		38

C. Classroom driver education may count for 36 class periods of health education. Students shall not be removed from classes other than health and physical education for the in-car phase of driver education.

8 VAC 20-131-110. Standard and verified units of credit.

A. The standard unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction ~~and successful completion of the requirements of the course.~~ When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 140 hours of instruction provided. If a school division elects to award credit in a noncore academic course on a basis other than the standard unit of credit ~~defined in this subsection,~~ the ~~locality~~ local school division shall develop a written policy approved by the superintendent and school board which ensures:

1. That the content of the course for which credit is awarded is comparable to 140 clock hours of instruction; and
2. That upon completion, the student will have met the aims and objectives of the course.

B. A verified unit of credit for graduation shall be based on a minimum of 140 clock hours of instruction, ~~successful completion of the requirements of the course,~~ and the achievement by the student of a passing score on the end-of-course ~~Standards of Learning~~ SOL test for that course or ~~[alternative] test [measures additional tests]~~ as described in this subsection. ~~[In accordance with the provisions of the Standards of Quality, students may earn a standard and verified unit of credit for any elective course in which the core academic SOL course content has been integrated and the student passes the related end-of-course SOL test. Such course and test combinations must be approved by the board.]~~

Upon the recommendation of the division superintendent and demonstration of mastery of course content and objectives, qualified students may receive a standard unit of credit and be permitted to sit for the relevant SOL test to earn a verified credit without having to meet the 140-clock-hour requirement.

~~In addition to the SOL tests, The board may [from time to time] approve alternative [multiple criteria including other assessments or measures additional tests] for the purpose of awarding verified credit. Such [criteria may include substitute tests for which the student may earn a verified unit of credit.] An alternative [Any substitute test additional tests, which enable students to earn verified units of credit,] must, at a minimum, meet the following criteria:~~

1. ~~The test must be standardized and graded independently of the school or school division in which the test is given;~~
2. ~~The test must be criterion-referenced and knowledge based;~~
3. ~~The test must be administered on a multistate or international basis; and~~
4. ~~To be counted in a specific academic area, the test must [be given in a course measure content] that incorporates [or exceeds] the SOL [content in the course for which verified credit is given].~~

~~The board will set the passing score that must be achieved to earn a verified unit of credit on the alternative [substitute additional] test [options].~~

~~[A local school board is authorized to award to a student a verified unit of credit in a course where such student's performance on a SOL test is inconsistent with other recognized indicators of academic achievement. A local school board's decision in such matters shall be solely based on criteria and guidelines established by the board, and the board may revoke a local school board's authority under this provision for cause as determined by the board.]~~

With such funds as are appropriated by the General Assembly, the board will provide opportunities for students who meet criteria adopted by the board to have an expedited retake of an end-of-course SOL test to earn verified credit.]

C. A school employing a scheduling configuration of less than 140 clock hours per core academic course in the 1996-97 school year may retain that scheduling configuration provided such school is rated ~~Fully Accredited with High Honors, Fully Accredited with Honors, or " Fully Accredited. "~~ Schools rated ~~" Accredited with Warning " (in specific area)~~ may be required to address their scheduling configuration in their corrective action ~~School Improvement Plan required by 8 VAC 20-131-310 D~~ through the end of the 2000-01 school year unless a waiver is granted by the board under the provisions of 8 VAC 20-131-325 B or 8 VAC 20-131-330. If the school does not comply following the end of the 2000-01 school year, the board may take appropriate action which may include, but not be limited to, adjustment or [~~less withdrawal~~] of [the] school's accreditation.

8 VAC 20-131-120. Summer school.

A. The courses offered and the quality of instruction in the summer school program shall be ~~equal in quality to the program~~ comparable to that offered during the regular school term. At the middle and secondary school levels, credit for courses taken for credit toward graduation other than a repeat course shall be awarded in accordance with the requirements of 8 VAC 20-131-110. Students must also meet the requirements for SOL testing if appropriate.

B. At the middle and secondary school levels, credit for ~~repeated work~~ repeat courses ordinarily will be granted on the same basis as that for new ~~work~~ courses; however, with prior approval of the principal, ~~certain~~ students may be allowed to enroll in ~~two~~ repeat ~~subjects~~ courses to be completed in [~~not no~~] less than ~~75~~ 70 clock hours of instruction per unit of credit. Students must also meet the requirements for SOL testing if appropriate.

C. Summer school instruction at any level, which is provided as part of a state-funded remedial program, shall be designed to improve specific identified student deficiencies. Such programs shall be conducted in accordance with regulations adopted by the board.

8 VAC 20-131-130. Elective courses.

Locally developed elective courses offered for credit toward high school graduation shall be approved by the division superintendent and local school board.

8 VAC 20-131-140. College preparation programs and opportunities for postsecondary credit.

Each middle and secondary school shall provide for the early identification and enrollment of students in a college preparation program with a range of educational and academic experiences in and outside the classroom, including an emphasis on experiences that will motivate disadvantaged and minority students to attend college.

Beginning in the middle school years, students shall be counseled ~~as to~~ on opportunities for beginning postsecondary education prior to high school graduation. Students taking

advantage of such opportunities shall not be denied participation in school activities for which they are otherwise eligible. Wherever possible, students shall be encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (*dual enrollment*), under the following conditions:

1. ~~Prior~~ Written approval of the high school principal ~~for the cross registration prior to participation in dual enrollment~~ must be obtained;
2. The college must accept the student for admission to the course or courses; and
3. The course or courses must be given by the college for degree credits (~~hence~~, no remedial courses will be accepted).

Schools that comply with this standard shall not be penalized in receiving state appropriations.

8 VAC 20-131-150. Standard school year and school day.

A. The standard school year shall be 180 days. The standard school day for students in grades 1 through 12 shall average at least 5-1/2 hours, excluding ~~intermissions~~ breaks for meals, and a minimum of three hours for kindergarten. School divisions may develop alternative schedules for meeting these requirements as long as a minimum of 990 hours of instructional time is provided for grades 1 through 12 and 540 hours for kindergarten. Such alternative plans must be approved by the local school board and by the board of ~~Education~~ under guidelines established by the board of ~~Education~~. No alternative plan which reduces the instructional time in the core academics shall be approved.

B. All students in grades 1 through 12 shall maintain a full day schedule of classes (5-1/2 hours), unless a waiver is granted ~~by the local superintendent of schools. Conditions of such waivers shall be~~ in accordance with policies defined by the local school board.

8 VAC 20-131-170. Family Life Education.

Each school may implement the Standards of Learning for the Family Life Education program promulgated by the board of ~~Education~~ or a Family Life Education program consistent with the guidelines developed by the board of ~~Education~~, which shall have the goals of reducing the incidence of pregnancy and sexually-transmitted diseases and substance abuse among teenagers.

8 VAC 20-131-180. Off-site instruction.

A. Homebound instruction shall be made available to students who are confined *at home or in a health care facility* for periods that would prevent normal school attendance based upon certification of need by a licensed physician or licensed clinical psychologist. For students eligible for special education or related services, the Individualized Education Program [~~or 504 Plan~~] committee must revise the IEP, as appropriate. Credit for the work shall be awarded when it is done under the supervision of a [~~certified~~ licensed] teacher, a person eligible to hold a Virginia [~~certificate~~ license], or other appropriately licensed professional employed by the

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local school board, *and meets the requirements of 8 VAC 20-131-110.*

B. Students may enroll in and receive a standard [~~or and~~] verified unit of credit for supervised correspondence courses ~~in subjects not available to them through the school's schedule~~ with prior approval of the principal. [*Standard units of*] credit shall be awarded for the successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, approved by ~~the local school authorities board~~. Verified *units of credit* may be earned when the student has passed the SOL test associated with the correspondence course completed. *The local school board shall develop policies governing this method of instruction in accordance with the provisions of 8 VAC 20-131-110 and the administration of required SOL tests prescribed by 8 VAC 20-131-30.*

C. *Schools are encouraged to pursue alternative means to deliver instruction to accommodate student needs through emerging technologies and other similar means.* [*Standard units of*] credit [~~may shall~~] be awarded for successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia teaching license and approved by local school board. Verified units of credit may be earned when the student has successfully completed the requirements and passed the SOL test associated with the course. *The local school board shall develop policies governing this method of delivery of instruction that shall include the provisions of 8 VAC 20-131-110 and the administration of required SOL tests prescribed by 8 VAC 20-131-30.*

8 VAC 20-131-210. Role of the principal.

A. ~~The principal shall be responsible for is recognized as the instructional leadership and effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. As part of this responsibility, the principal shall ensure the development and implementation of the biennial school plan approved by the superintendent.~~ *leader of the school and is responsible for effective school management that promotes positive student achievement, a safe and secure environment in which to teach and learn, and efficient use of resources. As a matter of policy, the board, through these standards, recognizes the critically important role of principals to the success of public schools and the students who attend those schools and recommends that local school boards provide principals with the maximum authority available under law in all matters affecting the school including, but not limited to, instruction and personnel, in a manner that allows the principal to be held accountable in a fair and consistent manner for matters under his direct control.*

B. [*As the*] instructional [~~leadership- leader,~~] the principal [~~is~~] responsible for ensuring [*that*] students are provided an opportunity to learn [~~and~~] shall:

1. Protect the academic instructional time from unnecessary interruptions and disruptions and enable the professional teaching staff to spend the maximum time possible in the teaching/learning process by keeping to a minimum clerical responsibility and the time students are out of class;
 2. Ensure that the school division's student code of conduct is enforced and ~~that the school environment is safe and secure~~ *seek to maintain a safe and secure school environment*;
 3. Analyze the school's test ~~and subject~~ scores annually [~~,~~] by grade and by discipline [~~,~~] to:
 - a. Direct and require appropriate ~~remediation/intervention~~ *prevention, intervention, and/or remediation* to those students performing below grade level or not passing the SOL tests;
 - b. Involve the staff of the school in identifying the types of staff development needed to improve student achievement and ensure that the staff participate in those activities; and
 - c. Analyze classroom practices and methods for improvement of instruction;
 4. Ensure that students' records are maintained and that criteria used in making placement and promotion decisions, as well as any instructional interventions used to improve the student's performance, are included in the record;
 5. Monitor and evaluate the quality of instruction ~~and, provide for in-service training, professional assistance and staff development,~~ *provide support that is designed to improve instruction, and seek to ensure the successful attainment of the knowledge and skills required for students by the SOL tests; and*
 6. Maintain records of students who drop out of school, including their reasons for dropping out and actions taken to prevent [*these*] students from dropping out.
- C. [*As the*] school [~~management leadership- manager,~~] the principal [~~is~~ responsible for effective school management,] shall:
1. Work with staff to create an atmosphere of mutual respect and courtesy and to facilitate constructive communication by establishing and maintaining a current handbook of personnel policies and procedures;
 2. Work with the community to involve parents and citizens in the educational program and facilitate communication with parents by maintaining and disseminating a current student handbook of policies and procedures that includes the school division's standards of student conduct and procedures for enforcement, along with other matters of interest to parents and students;
 3. Maintain a current record of licensure, endorsement, and in-service training completed by staff; and

4. Maintain records of receipts and disbursements of all funds handled. These records shall be audited annually by a professional accountant approved by the local school board.

8 VAC 20-131-220. Role of professional teaching staff.

The professional teaching staff shall be responsible for providing instruction that is educationally sound in an atmosphere of mutual respect and courtesy, which is conducive to learning [,] and in which all students are expected to achieve the objectives of the Standards of Learning for the appropriate grade level or ~~discipline course~~. The staff shall:

1. Serve as ~~leadership models of role models~~ for effective oral and written communication with special attention to the correct use of language and spelling;
2. Strive to strengthen the basic skills of students in all subjects;
3. Establish teaching objectives to achieve the following:
 - a. Identify what students are expected to learn; and
 - b. Inform students of the achievement expected and keep them engaged in learning tasks;
4. Provide for individual differences of students through the use of differentiated instruction, varied materials, and activities suitable to their interests and abilities; and
5. Assess the progress of students and report promptly and constructively to them and their parents.

8 VAC 20-131-240. Administrative and support staff; staffing requirements.

A. Each school shall have the ~~required~~ staff as specified in the *Standards of Quality* with proper licenses and endorsements. ~~The following shall be the minimum administrative and support staffing according to type of school and student enrollment [for the positions they hold] including:~~

1. [~~Position:~~] Principal; elementary: one half-time to 299, one full-time at 300; middle: one full-time; secondary: one full-time.
2. [~~Position:~~] Assistant principal; elementary: one half-time at 600, one full-time at 900; middle: one full-time each 600; secondary: one full-time each 600.
3. [~~Position:~~] Librarian; elementary: part-time to 299, one full-time at 300; middle: one half-time to 299, one full-time at 300, two full-time at 1,000; secondary: one half-time to 299, one full-time at 300, two full-time at 1,000.
4. [~~Position:~~] Guidance counselors or reading specialists; elementary: one hour per day per 100, one full-time at 500, one hour per day additional time per 100 or major fraction.
5. [~~Position:~~] Guidance counselor; middle: one period per 80, one full-time at 400, one additional period per 80 or major fraction; secondary: one period per 70, one

full-time at 350, one additional period per 70 or major fraction.

6. [~~Position:~~] Clerical; elementary: part-time to 299, one full-time at 300; middle: one full-time and one additional full-time for each 600 beyond 200 and one full-time for the library at 750; secondary: one full-time and one additional full-time for each 600 beyond 200 and one full-time for the library at 750.

~~B. A combined school, such as K through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school. This requirement shall apply to all staff, except the guidance staff, and shall be based on the school's total enrollment. The guidance staff requirement shall be based on the enrollment at the various school organization levels as defined in this chapter.~~

~~C. B.~~ The principal of each middle and secondary school shall be employed on a 12-month basis.

~~D. C.~~ Each secondary school with 350 or more students and each middle school with 400 or more students shall employ at least one member of the guidance staff for 11 months. Guidance counseling shall be provided for students to ensure that a program of studies contributing to the student's academic achievement and meeting the graduation requirements specified in 8 VAC 20-131-50 is being followed. In addition, the counseling program shall provide for a minimum of 60% of the time of each member of the guidance staff devoted to such counseling of students.

~~E. D.~~ Middle school teachers in schools with a seven-period day may teach 150 student periods per day or 30 class periods per week, provided all teachers with more than 25 class periods per week have one period per day unencumbered of ~~all~~ any teaching or supervisory duties.

~~F. E.~~ The secondary classroom teacher's standard load shall be no more than 25 class periods per week. One class period each day, unencumbered by supervisory or teaching duties, shall be provided [~~for to~~] every full-time classroom teacher for instructional planning. Teachers of block programs with no more than 120 student periods per day may teach 30 class periods per week. Teachers who teach very small classes may teach 30 class periods per week, provided the teaching load does not exceed 75 student periods per day. If a classroom teacher teaches 30 class periods per week with more than 75 student periods per day, an appropriate contractual arrangement and compensation shall be provided.

~~E. Full-time secondary classroom teachers shall be provided planning time unencumbered by supervisory or teaching duties equal to a minimum of 12% of an instructional day. An appropriate contractual agreement and compensation shall be provided for a full-time classroom teacher whose planning time does not meet the 12% minimum.~~

~~G. F.~~ Middle or secondary school teachers shall teach no more than 750 student periods per week; however, physical education and music teachers may teach 1,000 student periods per week.

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~~H.~~ G. Each school shall report the extent to which an unencumbered lunch is provided for all classroom teachers.

~~I. The number of students~~ *H. Staff-student ratios* in special and ~~vocational~~ *career and technical* education classrooms shall comply with regulations of the board of Education.

~~J.~~ I. Pupil personnel services, including visiting teachers, school social workers, school psychologists, and guidance counselors, shall be available as necessary to promote academic achievement.

8 VAC 20-131-250. Alternative staffing plan. (Repealed.)

~~At the discretion of local school authorities, an alternative staffing plan may be developed which ensures that the services set forth in this chapter are met. Any alternative staffing plan shall be submitted to the Department of Education for approval. An alternative staffing plan that reduces the number of staff positions will not be acceptable.~~

8 VAC 20-131-260. School facilities and safety.

A. Each school shall be maintained in a manner ensuring compliance with the Virginia Uniform Statewide Building Code (13 VAC 5-61-10 et seq.) and regulations of the board of ~~Education~~ pertaining to facilities. In addition, the school administration shall:

1. Maintain a physical plant that is accessible, barrier free, safe, and clean;
2. Provide for the proper outdoor display of flags of the United States and of the Commonwealth of Virginia;
3. Provide suitable space for classrooms, administrative staff, pupil personnel services, library and media services, and for the needs and safety of physical education; and
4. Provide adequate, safe, and properly-equipped laboratories to meet the needs of instruction in the sciences, ~~computer~~ *technology*, fine arts, and ~~vocational~~ *career and technical* programs.

B. Each school shall maintain records of regular safety, health and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections shall be determined by the local school board in consultation with the local health and fire departments. In addition, the school administration shall:

1. Equip all exit doors with panic hardware as required by the Uniform Statewide Building Code (13 VAC 5-61-10 et seq.); and
2. Conduct fire drills at least once a week during the first month of school and at least once each month for the remainder of the school term. Evacuation routes for students shall be posted in each room. *Additionally, at least one simulated lock-down and crisis emergency evacuation activity should be conducted early in the school year.*

C. Each school shall have contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency

first aid. In addition, the school administration shall ensure that the school has:

1. Written procedures to follow in emergencies such as fire, injury, illness, and violent or threatening behavior. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year;
2. Space for the proper care of students who become ill; and
3. A written procedure, in accordance with guidelines established by the local school board, for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity.

8 VAC 20-131-270. School and community communications.

A. Each school shall promote communication and foster mutual understanding with parents and the community. Each school shall:

1. Involve parents, citizens, community agencies and representatives from business and industry in developing, disseminating and explaining the biennial school plan; on advisory committees; in curriculum studies; and in evaluating the educational program.
2. Provide annually *to the parents and the community a the School Performance Report Card*, in a manner prescribed by the board ~~and beginning with data from the 1997-98 school year, to the parents of children attending the school and to the community that includes, but is not. The information contained therein will be for the most recent three-year period. Such information shall include but not be limited to:~~

~~a. Schoolwide test scores on the SOL tests, statewide averages and division averages for the most recent three-year period for which such data are available, students with disabilities and limited English proficient students' participation in those tests, the performance of children with disabilities on the SOL tests or alternate assessments as appropriate, the percentage of students with disabilities and the percentage of limited English proficient students exempted from SOL testing, and the percentage of the school population eligible to participate in the SOL testing program;~~

~~b. Attendance rates for students for the most recent three-year period for which such data are available;~~

~~c. Incidents of physical violence and weapon possession occurring at the school reported by the school division to the Department of Education under § 22.1-280.1 of the Code of Virginia for the most recent three-year period for which such data are available;~~

a. SOL test scores and scores on the literacy and numeracy tests required for the [Basic Modified Standard] Diploma for the school, school division, and state.

b. Percentage of students tested, as well as the percentage of students not tested, to include a breakout of students with disabilities and limited English proficient students.

c. Percentage of students who are otherwise eligible [,] but do not take [,] the SOL tests due to enrollment in an alternative, or any other program not leading to a Standard, Advanced Studies, [~~Basic Modified Standard,~~] or ~~IB International Baccalaureate Diploma.~~

d. Performance of students with disabilities ~~and~~ or students with limited English ~~proficient~~ students proficiency on SOL tests and alternate assessments as appropriate.

e. The accreditation rating awarded to the school.

f. Attendance rates for students.

g. Information related to school safety to include, but not limited to, incidents of physical violence (including fighting and other serious offenses), possession of firearms, and possession of other weapons.

h. Information related to qualifications and experience of the teaching staff including the percentage of the school's teachers endorsed in the area of their primary teaching assignment.

~~i.~~ i. In addition, secondary schools' School Performance Report Cards shall include the following:

~~(1) The number and percentage of students taking advanced placement courses and the number and percentage of those earning a score of 3 or better on the advanced placement test;~~

~~(2) The number and percentage of students taking college-level courses and the percentage of those students passing at least one such course;~~

~~(3) The number of standard, advanced studies, special and International Baccalaureate diplomas, as well as the number and percentage of students awarded certificates of program completion and GED certificates for the most recent three-year period for which such data are available; and~~

~~(4) Dropout rates for the current and previous three years.~~

~~e. The accreditation rating awarded to the school for the current and previous three years.~~

(1) Advanced Placement (AP) information to include percentage of students who take AP courses and percentage [of those students] who take AP tests;

(2) International Baccalaureate (IB) information to include percentage of students who are enrolled in IB programs and percentage of students who receive IB Diplomas;

(3) College-level course information to include percentage of students who take college-level courses;

(4) Percentage of (i) diplomas, (ii) certificates awarded to the senior class including GED [~~certificates~~ credentials], and (iii) students who do not graduate;

(5) Percentage of students in alternative programs that do not lead to a Standard ~~or~~, Advanced Studies, or [~~Basic Modified Standard~~] Diploma;

(6) Percentage of students in academic year Governor's Schools; and

(7) Percentage of drop-outs.

3. Cooperate with business and industry in formulating ~~vocational career and technical~~ educational programs and [~~conduct~~ conducting] joint enterprises involving personnel, facilities, training programs, and other resources.

4. Encourage and support the establishment ~~and/or continuation~~ of a parent-teacher association or other organization and work cooperatively with it.

B. At the beginning of each school year, [~~schools each school~~] shall provide to its students' parents or guardians:

1. The ~~academic learning~~ objectives developed in accordance with the provisions of 8 VAC 20-131-70 to be achieved at their child's grade level or, in high school, a copy of the syllabus for each of their child's courses, and a copy of the school division promotion, retention, and remediation policies;

2. A copy of the Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing; and

3. An annual notice to students [~~of in~~] all grade levels of all requirements for Standard [~~and~~ ,] Advanced Studies [, and Modified Standard] Diplomas, and the board's policies on promotion and retention as outlined in 8 VAC 20-131-30.

No later than the end of the first semester of each school year, the division superintendent shall certify to the department compliance with this subsection.

8 VAC 20-131-280. Expectations for school accountability.

A. Schools will be accredited annually based on compliance with pre-accreditation eligibility requirements and achievement of the school accountability requirements of 8 VAC 20-131-300 [~~D C~~].

B. These standards apply to schools for all grade levels, [~~K~~ kindergarten] through 12, as listed below:

1. Schools with grades [~~K~~ kindergarten] through 5 shall be classified as elementary schools;

2. Schools with grades 6 through 8 shall be classified as middle schools;

3. Schools with grades 9 through 12 shall be classified as secondary schools.

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4. Schools with grade configurations other than these shall be classified in accordance with policies and practices of the Department of Education.

A. C. Each school shall be accredited based, primarily, on achievement of the criteria established in 8 VAC 20-131-30 as specified below:

1. All students enrolled in a grade or course in which a SOL test is administered shall take each applicable SOL test unless exempted from participating in all or part of the testing program by one of the following:

- a. IEP [~~or 504 Plan~~ team];
- b. LEP committee; ~~or~~
- c. Use of [~~alternate means~~ additional tests] for verified units of credit as outlined in 8 VAC 20-131-110 B.; ~~or~~
- d. In accordance with 8 VAC 20-131-30 B.

2. ~~Evaluating~~ In a manner prescribed by the board, the evaluation of the performance of schools shall take into consideration:

a. The percentage of eligible students who achieve a passing score on the prescribed SOL tests or [~~other assessments~~ additional tests] used for verified units of credit as outlined in 8 VAC 20-131-110 B;

b. The percentage of students who pass the literacy and numeracy tests required for the [~~Basic Modified Standard~~] Diploma;

~~b. c.~~ The percentage of those students with disabilities whose IEPs [~~or 504 Plans~~] specify their participation in alternate assessment who attain a proficient level score (beginning with the [~~2000-04~~ 2001-02] school year); and

~~e. d.~~ The school's ~~annual improvement~~ attainment of the provisional accreditation benchmarks as described in 8 VAC [~~20-131-300-D~~ 20-131-320].

e. The number of students who [~~initially fail~~ successfully complete a remediation recovery program] and subsequently pass SOL tests in English (Reading, Literature, and Research) and/or mathematics during any scheduled administration by the end of the [~~next~~ following] school year.

3. The awarding of an accreditation rating shall be based on the percentage of students passing SOL tests or approved [~~alternative measures~~ additional tests] described in 8 VAC 20-131-110 B [~~or~~] on a trailing three-year average that includes the current year scores and the scores from the two most recent years in each applicable academic area, or the [~~most~~] current year's scores, whichever is higher.

~~3.~~ 4. Eligible students shall be defined as the total number of students enrolled in the school at a grade or course for which ~~an~~ a SOL test is required unless excluded under subsection E of this section and those students with disabilities who participate in the alternate assessment program.

~~1. Elementary~~ 4. 5. Schools shall be evaluated by the percentage of the school's eligible students in ~~grades three and five~~ who achieve a passing score on the SOL tests or other [~~alternative measures~~ additional tests] approved by the board [~~as outlined in 8 VAC 20-131-110 B~~] in the four core academic areas for their respective grades administered in the school.

2. Middle schools shall be evaluated by achievement of eligible students on the SOL tests in the four core academic areas for eighth grade and end-of-course tests where applicable.

3. Secondary schools shall be evaluated by student achievement on the end-of-course SOL tests taken.

4. Schools with grade configurations other than those identified in 8 VAC 20-131-290 E for elementary, middle, or secondary schools shall be evaluated by student achievement on state SOL tests for the grades identified above that are housed in the school.

5. 6. Schools [,] with grade configurations that do not house a grade or offer courses for which SOL tests or other [~~alternative measures~~ additional tests] approved by the board [~~as outlined in 8 VAC 20-131-110 B~~] are administered [,] will be paired with another school in the division housing one or more of the grades in which SOL tests are administered. The pairing of such schools will be made upon the advice or recommendation of the local superintendent. The schools should have a "feeder" relationship and the grades should be contiguous.

6. For purposes of accreditation, eligible students shall be the total number of students enrolled in the school at the grade level of the SOL tests except for those students whose IEP or 504 Plan or LEP committee excludes them from participating in the testing program.

B. D. Special purpose schools such as regional or stand-alone, special education, alternative, or vocational career and technical schools that serve as the student's school of principal enrollment shall be evaluated on standards appropriate to the school's program programs offered in the school and approved by the board of Education prior to August 1 of the school year for which approval is requested. Every school that awards a diploma shall meet the requirements for secondary schools and for graduation as defined in Parts III (8 VAC 20-131-30 et seq.) and IV (8 VAC 20-131-70 et seq.) of this chapter. Any student graduating from a special purpose school with a Standard or, Advanced Studies, or [~~Basic Modified Standard~~] Diploma must meet the requirements prescribed in 8 VAC 20-131-50.

C. Evaluating the performance of schools shall take into consideration the percentage of eligible students who achieve a passing score on the prescribed SOL tests or, for those students with disabilities who cannot participate in the SOL tests, a proficient level score on an alternative assessment prescribed by the board (beginning with school year 2000-2001) and the school's annual improvement during the implementation years toward the established standard school expectations at the various levels as described in 8 VAC 20-131-300 D. Schools with large numbers of transient

~~students or non-English speaking immigrant students may receive additional accommodations according to tolerances established by the Board of Education. Such schools shall be evaluated according to the Individual School Accreditation Plan approved by the board.~~

E. When calculating the passing rates on SOL tests for the purpose of school accountability, the following tolerances for limited English proficient (LEP) and transfer students will apply:

1. LEP students shall have a one time exemption in each of the four core areas for SOL tests designed to assess SOL content in grades [~~K kindergarten~~] through 8.

2. LEP students shall not be exempted from participating in the SOL end-of-course testing.

3. The scores of LEP students enrolled in Virginia public schools fewer than 11 semesters [~~shall may~~] be removed from the calculation used for the [~~purposes purpose~~] of school accreditation required by 8 VAC 20-131-280 C and 8 VAC 20-131-300 [~~D C~~]. Completion of a semester shall be based on school membership days. Membership days are defined as the days the student is officially enrolled in a Virginia public school, regardless of days absent or present. For a semester to count as a completed semester, a student must have been in membership for a majority of the membership days of the semester. [~~These~~] semesters need not be consecutive.

4. In accordance with the provisions of 8 VAC 20-131-30, all students who transfer into Virginia public schools are expected to take and pass all applicable SOL tests unless they have been exempted as defined in subdivision C 1 of this section.

5. All students who transfer within a school division shall have their scores counted in the calculation of the school's accountability (accreditation) rating. Students who transfer into a Virginia school from another Virginia school division, another state, or another country, in grades [~~K kindergarten~~] through 8 shall be expected to take all applicable SOL tests or other [~~alternative measures additional tests~~] approved by the board [as outlined in 8 VAC 20-131-110 B]. [~~However,~~] If the transfer takes place after the 20th instructional day following the opening of school, the scores on these tests [~~will not may~~] be used in calculating school accountability (accreditation) ratings.

6. Students who transfer into a Virginia middle or high school from another state or country and enroll in a course for which there is an end-of-course SOL test shall be expected to take the test or other [~~alternative measures additional tests~~] approved by the board [~~for that course~~] as outlined in 8 VAC 20-131-110 B]. [~~However,~~] If the transfer takes place after 20 instructional hours per course have elapsed following the opening of school or beginning of the semester [,] if applicable, the scores on those tests [~~will not may~~] be used in calculating school accountability (accreditation) ratings in the year the transfer occurs.

[7. Students who enroll on the first day of school and subsequently transfer to a school outside of the division for a total amount of instructional time equal to or exceeding 50% of a current school year or semester, whether the transfer was a singular or multiple occurrence, and return during the same school year shall be expected to take any applicable SOL test. The scores of those tests may be used in calculating the school accountability (accreditation) rating in the year in which the transfers occur.

8. The scores of LEP and transfer students will be used in the calculation of a school's accountability (accreditation) rating if it will benefit the school.

9. The board may alter the inclusions and exclusions from the accountability calculations by providing adequate notice to local school boards.]

~~D. F.~~ As a prerequisite to the awarding of an accreditation rating as defined in 8 VAC 20-131-300, each new or existing school shall document, in a manner prescribed by the board, ~~its~~ the following: (i) the division's promotion/retention policies developed in accordance with the requirements of 8 VAC 20-131-30, (ii) compliance with the requirements to offer courses that will allow students to complete the graduation requirements in 8 VAC 20-131-50, ~~(iii)~~ (iii) the ability to offer the instructional program prescribed in 8 VAC 20-131-70 through 8 VAC 20-131-100, ~~(iv)~~ (iv) the leadership and staffing requirements of 8 VAC 20-131-210 through 8 VAC 20-131-240, and ~~(v)~~ (v) the facilities and safety provisions of 8 VAC 20-131-260.

8 VAC 20-131-290. Procedures for certifying accreditation eligibility.

A. Schools will be ~~initially~~ accredited under these standards annually based on compliance with the pre-accreditation criteria described in 8 VAC 20-131-280 ~~D~~ F.

B. To be eligible for accreditation, the principal of each school and the division superintendent shall certify to the Department of Education:

1. The extent to which each school [~~meets continues to meet~~] standards reported as met in the previous year described in 8 VAC 20-131-280 ~~D~~ and shall submit information ~~on F~~.

2. That the SOL have been fully incorporated into the school division's curriculum in all accreditation-eligible schools and the SOL material is being taught to all students eligible to take the SOL tests. This shall be [~~verified certified~~] in writing to the board no later than July 1 of every year, by each [~~local~~] school division superintendent.

3. Actions taken to correct any ~~warnings or advisements noncompliance issues~~ cited in the previous year.

The principal of each school and the division superintendent shall submit, ~~as required,~~ pre-accreditation eligibility reports in a manner prescribed by the board, ~~through the division superintendent,~~ [and] to the Department of Education. Failure to submit the reports on time will constitute grounds for denying accreditation to the school.

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C. In keeping with provisions of the Standards of Quality, and in conjunction with the six-year plan of the division, each school shall prepare and implement a biennial school plan which shall be available to students, parents, staff and the public. Each biennial school plan shall be evaluated as part of the development of the next *biennial* plan. ~~Except for the biennial school plan, written divisionwide plans available in and applicable to each school may be used to satisfy all other written plans required in these standards. Schools may use other plans to satisfy the requirement for the biennial plan with prior written approval from the Department of Education.~~

D. With the approval of the local school board, local schools seeking to implement experimental or innovative programs, or both, that are not consistent with ~~[accreditation these] standards [or other regulations promulgated by the board]~~ shall submit a waiver request, on forms provided, to the board of Education for evaluation and approval prior to implementation. The request must include the *following*:

1. Purpose and objectives of the experimental/innovative programs;
2. Description and duration of the programs;
3. Anticipated outcomes, ~~outline, length,~~
4. Number of students affected, ~~and;~~
5. Evaluation procedures; and
6. Mechanisms for measuring goals, objectives, and student academic achievement.

Except as specified below, the board may grant, for a period up to five years, a waiver of ~~[any these]~~ regulations ~~[promulgated by the board]~~ that are not mandated by state ~~[law]~~ or federal law or designed to promote health or safety. The board may grant all or a portion of the request. Waivers of requirements in 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-70, and 8 VAC 20-131-280 through 8 VAC 20-131-340 shall not be granted, and no waiver may be approved for a program which would violate the provisions of the Standards of Quality.

E. ~~These standards apply to schools for all grade levels, K through 12, as listed below:~~

1. ~~Schools with grades K through 5 shall be classified as elementary schools;~~
2. ~~Schools with grades 6 through 8 shall be classified as middle schools;~~
3. ~~Schools with grades 9 through 12 shall be classified as secondary schools.~~

8 VAC 20-131-300. Application of the standards.

A. ~~Existing Schools which that meet the pre-accreditation requirements prescribed in 8 VAC 20-131-280 D may F~~ shall be assigned one of the following ratings as described in this section: ~~fully accredited, provisionally accredited, accredited with warning, or accreditation denied.~~

1. *Earned During Academic Years Ending in 2000 through 2003:*

a. *Fully Accredited*

~~(1) Fully Accredited with Honors~~

~~(2) Fully Accredited with High Honors~~

b. *Provisionally Accredited/Meets State Standards*

c. *Provisionally Accredited/Needs Improvement*

d. *Accredited with Warning in (specified academic area or areas)*

e. *Conditionally Accredited*

2. *Earned During Academic Years Ending in 2004 and 2005:*

a. *Fully Accredited*

~~(1) Fully Accredited with Honors~~

~~(2) Fully Accredited with High Honors~~

b. *Accredited with Warning in (specified academic area or areas)*

c. *Conditionally Accredited*

3. *Earned During Academic Years Ending in 2006 and Beyond*

a. *Fully Accredited*

~~(1) Fully Accredited with Honors~~

~~(2) Fully Accredited with High Honors~~

b. *Accredited with Warning in (specified academic area or areas)*

c. *Accreditation Denied*

[d. *Conditionally Accredited*]

~~(4) [e.] Accreditation Denied Withheld/Improving School Near Accreditation (not to be used after academic year ending in 2009)~~

~~(2) Accreditation Denied/Reconstituted School (not to be used after academic year ending in 2009)~~

~~(3) Accreditation Denied/Failed to Reconstitute (not to be used after academic year ending in 2009)~~

~~B. New schools will be awarded the status of conditionally accredited pending an evaluation of the school's achievement performance and when pre-accreditation requirements prescribed in 8 VAC 20-131-280 D have been met.~~

~~C. B. Compliance with the student academic achievement expectations shall be documented to the board directly through the reporting of the results of student performance on SOL tests and other alternative means of assessing student academic achievement as outlined in 8 VAC 20-131-110 B. Compliance with other standards provisions of these regulations will be documented in accordance with procedures prescribed by the board.~~

~~D. C. Accreditation ratings defined.~~

1. Fully accredited.

[a.] A school will be ~~rated Fully Accredited when the prescribed levels of eligible student performance identified below on SOL tests are met and the school meets pre-accreditation requirements prescribed in 8 VAC 20-131-280 D. For the purposes of school accreditation: its eligible students meet the pass rate of 70% in each of the four core academic areas except [in the third grade and fifth grades where], effective with [ratings earned in the] academic year 2003- [2004 04] and beyond, the pass rate in science and history is 50%. rates [required] shall be 75% in [third and fifth grade] English [and 50% in third grade science and history/social science]. [The scores of the third grade science and history/social science SOL tests shall not be used in the calculation of a school's accreditation rating. In schools housing both third and fifth grades, the pass rate in English and mathematics at the third and fifth grades shall be calculated based on the combined pass rates in each of those academic areas. In schools housing grades kindergarten through 5, the English and mathematics pass rates for accreditation purposes shall be calculated for these grades as single rates by combining the scores of all third grade and fifth grade SOL tests administered in English and by combining the scores of all third grade and fifth grade SOL tests administered in mathematics.~~

b. During the transition period covering ratings earned during 1999-2000 through 2002-03, in schools housing grades kindergarten through 5, the science and history/social science pass rates for accreditation purposes shall be calculated by using the fifth grade scores alone, or by combining the scores of all SOL tests administered in grades 3 through 5 in science and by combining the scores of all SOL tests administered in grades 3 through 5 in history/social science, whichever is higher. If the third grade scores are combined with the fifth grade scores, the required passing rate shall be 70% for full accreditation. In schools housing grades kindergarten through 3, the accreditation rating shall be calculated using the English and mathematics scores only.]

a. At third grade, the percentage of students passing shall be as follows: 70% for English/reading, 70% for mathematics, 50% for science, and 50% for history.

b. At the fifth and eighth grades, the percentage of students passing shall be 70% in each of the four core disciplines.

c. At the secondary school level, the percentage of students passing shall be 70% in each of the four core disciplines.

2. Provisionally accredited. A school will be provisionally accredited during the period of implementation of these accrediting procedures when the student achievement requirements for full accreditation are not met, and yet there is annual improvement in the percentage of the school's eligible students who earn a passing score on the SOL tests. The provisionally accredited rating will cease to exist at the end of the 2002-2003 school year.

All schools will be ~~rated as provisionally accredited on July 1, 1998.~~

3. Accredited with warning. A school will be accredited with warning when the requirements for the fully accredited rating are not met and, in school years prior to 2003-04, the school fails to meet the requirements for the provisionally accredited rating.

a. Schools that are accredited with warning shall develop a corrective action plan as described in 8 VAC 20-131-310 designed to improve student achievement on the SOL tests for the grade levels identified in 8 VAC 20-131-280 over two years.

b. No school may be accredited with warning for more than three consecutive years.

4. Accreditation denied. A school will be denied accreditation when the requirements for the rating of fully accredited are not met and when, after three years of being rated accredited with warning and despite corrective action, the school has failed to meet the specified achievement level.

~~2. A school will be rated Fully Accredited with Honors when the pass rate reaches or exceeds 80% in each of the four core academic areas.~~

~~3. A school will be rated Fully Accredited with High Honors when the pass rate reaches or exceeds 90% in each of the four core academic areas.~~

4. 2. Provisionally Accredited/Meets State Standards. [For ratings earned] during the academic years 1999-2000 through 2002- [2003 03], a school will be rated Provisionally Accredited/Meets State Standards when it has met ~~annual improvement~~ [the] provisional accreditation benchmarks as defined in accordance with 8 VAC 20-131-320 but has not met the requirement to be rated Fully Accredited ~~during the academic years 1999-2000 through 2002-03.~~

5. 3. Provisionally Accredited/Needs Improvement. [For ratings earned] during the academic years 1999-2000 through 2002- [2003 03], a school will be rated Provisionally Accredited/Needs Improvement when it fails to meet ~~improvement~~ [the] provisional accreditation benchmarks as defined in 8 VAC 20-131-320 ~~of these regulations, in one or more academic [area(s) areas] during the academic years 1999-2000 through 2002-03.~~

6. 4. Accredited with Warning (in specific academic area or areas).

a. [For ratings earned] during academic years ending in [1999-] 2000 [-2003, based on a school's academic performance as set forth herein [through 2002-03,] during academic years ending in 2000-03, a school will be Accredited with Warning (in specific academic area or areas) if its pass-rate performance on SOL tests is 20 or more percentage points below any of ~~annual improvement~~ the provisional accreditation benchmarks set forth in the appendix to these standards.

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b. ~~[Based on a school's academic performance For ratings earned]~~ during academic years ~~[ending in 2004 and 2005 2003-04 and 2004-05]~~, a school will be Accredited with Warning in (specific academic area or areas) if it does not meet the pass-rate requirements to be Fully Accredited.

c. ~~[Based on a school's academic performance For ratings earned]~~ during academic years ~~[ending in 2006 2005-06]~~ and beyond, a school will be Accredited with Warning in (specific academic area or areas) if it has achieved Fully Accredited status but has failed to meet the requirements to maintain that status in any one year. Following ~~[2006 the academic year 2005-06]~~, ~~[such]~~ a school may remain in the Accredited with Warning status for no more than three consecutive years.

~~7.~~ 5. Accreditation Denied. Based on a school's academic performance ~~[as set forth herein]~~ during academic years ending in 2006 and beyond, a school shall be rated Accreditation Denied if it fails to meet the requirements to be rated Fully Accredited, except for schools rated Accredited with Warning as set forth in subdivision 4 c of this subsection.

~~[In any school division in which 1/3 or more of the schools have been rated Accreditation Denied, the superintendent shall be evaluated by the local school board with a copy of such evaluation submitted to the board no later than December 1 of each year in which such condition exists.]~~

~~8.~~ 6. Accreditation Denied Withheld/Improving School Near Accreditation. A school that has never met the requirements to be rated Fully Accredited by end of the academic year ending in 2006 may apply to the board for this accreditation designation. To be eligible, the school must meet the following criteria:

a. By the year ending in 2006, at least 70% of its students must have passed the applicable English SOL tests ~~in the year ending in 2006~~, except at third and fifth grade where the requirement is 75%.

b. ~~At least~~ By the year ending in 2006, ~~[an average a combined pass rate]~~ of 60% of its students must have passed the SOL tests in the other three core academic areas ~~in the year ending in 2006~~, ~~[except at the third grade where this requirement applies to mathematics only]~~.

c. In each academic area in which the pass rate is below ~~[70% the rate required to be rated Fully Accredited]~~, the school's pass rate must have increased by at least 25 percentage points as compared to the pass rates on tests taken during the academic year ending in 1999. ~~[At the third grade, the requirement applies to mathematics only.]~~

To retain this rating, a school must continue to show annual improvement in each academic area in which the pass rate is below ~~[70% the rate required for full accreditation]~~. This rating will cease to exist after the academic year ending in 2009.

~~9. Accreditation Denied/Reconstituted School. A school that has failed to meet the requirements to be rated Fully Accredited or Accredited with Warning after the academic year ending in 2006 may apply to the board for the designation of Accreditation Denied/Reconstituted School. The board may grant this designation to the applicant school if the school effectively completes a reconstitution in accordance with the criteria set forth in subdivision D 9 of this section. This designation will cease to exist after the academic year ending in 2009.~~

~~10. Accreditation Denied/Failed to Reconstitute. Following the academic year ending in 2006, a school that has failed to meet the requirements to be rated Fully Accredited or Accredited with Warning and which has not been approved by the board for either of the ratings in subdivision 6 or 7 of this subsection shall be rated Accreditation Denied/Failed to Reconstitute. This designation will cease to exist after the academic year ending in 2009.~~

~~11.~~ 7. Conditionally Accredited. New schools that are comprised of students from one or more existing schools in the division will be awarded this status for one year pending an evaluation of the school's eligible students' performance on SOL tests or ~~[other alternative measures additional tests]~~ described in 8 VAC 20-131-110 B to be rated Fully Accredited for a period not to exceed two years.

~~In the second year, if the school does not meet the requirements to be rated Fully Accredited or higher, it will retain its Conditionally Accredited status for another year. School improvement targets shall be set in accordance with 8 VAC 20-131-320 for ratings in subsequent years.~~

~~[D. Action requirements for ratings.~~

~~1. Effective with the end of the academic year 1999-2000, the board will establish year-by-year pass-rate benchmarks that must be met in each academic area for a school to achieve a rating of Provisionally Accredited/Meets State Standards. The benchmarks shall be based on test results, combining pass rates on all tests administered in a the school within each academic area.~~

~~2. Schools that fail to meet the provisional accreditation benchmarks defined in accordance with 8 VAC 20-131-320 to be rated Provisionally Accredited /Meets State Standards shall be rated either Provisionally Accredited/Needs Improvement or, in the case of schools that fall 20 percentage points or more below one or more benchmarks, Accredited with Warning in (Academic Area).~~

~~3. The provisional accreditation benchmarks shall be incorporated into these regulations as an appendix to these standards.~~

~~4. With such funds as are appropriated by the General Assembly, the Department of Education shall develop a school academic review process and monitoring plan designed to assist schools rated as Accredited with Warning. All procedures and operations for the academic~~

~~review process shall be approved and adopted by the board.~~

~~5. Any school that is rated Accredited with Warning in English or mathematics is expected to adopt an instructional method that has a proven track record of success at raising student achievement in those areas as appropriate.~~

~~6. The superintendent and principal shall certify in writing to the board that such a method has been adopted and implemented.~~

~~7. The board shall publish a list of recommended instructional methods.~~

~~8. Adoption of instructional methods referenced in subdivisions 5 and 7 of this subsection shall be funded by eligible local, state and federal funds.]~~

~~9. A school that seeks the reconstituted status shall be reconstituted under the supervision of an improvement audit team in consultation with the division superintendent. The reconstitution shall include:~~

~~a. A request to the board from the local school board seeking a rating of Accreditation Denied/Reconstituted School for any school in the division shall include an agreement to conduct significant review and needs assessment of the school by an Improvement Audit Team (hereinafter "Team"). All procedures and operations for the improvement audit teams shall be approved and adopted by the board. The review and needs assessment shall include, but not be limited to:~~

~~(1) Evaluation of the performance of all personnel in the school and the central office, the school's operating procedures and the school board's policies;~~

~~(2) The level of parent participation in the school program; and~~

~~(3) Certification as to whether the school adopted an instructional method with a proven track record as expected by subdivision 5 of this subsection.~~

~~b. An evaluation of school operations including:~~

~~(1) An evaluation of the principal for retention, transfer or dismissal by the Team with the appropriate action taken by the local school division based on the Team's recommendations;~~

~~(2) An evaluation of the teaching staff for retention, transfer or dismissal, with appropriate action taken by the local school division based on the recommendation of the Team. The principal (either retained or newly hired) shall take part in the evaluation of the teaching staff as an equal partner with the Team; and~~

~~(3) As a part of the evaluation of the school and its staff, the following factors shall be considered:~~

~~(a) The level of improvement on the SOL tests demonstrated by the school in each academic areas since 1998;~~

~~(b) The performance of the school's students on the two most recent Stanford Achievement Test Series, 9th Edition (or then equivalent) nationally-normed test used in the Virginia State Assessment Program; and~~

~~(c) The level of cooperation with the Team demonstrated by the school when the school was rated Accredited with Warning, including whether the school implemented the instructional models recommended for schools which fell more than 20 percentage points below the benchmarks in English or mathematics.~~

~~(d) Meaningful input of teachers of the school in the development of the reports submitted to the board and the school's reconstitution plan; and~~

~~(e) Input of parents concerning the reconstitution process and goals.~~

~~The board may approve as an acceptable reconstitution alternative remedial actions that have been effectively implemented by the school or local school board that the board believes represent fundamental changes in the operations of the school that are designed to achieve the rating of "Fully Accredited."~~

~~Schools that receive this status shall annually report their progress toward meeting the requirements to be rated Fully Accredited to the Governor, the chairman of the House and Senate Education, Senate Finance, and House Appropriations committees of the General Assembly, and the board.~~

~~[10. 9. In any school division in which one third or more of the schools have been rated Accreditation Denied, the superintendent shall be evaluated by the local school board with a copy of such evaluation submitted to the board no later than July-December 1 of each year in which such condition exists.]~~

8 VAC 20-131-310. [Improvement planning Action requirements] for schools that are accredited with warning.

~~[A. Schools that are rated Accredited with Warning must undertake improvement planning targeted to increasing student achievement as measured by the SOL tests immediately upon receipt of the results of an academic review conducted in accordance with policies and operations adopted by the board. The plan shall be developed collaboratively by the principal and teaching staff of the school. Parents shall be included in the planning process. The plan should be completed by the end of the first semester and, to the extent possible, implemented in the second semester.]~~

~~B. A corrective action plan must be developed upon receipt of notification of the awarding of this rating. The plan must be signed by the principal and the local superintendent and approved by the local school board and submitted to the~~

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Board of Education for approval. The plan shall be developed with the assistance of parents and teachers and made available to the public. During the implementation years from 1998-2002, a school that is accredited with warning shall develop and implement an improvement plan approved by the local school board and designed to assist the school to meet the student achievement standard to be fully accredited as outlined in 8 VAC 20-131-300 D 1. If a school continues to be accredited with warning during the 2001-02 school year, the school shall submit by October 1, 2002, an improvement plan to the Board of Education with the components outlined in 8 VAC 20-131-310 D in a manner prescribed by the Board of Education. The plan shall be implemented not later than the beginning of the 2003-04 school year.

C. The Board of Education shall establish a Peer Educator Advisory Group to provide technical assistance in evaluating corrective action plans. The advisory group shall consist of 15 educators with five representatives each from urban, suburban, and rural schools. Representatives shall be academic classroom teachers and principals from elementary, middle, and secondary schools and shall be selected from among the top 10% of schools in each category on the state SOL tests. Each member of the committee shall serve for no more than two years. Terms of service shall be designed to provide continuity to the group as a whole.

[A. With such funds as are appropriated by the General Assembly, the Department of Education shall develop a school academic review process and monitoring plan designed to assist schools rated as Accredited with Warning. All procedures and operations for the academic review process shall be approved and adopted by the board.

B. Any school that is rated Accredited with Warning in English or mathematics is expected to adopt an instructional method that has a proven track record of success at raising student achievement in those areas as appropriate.

C. The superintendent and principal shall certify in writing to the board that such a method has been adopted and implemented.

D. The board shall publish a list of recommended instructional methods which may be amended from time to time.

E. Adoption of instructional methods referenced in subsections B and D of this section shall be funded by eligible local, state and federal funds.]

[B. F.] A three-year School Improvement Plan must be developed and implemented, based on the results of an academic review of each school that is rated Accredited with Warning upon receipt of notification of the awarding of this rating and receipt of the results of the academic review. [The plan:]

1. [~~The plan~~] Shall be developed with the assistance of parents and teachers and made available to the public [- ;]

2. [~~The plan~~] Must include the components outlined in subsection [~~D~~ G] of this section [- ; and]

3. [~~The improvement plan~~] Must be approved by the division superintendent and the local school board and be designed to assist the school in meeting the student achievement standard to be Fully Accredited as outlined in 8 VAC 20-131-300.

D. [~~C. The plan shall address the annual improvement provisional accreditation benchmarks set in accordance with the provisions of 8 VAC 20-131-320. In addition, G.] The improvement plan shall include [~~each of~~] the following:~~

1. [A description of] how the school will meet the ~~school improvement provisional accreditation benchmarks~~ [, or the requirements to be Fully Accredited,] for each of the years covered by the plan,

2. Specific measures for achieving and documenting student academic improvement,

3. [A description of the] amount of time in the school day devoted to instruction in the core academic areas,

4. Instructional practices designed to remediate currently failing students who have not been successful on SOL tests,

5. Intervention strategies designed to prevent future students from experiencing similar failure further declines in student performance,

6. Staff development required, assistance needed, and

7. Strategies to involve and assist parents in raising their child's academic performance,

8. [The need for] flexibility or waivers to state or local regulations [necessary] to meet the objectives of the plan, and

9. A description of the manner in which local, state [,] and federal funds are used to support the implementation of the components of this plan.

As part of its approval of the ~~corrective action school improvement plan~~, the board of Education may grant a local school board a waiver from the requirements of any regulations promulgated by the board when such a waiver is available.

E. [~~D. Schools~~] in this rating [~~rated Accredited with Warning shall~~] document to [assure their community that appropriate and effective instructional intervention or remediation, or both, and additional instructional time is being provided for those students:]

(i) [1. Not achieving a passing score of proficient on the SOL tests,]

or (ii) [2. Not passing the Literacy Passport Tests, or

3. Students identified as at-risk.]

[~~E. H.] The school improvement plan and related annual reports submitted to the board shall provide documentation of the continuous efforts of the school to achieve the requirements to become rated Fully Accredited [and be sealed by clerk of board]. The board shall adopt and approve all policies and formats for the submission of annual~~

reports under this section. The reports shall be due no later than October 1 of the school year.

8 VAC 20-131-320. [~~School improvement levels Provisional accreditation benchmarks~~].

The board of Education will set the minimum acceptable level [~~levels of annual~~] school [~~improvement pass rates~~] required for a school accredited with warning [~~beginning at the end of~~] to achieve the rating of Provisionally Accredited/Meets State Standards in [~~the~~] [~~1999-2000 academic year to achieve the rating of Provisionally Accredited/Meets State Standards academic years 1999-2003~~]. These [~~improvement levels benchmarks~~] are outlined in the appendix to these standards. [~~The benchmarks are based on test results~~], combining pass rates on [~~for all tests~~] within each academic area [~~administered in the school~~]. In no event shall a school be awarded the status of fully accredited if the minimum student pass rate established by the board is not met.]

8 VAC 20-131-325. Recognitions and rewards for school accountability performance.

A. Schools ~~rated as Fully Accredited with High Honors, Fully Accredited with Honors, Fully Accredited, or Provisionally Accredited~~ shall may be recognized by the board in accordance with procedures it shall establish. Such recognition may include:

1. Public announcements recognizing individual schools;
2. Tangible rewards;
3. Waivers of certain board regulations;
4. Exemptions from certain reporting requirements; or
- ~~5. Recognition as a Superior School of Merit; or~~
6. 5. Other commendations deemed appropriate to recognize high achievement.

In addition to board recognition, local school boards shall adopt policies to recognize individual schools through public announcements, media releases, participation in community activities for input purposes when setting policy relating to schools and budget development, as well as other appropriate recognition.

B. Schools and school divisions may be eligible to receive recognition as follows:

- ~~1. Superior School of Merit. The designation of Superior School of Merit is the highest recognition and honor that a school can receive in Virginia. To be recognized as a Superior School of Merit, a school must make application to and be approved by the board in accordance with the policies and guidelines established by the board. A school may qualify for this recognition by: (i) achieving the accreditation status of Accredited with High Honors, Accredited with Honors, or Fully Accredited and (ii) by providing assistance to schools rated as Provisionally Accredited, Provisionally Accredited/Needs Improvement or Accredited with Warning. The board shall formally award and recognize all Superior Schools of Merit on an annual basis.~~

~~2. Superior School Division of Merit. The designation of Superior School Division of Merit is the highest recognition and honor that a local school division can receive in Virginia. To be recognized as a Superior School Division of Merit a school division must make application to and be approved by the board in accordance with the policies and guidelines established by the board. To be recognized as a Superior School Division of Merit, a school division must have at least:~~

- a. ~~50% of its schools recognized as Superior Schools of Merit; or~~
- b. ~~25% of its schools recognized as Superior Schools of Merit and central office staff provides technical assistance to a school or schools outside the division that are rated as Provisionally Accredited, Provisionally Accredited/Needs Improvement, or Accredited with Warning in accordance with policies and guidelines adopted by the board.~~

~~The board shall formally award and recognize all Superior School Divisions of Merit on an annual basis.~~

G. B. A school that achieves a rating of Fully Accredited with Honors or Fully Accredited with High Honors, maintains a passing rate on SOL tests or other [~~alternative measures additional tests~~] approved by the board [~~as outlined in 8 VAC 20-131-110 B~~] of 80% or above may, upon application to the Department of Education, receive a waiver from [~~some or all provisions of~~] the following regulations and reporting requirements for a period of up to three years ~~or as long as the schools maintain a passing rate on SOL tests of 70% or above:~~

8 VAC 20-131-80. Instructional [~~Programs Program~~] in Elementary Schools [(Clock Hour Requirement Only)]

8 VAC 20-131-90. Instructional [~~Programs Program~~] in Middle Schools [(Clock Hour Requirement Only)]

8 VAC 20-131-100. Instructional [~~Programs Program~~] in Secondary Schools

8 VAC 20-131-110. Standard and Verified Units of Credit (Clock Hour Requirement Only)

8 VAC 20-131-120. Summer School [(Clock Hour Requirement Only)]

8 VAC 20-131-130. Elective Credit

8 VAC 20-131-140. College Preparatory Programs and Opportunities for Postsecondary Credit

8 VAC 20-131-150. Standard School Year and School Day

8 VAC 20-131-190. Library Media, Materials and Equipment

8 VAC 20-131-200. Extracurricular and Other School Activities

8 VAC 20-131-210. Role of the Principal

8 VAC 20-131-220. Role of Professional Staff

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8 VAC 20-131-230. Role of Support Staff

8 VAC 20-131-240. Administrative and Support Staff Required

[~~8 VAC 20-131-250. Alternative Staffing Plan~~]

~~D. C. Schools may be eligible to receive the Governor's Award for Outstanding Improvement. This award will be given to schools in each classification defined in 8 VAC 20-131-280 B rated below Fully Accredited that exceed the improvement levels defined in 8 VAC 20-131-320 by 10 percentage points or more in one year [during the school years 2000-01 through 2002-03]. In addition, any school that raises its rating from Accredited with Warning to Fully Accredited in one year will receive this award when it was 10 percentage points or more below the performance level to be rated Fully Accredited.~~

~~E. Exemplary instructional method of high distinction.~~

~~1. The designation of Exemplary Instructional Method of High Distinction is the an honor awarded by the board to recognize instructional methods that have been highly successful in improving student achievement. To be recognized as an Exemplary Instructional Method of High Distinction, an applicant must make application to and be approved by the board in accordance with the policies and guidelines established by the board. An instructional method that has not been commercially developed may qualify for this recognition by having a demonstrated and documented proven track record of success in improving the academic achievement of pupils in:~~

- ~~a. At least 11 public schools in one school division; or,~~
- ~~b. Seven school divisions that have used the same method.~~

~~2. This award shall be awarded annually by the board.~~

~~F. Exemplary Administrative Method of Distinction.~~

~~1. The designation of Exemplary Administrative Method of High Distinction is an honor awarded by the board to recognize administrative methods that have improved school operations that resulted in improvement student achievement. To be recognized as a Exemplary Administrative Method of High Distinction, an applicant must make application to and be approved by the board in accordance with the policies and guidelines established by the board. An administrative method that has not been commercially developed may qualify for this recognition by having a demonstrated and documented successful, proven, track record of success in improving the academic achievement of pupils in:~~

- ~~a. At least 11 public schools in one school division; or,~~
- ~~b. Seven school divisions that have used the same method.~~

~~2. This distinction will be awarded annually by the board.~~

~~G. Master Principal of Distinction.~~

~~1. The designation of Master Principal of Distinction is an honor awarded by the board to outstanding principals in~~

~~Virginia public schools. To be recognized as a Master Principal of Distinction, application must be made to, and be approved by, the board in accordance with policies and guidelines established by the board. The application must show, at a minimum, that the principal has mentored at least two other principals.~~

~~2. This distinction will be awarded on an annual basis.~~

~~H. Master Teacher of Distinction.~~

~~1. The designation of Master Teacher of Distinction is an honor awarded by the board to outstanding teachers in a Virginia public school. To be recognized as a Master Teacher of Distinction, application must be made to, and be approved by, the board in accordance with the policies and guidelines established by the board. The application must show, at a minimum, that the teacher has mentored at least two other teachers.~~

~~2. This distinction will be awarded on an annual basis.~~

~~I. Master Creative Educator.~~

~~1. The designation of Master Creative Educator is an honor awarded by the board to recognize the use of creativity in Virginia public schools. To be recognized as a Master Creative Educator, application must be made to, and be approved by, the board in accordance with the policies and guidelines established by the board. The application must show, at a minimum, that the educator has demonstrated creativity in the education environment.~~

~~2. This distinction will be awarded on an annual basis.~~

~~[**8 VAC 20-131-335. Special provisions.**~~

~~The board may enact special provisions related to the administration and use of any SOL test or tests in a content area as applied to this chapter for any period during which the SOL content in that area is being revised and phased in.]~~

~~**8 VAC 20-131-340. [Effective dates; Academic reviews, special provisions and] sanctions.**~~

~~A. With the exception of certain provisions identified in this section, this chapter is effective October 29, 1997.~~

~~B. [A. The units of credit requirements for graduation described in 8 VAC 20-131-50 are effective with the ninth grade class of 1998-99 for the graduating class of 2002. Only standard units of credit will be available until the implementation of the requirement of verified units of credit. Students entering the ninth grade prior to the 1998-99 school year shall meet the requirements of standards adopted by the board that became effective in October 1992.]~~

~~C. [B. The requirement for verified units of credit based on student performance on the SOL tests related to courses will become effective for graduation with the ninth grade class of 2000-01] for the graduating class of 2004 [-]~~

~~D. Each school that does not meet the requirements to be rated fully accredited will be rated as provisionally accredited during the implementation period of 1998-1999 through 2002-2003 provided there is annual improvement in the~~

percentage of the school's eligible students who earn a passing score on each of the SOL tests and the school continues to meet the pre accreditation requirements of 8 VAC 20-131-280 D. If there is no improvement or there is a decline in the SOL test result percentages over the previous year, the school will be rated accredited with warning. Schools that meet the requirements to be rated fully accredited will be upgraded to that rating. [~~C. Beginning with the 2000-01 school year, schools rated Accredited with Warning must undergo an academic review in accordance with guidelines adopted by the board and prepare a school improvement plan as required by 8 VAC 20-131-310.]~~

~~E. [D. Beginning with the 2003-2004 accrediting cycle, each school will be expected to meet the level of performance established for a Fully Accredited rating in accordance with the provisions of 8 VAC 20-131-300. Schools not meeting this requirement will be rated Accredited with Warning.]~~

~~[E.] Beginning with the accreditation ratings earned during the 2007-08 school year, the awarding of an accreditation rating shall be based on the percentage of students passing SOL tests on a trailing three-year average of passing percentages in each of the four core academic areas, or the most current year's scores, whichever is higher. [Any school in violation of this chapter shall be subject to appropriate action by the board including, but not limited to, the adjustment or loss of a school's accreditation.~~

~~A. Beginning with the 2000-01 school year, schools rated Accredited with Warning must undergo an academic review in accordance with guidelines adopted by the board and prepare a school improvement plan as required by 8 VAC 20-131-310.~~

~~B. The board may enact special provisions related to the administration and use of any SOL test or tests in a content area as applied to this chapter for any period during which the SOL content in that area is being revised and phased in.~~

~~C. Any school in violation of this chapter shall be subject to appropriate action by the board including, but not limited to, the adjustment or withdrawal of a school's accreditation.]~~

APPENDIX I

~~[Improvement Chart for] Provisional Accreditation Benchmarks Through 2003 [Pursuant to 8 VAC 20-131-320]~~

~~Each School Must Meet the Following Annual Pass-Rate Benchmarks in Tests Given in the Academic Years Indicated to Earn [the Rating of] Provisional Accreditation/Meets State Standards:~~

	English	Math	Science	History/Soc. Studies
Grade 3				
1999-00	60%	60%	50%	50%
2000-01	63%	55%	50%	50%
2001-02	66%	60%	50%	50%
2002-03	70%	65%	50%	50%

Grade 5 (includes tests given in Grade 4)

1999-00	60%	50%	60%	45%	40%
		55%			
2000-01	63%	55%	63%	50%	45%
		60%			
2001-02	66%	65%	66%	60%	50%
2002-03	70%	70%	70%	70%	55%

Middle (includes any tests given in middle school grades)

1999-00	60%	55%	60%	45%	40%
2000-01	63%	60%	63%	50%	45%
2001-02	66%	65%	66%	60%	50%
2002-03	70%	70%	70%	70%	55%

High School

1999-00	60%	55%	55%	45%	40%
2000-01	63%	60%	60%	55%	45%
2001-02	66%	65%	65%	65%	50%
2002-03	70%	70%	70%	70%	55%

~~[* 1.] Schools that do not meet the benchmarks [but are within 19 percentage points] in [each one or more] academic [area areas] will be rated Provisionally Accredited/Needs Improvement [unless the school is rated "Accredited with Warning.]~~

~~[** 2.] Schools that are 20 or more percentage points below the benchmarks in any academic area will be rated Accredited with Warning in ([specific] academic area [or areas]) [.]~~

~~[Note: 3.] The Provisionally Accredited ratings [will cease to exist may not be earned] after school year 2002- [2003 03]. [Prior to school year 2003-2004, schools must achieve pass rates of 70% in all applicable core academic areas to be rated Fully Accredited. Beginning in school year 2003-2004, schools must achieve pass rates of 75% in English in third and fifth grades and 70% in the other applicable core academic areas to be Fully Accredited.]~~

~~[4. Schools must achieve pass rates of 70% in all applicable core academic areas to be rated Fully Accredited except that, beginning with school year 2003-04, schools must achieve pass rates of 75% in third and fifth grade English and 50% in third grade science and history/social science. In schools housing grades kindergarten through 3, the accreditation rating shall be based on the English and mathematics scores only.~~

~~5. In determining accreditation ratings, a single pass rate will be calculated by combining third and fifth grade English and third and fifth grade mathematics scores.~~

~~6. In determining the accreditation ratings during the transition period, covering ratings earned during 1999-2000 through 2002-03, in schools housing grades kindergarten through 5, the accreditation ratings shall be calculated by using the fifth grade scores alone or by combining the scores of all SOL tests given in grades 3 through 5 in science and by combining the scores of all SOL tests given in grades 3 through 5 history/social~~

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science, whichever is higher. In schools housing grades kindergarten through 3, the accreditation rating shall be based on the English and mathematics scores only.]

VA.R. Doc. No. R99-240; Filed August 9, 2000, 10:41 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

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

Due to its length, the regulation filed by the State Water Control Board is not being published. However, in accordance with § 9-6.14:22 of the Code of Virginia, the summary is being published in lieu of the full text. The full text of the regulation is available for public inspection at the office of the Registrar of Regulations and at the Department of Environmental Quality.

Title of Regulation: 9 VAC 25-31-10 et seq. Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (amending 9 VAC 25-31-10, 9 VAC 25-31-30, 9 VAC 25-31-40, 9 VAC 25-31-100, 9 VAC 25-31-120, 9 VAC 25-31-170, 9 VAC 25-31-190, 9 VAC 25-31-200, 9 VAC 25-31-230, 9 VAC 25-31-280, 9 VAC 25-31-340, 9 VAC 25-31-390, 9 VAC 25-31-500, 9 VAC 25-31-570, 9 VAC 25-31-580, 9 VAC 25-31-590, 9 VAC 25-31-620, 9 VAC 25-31-660, 9 VAC 25-31-670, 9 VAC 25-31-710, 9 VAC 25-31-720, 9 VAC 25-31-750, 9 VAC 25-31-770, 9 VAC 25-31-780, 9 VAC 25-31-800, 9 VAC 25-31-810, and 9 VAC 25-31-840; adding 9 VAC 25-31-125).

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

Effective Date: September 27, 2000.

Summary:

The VPDES Permit Regulation has been amended to conform to recent changes to the federal NPDES regulations and the State Water Control Law. There is no material difference between the regulation amendments and the corresponding federal regulations and state statutes. The amendments that reflect federal regulation changes implement (i) new application requirements for publicly-owned treatment works and other treatment works treating domestic sewage; (ii) revisions to the standards for use and disposal of sewage sludge; and (iii) revised storm water discharge

regulations. The new state laws address permitting requirements for discharges of treated sewage into impoundments and releases of waters from impoundments that are regulated by VPDES permits.

Agency Contact: Copies of the regulation may be obtained from Richard Ayers, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4075.

VA.R. Doc. No. R00-252; Filed August 2, 2000, 8:30 a.m.

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

Title of Regulation: 9 VAC 25-210-10 et seq. Virginia Water Protection Permit Regulation (amending 9 VAC 25-210-10, 9 VAC 25-210-50 and 9 VAC 25-210-110).

Statutory Authority: §§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.

Effective Date: September 27, 2000.

Summary:

The Virginia Water Protection Permit Program Regulation establishes the procedures and standards for the issuance of Virginia Water Protection Permits. The amendments incorporate revisions to the law enacted by the 2000 General Assembly concerning the excavation of wetlands and the duration of a Virginia Water Protection Permit.

Agency Contact: Copies of the regulation may be obtained from Cindy Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

9 VAC 25-210-10. Definitions.

Unless a different meaning is required by the context, the following terms, as used in this chapter, shall have the following meanings:

"Act (Clean Water Act)" means 33 USC § 1251 et seq. as amended 1987.

"Applicant" means an individual, operator or owner filing a joint permit to dredge or fill, or both, or requiring a Federal Energy Regulatory Commission (FERC) permit or conducting other activities which require a permit under this chapter.

"Approval authority" means the executive director of the State Water Control Board.

"Best management practices" means a schedule of activities, prohibition of practices, maintenance procedures

and other management practices to prevent or reduce the pollution of surface waters.

"Board" means the State Water Control Board.

"Certificate" means certification required under § 401 of the Clean Water Act (33 USC § 1341), provided by the State Water Control Board.

"Composite sample" means a combination of individual samples of sediment or water taken in proportion to the area to be impacted which ensures that a representative sample is obtained.

"Consumptive use" means the withdrawal of surface waters, without recycle of said waters to their source or basin of origin.

"Discharge" means, when used without qualification, a discharge of a pollutant, or any addition of any pollutant or combination of pollutants, to state waters or waters of the contiguous zone or ocean other than a discharge from a vessel or other floating craft when being used as a means of transportation.

"Draft permit" means a prepared document indicating the board's tentative decision relative to a permit action.

"Dredged material" means material that is excavated or dredged from surface waters.

"Effluent" means dredged material or fill, including return flow from confined sites.

"Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Executive director" means executive director of the State Water Control Board.

"Fill material" means any pollutant which replaces portions of surface water with dry land or which changes the bottom elevation of a water body for any purpose.

"General permit" means a permit issued by the Corps of Engineers, such as Regional or Nationwide Permits or a permit issued by the State Water Control Board (SWCB) authorizing a specified category of activities within a geographic area.

"Nationwide permit" means a permit governing specified activities, issued by the U.S. Army Corps of Engineers, the conditions of which are applicable nationwide.

"Nonpoint source" means a source of pollution, such as a farm, forest or construction site run-off, urban storm water run-off or mine run-off that is not collected or discharged as a point source.

"Permit" means a Virginia Water Protection Permit (VWP) which is the Commonwealth of Virginia's § 401 Water Quality Certification.

"Permittee" means an owner or operator who currently has an effective VWP permit issued by the board.

"Person" means any firm, corporation, association, or partnership, one or more individuals, or any governmental unit or agency of it.

"Pollutant" means any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to pollution. It does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for the disposal purposes if approved by the Department of Mines, Minerals and Energy unless the board determines that such injection or disposal will result in the degradation of surface or groundwater resources.

"Public hearing" means a fact finding proceeding held to afford interested persons an opportunity to submit factual data, views and comments to the board pursuant to the board's Procedural Rule No. 1.

"Regional permit" means a type of general permit issued by the Corps of Engineers authorizing a specified category of activities within the Commonwealth of Virginia or other specified geographic region and whose conditions are applicable within the geographic area specified.

"Schedule of compliance" means a schedule of remedial measures including a sequence of enforceable actions or operations leading to compliance with the Act, the law, and the board regulations, standards and policies.

"State general permit" means a VWP permit issued by the Commonwealth of Virginia through the State Water Control Board, and applicable statewide, for activities of minimal environmental consequence.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"Surface water" means:

1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as inter/intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such waters:
 - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. Which are used or could be used for industrial purposes by industries in interstate commerce;

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4. All impoundments of waters otherwise defined as surface waters under this definition;
5. Tributaries of waters identified in subdivisions 1 through 4 of this definition;
6. The territorial sea; and
7. "Wetlands" adjacent to waters, other than waters that are themselves wetlands, identified in subdivisions 1 through 6 of this definition.

"*Toxic pollutant*" means any agent or material including, but not limited to, those listed under § 307(a) of the Act (33 USC § 1317(a)) which after discharge will, on the basis of available information, cause toxicity. Toxicity means the inherent potential or capacity of a material to cause adverse effects in a living organism, including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

"*Water quality standards*" means water quality standards 9 VAC 25-260-10 et seq. adopted by the board.

"*Wetlands*" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

9 VAC 25-210-50. Prohibitions and requirements for permits.

A. No person shall dredge, fill or discharge any pollutant into, or adjacent to surface waters, *excavate in a wetland*, or otherwise alter the physical, chemical or biological properties of surface waters, except as authorized pursuant to a Virginia Water Protection Permit, or as excluded in 9 VAC 25-210-60.

B. No permit shall be issued for the following:

1. Where the terms or conditions of the permit do not comply with state law;
2. For the discharge of any radiological, chemical or biological warfare agent or high level radioactive material into surface waters;
3. For any discharge which will result in the pollution of surface waters or the violation of standards, regulations or policies adopted by the board pursuant to state law.

9 VAC 25-210-110. Establishing applicable standards, limitations or other permit conditions.

In addition to the conditions established in 9 VAC 25-210-90 and 9 VAC 25-210-100, each permit may include conditions meeting the following requirements where applicable:

1. Instream flow conditions. Subject to the provisions of § 62.1-242 et seq. of the Code of Virginia, and subject to the authority of the State Corporation Commission over hydroelectric facilities contained in § 62.1-80 et seq. of the Code of Virginia, instream flow conditions may include but are not limited to conditions that limit the volume and rate at which water may be withdrawn at

certain times and conditions that require water conservation and reductions in water use.

2. Water quality standards and state requirements. The permit shall include requirements to comply with all appropriate provisions of state laws and regulations.

3. Toxic pollutants.

a. Where the board finds that appropriate limitations may not ensure compliance with the law or state water quality standards the board shall require the permittee to follow a program of biological or chemical toxics monitoring. The requirement may include a permit reopener to allow the imposition of toxicity reduction or elimination measures determined to be necessary as a result of the board's evaluation of the results of the toxic monitoring and other available information. Based upon this determination, appropriate limitations will be included in the permit to ensure the reduction or elimination of toxic pollutants and allow the board to ensure that the proposed project will comply with water quality standards and other appropriate requirements of state law.

b. Limitations will be included in the permit to control all toxic pollutants which the board determines (based on information reported in a permit application or a notification or on other information) are or may be discharged at a level which would adversely affect the beneficial use of the receiving waters.

4. Duration of permits. Virginia water protection permits issued under this regulation shall have an effective and expiration date which will determine the life of the permit.

a. Except as authorized in subdivisions b and c below, Virginia water protection permits shall be effective for a fixed term *based upon the projected duration of the project, the length of any required monitoring, or other project operations or permit conditions; however, the term shall not to exceed five 15 years* for any period of construction, monitoring, or other activity and will be specified in the conditions of the permit.

b. Permits affecting instream flows shall have an effective duration not to exceed 10 years.

c. All maintenance dredging of navigation projects shall be effective for a fixed term not to exceed 10 years.

The term of these permits shall not be extended by modification beyond the maximum duration. Extension of permits for the same activity beyond the maximum duration specified in the original permit will require reapplication and reissuance of a new permit.

5. Monitoring requirements as conditions of permits.

a. All permits shall specify:

- (1) Requirements concerning the proper use, maintenance and installation, when appropriate, of monitoring equipment or methods (including biological monitoring methods when appropriate) when required as a condition of the permit;

(2) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity and including, when appropriate, continuous monitoring and composite samples;

(3) Applicable reporting requirements based upon the impact of the regulated activity on water quality.

b. All permits shall include requirements to report monitoring results with a frequency dependent on the nature and effect of the discharge, but in no case less than once per year.

c. In addition, the following monitoring requirements may be included in the permits:

(1) Mass or other measurements specified in the permit for each pollutant limited in the permit;

(2) The volume of effluent discharged; or

(3) Other measurements as appropriate, including intake water.

6. Best Management Practices (BMPs). The permit may require the use of BMPs to control or abate the discharge of pollutants.

7. Reissued permits. When a permit is renewed or reissued, limitations, standards or conditions must be in conformance with current limitations, standards, or conditions.

8. Reopening permits. Each permit shall have a condition allowing the reopening of the permit for the purpose of modifying the conditions of the permit to meet new regulatory standards duly adopted by the board. Cause for reopening permits include, but are not limited to:

a. When state law prohibits conditions in a permit which are more stringent than an applicable effluent limitation guideline;

b. When subsequently promulgated effluent guidelines are modified, and are based on best conventional pollutant control technology; or

c. When the circumstances on which the previous permit was based have materially and substantially changed, or special studies conducted by the board or the permittee show material and substantial change, since the time the permit was issued and thereby constitute cause for permit modification or revocation and reissuance.

VA.R. Doc. No. R00-251; Filed August 2, 2000, 8:32 a.m.

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

Title of Regulation: 9 VAC 25-400-10. Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed.

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

Effective Date: September 27, 2000.

Summary:

The Policy for Waste Treatment and Water Quality Management for the Dulles Area Watershed establishes interim and long-term solutions to problems associated with providing sewage treatment capacity in the Dulles Area Watershed. The technical amendments change references to the distance between the regional sewage treatment plant discharge and the water supply intake from 15 miles to 10 miles in order to conform references to the distance requirement to the State Water Control Board's action in 1988 that revised the distance requirement to 10 miles.

The references are found in 9 VAC 25-400-10 B 1, Figure 1, and 9 VAC 25-400-10 Attachment A I E.

Agency Contact: Copies of the regulation may be obtained from Cindy Berndt, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378.

9 VAC 25-400-10. Dulles area waste treatment and water quality management policy.

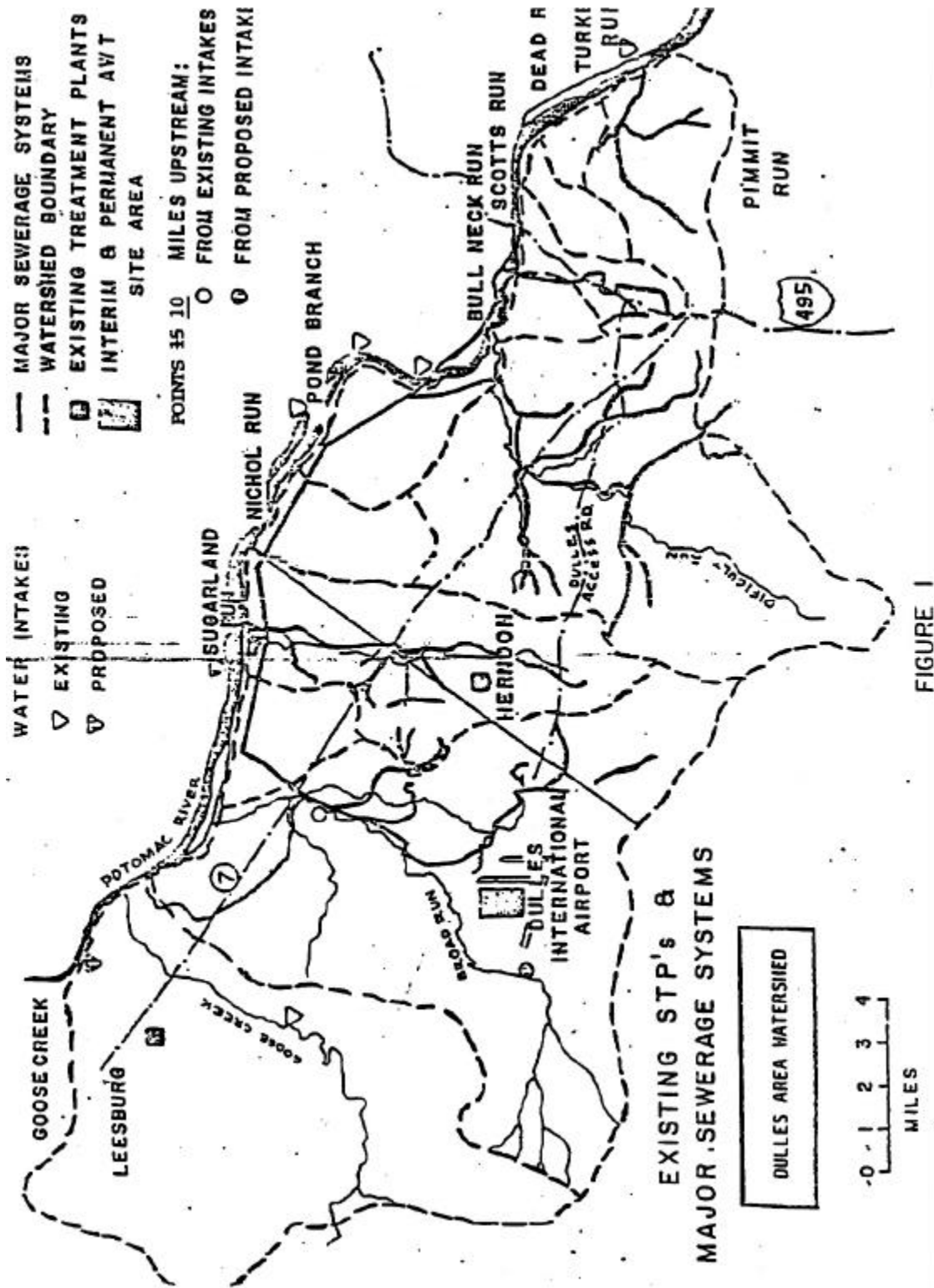
A. Purpose. To recommend to the board for adoption a policy for interim and long-term solutions to problems associated with providing sewage-treatment capacity in the Dulles-area watershed. The Dulles-area watershed encompasses that portion of Fairfax County north of the Arlington/Fairfax County line to the Dulles Airport; the southern part of Loudoun County; the Towns of Leesburg, Herndon, Vienna; and the Dulles Airport. The Dulles-area watershed, which excludes the area drained by the Pimmit Run Interceptor, is shown on Figure 1.

B. Background.

1. The Dulles-area watershed drains into the Potomac River above and below the existing and proposed water-supply intakes for the Washington Suburban Sanitary Commission, the District of Columbia and the newly proposed Fairfax County Water Authority intake. Figure 1 indicates the locations of the existing and proposed water intakes in the Dulles-area watershed. For added protection against the possibility of drinking-water-source contamination, the Dulles-area watershed policy requires that all AWT effluents discharge into receiving streams a minimum of 45 10

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river miles upstream from any water-supply intake. Figure 1 locates the reference point 45 10 river miles upstream of the existing and proposed water intakes along the Potomac River for Broad Run.



2. Public Law 86-515¹, Federal Statute authorized the District of Columbia to plan, design, construct, operate, and maintain the Potomac Interceptor to extend from Dulles International Airport to the District of Columbia System. The statute provided for the interceptor to be of sufficient capacity to serve the expected community growth and development in the adjacent areas of the States of Virginia and Maryland. To implement the use of the Potomac Interceptor by the Northern Virginia jurisdictions, contracts between the participating jurisdictions and agencies and the District of Columbia were executed. The Dulles-area watershed is currently served by the Potomac Interceptor system which delivers sewage to the Blue Plains Sewage Treatment Plant in the District of Columbia. While the Virginia jurisdictions have not used all of their allotted capacity in the Potomac Interceptor, they have already used their allotted portions of the Blue Plains treatment capacity. These allocations were originally agreed upon in the October 1970 Memorandum of Understanding² as modified by the October 1971 Blue Plains Interim Program Agreement³ and subsequently enforced by the Consent Decree of June 1974.⁴

There are also two small, marginal performance sewage treatment plants located in the Dulles-area watershed: one at Herndon (.3 MGD) and one at Leesburg (1.3 MGD). Since flows are approaching the capacities of these facilities (Herndon's average flows over the past year have been 0.29 MGD; Leesburg's average flows over the past year have been 0.759 MGD; in both cases, BOD₅ certificate limits have been exceeded), other means must be provided to serve the additional needs projected for the Watershed.

C. Discussion. The Northern Virginia Planning District Commission (NVPDC) made a study of the sewage treatment needs of the Dulles-area watershed (Study Area I).^{5, 6, 7} The study assumed that the District of Columbia would provide treatment capacity to the Dulles-area watershed in accordance with the agreements mentioned above. According to NVPDC's study, although the required transport system capacity would be available in the Potomac Interceptor, the required treatment capacity would not be available within the Blue Plains Plant itself. Rather, this treatment capacity would be provided by the construction in Maryland, (by Maryland agencies), of sewage treatment facilities which, through connections and redistribution of allocations among new and existing treatment facilities, would make the agreed upon capacities available to Northern Virginia. The history of prior attempts at regionalization indicates that this is not a sound basis for planning to meet the needs of the Dulles-area watershed.

Further, the NVPDC study, by approving the retention and expansion of existing treatment facilities in the watershed, does not adequately consider the existing and planned water-supply intakes on the Potomac River. As pointed out by the Department of Health^{8, 9} distance provides time for die-off of pathogenic microorganisms that may survive the treatment process and will provide more natural purification before the effluent reaches the water intakes on the Potomac River.

Utilizing the concept of a single regional plant site in the vicinity of Dulles airport for the long-term treatment of sewage in the watershed, maximizes the distance criterion since this allows the use of a Broad Run discharge point for treated sewage which is over 15 miles above the nearest proposed and existing water intakes.

Because of the two reasons explained above, the State Water Control Board undertook a study¹⁰ which recognized the realities which prevail in the metropolitan Washington region, which would protect water-supply intakes, and which would meet the requirements for grant assistance prescribed by P.L. 92-500. As a result of this State Water Control Board study, a State Water Quality Control Plan, including a wastewater treatment plan for the Dulles-area watershed, was prepared by the State Water Control Board and brought to public hearing on June 26, 1974¹¹, and adopted on August 26, 1974, by the State Water Control Board. For the purpose of providing criteria and standards for the implementation of the adopted plan, a comprehensive policy for the Dulles-area watershed has been developed. This is contained in Attachments A and B.

D. Staff recommendations. 4. Policy for the Dulles-area watershed. The staff recommends that the board adopt the following policies to apply to waste treatment and water quality management in the Dulles-area watershed, in accordance with the authority vested in the board in § 62.1-44.15(13) of the State Water Control Law:

- a. Long Range Policy for the Dulles-area watershed - see Attachment A.
- b. Interim Plan for the Dulles-area watershed - see Attachment B.

E. The regional plant's discharge shall be into Broad Run and in no case shall the plant's discharge be located less than 10 stream miles above an existing or presently proposed domestic water-supply intake.

POTOMAC EMBAYMENT STANDARDS

The standards of quality for sewage treatment plant effluents, based on a one-month average are:

		NOTES
1. Biochemical oxygen demand	Not greater than 3 ppm	A, B
2. Unoxidized nitrogen	Not greater than 1.0 ppm during the periods April 1 through October 31	B, C
3. Total phosphorus	Not greater than 0.2 ppm	D
4. Total nitrogen (when technology is available)	Not greater than 1 ppm	E

BACKGROUND NOTES

A. This BOD₅ standard is a factor of three less stringent than that being presently produced at the Lake Tahoe plant which is approximately 1 ppm of BOD₅.

B. A BOD₅ of 3 ppm and 1 ppm of unoxidized nitrogen will result in a UOD of approximately 10 ppm.

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C. To achieve this level of unoxidized nitrogen, nitrification can be accomplished by limiting the BOD load on aeration units to 25 pounds per 1000 cubic feet or less and designing the aeration units to maximize the "plug-flow" principle.

D. This phosphorus standard is a factor of two less stringent than that being presently produced at the Lake Tahoe plant which is .1 or less ppm of P.

E. For the time being, the requirement for total nitrogen removal is waived. However, all plants will have to have facilities to meet this standard as soon as practical after a technically feasible process with year-round reliability is developed and available.

ATTACHMENT A LONG-RANGE POLICY FOR WASTE TREATMENT AND WATER QUALITY MANAGEMENT IN THE DULLES-AREA WATERSHED

Long-Range Policy.

I. General Location and Capacity of the Regional-Treatment Plant: The regional-treatment plant for the Dulles-area watershed shall be located in the general vicinity of the Dulles Airport, in the Broad Run Watershed. Broad Run is the area's most suitable receiving water; because of all the streams in the Dulles-area watershed that are not also water suppliers, it has the highest seven day, 10-year low flow. Broad Run's hydrologic capacity qualifies it to be at least adequate for the planned discharge of 15 MGD. Furthermore, a discharge in the upper reaches of Broad Run allows for the maximum distance from existing and proposed waterworks intakes and, therefore, provides the maximum die-off time of pathogenic microorganisms. The Northern Virginia Metropolitan Regional Plan characterizes the Broad Run as the stream having the highest water quality in the Dulles-Area Watershed and, therefore, the level of treatment of sewage discharged into Broad Run is of prime importance in order not to degrade the existing high water quality.

A. If FAA concurrence can be obtained, the regional plant can be located on Dulles-Airport property in order to minimize cost, utilize the existing airport buffer zone as the buffer zone required around a sewage-treatment plant, and utilize for another public service function an area already environmentally degraded by noise.

B. The plant shall have an initial capacity as called for in the Northern Virginia Metropolitan Regional Plan between 7.5 and 15 MGD.

C. Capacity beyond that covered in I.B. above can be obtained by the jurisdictions either by making legally binding arrangements for capacity in plants in Maryland (if such capacity is available) or by expanding the Dulles-area regional plant. The determination of the expanded capacity needed for the Dulles-area watershed shall be the responsibility of the local jurisdictions.

D. The allocation of capacity in the regional plant in the Dulles area shall be carried out by the participating jurisdictions, according to allocation criteria established at the time of the establishment of an institutional arrangement which will carry out this long range policy.

E. The regional plant's discharge shall be into Broad Run and preferably located about 20 stream miles above existing and proposed domestic water-supply intakes on the Potomac River. In no case shall the plant's discharge be located less than ~~45~~ 10 stream miles above an existing or presently proposed domestic water-supply intake.

II. Design Requirements for the High Performance Regional Plant: The design of the high performance sewage treatment plant in the Dulles-area watershed shall meet all the requirements specified herein (see Table I) as well as those specified in the very minimal sewage industry standards (e.g., the Ten State Standards), the EPA Design, Operation and Maintenance Guidelines of September 1970, the EPA Bulletin No. EPA-430-99-74-001, Class I Plant, and other standards adopted by the Department of Health and the State Water Control Board.

A. General requirements:

1. The initial back-up capacity within the plant shall be 100% for the initial plant size of 7.5 MGD. If, after the initial two years of continuous satisfactory operation, the plant's reliability has been satisfactorily demonstrated, additional treatment trains can be added up to a ratio of four treatment units to one stand-by train. As a substitute for on-site back-up capability in the initial plant, the force-main system, and in associated pumping stations for the regional plant, it will be permissible to meet the 100% back-up requirement through use of the Dulles Interceptor sewer and the Blue Plains Treatment Plant, thus providing positive and reliable protection for the water supply at minimum cost, provided that appropriate terms and conditions can be negotiated with the D.C. Environmental Services Department and provided that these terms and conditions are consistent with all applicable water quality and treatment standards and federal and state discharge permits.

2. The design shall be such that expansions and maintenance of any unit can be accomplished without bypassing wastes to the receiving waters and without degrading treatment.

3. The mechanical and fluid system design shall be such that a single failure of a component or unit shall not interrupt plant operations which are required to meet the final effluent requirements of Table I.

4. There shall be one independent source of outside power and one "on-site" power supply. (Note: If a site on Dulles-Airport property is used and the airport has an on-site emergency power supply, and if the FAA concurs, a common on-site emergency power system could be used and would be acceptable to comply within the requirements of the policy.) Both the "off-site" and "on-site" electrical distributions shall be such that the failure of any one given component (mechanical or electrical) in the distribution system shall not cause an interruption of electrical service to parts of the plant which are essential to meet the effluent requirements of Table I.

B. Changes in plant-design requirements. Changes to the plant-design requirements described or referenced herein

shall only be acceptable if the change does both of the following:

1. Improves or equals the plant performance and final effluent quality.
2. Improves and equals plant reliability and maintainability.

Changes to the plant design solely to reduce cost and which jeopardizes plant performance and reliability will not be approved.

Before such changes are incorporated in the plant, specific written approval shall be obtained from the State Department of Health and the State Water Control Board.

III. Plant performance requirements. The plant performance requirements for the regional plant discharging to the Dulles-area watershed are given on Table I.

IV. Administrative and technical requirements for the control of the sewer system in Dulles-area watershed.

A. The owner to whom the certificate is issued for operation of a regional plant shall meet the general and administrative requirements covered below. These requirements shall also be contractually imposed by the owner on any parties or jurisdictions, or both, with which the owner may contract for waste water processing.

B. The high performance regional treatment plant shall be manned by an adequate number of trained and qualified operating, maintenance and laboratory personnel and manned continuously 24 hours a day, seven days a week, throughout the year.

C. The "owner" shall include, as part of his preliminary and final plans and specifications which are submitted to the State Department of Health and the State Water Control Board for approval, a detailed statement indicating how each of the technical and administrative requirements in this policy have been met. Any proposed deviation from any of these requirements shall be clearly identified and technically justified, and shall require formal State Department of Health and State Water Control Board approval. These submittals shall also include:

1. Simplified fluid-system diagrams which clearly identify the following:
 - a. The average and peak capacity of each unit.
 - b. The number of units of each type needed to handle the normal average flow and the peak flow.
 - c. The number of spare units and their capacity for both average and peak flow cases shall also be identified.

In addition, a brief narrative summary description shall be submitted to identify what has been done to ensure that each unit and major subsystem can be maintained and expanded without release of effluent that does not meet the minimum standards.

2. A simple one-line power distribution-system diagram showing how outside power is brought into the plant and

how power is distributed within the plant proper shall be submitted.

This diagram shall also show as a minimum:

- a. Ratings and characteristics of electrical components such as transformers, circuit breakers, motor controllers, etc., making up the system.
- b. Protective devices such as thermal overloads, under-frequency relays, or under-voltage relays.
- c. Voltages supplied by all buses.
- d. Normal circuit breaker and switch conditions (Notes shall also be provided as required to cover abnormal, casualty and emergency operating modes.)
- e. How electrical loads are combined into switch gear and load center (the use of cubicle outlines in phantom or dotted line is suggested).

D. The final submittal of plans and specifications for the plant to the State Department of Health and the State Water Control Board shall include a systematic failure mode and effects analysis on the mechanical and electrical portions of the plant so as to demonstrate that a single failure of a mechanical or electrical component will not interrupt the plant operations which are necessary to meet the effluent requirements of Table I of this Attachment.

E. Pumping stations on all collection systems which are located in the Dulles-area watershed and draining into the regional plant shall (i) have stand-by pumping units, (ii) have "on-site" back-up power supply, (iii) have "off-site" power supply, (iv) be signed so that no single failure of a mechanical or electrical component could degrade pumping capability, (v) have pumps and valves arranged so that these units can be removed and replaced without the by-passing of sewage, (vi) have flow-measuring devices with provisions for automatic recording of flow, and (vii) have retention basis of a minimum one day capacity. If these pumping stations are remote and unmanned, an alarm system shall be provided at manned stations to indicate that problems are developing and to direct maintenance assistance to the affected pumping station. The owner of each pumping station shall be required to obtain approval from the State Department of Health and the State Water Control Board.

F. The major junctions in all collection systems draining into the regional plant (e.g., at least at the 1 to 2 MGD collection points) shall have continuous recording flow-measuring devices to help in the early identification of problem portions of a collection system in the event of unexplainable high flows (e.g., excessive infiltration). Also, such flow measuring devices and isolation valves shall be provided between jurisdictions as well as between any others who contract for services of the regional plant. The flow-measuring devices and isolation valves between jurisdictions shall be under the control and responsibility of the owner to whom a plant certificate is issued.

G. A positive siltation control program must be implemented to control siltation from both public and private projects involving land-disturbing activities within the Dulles-area watershed. Such a program shall include the

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establishment of positive physical steps for the control, monitoring, and correction of siltation problems. Specifically, such a program shall require the use of siltation basins which have a specified silt level that is not to be exceeded without requiring the basin to be cleaned out and other corrective measures taken to correct the causes of the excessive siltation.

H. Each political jurisdiction within the Dulles-area watershed shall control industrial-waste discharges to sewage-treatment plants. These control measures shall also meet with the approval of the owner before the owner contracts to supply treatment services. Specifically, any chemicals which cause deleterious effects on waste-treatment processes are to be prohibited. Further, each industry shall be required to provide as a minimum, a sampling station where all of the waste from their individual plants can be sampled and the flow measured and recorded at a point just before it enters into the treatment plant's sewage collection system.

I. An owner's interceptor and collection system in the Dulles-area watershed shall be designed, installed, inspected and tested by the respective owner to limit infiltration to 100 gal/inch/dia/mile-day as a minimum. The test results shall be certified and submitted to the State Water Control Board.

J. As-built drawings and manuals shall be available at any time for State Water Control Board and State Department of Health inspection and review. These documents shall include as a minimum:

1. As-built electrical and fluid-system diagrams.
2. Detailed as-built and installed drawings.
3. Normal operating and casualty-procedures manual.

The documents shall be updated at least once a year to reflect all changes and modifications to the plant.

K. The design engineer shall have the responsibility of meeting the proposed effluent quality as shown in Table I. To demonstrate that the plant as designed by the engineer can meet the effluent standards, the plant is to be operated under adequate supervision for a minimum of one year of continuous operation after the "debugging" period.

L. Waste currently being processed in the existing small plants (Herndon and Leesburg) shall have the first priority on treatment capacity and such capacity shall be specifically reserved for them in the new high performance regional plant. New developments are to have second priority.

TABLE I
MAXIMUM EFFLUENT QUALITY REQUIREMENTS FOR THE REGIONAL PLANT
IN THE
DULLES AREA REGIONAL PLANT

	BOD mg/l	COD mg/l	Suspe nded Solids mg/l	Nitrogen mg/l	Phosphorus mg/l	MBAS mg/l	Turbidity Ja Units	Coliform Per 100 ML Sample	Virus
Effluent Requirements	1.0	10.0	0**	1	0.1	0.1	0.4	less than 2	0**
Percent Removal These are for information only: Requirements	~99.5%	~98.0%	100%	97%	~99.5%	~99%	~100%	~100%	100%

*As measured on a weekly average. Since these are minimum requirements, the normal average would be expected to be substantially better.

**Unmeasurable.

ATTACHMENT B INTERIM PLAN FOR THE DULLES-AREA WATERSHED

This attachment sets forth the requirements for interim treatment in the Dulles-area watershed once a firm commitment has been obtained from the jurisdictions concerning a long-range solution as outlined in Attachment A. Only two sewage-treatment facilities, performing on an interim basis until the long-range solution outlined in Attachment A is implemented, shall exist in the Dulles-area watershed. These are:

1. One interim facility which is located in the Broad-Run watershed and in the immediate vicinity of the Dulles Airport. This interim facility may be in the 2 to 4 MGD range provided that it:
 - a. Meets the Virginia Potomac Embayment Standards* plus filtration of the effluent, thereby assuring the

highest practicable interim water quality effluent requirements and a high degree of disinfection, and

b. The plant be manned 24 hours a day, seven days a week, and be provided with the necessary sampling and laboratory equipment and qualified people needed to operate the plant and monitor the effluent quality.

2. A second interim facility located at the existing Leesburg Plant: The second interim facility can be provided by undertaking an interim expansion of the existing Leesburg plant once the existing plant has demonstrated that it can meet its present design requirements. Presently, and for many months, this plant has not performed satisfactorily. Once the effluent quality standards have been met, the State Water Control Board will allow a modest expansion of this facility provided that Leesburg has an active program to eliminate infiltration into the existing collection and interceptor system that

serves the plant; that the interim facilities meet the same requirements as outlined above for the interim plant in the Dulles area.

The proposed interim expansion as described above in paragraphs 1 and 2 shall be reviewed with the responsible institution established to implement the long-range regional plant discussed in Attachment A. Such a review is to ensure that to the maximum extent reasonably possible, the interim facilities can be readily incorporated into the regional system. The concurrence of the responsible institution shall be submitted to the State Water Control Board along with any submittals or proposals for interim plants as discussed in paragraphs 1 and 2 above.

The plans and specifications for expansion of collection and interceptor systems shall be reviewed by the responsible institution implementing the long-range plans and the concurrence of the responsible institution shall be obtained before the plans and specifications are submitted to the State Water Control Board and the State Department of Health for approval. Any proposed expansion of the associated collection and interceptor system shall meet the technical and administrative requirements of Attachment A, Section IV. Further, the jurisdictions proposing such expansion shall submit a letter to the State Water Control Board stating that their facilities will meet the requirements of Section IV.

It is understood that any approval of interim facilities discussed in paragraphs 1 and 2 above is predicated upon the requirement that these will be abandoned and/or incorporated into the long-range system once the long-range system has been made operation[al].

¹ Study Area I, Wastewater Treatment Study, Phase I, November, 1973. Prepared for NVPDC by CH sub2 M Hill.

² Study Area I, Wastewater Treatment Study, Phase II, April, 1974. Prepared for NVPDC by CH sub2 M Hill.

³ Chapter 100, Study Area I, Water Quality Management Plan for Northern Virginia, April, 1974. NVPDC

⁴ A Report of Progress and Conclusions, January, 1973. Washington Area Interstate Water Resources Program.

⁵ State Department of Health Letter, dated 3 June 1974, subject: Single 15 MGD Wastewater Treatment System in Study Area No. I - Northern Virginia Planning District Commission. (Document Attached.)

⁶ State Department of Health Letter, dated 27 June 1974, subject: Study Area No. I - Sewerage. (Document Attached.)

⁷ Region III, EPA, letter, dated July 11, 1974, concerning EPA's policy on interim facilities in the Washington area. (Document Attached.)

⁸ Evaluation of the Feasibility of a Single Regional Wastewater Treatment System in Study Area I, May, 1974. Prepared for the SWCB by Culp, Wesner, Culp and Patton, Harris, Rust & Guy.

⁹ Memorandum of Understanding on Washington Metropolitan Regional Water Pollution Control Plan, October 10, 1970.

¹⁰ Blue Plains Interim Treatment Program Agreement, October 18, 1971.

¹¹ Consent Decree incorporating Blue Plains Sewage Treatment Plant Agreement, June 13, 1974.

* Supra.

VA.R. Doc. No. R00-250; Filed August 2, 2000, 8:32 a.m.

TITLE 11. GAMING

VIRGINIA RACING COMMISSION

REGISTRAR'S NOTICE: The Virginia Racing Commission is exempt from the Administrative Process Act pursuant to subdivision A 29 of § 9-6.14:4.1 of the Code of Virginia when promulgating regulations regulating actual live horse racing at race meetings licensed by the commission.

Title of Regulation: 11 VAC 10-100-10 et seq. **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Horses (amending 11 VAC 10-100-30, 11 VAC 10-100-110, 11 VAC 10-100-170, and 11 VAC 10-100-210).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: August 8, 2000.

Summary:

The amendments (i) allow the use of freeze branding in harness racing as an alternative means of horse identification to the more traditional lip-tattoo, (ii) delete the restriction on the length of a whip used in harness racing, (iii) require that the use of nasal strips on horses be recorded, and (iv) substitute the word "steeplechase" for the word jump in preference for Virginia and national usage.

Agency Contact: Copies of the regulation may be obtained from William H. Anderson, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404.

11 VAC 10-100-30. Lip tattoo requirements.

No horse may start in a race without a legible lip tattoo number being applied by the designated personnel appropriate to the breed of horse. *In harness racing, no Standardbred may start in a race without either a legible lip tattoo or a freeze brand number being applied by the designated personnel appropriate.*

11 VAC 10-100-110. Qualifying races.

No Standardbred may be raced unless it has a race at the chosen gait, with a charted line *in qualifying time*, within 30 days of its last race. If a Standardbred does not have a charted line within 30 days of its last race, then the horse must race in a qualifying race under the supervision of the stewards to determine its fitness for racing. The following provisions shall apply to qualifying races:

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1. The licensee shall provide appropriate personnel for qualifying races to keep a charted line for each Standardbred in each qualifying race, an electronic timing device shall be in operation, and a photo-finish camera shall be in operation;
2. The licensee shall schedule as many qualifying races on as many days as is deemed appropriate for the horse supply, and the licensee shall maintain the racing surface in condition so that all Standardbreds have a reasonable opportunity to meet the qualifying time;
3. A Standardbred must race in a qualifying race if it has two consecutive races over a fast track which are not in the qualifying time as agreed upon by the licensee and the representative of the horsemen;
4. A Standardbred coming off the stewards' list must race in a qualifying race, and the stewards, in their discretion, may require the horse to race in one or more qualifying races to establish its fitness for racing; and
5. The stewards, in their discretion, may authorize the collecting of blood, urine or other samples of body substances from Standardbreds after competing in qualifying races.

11 VAC 10-100-170. Equipment.

Equipment must be used consistently on a horse, and a trainer must obtain permission from the stewards to change the use of any equipment on a horse from its last previous start. The paddock judge shall maintain a list of the equipment worn by each horse and inform the stewards immediately of any change in its equipment. The following provisions shall apply to equipment:

1. A horse's tongue may be tied down with a clean bandage or gauze;
2. No Thoroughbred may race shod in anything other than ordinary racing plates, e.g., bar shoe, mud calks, without the permission of the stewards and the public being informed through appropriate means;
3. No Thoroughbred may race in a bridle weighing more than two pounds;
4. Use on a horse of other than an ordinary whip either in a race or workout including any goading device, chain, spurs, electrical or mechanical device, appliance or any means which could be used to alter the speed of the horse is prohibited, except spurs may be used in ~~jump~~ *steeplechase* races pursuant to 11 VAC 10-160-150;
5. For Thoroughbreds, Quarter Horses and Arabians, an ordinary whip shall weigh one pound or less, be 30 inches long or less and have not more than one popper. No stingers or projections extending through the hole of a popper or metal part on a whip shall be permitted; and
6. ~~For Standardbreds, an ordinary whip shall be four feet, eight inches long or less and may have a snapper not longer than eight inches. The use of nasal strips on horses shall be considered part of the horse's equipment~~

and the public shall be informed of their use on a horse through appropriate means.

11 VAC 10-100-210. Walkover.

If at post time for a stakes race, futurity or other special event, there is only one horse or horses representing only one wagering interest, then the stewards shall declare the race a walkover. However, the horse or horses shall start and complete the course before a winner is determined, but for wagering purposes, the stewards shall declare the race "no contest." For a walkover in a ~~jump~~ *steeplechase* race, the horse or horses shall report to the starter and gallop across the finish line, but they shall not be required to complete the course.

VA.R. Doc. No. R00-268; Filed August 8, 2000, 2:16 p.m.

* * * * *

Title of Regulation: 11 VAC 10-110-10 et seq. **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Entries (amending 11 VAC 10-110-30 and 11 VAC 10-110-90; adding 11 VAC 10-110-230).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: August 8, 2000.

Summary:

The amendments clarify the requirement for certain horses entered in the same race to be joined as a mutuel entry constituting a single wagering interest to include not only such horses owned wholly or partially by the same owner or spouse but also such horses wholly or partially owned by other common ties. The amendments also provide that starter's fees due for benevolence purposes may be charged to an owner and deducted from such owner's account maintained in the horsemen's account.

Agency Contact: Copies of the regulation may be obtained from William H. Anderson, Virginia Racing Commission, 10700 Horsemen's Road, New Kent, VA 23124, telephone (804) 966-7404.

11 VAC 10-110-30. Horses ineligible to start.

A horse is ineligible to start in a race when:

1. The owner does not possess the required permit issued by the commission or has not applied for the appropriate permit;
2. The trainer, authorized agent or the person having care and supervision of the horse, does not possess the appropriate permit issued by the commission or has not applied for the required permit;
3. The horse's certificate of foal registration, eligibility certificate or other registration document issued by the appropriate breed registry is not on file with the racing secretary or permission to start the horse without these documents has not been obtained from the stewards;

- 4. The horse has not been lip-tattooed or is a Standardbred that has not had a freeze-brand number applied;
- 5. The ownership of the horse has been transferred without notifying the racing secretary and the appropriate breed registry;
- 6. The horse is subject to a lien or lease that has not been approved by the stewards and filed with the racing secretary and horsemen's bookkeeper; or
- 7. ~~The horse for which~~ Nominating, sustaining, entry, starting or any other required fees have not been paid for the horse by the time specified in the published conditions of the race.

11 VAC 10-110-90. Coupling.

All horses entered in the same race and trained by the same trainer shall be joined as a mutuel entry and shall be a single wagering interest. All horses entered in the same race and owned wholly or partially by the same owner or spouse or other common ties, shall be joined as a mutuel entry and shall constitute a single wagering interest, except that in stakes races, futurities or other events, the stewards, in their discretion, may permit horses having common trainers but different owners to run as separate wagering interests. The following provisions shall apply to mutuel entries:

- 1. The racing secretary shall be responsible for coupling entries for wagering purposes whether based on common owners or trainers;
- 2. No more than two horses having common ties through ownership or training, which would result in a mutuel entry and a single wagering interest, may be entered in an overnight race;
- 3. When two horses having common ties through ownership or training are entered in an overnight race, then the nominator shall indicate a preference for one of the two horses to start, in Standardbred races, the determination will be based on the preference date;
- 4. Two horses having common ties through ownership or training shall not start as a mutuel entry in an overnight race to the exclusion of another horse; and
- 5. The racing secretary shall be responsible for assigning horses to the mutuel field when the number of wagering interests exceeds the numbering capacity of the infield results board.

11 VAC 10-110-230. Starter's fee.

Notwithstanding the provisions of 11 VAC 10-20-190 A 7 b, any starter's fee due for benevolent purposes may be charged to an owner and may be deducted from his account maintained in the horsemen's account. Any owner charged such a fee shall pay the amount due. The licensee or horsemen's bookkeeper shall not be obligated to collect amounts due.

VA.R. Doc. No. R00-269; Filed August 8, 2000, 2:15 p.m.



TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

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

Title of Regulation: **14 VAC 5-370-10 et seq. Rules Governing Group Self-Insurers of Liability under the Virginia Workers' Compensation Act (amending 14 VAC 5-370-20 and 14 VAC 5-370-100).**

Statutory Authority: §§ 12.1-13 and 65.2-802 of the Code of Virginia.

Effective Date: September 30, 2000.

Summary:

This chapter establishes rules for the licensure, including oversight of solvency, of the workers' compensation group self-insurance associations authorized by § 65.2-802 of the Code of Virginia. Revisions to 14 VAC 5-370-20 redefine the "common interest" required for licensure to mean employers engaged in the same or substantially similar industry, trade, commerce or profession, including political subdivision, of the Commonwealth. Revisions to 14 VAC 5-370-100 provide that the members' supervisory board shall assure that payroll verifications currently required by the rules are completed within 180 days after the close of a plan year. Except for a modification in punctuation, the final rules are the same as the proposed rules.

Contact: Janis Richardson, Bureau of Insurance, State Corporation Commission, 1300 East Main Street, Richmond, VA 23219; P.O. Box 1157, Richmond, VA 23218; telephone (804) 371-9063 or e-mail jrichardson@scc.state.va.us.

AT RICHMOND, AUGUST 8, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. INS000129

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Group Self-Insurers
of Liability Under the Virginia
Workers' Compensation Act

ORDER ADOPTING REGULATION

WHEREAS, by order entered herein June 23, 2000, all interested persons were ordered to take notice that the Commission would enter an order subsequent to August 4, 2000, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Group Self-Insurers of Liability Under the Virginia Workers' Compensation Act unless on or before August 4, 2000, any

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person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission;

WHEREAS, the June 23, 2000, Order also required all interested persons to file their comments to the proposed revisions on or before August 4, 2000;

WHEREAS, as of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission;

WHEREAS, as of the date of this Order, no comments have been filed with the Clerk of the Commission; and

THE COMMISSION, having considered the proposed revisions and the Bureau's recommendation, is of the opinion that the proposed revisions should be adopted;

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 370 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Group Self-Insurers of Liability Under the Virginia Workers' Compensation Act," which amend the rules at 14 VAC 5-370-20 and 14 VAC 5-370-100, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective September 30, 2000;

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, including a copy of the attached revised rules, to all group self-insurance associations licensed by the Commission; and

(3) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above.

14 VAC 5-370-20. Definitions.

"Act" means the Virginia Workers' Compensation Act as provided by Title 65.2 of the Code of Virginia.

"Administrator" means the individual, partnership or corporation authorized to serve as a representative of an association and its members in carrying out the policies of the board and managing the association's activities.

"Commission" means State Corporation Commission.

"Common interest" means employers engaged in the same or substantially similar ~~types of activities~~ industry, trade, commerce or profession, including political subdivisions of this Commonwealth. *Notwithstanding the foregoing, an employer seeking membership in an association licensed on and before July 1, 2000, has a common interest if the industry, trade, commerce, profession or other business activity of such employer is the same or substantially similar to the business activity of an employer that was a member of the association on and before July 1, 2000.* If an association is licensed by the Commission, different businesses which are owned or controlled by a member of the association are eligible for membership in such association.

"Contributions" means the amount of payments required of each member in order to fund the association's obligations under the Act.

"Employer" shall have the definition provided by § 65.2-101 of the Code of Virginia.

"Group self-insurance association" or "association" means an association organized by two or more employers having a common interest that have entered into agreements to pool their liabilities under the Virginia Workers' Compensation Act.

"Indemnity agreement and power of attorney" means the written agreement executed by each member of the association in which each member (i) agrees to assume and discharge, jointly and severally, any liability under the Act of any and all members party to such agreement and (ii) grants the administrator power of attorney to act for and bind the members in all transactions relating to or arising out of the operations of the association.

"Member" or "member in good standing" means an employer party to an indemnity agreement for membership in a group self-insurance association who has been approved in accordance with the requirements of 14 VAC 5-370-50 ~~of this chapter~~.

"Members' supervisory board," or "board," means the representative body selected by the members to be responsible for holding and managing the assets and directing the affairs of the association and for assuring that the association, through its members, is financially sound and able to meet its obligations under the Act.

"Service agent" means any individual, partnership or corporation that may provide services including, but not limited to, claims adjustment, safety engineering, compilation of statistics and the preparation of contribution payment and loss reports, preparation of other required self-insurance reports and the administration of a claims fund.

14 VAC 5-370-100. Responsibilities of members' supervisory board.

The members' supervisory board shall be responsible for holding and managing the assets and directing the affairs of the association and shall be elected in the manner prescribed by the association's governing instruments. At least 3/4 of the board must be members of the association, but a supervisory board member shall not be an owner, officer or employee of any service organization, its parent or any of its affiliated companies, under contract with the association. The board shall supervise the finances of the association and the association's operations to the extent necessary to assure conformity with law, this chapter, the members' indemnity agreement and power of attorney, and the association's governing instruments. The members' supervisory board shall take all necessary precautions to safeguard the assets of the association, including, but not limited to, the following:

1. Monitoring the financial condition of each member of the association (unless proof of financial condition is not required under 14 VAC 5-370-40 A 3 ~~of this chapter~~), and doing all other acts necessary to assure that [-] each member continues to be able to fulfill the obligations of

membership; and also reporting promptly to the Commission any grounds for believing that a change in any member's financial condition, withdrawal of a member, or any other circumstances affecting the association's ability to meet its obligations;

2. Designating an administrator to administer the affairs of the association, who shall furnish a fidelity bond with the association as obligee, in an amount sufficient to protect the association against the misappropriation or misuse of any monies or securities. The amount of the bond shall be determined by the Commission and evidence of the bond shall be filed with the Commission, said bond being one of the conditions required for licensing of the association. The administrator shall not be an owner, officer or employee of any service agent, its parent or any of its affiliated companies, any of which are under contract with the association;

3. Retaining control of all monies collected for the association and the disbursement of such monies by the association. All assets of the association shall remain in the custody of the board or the authorized administrator. However, a claims fund for payment of benefits due and other related expenses may be established for the use of any authorized service agent;

4. Active efforts to collect delinquent accounts resulting from any past due contributions by members. The board shall terminate in the manner provided by § 65.2-804 B of the Code of Virginia any member delinquent for more than 30 days in the payment of any subscription charge or assessment billed to such member;

5. The members' supervisory board or the administrator shall not use any of the monies collected for any purpose unrelated to securing the members' liability under the Act. Further, they shall be prohibited from borrowing any monies from the association or in the name of the association without advising the Commission of the nature and purpose of the loan and obtaining Commission approval;

6. The members' supervisory board shall assure that the office of the administrator of the association and all pertinent records necessary to verify the accuracy and completeness of all reports submitted to the Commission are maintained within this Commonwealth;

7. The members' supervisory board shall ~~require~~ *assure* that payroll verifications of all members of the associations are ~~conducted~~ *completed* within 180 days after the close of a plan year and the board shall require that efforts are made to collect any additional amounts due within 30 days of the completion of each audit; and

8. The members' supervisory board may adopt its own rules and procedures as considered necessary for the operation of the association provided these rules and procedures are not inconsistent with § 65.2-802 of the Code of Virginia and this chapter.

VA.R. Doc. No. R00-214; Filed August 8, 2000, 3:51 p.m.

TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Safety and Health Codes Board

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

Title of Regulation: **16 VAC 25-120-1917 et seq. Federal Identical Marine Terminals Standards (29 CFR 1917) (amending 16 VAC 25-120-1917.1, 16 VAC 25-120-1917.2, 16 VAC 25-120-1917.3, 16 VAC 25-120-1917.23, 16 VAC 25-120-1917.25, 16 VAC 25-120-1917.26, 16 VAC 25-120-1917.27, 16 VAC 25-120-1917.30, 16 VAC 25-120-1917.42 through 16 VAC 25-120-1917.45, 16 VAC 25-120-1917.50, 16 VAC 25-120-1917.71, 16 VAC 25-120-1917.73, 16 VAC 25-120-1917.92, 16 VAC 25-120-1917.95, 16 VAC 25-120-1917.112, 16 VAC 25-120-1917.117 through 16 VAC 25-120-1917.122, 16 VAC 25-120-1917.124, 16 VAC 25-120-1917.151, 16 VAC 25-120-1917.152, 16 VAC 25-120-1917.153, 16 VAC 25-120-1917.156, and Appendix I).**

16 VAC 25-130-1918 et seq. Federal Identical Longshoring Standards for Hazard Communications (29 CFR 1918) (amending 16 VAC 25-130-1918.1, 16 VAC 25-130-1918.2, 16 VAC 25-130-1918.24, 16 VAC 25-130-1918.25, 16 VAC 25-130-1918.37, 16 VAC 25-130-1918.41, 16 VAC 25-130-1918.42, 16 VAC 25-130-1918.43, 16 VAC 25-130-1918.51, 16 VAC 25-130-1918.52, 16 VAC 25-130-1918.54, 16 VAC 25-130-1918.61, 16 VAC 25-130-1918.62, 16 VAC 25-130-1918.65, 16 VAC 25-130-1918.66, 16 VAC 25-130-1918.69, 16 VAC 25-130-1918.85, 16 VAC 25-130-1918.86, 16 VAC 25-130-1918.94, 16 VAC 25-130-1918.97, 16 VAC 25-130-1918.98, 16 VAC 25-130-1918.100, 16 VAC 25-130-1918.102, 16 VAC 25-130-1918.105, Appendix II and Appendix IV).

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

Effective Date: October 1, 2000.

Summary:

These technical amendments correct typographical and other errors appearing in the final rules for 16 VAC 25-120-1917, Federal Identical Marine Terminals Standard (Public Sector Only), and 16 VAC 25-130-1918, Federal Identical Longshoring.

The types of amendments fall into nine basic categories: (i) categories of errors where text was inadvertently omitted or incorrectly spelled; (ii) corrections of incorrect citations or cross references; (iii) corrections to provide parallel language between the two Parts (Part 1917 and

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Part 1918, Marine Terminals and Longshoring Operations, respectively) where the regulatory intent is identical; (iv) corrections to eliminate a duplicative requirement; (v) corrections to revise mandatory language where the language was only intended to be illustrative; (vi) clarifications of regulatory text to better reflect the regulatory intent; (vii) technical drafting corrections; (viii) corrections of errors made when converting from English units to metric units; and (ix) editorial corrections to Safe Working Load Tables and Charts.

Agency Contact: Copies of the regulation may be obtained from Bonnie R. Hopkins, Department of Labor and Industry, 13 South 13th Street, Richmond, VA 23219, telephone (804) 371-2631.

Note on Incorporation by Reference

Pursuant to § 9-6.18 of the Code of Virginia, Marine Terminal Standards (29 CFR Part 1917) and Longshoring Standards for Hazard Communications (29 CFR Part 1918) are declared documents generally available to the public and appropriate for incorporation by reference. For this reason the documents will not be printed in the Virginia Register of Regulations. Copies of the documents are available for inspection at the Department of Labor and Industry, 13 South 13th Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Square, Richmond, Virginia 23219.

On July 17, 2000, the Safety and Health Codes Board adopted an identical version of federal OSHA's technical amendments to the final rules for Marine Terminals and Longshoring, which were published in the Federal Register on June 30, 2000 (65 FR 40936). The amendments as adopted are not set out.

When the regulations, as set forth in the technical amendments to the Standards for Marine Terminals, 16 VAC 25-120-1917, and for Longshoring, 16 VAC 25-130-1918, are applied to the Commissioner of the Department of Labor and Industry and to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department
June 30, 2000	October 1, 2000

VA.R. Doc. No. R00-247; Filed July 28, 2000, 4:48 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHYSICAL THERAPY

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

Title of Regulation: 18 VAC ~~85-34-40~~ 112-20-10 et seq. **Regulations Governing the Practice of Physical Therapy.**

Statutory Authority: §§ 54.1-2400 and 54.1-3475 of the Code of Virginia.

Effective Date: September 27, 2000.

Summary:

In conformity with Chapter 688 of the 2000 Acts of the Assembly, which added Chapter 34.1 of Title 54.1 of the Code of Virginia, the Board of Physical Therapy has adopted final regulations for the licensure of physical therapists and physical therapy assistants. Regulations for the practice of physical therapy are transferred from the Board of Medicine and amended only to conform to a new chapter number in the Virginia Administrative Code, to change any references to the name of the board, and to eliminate references to the Advisory Board on Physical Therapy.

Agency Contact: Copies of the regulation may be obtained from Elizabeth Young Tisdale, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9924.

PART I. GENERAL PROVISIONS.

18 VAC ~~85-34-40~~ 112-20-10. Definitions.

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

~~"Advisory board" means the Advisory Board on Physical Therapy.~~

"Approved program" means an educational program accredited by the Commission on Accreditation in Physical Therapy Education of the American Physical Therapy Association.

"Board" means the Virginia Board of ~~Medicine~~ Physical Therapy.

"CLEP" means the College Level Examination Program.

"Direct supervision" means a physical therapist is present and is fully responsible for the activities performed by the nonlicensed physical therapy personnel.

"Evaluation" means the carrying out by a physical therapist of the sequential process of assessing a patient, planning the patient's physical therapy treatment program, and recording appropriate documentation.

"FCCPT" means the Foreign Credentialing Commission on Physical Therapy.

"General supervision" means a physical therapist shall be available for consultation.

"Nonlicensed personnel" means any individual not licensed or certified by a health regulatory board within the Department of Health Professions who is performing patient care functions at the direction of a physical therapist or physical therapist assistant within the scope of this chapter.

"Physical therapist" means a person qualified by education and training to administer a physical therapy program under the direction of a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

"Physical therapist assistant" means a person qualified by education and training to perform physical therapy functions under the supervision of and as directed by a physical therapist.

"Referral and direction" means the referral of a patient by a licensed doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery to a physical therapist for a specific purpose and for consequent treatment that will be performed under the direction of and in continuing communication with the referring doctor.

"TOEFL" means the Test of English as a Foreign Language.

"Trainee" means a person undergoing a traineeship.

1. "Foreign educated trainee" means a physical therapist or physical therapist assistant who graduated from a school not approved by an accrediting agency recognized by the board and who is seeking licensure to practice in Virginia.
2. "Inactive practice trainee" means a physical therapist or physical therapist assistant who has previously been licensed and has not practiced for at least 320 hours within the past four years and who is seeking licensure or relicensure in Virginia.
3. "Unlicensed graduate trainee" means a graduate of an approved physical therapist or physical therapist assistant program who has not taken the state licensure examination or who has taken the examination but not yet received a license from the board.

"Traineeship" means a period of full-time activity during which an unlicensed physical therapist or physical therapist assistant works under the direct supervision of a physical therapist approved by the board.

18 VAC ~~85-34-20~~ 112-20-20. Public participation.

Board regulations, 18 VAC ~~85-40-40~~ 112-10-10 et seq., provide for involvement of the public in the development of all

regulations of the Virginia Board of ~~Medicine~~ *Physical Therapy*.

18 VAC ~~85-34-25~~ 112-20-25. Current name and address.

Each licensee shall furnish the board his current name and address. All notices required by law or by this chapter to be given by the board to any licensee shall be validly given when mailed to the latest address provided or when served to the licensee. Any change of name or address shall be furnished to the board within 30 days of such change.

PART II.

LICENSURE: GENERAL REQUIREMENTS.

18 VAC ~~85-34-30~~ 112-20-30. General requirements.

Licensure as a physical therapist or physical therapist assistant shall be by examination or by endorsement.

18 VAC ~~85-34-40~~ 112-20-40. Education requirements: graduates of approved programs.

A. An applicant for licensure who is a graduate of an approved program shall submit with the required application and fee documented evidence of his graduation from such a program.

B. If an applicant is a graduate of an approved program located outside of the United States or Canada, he shall provide proof of proficiency in the English language by passing with a grade of not less than 560 on the TOEFL or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.

18 VAC ~~85-34-50~~ 112-20-50. Education requirements: graduates of schools not approved by an accrediting agency recognized by the board.

A. An applicant for licensure as a physical therapist who is a graduate of a school not approved by an accrediting agency recognized by the board shall submit the required application and fee and provide documentation of the physical therapist's certification by the FCCPT.

B. An applicant for licensure as a physical therapist assistant who is a graduate of a school not approved by the board shall submit with the required application and fee:

1. Proof of proficiency in the English language by passing with a grade of not less than 560 on the TOEFL or an equivalent examination approved by the board. TOEFL may be waived upon evidence of English proficiency.
2. A photostatic copy of the original certificate or diploma verifying his graduation from a physical therapy curriculum which has been certified as a true copy of the original by a notary public.

If the certificate or diploma is not in the English language, submit either:

- a. An English translation of such certificate or diploma by a qualified translator other than the applicant; or

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b. An official certification in English from the school attesting to the applicant's attendance and graduation date.

3. Verification of the equivalency of the applicant's education from a scholastic credentials service approved by the ~~advisory~~ board of at least 65 semester hours to include:

a. General education requirements. A minimum of 20 semester hours is required with credits in each of the following: humanities, social sciences, natural sciences, physical sciences, and electives.

b. Professional educational requirements. A minimum of 45 semester hours is required with credits in each of the following: basic health sciences, clinical sciences, and clinical education.

c. CLEP semester hours or credits shall be accepted for general education hours only.

C. An applicant for licensure as a physical therapist or a physical therapist assistant shall also submit verification of having successfully completed a full-time 1,000-hour traineeship as a "foreign educated trainee" under the direct supervision of a licensed physical therapist. The traineeship shall be in a facility that serves as an education facility for students enrolled in an accredited program educating physical therapists in Virginia and is approved by the ~~advisory~~ board.

1. It shall be the responsibility of the foreign educated trainee to make the necessary arrangements for his training with the director of physical therapy or the director's designee at the facility selected by the trainee.

2. The physical therapist supervising the foreign educated trainee shall submit a progress report to the board at the end of the 1,000 hours. This report shall be submitted on forms supplied by the ~~advisory~~ board.

3. If the traineeship is not successfully completed at the end of 1,000 hours as determined by the supervising physical therapist, the ~~chairman~~ *president* of the ~~advisory~~ board or his designee shall determine if a new traineeship shall commence. If the ~~chairman~~ *president* of the ~~advisory~~ board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

4. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

5. The traineeship requirements of this part may be waived if the applicant for a license can verify, in writing, the successful completion of one year of clinical physical therapy practice as a licensed physical therapist or physical therapist assistant in the United States, its territories, the District of Columbia, or Canada, equivalent to the requirements of this chapter.

18 VAC ~~85-31-60~~ 112-20-60. Application requirements.

Every applicant for initial board licensure by examination shall submit:

1. Documentation of having met the educational requirements specified in 18 VAC ~~85-31-40~~ 112-20-40 or 18 VAC ~~85-31-50~~ 112-20-50;

2. The required application and credentials to the board; and

3. Documentation of passage of the national examination as prescribed by the board.

18 VAC ~~85-31-65~~ 112-20-65. Requirements for the examination.

A. The minimum passing score shall be a scale score of 600 or as established by the ~~advisory~~ board.

B. An applicant who fails the examination after six attempts shall be denied licensure.

C. A person not taking the licensure examination within four years after graduation shall successfully complete a full-time 480-hour traineeship.

18 VAC ~~85-31-70~~ 112-20-70. Traineeship for unlicensed graduate scheduled to sit for the board's licensure examination.

A. Upon approval of the ~~chairman~~ *president* of the ~~advisory~~ board or his designee, an unlicensed graduate trainee in Virginia may be employed under the direct supervision of a licensed physical therapist until the results of the licensure examination are received.

B. The traineeship shall terminate two working days following receipt by the candidate of the licensure examination results.

C. The unlicensed graduate may reapply for a new traineeship while awaiting to take the next examination.

18 VAC ~~85-31-80~~ 112-20-80. Endorsement requirements.

A. A physical therapist or physical therapist assistant who has been licensed in the United States, its territories, the District of Columbia, or Canada, by examination equivalent to the Virginia examination at the time of licensure and who has met all other requirements of the board may, upon recommendation of the ~~advisory board~~ to the board, be licensed in Virginia by endorsement.

B. An applicant for licensure by endorsement shall submit:

1. Documentation of having met the educational requirements prescribed in 18 VAC ~~85-31-40~~ 112-20-40 or 18 VAC ~~85-31-50~~ 112-20-50;

2. The required application, fees, and credentials to the board; and

3. Documentation of passage of the national examination as prescribed by the board.

C. A physical therapist or physical therapist assistant seeking licensure by endorsement who has not actively

practiced physical therapy for at least 320 hours within the four years immediately preceding his application for licensure shall first successfully complete a 480-hour traineeship as specified by subsection B of 18 VAC ~~85-34-140~~ 112-20-140.

18 VAC ~~85-34-90~~ 112-20-90. Individual responsibilities to patients.

The physical therapist's responsibilities are to evaluate a patient, plan the treatment program, administer and document treatment within the limit of his professional knowledge, judgment and skills and communicate with the referring doctor of medicine, osteopathy, chiropractic, podiatry, or dental surgery.

18 VAC ~~85-34-400~~ 112-20-100. Supervisory responsibilities.

A. A physical therapist shall be responsible for any action of persons performing physical therapy functions under the physical therapist's supervision or direction.

B. Supervision of nonlicensed personnel means that a licensed physical therapist or licensed physical therapist assistant must be within a facility to give direct supervision and instruction when procedures or activities are performed. Such nonlicensed personnel shall not perform those patient care functions that require professional judgment or discretion.

C. For patients assigned to a physical therapist assistant, the physical therapist shall make on-site visits to such patients at the frequency prescribed in 18 VAC ~~85-34-120~~ 112-20-120.

D. When providing direct supervision to trainees, a physical therapist shall not supervise more than three individual trainees at any one time.

18 VAC ~~85-34-440~~ 112-20-110. General requirements.

A physical therapist assistant is permitted to perform all physical therapy functions within his capabilities and training as directed by a physical therapist. The scope of such functions excludes initial evaluation of the patient, initiation of new treatments, and alteration of the plan of care.

18 VAC ~~85-34-120~~ 112-20-120. Individual responsibilities to patients and to physical therapists.

A. The initial patient visit shall be made by the physical therapist for evaluation of the patient and establishment of a plan of care.

B. The physical therapist assistant's first visit with the patient shall only be made after verbal or written communication with the physical therapist regarding patient status and plan of care. Documentation of the communication and supervised visits shall be made in the patient's record.

C. The physical therapist assistant's visits to the patient shall be made under general supervision.

D. The physical therapist shall reevaluate the patient according to the following schedules:

1. For inpatients in hospitals as defined in § 32.1-123 of the Code of Virginia, it shall be not less than once a week.

2. For patients in other settings, it shall be not less than one of 12 visits made to the patient during a 30-day period, or once every 30 days, whichever occurs first.

Failure to abide by this subsection due to the absence of the physical therapist in case of illness, vacation, or professional meeting, for a period not to exceed five consecutive days, will not constitute a violation of these provisions.

18 VAC ~~85-34-130~~ 112-20-130. Biennial renewal of license.

A. A physical therapist and physical therapist assistant who intends to continue practice shall renew his license biennially during his birth month in each even-numbered year and pay to the board the renewal fee prescribed in 18 VAC ~~85-34-160~~ 112-20-150.

B. A licensee whose licensure has not been renewed by the first day of the month following the month in which renewal is required shall pay a late fee as prescribed in 18 VAC ~~85-34-160~~ 112-20-150.

C. A minimum of 320 hours of practice in the preceding four years shall be required for licensure renewal.

18 VAC ~~85-34-135~~ 112-20-135. Inactive license.

A. A physical therapist or physical therapist assistant who holds a current, unrestricted license in Virginia shall, upon a request on the renewal application and submission of the required renewal fee of \$70 for a physical therapist and \$35 for a physical therapist assistant, be issued an inactive license.

1. The holder of an inactive license shall not be required to meet active practice requirements.

2. An inactive licensee shall not be entitled to perform any act requiring a license to practice physical therapy in Virginia.

B. A physical therapist or physical therapist assistant who holds an inactive license may reactivate his license by:

1. Paying the difference between the renewal fee for an inactive license and that of an active license for the biennium in which the license is being reactivated; and

2. Providing proof of active practice hours in another jurisdiction equal to those required for renewal of an active license in Virginia for the period in which the license has been inactive. If the inactive licensee does not meet the requirement for active practice, the license may be reactivated by meeting the traineeship requirements prescribed in subsection B of 18 VAC ~~85-34-140~~ 112-20-140.

18 VAC ~~85-34-140~~ 112-20-140. Traineeship required.

A. A physical therapist or physical therapist assistant seeking reinstatement who does not hold a license in Virginia and who has not practiced physical therapy in another

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jurisdiction for at least 320 hours within the four years immediately preceding applying for licensure and who wishes to resume practice shall apply for reinstatement and shall first successfully complete 480 hours as an inactive practice trainee.

B. The 480 hours of traineeship shall be in a facility that (i) serves as a clinical education facility for students enrolled in an accredited program educating physical therapists in Virginia, (ii) is approved by the ~~advisory~~ board, and (iii) is under the direction and supervision of a licensed physical therapist.

1. The physical therapist supervising the inactive practice trainee shall submit a report to the board at the end of the 480 hours on forms supplied by the ~~advisory~~ board.

2. If the traineeship is not successfully completed at the end of the 480 hours, as determined by the supervising physical therapist, the ~~chairman~~ *president* of the ~~advisory~~ board or his designee shall determine if a new traineeship shall commence. If the ~~chairman~~ *president* of the ~~advisory~~ board determines that a new traineeship shall not commence, then the application for licensure shall be denied.

3. The second traineeship may be served under a different supervising physical therapist and may be served in a different organization than the initial traineeship. If the second traineeship is not successfully completed, as determined by the supervising physical therapist, then the application for licensure shall be denied.

~~18 VAC 85-31-150. [Reserved]~~

18 VAC 85-31-160 112-20-150. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Licensure by examination.

1. The application fee shall be \$140 for a physical therapist and \$105 for a physical therapist assistant.

2. The fees for taking all required examinations shall be paid directly to the examination services.

C. Licensure by endorsement. The fee for licensure by endorsement shall be \$140 for a physical therapist and \$105 for a physical therapist assistant.

D. Licensure renewal and reinstatement.

1. The fee for active license renewal for a physical therapist shall be \$135 and for a physical therapist assistant shall be \$70 and shall be due in the licensee's birth month in each even-numbered year.

2. A fee of \$25 for a physical therapist assistant and \$50 for a physical therapist for processing a late renewal within one renewal cycle shall be paid in addition to the renewal fee.

3. The fee for reinstatement of a license which has expired for two or more years shall be \$180 for a

physical therapist and \$120 for a physical therapist assistant and shall be submitted with an application for licensure reinstatement.

E. Other fees.

1. The fee for reinstatement of a license pursuant to § 54.1-2921 of the Code of Virginia shall be \$2,000.

2. The fee for a duplicate license shall be \$5, and the fee for a duplicate wall certificate shall be \$15.

3. The fee for a returned check shall be \$25.

4. The fee for a letter of good standing/verification to another jurisdiction shall be \$10; the fee for certification of grades to another jurisdiction shall be \$25.

NOTICE: The forms used in administering 18 VAC 85-31-10 et seq., Regulations Governing the Practice of Physical Therapy, 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 Physical Therapy, 6606 W. Broad Street, 4th Floor, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 9th and Broad Streets, 2nd Floor, Richmond, Virginia.

FORMS

Application for a License to Practice Physical Therapy (*Examination*) (rev. ~~5/97~~ 8/00).

Application for a License to Practice Physical Therapy (Endorsement) (rev. 8/00).

Application for Reinstatement of Licensure (rev. 8/00).

Instructions for Licensure by Endorsement to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Approved Program) (rev. ~~8/99~~ 8/00).

Instructions for Licensure by ~~Examination~~ *Endorsement* to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Nonapproved Program) (rev. ~~8/99~~ 8/00).

Instructions for Licensure by Examination to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of an Approved Program) (rev. ~~8/99~~ 8/00).

Instructions for Licensure by ~~Endorsement~~ *Examination* to Practice as a Physical Therapist or Physical Therapist Assistant (Graduate of a Nonapproved Program) (rev. ~~8/99~~ 8/00).

Instructions for Completing Reinstatement of Licensure Application for Physical Therapist/Physical Therapist Assistant (rev. 8/00).

~~Quiz on the Virginia Code and Regulations.~~

The ~~Interstate Reporting Services~~ *FSBPT Score Transfer Service*, National Physical Therapy Examination (PT/PTA), Score ~~Registration and~~ Transfer Request Application (rev. ~~8/95~~ 7/99).

Traineeship Application, *Statement of Authorization* (rev. 4/96 8/00).

~~Foreign Trained Approved Traineeship Facilities~~ (rev. 8/94).

Traineeship Application, Statement of Authorization (1,000-hour traineeship) (rev. 8/00).

Traineeship Application, Statement of Authorization, Relicensure (480-hour traineeship) (rev. 8/00).

Relicensure Traineeship Certification (rev. 8/00).

Form #A, Claims History Sheet (rev. 7/00).

Form #B, Employment/Practice Verification of Physical Therapy Practice (rev. 7/93 8/00).

Form #C, Verification of State Licensure (rev. 4/96 8/00).

~~Licensure Registration~~ (rev. 4/96).

Form #L, Certificate of Physical Therapy Education (rev. 7/00).

Renewal Notice and Application (rev. 2/00).

VA.R. Doc. No. R00-270; Filed August 9, 2000, 11:12 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 in the following order are not being published. However, these lists are available for public inspection at the State Corporation Commission, Document Control Center, Tyler Building, 1st Floor, 1300 East Main Street, Richmond, Virginia 23219, from 8:15 a.m. to 5 p.m., Monday through Friday; or they may be viewed at the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, Virginia 23219, during regular office hours.

Title of Regulation: 20 VAC 5-200-10 et seq. **Public Utility Accounting (amending 20 VAC 5-200-21 and 20 VAC 5-200-30).**

Statutory Authority: §§ 12.1-13, 56-226, 56-235.2 and 56-277 of the Code of Virginia.

Effective Date: July 28, 2000.

Summary:

The final rules include a requirement that investor-owned utilities file earnings test data annually and allow investor-owned utilities to propose new revenue allocations, rate

designs and new or revised terms and conditions in expedited rate proceedings. The proposal to require that electric cooperatives file earnings test data was not adopted. The rules for both investor-owned utilities and electric cooperatives have been amended to impose the filing of additional supporting schedules with application made pursuant to the Virginia Electric Utility Restructuring Act. Both sets of rules were further amended to address the treatment of confidential data that may be included with application made pursuant to the rules.

Agency Contact: Please direct questions to Susan Larsen, Deputy Director, Division of Public Utility Accounting, Virginia State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218, telephone (804) 371-9950, e-mail Sdlarsen@scc.state.va.us. Charges for copies are \$1.00 for the first two pages and 50¢ for each additional page.

AT RICHMOND, JULY 28, 2000

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. PUA990054

Ex Parte: In The Matter of Adopting Additions and Amendments to the Commission's Rules Governing the Filing of Utility Rate Increase Applications

ORDER ADOPTING RULES

By order entered September 14, 1999, the Commission established this proceeding for the consideration of amendments or additions to our Rules Governing Utility Rate Increase Applications and Annual Informational Filings ("Rate Case Rules"),¹ and the Rules Governing Streamlined Rate Proceedings and General Rate Proceedings for Electric Cooperatives Subject to the State Corporation Commission's Rate Jurisdiction ("Cooperative Rules")² (collectively, "the Rules"). As noted in our Order Establishing Proceeding, much has changed within the public utility industry and in the Code of Virginia since the Rules were last comprehensively examined, and therefore a full review is now timely.

The Commission Staff filed on November 9, 1999, a report recommending certain amendments and additions to the Rules. The following parties filed comments on the proposed amendments and additions: The Potomac Edison Company, d/b/a Allegheny Power; Washington Gas Light Company, Appalachian Power Company, d/b/a American Electric Power ("AEP-VA"); the Office of the Attorney General's Division of Consumer Counsel; Old Dominion Electric Cooperative and its member distribution cooperatives,³ together with the

¹ 20 VAC 5-200-30.

² 20 VAC 5-200-21.

³ A&N Electric Cooperative, BARC Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric

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Virginia, Maryland & Delaware Association of Electric Cooperatives (collectively, “the Cooperatives”); Kentucky Utilities Company, d/b/a Old Dominion Power Company; Virginia Electric and Power Company (“Virginia Power”); Roanoke Gas Company; Columbia Gas of Virginia, Inc.; GTE South Incorporated; Atmos Energy Corporation, d/b/a United Cities Gas, Delmarva Power & Light Company, Virginia – American Water Company, and Virginia Natural Gas (collectively “the Companies”); and the Virginia Committee for Fair Utility Rates and the Old Dominion Committee for Fair Utility Rates (collectively, “the Industrial Electric Customers”). Following our Order for Additional Notice of June 14, 2000, the Virginia Gas Users’ Association also filed comments.

AEP-VA, Virginia Power, the Cooperatives, and the Companies requested a hearing on the proposed Rule changes. Accordingly, by order of March 1, 2000, we scheduled a public hearing for June 6, 2000, and directed the Staff and parties to file either testimony or statements adopting their comments on May 1, 2000, and May 22, 2000, respectively.

The hearing on the Rules was held over 2 days on June 6 and 7, 2000. The Commission requested that the legal issues surrounding a streamlined revenue neutral rate restructuring proceeding advocated by some of the utilities be briefed by the affected parties and the Staff. The Cooperatives and Staff also filed briefs on certain other issues relevant to the Cooperatives. All briefs were filed June 30.

NOW THE COMMISSION, upon consideration of the evidentiary record, legal arguments, and applicable law, is of the opinion and finds that the Rules as amended and attached hereto should be adopted, effective today. Our amendments to the Rules have been made after our consideration of proposals from the Staff and parties. We will not comment on all changes to the original proposal made by Staff. We will, however, address certain provisions of the amended Rules.

We are not imposing in Rule A.7 of the Rate Case Rules a requirement on the Staff to complete its initial review of an application within a specified time of the application’s filing. Although no party presented evidence of any past dilatory practices of the Staff in completing its initial review of rate applications, we are nevertheless proposing such a rule in the proceeding to consider revisions to the Commission’s Rules of Practice and Procedure.⁴ Pending formal adoption of the new Rules of Practice and Procedure, we will expect the Staff to report formally to an applicant the status of an application, including any necessary remedial action necessary to make the application complete, within 10 working days of an application’s filing.

We are adopting Rules 20 VAC 5-200-30 A.10 and 20 VAC 5-200-21 G to recognize expressly the right of the Staff and

any party to present issues not raised by the applicant in its rate case or Annual Informational Filing (“AIF”). This is an existing practice of the Commission that we now formalize by rule.

With respect to earnings tests, new issues will inevitably arise that were not considered or ruled upon in a company’s last rate proceeding. For example, a circumstance not previously considered may occur or there may be issues relevant to an applicant arising from rulings made affecting similarly situated companies in other proceedings. These matters must, of course, be addressed and Staff and others should have an opportunity to address them. At the same time, absent unusual circumstances, matters decided in a company’s last rate case should not be relitigated. Accordingly, the same rule will apply for earnings tests as for rate applications and AIF’s, except that in earnings test filings made pursuant to the Rate Case Rules for investor-owned utilities, issues specifically decided by the Commission in an applicant’s most recent rate case may not be raised by Staff or parties unless good cause can be shown.

Schedules in the Rate Case Rules required for AIFs will be expanded partially to include Schedules 9 through 14, and 25.⁵ Schedules 9 through 14 are for earnings tests and are not required in all instances. With respect to Schedules 9 and 10, we modify the instructions to make clear that the filing requirements do not apply to a utilities’ non-jurisdictional regulatory assets. Exemptions for specific classes of regulatory assets may be sought through a requested waiver. If granted, such exemptions would remain in force until the Commission orders otherwise.

We will not accept the Staff’s proposal to extend to AIFs the rate application filing requirements found in Schedules 23 (Advertising Expense), 24 (Miscellaneous Expense), 26 (Income Taxes), and 27 (Organization).⁶

We will revise the listed categories of advertising expenses on Schedule 23 to track the language of § 56-235.2, and include an “other” category. Regarding Schedule 25, the narrative description required for “each affiliated service received or provided” presented questions as to the extent of information to be filed. We have revised the instructions to make clear that utilities are expected to file a description of the types of services received or provided, but are not required to provide the description each time the particular service is rendered. The term “accounting” modifying “services” is removed from the instructions because the types of services at issue are not limited to accounting services. Also, where relevant, utilities may comply with the filing requirements of this schedule with appropriate references to Affiliates Act filings.

We will not adopt Virginia Power’s proposal for a blanket exemption for electric utilities from filing pro forma information with AIFs while rates are capped under the Virginia Electric

Cooperative, Powell Valley Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, and Southside Electric Cooperative.

⁴ Commonwealth ex rel.: State Corporation Commission Ex Parte: In the matter concerning revised State Corporation Commission Rules of Practice and Procedure, Case No. CLK000311, Order for Notice and Comment or Requests for Hearing (July, 18, 2000).

⁵ Schedule numbers referenced in this Order coincide with those in the Staff’s May 1, 2000, pre-filed testimony. (Ex. KBP-2, Appendices A-D.)

⁶ Our decision declining to adopt these filing requirements within the Rules should not be interpreted that it would be inappropriate for the Staff to seek this information through discovery.

Utility Restructuring Act. Utilities are free, however, to request a waiver from this requirement, and any such requests will be considered on a case-by-case basis.

The Staff originally proposed as part of the Rules an earnings test for electric utilities' generation operations. The Staff withdrew this proposal in response to some utilities' comments on the Staff's November 9 report. At the hearing, the Consumer Counsel and the Industrial Electric Customers urged the Commission to reinstate this requirement in the Rules. We will not incorporate a generation earnings test in the Rules; however, investor-owned electric utilities shall maintain the information necessary to conduct an earnings test on a bundled basis through July 1, 2007, the end of the electric restructuring capped rate period, and such information shall be retained by the company until further notice by the Commission. These utilities shall also include in their Annual Informational Filings a statement that such information is being maintained in compliance with this requirement.

Several parties, primarily gas utilities, advocated a new type of expedited proceeding wherein "revenue neutral" tariff and rate design changes could be made without demonstrating in the proceeding that rates, tolls, charges or schedules in the aggregate provide revenues not in excess of the aggregate actual costs incurred by the utility as would otherwise be required by § 56-235.2.A. Because we were concerned with possible statutory impediments to the proposal, we directed the parties and Staff to file legal memoranda on this issue.

We find that § 56-235.2 requires that when any rate, toll, charge, or schedule is to be increased in a proceeding, the public utility must demonstrate at that time that its rates, tolls, charges, or schedules in the aggregate provide revenues not in excess of the aggregate actual costs incurred by the utility in serving its jurisdictional customers.

It has been argued that once aggregate revenues and resulting rates are established by the Commission, they satisfy the requirements of § 56-235.2 and are presumed to be just and reasonable until shown otherwise. It is true that rates established by the Commission are deemed just and reasonable until determined otherwise. However, when a utility proposes to increase any rate, it has the burden of making the showing required by § 56-235.2 relative to aggregate revenues and costs. This burden may not be met by relying on an earlier Commission determination in a prior case.

We recognize, that upon a complaint of a utility customer, the Commission may reduce a single rate schedule without conducting an analysis of the utility's aggregate revenues and costs. See Petition of Luck Stone Corp.⁷ Similarly, § 56-40 permits a utility to revise its schedules without notice when the revision effects "no increases." (Emphasis supplied.) With a customer complaint, the customer bears the burden to make a prima facie showing that the rate is not just and reasonable and the Commission may substitute a different rate pursuant to § 56-235. On application of a utility for rate

changes that includes an increase, the burden of proof to show that the proposed changes are just and reasonable is upon the utility pursuant to §§ 56-235.2 and 56-235.3, and we are required to consider aggregate revenues and costs pursuant to 56-235.2.

We will amend the current Rules for expedited rate filings to permit a utility to propose revisions to terms and conditions, changes in revenue allocations among classes, and rate design changes, provided the requested changes are supported by appropriate cost studies. We have also amended the Rules to make clear that utilities need not request an increase in regulated operating revenues in an expedited rate case.⁸ Proposed rate changes will of course be interim and subject to refund while an application is pending, and the utility will be at risk both for any proposed rate increases that are not approved as well as for any interim rate reductions that are ultimately established at the former, higher level.

The Staff has proposed that electric cooperatives file projected financial statements based on Rural Utilities Service ("RUS") Form 325A.⁹ We find that this is a reasonable filing requirement in view of the statutory requirement of § 56-582.A that a rate application and Commission approval give due consideration to the justness and reasonableness of rates on a forward-looking basis. The cooperatives are free to file any additional projections or propose any adjustments in these Schedules that they find may be more appropriate for supporting a forward-looking rate increase accompanied by an explanation of the variance from the Form 325A data. The projected financial statements required in Schedules 15, 16, and 17, as well as 18 and 19, of the Cooperative Rules shall be reflected on a year-by-year basis to assist the Staff, parties, and the Commission in their analysis of the applicant's proposed rates.

Finally, we are revising Schedule 20 of the Cooperative Rules to omit the categories "energy" and "consumer," to be replaced with "other." The purpose of this category is to include costs associated with services that are not part of the cooperatives' regulated business.

Accordingly, IT IS ORDERED:

(1) The Commission's Rules Governing Utility Rate Increase Applications and Annual Informational Filings and the Rules Governing Streamlined Rate Proceedings and General Rate Proceedings for Electric Cooperatives Subject to the State Corporation Commission's Rate Jurisdiction are adopted as modified, as shown in Appendices A and B to this order.

(2) These Rules as now modified shall be effective as of the date of this order.

(3) All investor-owned electric utilities subject to the Virginia Electric Utility Restructuring Act shall maintain the information necessary to conduct an earnings test on a bundled basis

⁷ To investigate Northern Virginia Electric Cooperative's rates and charges, Case No. PUE880065, 1990 SCC Ann. Rep. 265, Final Order, Feb. 6, 1990.

⁸ Indeed, a company can also file a general rate application that does not propose an increase in regulated operating revenues.

⁹ Proposed Schedules 15, 16 and 17. (Ex. KBP-2, Appendix D.)

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through July 1, 2007, to be retained the company until further notice by the Commission, and shall include in its Annual Informational Filing a statement that such information is being maintained in compliance with this requirement.

(4) Pending formal adoption of revised Rules of Practice and Procedure, the Staff shall report formally to an applicant the status of any application filed pursuant to the Rules adopted herein, including any necessary remedial action necessary to make the application complete, within 10 working days of an application's filing.

(5) There being nothing further to come before the Commission, this matter shall be dismissed and the papers filed herein shall be placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Rebecca W. Hartz, Esquire, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; James S. Copenhagen, Esquire, Columbia Gas of Virginia, Inc., P.O. Box 35674, Richmond, Virginia 23235-0674; Philip J. Bray, Esquire, Allegheny Power, 10435 Downsville Pike, Hagerstown, Maryland 21704-1766; J. B. Williamson, III, CEO, P.O. Box 13007, Roanoke, Virginia 24030; Ronald L. Willhite, Director of Regulatory Affairs, P.O. Box 32030, Louisville, Kentucky 40232; Donald R. Hayes, Senior Attorney, Washington Gas Light Company, 1100 H Street, N.W., Washington, D.C. 20080; John A. Pirko, Esquire, LeClair Ryan, P.C., 4201 Dominion Boulevard, Suite 200, Glen Allen, Virginia 23060; Anthony Gambardella, Esquire, Woods, Rogers & Hazlegrove, P.L.C., 823 East Main Street, Suite 1200, Richmond, Virginia 23219; Guy T. Tripp, III, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Richard D. Gary, Esquire, Hunton & Williams, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; Karen L. Bell, Esquire, Virginia Electric and Power Company, P.O. Box 26666, Richmond, Virginia 23261; Robert M. Gillespie, Esquire, 909 East Main Street, Suite 1200, Richmond, Virginia 23219; and the Commission's Divisions of Public Utility Accounting, Economics and Finance, Energy Regulation, Division of Communications, and Office of General Counsel.

20 VAC 5-200-21. Rules governing streamlined rate proceedings and general rate proceedings for electric cooperatives subject to the State Corporation Commission's rate jurisdiction.

A. Nothing in these rules shall be interpreted to apply to applications for temporary reductions of rates pursuant to § 56-242 of the Code of Virginia.

B. All streamlined or general rate applications for jurisdictional electric distribution cooperatives ("cooperatives" or "applicants") shall be subject to the following rules:

1. Pursuant to § 56-235.4 of the Code of Virginia and the exceptions stated therein, the regulated operating revenues of a cooperative shall not be increased more than once within any 12-month period. However, streamlined rate relief may become effective in less than 12 months after a preceding increase provided that

regulated base operating revenues are not increased more than once in any calendar year.

2. An applicant may select any test period it wishes to use to support its application.

3. Any increase in revenues under these rules shall be allocated in accordance with a properly designed cost of service study.

4. A cooperative which has outstanding wholesale power cost riders which reflect permanent changes in power costs approved by a regulatory agency shall adjust its base rates to reflect such changes at the same time it increases its rates in a rate application.

5. [a.] Except as otherwise provided herein, all applications for rate relief shall be filed in the original and 15 copies with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.

[b. *Where a filing contains information that the applicant claims to be confidential, the filing may be made under seal provided it is accompanied by both a motion for protective order or other confidential treatment and an additional five copies of a redacted version of the filing to be available for public disclosure. Unredacted filings containing the confidential information shall, however, be immediately available to the commission staff for internal use at the commission.*

Filings containing confidential (or redacted) information shall be so stated on the cover of the filing, and the precise portions of the filing containing such confidential (or redacted) information, including supporting material, shall be clearly marked within the filing.]

6. An electric cooperative intending to file a rate application shall notify the State Corporation Commission ("commission") and all parties of record appearing in the cooperative's last rate case at least 60 days in advance of the filing of the application. Also, public notice of the intent to file a rate application shall be provided 60 days in advance of the filing of said application to all of the cooperative's customers, using any of the methods of publication set out in subdivision C 12 of this section.

7. The commission retains the right to waive any or all parts of these rate case rules for good cause shown.

8. *An application shall not be deemed filed under § 56-238 of the Code of Virginia unless it is in full compliance with these rules.*

~~[9. *If an applicant requests proprietary treatment of testimony and/or data included in its filing, such filing shall not be deemed complete under any relevant provision of the Code of Virginia until a request for such treatment is properly disposed of by the commission.]*~~

C. An applicant may file a complete application for streamlined rate relief provided the following limitations are met:

1. The increase in total operating revenues as calculated in column (5) of Schedule 3 of Appendix A, included herein, is not more than the test period increase in the Consumer Price Index ("CPI"), or 5.0%, whichever is less. The CPI shall be defined as the Consumer Price Index for all Urban Consumers (CPI-U) for all items, as estimated by the U.S. Department of Labor, Bureau of Labor Statistics, and published in its Summary Data from the Consumer Price Index News Release, or its successor. As calculated in this publication, the percentage change in the CPI-U for a test year will be the index for the last month of the test year divided by the index for the same month one year prior, minus one, multiplied by 100; and

2. Earnings after the proposed increase must not produce financial ratios which exceed the level approved by the commission in the applicant's most recent general rate case.

~~An application shall not be deemed filed under § 56-238 of the Code of Virginia unless it is in full compliance with these rules.~~ Subject to the rules set forth below, a cooperative which files an application for streamlined rate relief may petition the commission requesting that its rates be made permanent no less than 30 days from the date the application is deemed complete and filed with the commission if there are insufficient customer objections to the application or if the commission does not suspend the proposed increase and convene a hearing.

3. A cooperative filing a rate application under the streamlined rate procedure shall not:

- a. Increase rates by more than the increase in the test period CPI or 5.0% (whichever is less) of adjusted Virginia jurisdictional operating revenues;
- b. Request earnings, after the proposed increase, which produce financial ratios that exceed those approved by the commission in the applicant's most recent general rate case;
- c. Propose revisions to its terms and conditions of service; or
- d. Propose revisions to its rate structure as part of its application.

4. The commission may, on its own motion, suspend a cooperative's proposed rate increase and tariff revisions pursuant to § 56-238 of the Code of Virginia and may convene a hearing on the cooperative's streamlined application.

5. The commission may suspend a cooperative's proposed tariff revisions and increase in rates and shall schedule a hearing thereon if the lesser of 150 or 5.0% of the customers or other persons within a class and subject to a change in a rate, toll, or charge object to the proposed revision or increase in a rate or if the lesser of 150 or 5.0% of the customers or consumers or other persons subject to such rate, toll or charge of a cooperative object to the proposed rate or tariff revision.

6. The commission may, in its discretion, suspend an electric cooperative's rate increase and proposed tariff revisions in a streamlined rate proceeding on the motion of its own staff, on the motion of the Division of Consumer Counsel, or on the motion of any person subject to such change who requests a hearing and states a substantive reason why a hearing is necessary.

7. The requested rate increase for streamlined rate relief shall be supported by a fully adjusted financial status statement (Schedule 3 of Appendix A included herein).

8. Adjustments to test year cost of service shall be limited to the amount of increase or decrease that will be in effect during the rate year.

9. A cooperative shall not file more than three consecutive applications for streamlined rate relief; nor shall there lapse more than five years since the later of the date of the final order or the effective date of rates specified in the final order in the applicant's last general rate case when filing an application for streamlined rate relief.

10. An application filed under the streamlined rate procedure shall include:

- a. The name and post office address of the applicant and the name and post office address of counsel of record, if any.
- b. A brief narrative statement describing the change in rates and tariff revisions and explaining the need for a change in rates and tariff revisions. This statement shall include a description of the actions taken by the cooperative to advise its membership of the change in rates and contents of its application.
- c. A copy of the resolution calling for a change in rates adopted by the Board of Directors of the cooperative.
- d. A copy of the completed notice given to the public by the cooperative, including a description of the method of publication used.
- e. Schedules ~~4-8~~ 1 through 9 of Appendix A included herein.

11. Public notice of the increase and tariff revisions shall be completed 30 days in advance of the date the cooperative files its application for revised rates with the commission. Actual proof of public notice shall be furnished to the commission as part of the rate application.

12. The public notice of the increase and tariff revisions in an application for streamlined rate relief may be given by:

- a. Direct mailing to each customer;
- b. Publication in Rural Living magazine, or the cooperative's member publication;
- c. Newspapers of general circulation in the area served;
- d. Any combination of these methods; or

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- e. Any other method of publication authorized by the commission.
13. A copy of the notice shall be served on the Commonwealth's Attorney and Chairman of the Board of Supervisors of each county (or equivalent officials in the counties having alternative forms of government) in the state in which the cooperative offers service, and on the mayor or manager and the attorney of every city and town (or equivalent officials in towns and cities having alternative forms of government) in the state in which the cooperative offers service and upon the Division of Consumer Counsel, Office of the Attorney General. Service shall be made by either personal delivery or first class mail, postage prepaid, to the customary place of business of the person served or to his residence.
14. The public notice shall, at a minimum, include the following information:
- a. The amount of the total increase in revenues, both in percentages and dollar amounts;
 - b. The percentage increase being applied to each of the cooperative's rate schedules;
 - c. The identity of all wholesale power cost riders to be rolled-in to base rates;
 - d. The locations where copies of the information required to be filed with the commission can be reviewed;
 - e. The date the application will be delivered to the commission;
 - f. A notice that any person subject to the change or changes proposed by the cooperative has the right to request a hearing within 30 days of the application's delivery to the commission;
 - g. A notification that requests for hearing should be directed to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218;
 - h. A statement advising that the commission may convene a hearing, and if a hearing is held, the commission may order rate relief, redesign rates or adopt tariff revisions which differ from those appearing in the cooperative's application;
 - i. A statement advising the public that if the lesser of 150 or 5.0% of the customers or other persons within a class and subject to a change in a rate, toll, or charge do not request a hearing, and if the lesser of 150 or 5.0% of the customers or consumers or other persons subject to such rate, toll or charge of the cooperative do not object to a rate change or tariff revision, the cooperative may petition the commission to make rates permanent without hearing within 30 days after the application is filed with the commission; and
 - j. A statement advising the public of the cooperative's proposed effective date for its new rates.

15. If the commission determines that a hearing on the application for streamlined rate relief is required, then the commission shall issue a procedural order which, among other things, shall specify the date by which the cooperative shall file with the Clerk of the Commission an original and 15 copies of any direct testimony the cooperative intends to rely on in support of its application, together with the remaining schedules set forth in Appendix A. That Order shall specify such additional notice of the hearing to the electric cooperative's members that the commission deems appropriate.

- D. 1. A cooperative seeking (i) an increase that produces financial ratios in excess of those allowed in the applicant's most recent general rate case; (ii) an increase in jurisdictional adjusted operating revenues of more than the test period increase in the CPI (as defined in subdivision 1 of subsection C of this section); (iii) revision of its terms and conditions of service; or (iv) to redesign or restructure its rates shall file an original and 15 copies of a general rate application with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.
2. An application seeking a general rate increase shall include:
- a. The name and post office address of the applicant and the name and post office address of counsel of record, if any.
 - b. A brief narrative statement describing the change in rates and tariff revisions and explaining the need for a change in rates and tariff revisions. This statement shall include a description of the actions taken by the cooperative to advise its membership of the change in rates and contents of the rate application.
 - c. A copy of the resolution calling for a change in rates adopted by the cooperative's Board of Directors.
 - d. All direct testimony which the cooperative intends to rely on in support of its rate application.
 - e. Exhibits consisting of the Schedules 1 through 42 13, found in Appendix A included herein. Such schedules shall be identified with the appropriate schedule number and shall be prepared in accordance with the instructions contained in Appendix A included herein and the following general instructions:
 - (1) Attach a table of contents to the cooperative's application, including exhibits.
 - (2) The applicant shall be expected to verify the accuracy of all data and calculations contained in and pertaining to every exhibit submitted, as well as support any adjustments, allocations or rate design upon which it relies.
 - (3) Each exhibit shall be labeled with the name of the applicant and the initials of the sponsoring witness in the upper right hand corner as shown below:

Exhibit No. (Leave Blank)

Witness: (Initials)

Statement or Schedule Number

The first page of all exhibits shall contain a caption which describes the subject matter of the exhibit.

(4) The required accounting and statistical data shall include three copies of all work papers and other information necessary to ensure that the items, statements and schedules found in the application are not misleading.

f. Exhibits consisting of additional schedules may be submitted with the cooperative's direct testimony. Such schedules shall be identified as Schedule [~~43 et seq.~~ 14 (this exhibit may include numerous subschedules labeled 14A et seq.)] and shall conform to the general instructions contained in subdivision 2e of subsection D of this section.

g. The commission shall prescribe the general notice to be given to the public and the date by which such notice shall be completed in its procedural order.

h. The applicant shall serve a copy of the information required in subdivisions 2a through 2c of subsection D of this section upon the Commonwealth's Attorney and Chairman of the Board of Supervisors of each county or (equivalent officials in counties having alternative forms of government) in the state affected by the proposed increase and upon the mayor or manager and the attorney of every city and town (or equivalent officials in towns and cities having alternative forms of government) in the state affected by the proposed increase. The applicant shall also serve each such official with a statement that a copy of the complete application may be obtained by such official at no cost by making a request thereof orally or in writing to a specified company official or location. In addition, the applicant shall serve a copy of its complete application upon the Division of Consumer Counsel of the Office of the Attorney General in Virginia. All such service specified by this rule shall be made either by (i) personal delivery or (ii) first class mail, to the customary place of business or to the residence of the person served.

~~E. [Effective with the adoption of these rules through 2007, cooperatives shall adhere to the following rules: 1. All rate increase applications made Any cooperative filing a rate application] pursuant to [§ 56-582 of] the Virginia Electric Utility Restructuring Act (§ 56-576 et seq. of the Code of Virginia) shall include the schedules required for a general rate case, as set forth in subsection D of this section, as well as Schedules [14 through 22 15 through 19] .~~

~~[2. Each cooperative shall file annually a Financial Status Statement, Schedule 3, including Columns (1) through (5) of lines (1) through (24), (29), (30) and (33) as well as supporting Schedules 4A and B, and 17 through 21.]~~

~~E. F.~~ Rate reductions and tariff revisions filed pursuant to § 56-40 of the Code of Virginia shall be filed with the Division of Energy Regulation and shall include the following:

1. A descriptive statement of and justification for the tariff revision;
2. Load data if applicable;
3. A certified excerpt from the minutes of the cooperative's Board of Directors, wherein the Board approved the tariff revision;
4. Identification of all customers that may be eligible for the tariff revision;
5. A revenue impact study; and
6. An affidavit by the cooperative's manager that the proposed tariff revision affects no increase in rates.

~~G.~~ These rules [~~apply only to the applicant and~~] do not limit the commission staff or parties [~~other than the applicant~~] from raising new issues [~~not addressed by the applicant~~] for commission consideration.

~~H.~~ Requests for temporary increases in rates filed pursuant to § 56-245 of the Code of Virginia shall include Schedules 1, 2 and Columns (1) through (5) of Schedule 3.

~~F. I.~~ Failure to comply with the rules governing streamlined rate applications or general rate applications may result in dismissal of the application, or may subject the cooperative to such other actions as the commission deems appropriate, including, but not limited to, prohibiting a cooperative from filing an application for streamlined rate relief for a period of time specified by the commission.

APPENDIX A. SCHEDULES REQUIRED FOR A STREAMLINED OR GENERAL RATE APPLICATION

Schedule Number	Streamlined Rate Proceeding Schedules
1	Comparative Balance Sheets
2	Comparative Income Statements
3	Financial Status Statement
4A and B	Detail of Ratemaking Adjustments
5A and B	Proposed Rates and Tariffs and Revenue Allocation
6	Sample Billing
7	Class Cost of Service Study
8	Capital Structure
9	Affiliate [Transactions Services]
Schedule Number	General Rate Proceeding Schedules
1	Comparative Balance Sheets
2	Comparative Income Statements
3	Financial Status Statement
4A and B	Detail of Ratemaking Adjustments
4A and B	Proposed Rates and Tariffs and Revenue Allocation
6	Sample Billing
7	Class Cost of Service Study
8	Capital Structure
9	Affiliate [Transactions Services]

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9 10 Net Original Cost Rate Base
 40 11 Working Papers for Ratemaking
 Adjustments
 44 12 Revenue and Expense Variance
 Analysis
 42 13 Jurisdictional Allocation
 [14 Reserved for Additional Exhibits]

Schedule 1

Comparative Balance Sheets

Instructions: Provide a publicly available comparative balance sheet for the test period and the corresponding 12-month period immediately preceding the test period for the applicant.

Schedule 2

Comparative Income Statements

Instructions: Provide a publicly available comparative income statement covering the test period and 12-month period immediately preceding the test period for the applicant.

Schedule 3

Financial Status Statement

Instructions: Use the format of the schedule identified as Schedule 3 in this Appendix.

Adjustments in Column (2) reflect any financial differences between Generally Accepted Accounting Principles (GAAP) and ratemaking accounting as prescribed by the State Corporation Commission. An example of such an adjustment would include, but would not be limited to, the reclassification of capital leases to operating leases. Each Column (2) adjustment shall be separately identified and shown using the format prescribed for Schedule 4A and 4B.

Column (4) shall reflect total nonjurisdictional operations. Jurisdictional allocation factors used to determine nonjurisdictional business in Column (4) amounts shall be fully supported and explained in Schedule [42 13] for general rate filings.

Each Column (6) adjustment shall be separately identified and shown in Schedule 4A and 4B. In a streamlined rate proceeding, adjustments reflected in Column (6) of Schedule 3 which do not incorporate ratemaking treatment approved by the commission in the utility's last general rate case shall be identified as new proposed adjustments in Schedule 4A and 4B.

Riders reflected on line 4 shall be separately listed to include a line for each rider in effect during the test year or projected for the rate year. The amount of other income and other expense shown in Column (5), lines 20 and 23, shall be the current amount recognized as jurisdictional in the applicant's last general rate case. Amounts reflected on line 33 shall be actual cash receipts.

Lines (29), (30), (31), and (32) shall be based on the following definitions:

Line 29. TIER = Total Margins (Line 24) +
 Interest on Long-Term Debt (Line 21)

 Interest on Long-Term Debt (Line 21)

Line 30.

DSC = Total Margins (Line 24) + Depreciation
 and Amortization
 Expense (Line 11) + Interest on
 Long-Term Debt (Line 21)

 Total Principal Payments + Total
 Long-Term Interest Payments

Line 31.

Rate of Return Operating Margins Adj. (Line 18)
 on Rate Base =

 Total Rate Base (Line 28)

Line 32.

Rate of Return Total Margins (Line 24)
 on Margins and
 Equities =

 Total Margins and Equity
 Capitalization (Schedule 8)

Schedules 4A and 4B

Detail of Ratemaking Adjustments

Instructions: Use format of the schedule identified as Schedule 4A and 4B to this Appendix.

Each adjustment shall be numbered sequentially and listed under the appropriate description category (Base Rate Revenue, Fuel-WPCA Revenue, Purchased Power, etc.). The impact on cost of service from each adjustment shall be detailed in Columns (1) through (16).

Each ratemaking adjustment shall be fully explained in a supporting subschedule 4B to this schedule.

Detailed workpapers substantiating each adjustment shall be provided in Schedule [40 11] for general rate filings.

Schedule 5A and 5B

Proposed Rates and Tariffs, and Revenue Allocation by Class

Schedule 5A Instructions:

Provide a copy of each tariff sheet with the revisions the cooperative proposes to implement. For general rate applications, provide a copy of all tariffs and Terms and Conditions of Service Sheets proposed for revision containing the revised language.

Schedule 5B Instructions:

Provide a class revenue allocation analysis showing, by class, the present revenue recovered from each class, the proposed increase in revenue to be recovered from each class, the total proposed revenue to be recovered from each class, and the percentage of increase in total revenue to be recovered from each class.

Schedule 6

Sample Billing

Instructions: Provide a sample billing analysis showing the effect on customers of the proposed tariff changes at various levels of consumption, for all classes of service.

Schedule 7

Class Cost of Service Study

Instructions: A. Each streamlined rate application shall include a copy of the cost of service study used to determine the allocation of revenues to each class. The cost of service study shall be based on per books data which is no more than five years old. Each general filing shall include a copy of the cost of service study used to allocate the increase or to adjust rate design. The data used in a cost of service study submitted in a general rate case shall use the same test period as used in the cooperative's general rate application.

B. Each cost of service study shall consist of the following schedules:

1. For multi-state cooperatives, provide total system rate base, revenue and operation and maintenance expenses by account number, or major account group showing separation between Virginia and nonjurisdictional operations.
2. Provide a jurisdictional financial status statement in the format of Schedule 3, column (5) of Appendix A for each customer class and the return provided by these classes.
3. For all service schedules, present the unit cost per kilowatt, kilowatt hour, and customer resulting from the cost study. Include the kilowatt hours, demand, and number of customers, as well as the total cost for each component by class and the allocated rate base by class, as support for the unit costs derived.
4. If directed by the commission, the cooperative shall collect and maintain separate expense, rate base, and revenue data on nonjurisdictional consumers within Virginia.
5. For all service classes, provide a schedule of consumers by service class indicating the total number of customers in the class and the number of nonjurisdictional consumers in Virginia in the class.

Nonjurisdictional consumers in Virginia include government agencies: federal, state, local, and regional government authorities. If there are nonjurisdictional consumers in any class, this schedule must be accompanied by a list of all such nonjurisdictional consumers by service class and their usage characteristics.

6. Provide a short narrative describing the cost of service study methodology employed. This narrative shall include the following information:

- (a) Identification and description of the classification used to assign rate base as demand, energy, or customer related. Specifically, include the classification

methodology used to differentiate between demand and customer components of distribution plant; and the customer classification used in the study, i.e., minimum system, minimum size, zero intercept, etc.

(b) Identification of the allocation methodology used for assigning rate base, revenue, and expenses to customer classes. For demand allocation method, e.g., average and excess, noncoincident peak; customer allocation method, e.g., number of customers, weighted customers, etc.

(c) Provide a table showing the kilowatts, kilowatt hours, number of customers allocated to each class, including the derivation of the demand, energy, and customer allocators for each class.

7. Provide a list of classification and allocation factors used.

8. Provide a copy of the actual study by account or primary account. The primary accounts shall identify the secondary accounts included by account number. Indicate which allocators and classifiers were used to assign each account.

Schedule 8

Capital Structure and Cost of Debt Statement and Supporting Schedules

Instructions: Use the format of the schedule identified as Schedule 8 in this Appendix.

Column (1) shall reflect the per books capital structure at the end of the test year. Data in Column (1) shall be compatible with the applicant's publicly available financial statements. Adjustments in Column (3) reflect any financial differences between Generally Accepted Accounting Principles and ratemaking accounting as prescribed by the commission. Each Column (3) adjustment shall be separately identified in a supporting schedule, if not already identified in Schedule 4A or 4B.

Schedules shall be provided to support the amounts and cost rates of short- and long-term debt in Columns (4) and (6), respectively, and the adjusted amounts and cost rates in Columns (8) and (10), respectively. Each issue of long-term debt shall be listed with its corresponding interest rate, date of issue, maturity, and lending institution(s) or other source(s). Short-term debt shall be listed with a high, low, ending, and average balance for each month, a weighted average interest rate for each month, and the name of the lending institution(s) or other source(s).

Schedule 9

Affiliate [~~Transactions~~ Services]

Instructions: For purposes of this schedule, affiliate services shall be defined to include those [~~transaction~~ services] between regulated and [~~nonregulated~~ competitive] divisions of an incumbent utility. [If any portion of the required information has been filed with the commission as part of an applicant's Annual Report of Affiliate Transactions, the applicant may reference such report clearly identifying what

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portions of the required information are included in the Annual Report of Affiliate Transactions.]

Provide a narrative description of each [type of] affiliated service received or provided during the test period.

Provide a summary of affiliate transactions detailing costs by function for each month of the test period. Show the final [Uniform System of] Account distribution of all costs billed to or by the regulated entity by month for the test period.

Identify all amounts billed to an affiliate and then billed back to the regulated entity.

[Provide] Cost records and market analyses supporting all affiliated charges billed to or by the regulated entity/division [shall be maintained and made readily available for commission staff review] . This shall include supporting detail of costs (including the return component) incurred by the affiliated interest rendering the service and the allocation methodology. In situations when the pricing is required to be the higher (lower) of cost or market and market is unavailable, note each such transactions and have data supporting such a finding available for commission staff review.

If affiliate charges are booked per a pricing mechanism other than that approved by the commission for ratemaking purposes, the regulated entity shall provide a reconciliation of books to commission-approved pricing, including an explanation of why the commission-approved pricing is not used for booking purposes.

Schedule 9 10

Net Original Cost Rate Base

Instructions: Use the format of the schedule identified as Schedule 9 10 in this Appendix.

Adjustments in Column (2) reflect any financial differences between GAAP and ratemaking accounting as prescribed by the State Corporation Commission. Each Column (2) adjustment shall be separately identified and reflected using the format prescribed for Schedule 4A and 4B.

Column (4) shall reflect total nonjurisdictional business. Allocation factors used to determine nonjurisdictional business in Column (4) shall be fully supported in Schedule 42 13.

Each Column (6) adjustment shall be separately identified and reflected in Schedule 4A and 4B. In a streamlined rate proceeding, adjustments reflected in Column (6) of Schedule 3 which do not incorporate the ratemaking treatment approved by the commission in the utility's last general rate case shall be separately identified as new proposed adjustments in Schedule 4A and 4B.

Schedule 40 11

Working Papers for Ratemaking Adjustments

Instructions: Provide detailed workpapers and supporting schedules of all proposed adjustments. Each supporting document shall identify the origin of the data shown. Also, indicate whether data is actual or estimated. Working papers shall be numbered, indexed and tabbed for each adjustment.

Two copies shall be filed with the Division of Public Utility Accounting, and one copy of the working papers shall be filed with the Division of Energy Regulation.

Schedule 44 12

Revenue and Expense Variance Analysis

Instructions: The cooperative shall quantify jurisdictional operating revenues and system operating and maintenance ("O&M") expenses by primary account during the test period and the preceding 12 months. Also, provide jurisdictional sales volumes by customer class for the test period and the preceding 12 months.

The cooperative shall provide a detailed explanation of all jurisdictional revenue and system expense increases and decreases of more than 10% during the test period compared to the previous 12-month period. The expense variance analysis applies to test period expense items greater than two-hundredths of 1.0% (.0002) of total O&M expenses for all cooperatives with total operating expenses exceeding \$50 million, and five hundredths of 1.0% (.0005) of total operating expenses for cooperatives with total operating expenses below \$50 million.

Schedule 42 13

Jurisdictional Allocation

Instructions: Provide summary schedules by primary account reflecting all revenue, expense, and rate base items allocated to the Virginia jurisdiction. If directed by the commission, this schedule shall include allocations relating to nonjurisdictional Virginia consumers as well as out-of-state operations. Provide working papers to support all calculated amounts, including the development of allocation factors.

Provide a narrative explanation and justification of the allocation methodology used. Discuss any changes in the applicant's operations which materially affect any allocation factor.

[Schedule 14

Reserved for Additional Exhibits

This schedule is reserved for additional exhibits presented by the applicant and shall be labeled 14A et seq.]

APPENDIX B. ELECTRIC UTILITY RESTRUCTURING ACT
ADDENDUM FOR ELECTRIC COOPERATIVES

Schedule [44 15]

Balance Sheet - Projected

Instructions: Provide projected balance sheets for each calendar year through 2007. Projections should be consistent with amounts for Rural Utility Service (RUS) financing in RUS Form 325A. Other financial forecasts that extend through 2007 may be used if RUS projections cease to remain applicable. Any deviations from the assumption used for RUS Form 325A should be noted and fully explained.

Schedule [45 16]

Income Statements - Projected

Instructions: Provide projected income statements for each calendar year through 2007. Projections should be consistent with amounts for RUS financing in RUS Form 325A. Other financial forecasts that extend through 2007 may be used if RUS projections cease to remain applicable. Any deviations from the assumption used for RUS Form 325A should be noted and fully explained.

Schedule [~~46~~ 17]

Capital Structure - Projected

Instructions: Provide Capital Structure and Cost of Debt Statements for each calendar year through 2007. Projections should be consistent with amounts for RUS financing in RUS Form 325A. Other financial forecasts that extend through 2007 may be used if RUS projections cease to remain applicable. Any deviations from the assumption used for RUS Form 325A should be noted and fully explained.

[~~Schedule 17~~

~~Earnings Test Expense Recovery~~

~~Instructions: Use the format of the schedule identified as Schedule 17 in this Appendix~~

~~Line 2, weighted average long-term debt, shall be from Schedule 3. Line 5, adjusted total margins, shall be from Schedule 4.~~

~~Line 7 shall be the gross-up factor(s) and shall included only the applicable federal income tax rate specific to the regulatory asset(s) being written-off.~~

~~Schedule 18~~

~~Schedule of Regulatory Assets~~

~~Instructions: Use the format of the schedule identified as Schedule 18 in this Appendix~~

~~All regulatory assets shall be individually identified. Indicate whether the regulatory asset is included in financial reporting or is currently established for ratemaking purposes only.~~

~~Schedule 19~~

~~Reconciliation of Changes in Earnings — Earnings Test~~

~~Instructions: Use the format of the schedule identified as Schedule 19 in this Appendix.~~

~~Regulatory accounting adjustments shall be listed under the appropriate description category (revenue, operating expense, rate base, etc.).~~

~~Column (1) shall include the amount of the adjustment from Schedule 8.]~~

Schedule [~~20~~ 18]

Detail of Restructuring Act Adjustments

Instructions: This schedule shall be filed in addition to Schedule 4.

Use format of the schedule identified as Schedule 4A and 4B to this Appendix.

Each adjustment shall be numbered sequentially and listed under the appropriate description category (operating revenues, interest expense, common equity capital, etc.).

Restructuring Act adjustments shall reflect an annual going-forward year level of revenues, expenses, and rate base consistent with § 56-582 of the Code of Virginia. Schedule [~~40~~ 9] shall reflect these adjustments in two additional columns after Column (5). Column (6) shall be titled Restructuring Act Adjustments.

Provide an explanation why some costs (by function) remain at a test year level. Additionally, describe and detail how increases in productivity have been factored into each cost whether adjusted or remaining at a test year level.

Detailed workpapers substantiating each adjustment shall be provided in Schedule [~~20~~ 19] .

Schedule [~~24~~ 19]

Workpapers for Restructuring Act Adjustments

Instructions: This schedule shall be filed [in] addition to Schedule 11.

Provide detailed workpapers and supporting schedules of earnings test as well as ratemaking adjustments. Each supporting document shall identify the origin of the data shown.

Include 10 years actual and budgeted historical data for each adjustment. For projected adjustment amount, identify budget information as preliminary or final. If preliminary, indicate when final budget is anticipated.

Include a narrative of budgeting methodology as well as any significant changes that have occurred during the 10 years.

Working papers shall be indexed and tabbed for each adjustment. Two copies shall be filed with the Division of Public Utility Accounting and one copy to the Division of Energy Regulation.

Schedule [~~22~~ 20]

Functional Unbundling

Instructions: Use the format of the schedule identified as Schedule [~~22~~ 20] in this Appendix.

Provide cost of service studies that identify the costs associated with the functional areas of generation (production), transmission, distribution and [~~customer~~ other] .

Provide cost breakouts for subcomponents of functional areas such as primary and secondary distribution, metering, billing and maintenance. Report cost functions and subcomponents on summary sheets by both system and class.

Schedule 3

FINANCIAL STATUS STATEMENT PER BOOKS AND FULLY ADJUSTED
FOR THE 12-MONTHS ENDING _____, _____

Line No.	Description	(Col. 1) Total Cooperative Per Books	(Col. 2) Adjustments Due to Ratemaking Requirements	(Col. 3) Total Cooperative As Adjusted	(Col. 4) Non-Virginia Jurisdictional Business	(Col. 5) Virginia Jurisdictional Business	(Col. 6) Ratemaking Adjustments	(Col. 7) Amounts After Adjustments	(Col. 8) Revenue Requirement	(Col. 9) Amounts After Revenue Requirement
	Operating Revenues									
1.	Base Rates									
2.	Fuel - WPCA									
3.	Roll in of Riders									
4.	Riders (List Separately)									
5.	Margin Stabilization									
6.	Other Electric Revenues									
7.	Total Operating Revenues									
	Operating Expenses									
8.	Purchased Power Expense									
9.	Margin Stabilization									
10.	Other Operation and Maintenance Expense									
11.	Depreciation and Amortization									
12.	Tax Expense - Property									
13.	Tax Expense - Other									
14.	Total Operating Expenses									
15.	Operating Margins									
16.	Less: Interest on Customer Deposits									

Line No.	(Col. 1) Description	(Col. 1) Total Cooperative Per Books	(Col. 2) Adjustments Due to Ratemaking Requirements	(Col. 3) Total Cooperative As Adjusted	(Col. 4) Non-Virginia Jurisdictional Business	(Col. 5) Virginia Jurisdictional Business	(Col. 6) Ratemaking Adjustments	(Col. 7) Amounts After Adjustments	(Col. 8) Revenue Requirement	(Col. 9) Amounts After Revenue Requirement
17.	Charitable and Educational Donations									
18.	Operating Margins Adjusted									
19.	Plus: Capital Credits Accrued									
20.	Other Income									
21.	Less: Interest on Long-Term Debt									
22.	Other Interest Expense									
23.	Other Expense									
24.	Total Margins									
	Rate Base									
25.	Net Utility Plant									
26.	Allowance for Working Capital									
27.	Other Rate Base Deductions									
28.	Total Rate Base									
29.	TIER									
30.	DSC									
31.	Rate of Return on Rate Base									
32.	Rate of Return on Margins and Equities									
33.	Capital Credits Received									

DETAIL OF RATEMAKING ADJUSTMENTS

Adj. No.	Description	(Col. 1) Operating Revenues	(Col. 2) Purchased Power Expenses	(Col. 3) Margin Stabil.	(Col. 4) Other O&M Expense	(Col. 5) Depr. & Amort.	(Col. 6) Tax Expense	(Col. 7) Other	(Col. 8) Operating Margins Adjusted	(Col. 9) Accrued Capital Credit
	Base Rate Revenues									
	Fuel - WPCA Revenue									
	Rider Revenue									
	Margin Stabilization									
	Other Electric Revenues									
	Purchased Power Exp.									
	Margin Stabilization									
	Other O&M Expense									
	Depr. & Amort.									
	Tax Expense - Property									
	Tax Expense - Other									
	Other									
	Operating Margins Adjusted									
	Capital Credits Accrued									
	Other Income									
	Interest on Long-Term Debt									
	Other Interest Expense									
	Other Expense									
	Total Margins									
	Net Utility Plant									
	Allowance for Working Capital									
	Other Rate Base Deductions									
	Total Rate Base									

Adj. No.	Description	(Col. 10) Other Income	(Col. 11) Interest on Long-Term Debt	(Col. 12) Other Exp. (Incl. Int. Exp.)	(Col. 13) Total Margins	(Col. 14) Net Utility Plant	(Col. 15) Allowance for Working Capital	(Col. 16) Other Rate Base Deductions	(Col. 17) Total Rate Base
	<u>Base Rate Revenues</u>								
	Fuel - WPCA Revenue								
	Rider Revenue								
	Margin Stabilization								
	Other Electric Revenues								
	Purchased Power Exp.								
	Margin Stabilization								
	Other O&M Expense								
	Depr. & Amort.								
	Tax Expense - Property								
	Tax Expense — Other								
	Other								
	<u>Operating Margins Adjusted</u>								
	<u>Capital Credits Accrued</u>								
	Other Income								
	Interest on Long-Term Debt								
	Other Interest Expense								
	Other Expense								
	<u>Total Margins</u>								
	<u>Net Utility Plant</u>								
	Allowance for Working Capital								
	Other Rate Base Deductions								
	<u>Total Rate Base</u>								

DETAIL OF RATEMAKING ADJUSTMENTS

Adj. No.	Description	Explanation of Adjustment
	Base Rate Revenue	
	Fuel - WPCA Revenue	
	Rider Revenue	
	Margin Stabilization	
	Other Electric Revenues	
	Purchased Power Exp.	
	Margin Stabilization	
	Other O&M Expense	
	Depr. & Amort.	
	Tax Expense - Property	
	Tax Expense - Other	
	Other	
	Operating Margins Adjusted	
	Capital Credits Accrued	
	Other Income	
	Interest on Long-Term Debt	
	Other Interest Expense	
	Other Expense	
	Total Margins	
	Net Utility Plant	
	Allowance for Working Capital	
	Other Rate Base Deductions	
	Total Rate Base	

Schedule 8

**CAPITAL STRUCTURE AND COST OF DEBT STATEMENT
PER BOOKS AND FULLY ADJUSTED**

For the 12-Months Ending _____, _____

	(Col. 1)	(Col. 2)	(Col. 3)	(Col. 4)	(Col. 5)	(Col. 6)	(Col. 7)	(Col. 8)	(Col. 9)	(Col. 10)
	Total Cooperative Per Books	Percentage of Col. 1 Total	Adjustments Due to Ratemaking Requirements	Total Cooperative As Adjusted	Percentage of Col. 4 Total	Cost of Col. 4 Debt	Ratemaking Adjustments	Amount after Adjustments	Percentage of Col. 8 Total	Cost of Col. 8 Debt
1. Short-Term Debt										
2. Long-Term Debt										
3. Total Margins and Equities										
4. Other										
5. Total Capital										
6. Principal Repayments										
7. Accumulated Capital Credits Accrued										
8. Accumulated Capital Credits Received										

NET ORIGINAL COST RATE BASE
PER BOOKS AND FULLY ADJUSTED
For the Period Ending _____,

Line No.	Description	(Col. 1) Total Cooperative Per Books	(Col. 2) Adjustments Due to Ratemaking Requirements	(Col. 3) Total Cooperative As Adjusted	(Col. 4) Non-Virginia Jurisdictional Business	(Col. 5) Virginia Jurisdictional Business	(Col. 6) Ratemaking Adjustments	(Col. 7) Amounts After Adjustments
Net Utility Plant								
1.	Electric Plant In Service							
2.	Completed Construction Not Classified							
3.	Construction Work in Progress							
4.	Plant Held for Future Use							
5.	Less: Accumulated Provision for Depreciation and Amortization							
6.	Total Net Utility Plant							
Allowance for Working Capital								
7.	Cash Working Capital: Purchased Power							
8.	Other O&M							
9.	Materials and Supplies (13-month average)							
10.	Deferred Fuel							
11.	Other Working Capital (List Separately)							
12.	Total Allowance for Working Capital							
Other Rate Base Deductions								
13.	Customer Deposits							

Line No.	Description	(Col. 1) Total Cooperative Per Books	(Col. 2) Adjustments Due to Ratemaking Requirements	(Col. 3) Total Cooperative As Adjusted	(Col. 4) Non-Virginia Jurisdictional Business	(Col. 5) Virginia Jurisdictional Business	(Col. 6) Ratemaking Adjustment	(Col. 7) Amounts After Adjustments
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14. Customer Advances for Construction

15. Other Cost Free Capital (List Separately)

16. Total Other Rate Base Deductions

17. Total Rate Base

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~~COOPERATIVE NAME~~
~~EARNINGS TEST EXPENSE RECOVERY~~

[~~Exhibit No.:~~ _____

~~Witness:~~ _____

~~Schedule 17~~

Line

~~1 BASED ON TIER LAST AUTHORIZED BY COMMISSION:~~

~~2 WEIGHTED AVERAGE LONG TERM DEBT~~

~~3 TIMES: ADDITIONAL INTEREST REQUIRED~~

~~4 TOTAL MARGINS REQUIRED~~

~~5 LESS: ADJUSTED TOTAL MARGINS~~

~~6 ADDITIONAL INTEREST REQUIRED~~

~~7 DIVIDED BY: GROSS UP FACTOR~~

~~8 REGULATORY ASSET RECOVERY]~~

[COOPERATIVE NAME
 SCHEDULE OF REGULATORY ASSETS
 AS OF --/--

Exhibit No.: _____
 Witness: _____
 Schedule 18

		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
		Start of Year		Start of Year			End of Year		End of Year
		Date	Year	Date	Test Year		Date	Year	Date
Account		Total	Juris.	Juris.	Amortization	Test Year	Adjusted	Year	Balance after
Number	Description	Amount	Factor	Amount	Expense	Accruals	Amount	Write-off	Write-off
-----	Individual Regulatory Asset								
-----	Individual Regulatory Asset								
-----	Individual Regulatory Asset								
	Total]								

Final Regulations

[COOPERATIVE NAME
RECONCILIATION OF CHANGES IN EARNINGS -- EARNINGS TEST
CASE NO. PUE-----

Exhibit No.: _____
Witness: _____
Schedule 19

<i>Line No.</i>	<i>Description</i>	<i>(1) Amounts</i>	<i>(2) Effect on TIER</i>
1	Per Books Revenue Requirement		
2	Revenue Adjustments		
3	Operating Expense Adjustments		
4	Interest on Customer Deposits Adjustments		
5	Charitable Donations Adjustments		
6	Capital Credits Accrued Adjustments		
7	Other Income Adjustments		
8	Interest on Long-Term Debt Adjustments		
9	Other Interest Expense Adjustments		
10	Other Expense Adjustments		
11	Capital Structure		
12	Cooperative Proposed Reg. Asset Write-off]		

COOPERATIVE NAME
DETAIL OF [~~RATE~~ ~~MAKING~~ RESTRUCTURING ACT] ADJUSTMENTS
REFLECTED IN COL. (--) OF SCHEDULES -- AND --

Exhibit No.: ____
Witness: ____
Schedule [~~29~~ 18]

ADJ. NO.	ADJUSTMENT	AMOUNT
-------------	------------	--------

[~~INCOME ADJUSTMENTS~~]

OPERATING REVENUES ADJUSTMENTS

OPERATING EXPENSES ADJUSTMENTS

INTEREST ON CUSTOMER DEPOSITS ADJUSTMENTS

CHARITABLE AND EDUCATIONAL DONATIONS ADJUSTMENTS

CAPITAL CREDITS ACCRUED ADJUSTMENTS

OTHER INCOME ADJUSTMENTS

INTEREST ON LONG-TERM DEBT ADJUSTMENTS

OTHER INTEREST EXPENSE ADJUSTMENTS

OTHER EXPENSE ADJUSTMENTS

ALLOWANCE FOR WORKING CAPITAL ADJUSTMENTS

UTILITY PLANT ADJUSTMENTS

COMPLETED CONSTRUCTION NOT CLASSIFIED ADJUSTMENTS

CONSTRUCTION WORK IN PROGRESS ADJUSTMENTS

PLANT HELD FOR FUTURE USE ADJUSTMENTS

ACCUMULATED DEPRECIATION AND AMORTIZATION ADJUSTMENTS

OTHER RATE BASE DEDUCTIONS ADJUSTMENTS

COMMON EQUITY CAPITAL ADJUSTMENTS

Final Regulations

COOPERATIVE NAME
JURISDICTIONAL CLASS COST OF SERVICE
(METHODOLOGY) COST ALLOCATION STUDY

Exhibit No.: ____
Witness: ____
Schedule [22-A
20 A]

SYSTEM FUNCTIONAL ANALYSIS
CASE NO. PUE-----

Line No.	Description	System	Production	Transmission	Distribution	[Energy	Customer Other]	Allocation Basis
10	Operating Revenues							
20								
30	Operating Expenses							
40	Depreciation Expenses							
50	Amortization							
60	Income Taxes							
70	State Income Taxes							
80	Taxes Other than Income							
90								
100	Total Operating Expenses							
110								
120	Net Operating Income							
130								
140	Adjustments to Operating Income							
150								
160	Add: AFUDC							
170	Less: Charitable Donations							
180	Interest Exp. - Customer Dep.							
190								
200	Adjusted Net Operating Income							
210								
220	Rate Base							
230								
240	ROR Earned on Rate Base							

COOPERATIVE NAME
 JURISDICTIONAL CLASS COST OF SERVICE
 (METHODOLOGY) COST ALLOCATION STUDY

Exhibit No.: _____
 Witness: _____
 Schedule [~~22B~~
 20B]

CLASS SUMMARY
 CASE NO. PUE-----

Line No.	Description	Virginia Juris	Retail Class 1	Retail Class 2	Retail Class 3	Retail Class 4	Retail Class 5	Allocation Basis
10	Operating Revenues							
20								
30	Operating Expenses							
40	Depreciation Expenses							
50	Amortization							
60	Income Taxes							
70	State Income Taxes							
80	Taxes Other than Income							
90								
100	Total Operating Expenses							
110								
120	Net Operating Income							
130								
140	Adjustments to Operating Income							
150								
160	Add: AFUDC							
170	Less: Charitable Donations							
180	Interest Exp.- Customer Dep.							
190								
200	Adjusted Net Operating Income							
210								
220	Rate Base							
230								
240	ROR Earned on Rate Base							

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COOPERATIVE NAME
 JURISDICTIONAL CLASS COST OF SERVICE
 (METHODOLOGY) COST ALLOCATION STUDY

Exhibit No.: _____
 Witness: _____
 Schedule [~~22C~~
 20C]

CLASS FUNCTIONAL ANALYSIS
 CASE NO. PUE-----

Line No.	Description	Retail Class 1	Production	Transmission	Distribution	[Energy	Customer Other]	Allocation Basis
10	Operating Revenues							
20								
30	Operating Expenses							
40	Depreciation Expenses							
50	Amortization							
60	Income Taxes							
70	State Income Taxes							
80	Taxes Other than Income							
90								
100	Total Operating Expenses							
110								
120	Net Operating Income							
130								
140	Adjustments to Operating Income							
150								
160	Add: AFUDC							
170	Less: Charitable Donations							
180	Interest Exp.- Customer Dep.							
190								
200	Adjusted Net Operating Income							
210								
220	Rate Base							
230								
240	ROR Earned on Rate Base							

20 VAC 5-200-30. Rules governing utility rate increase applications and annual informational filings.

A. An application for a rate increase filed by a public utility, as defined in § 56-232 of the Code of Virginia, (except Electric Cooperatives, as defined in the ~~Electric Utility Consumer Services Cooperatives Act, § 56-209~~ § 56-231.15 of the Code of Virginia, and Telephone Cooperatives, as defined in the Telephone Cooperatives Act, § 56-487 of the Code of Virginia), having annual revenues exceeding \$1,000,000, which proposes to increase annual operating revenues shall include:

1. The name and post office address of the applicant and the name and post office address of its counsel.
2. A full clear statement of the facts which the applicant is prepared to prove by competent evidence, the proof of which will warrant the objectives sought.
3. A statement of details of the objective *or objectives* sought and the legal basis therefor.
4. All direct testimony by which the applicant expects to support the objective *or objectives* sought.
5. Exhibits consisting of Schedules 1 through ~~36~~ [~~35~~ 33] shall be submitted with the utility's direct testimony. Such

schedules shall be identified with the appropriate schedule number and shall be prepared in accordance with the instructions contained in the Appendix attached hereto and the following general instructions:

- a. Attach a table of contents of the company's application, including exhibits.
- b. The applicant will be expected to verify the accuracy of all data and calculations contained in and pertaining to every exhibit submitted, as well as support any adjustments, allocations or rate design relied upon by the utility.
- c. Each exhibit shall be labeled with the name of the applicant and the initials of the sponsoring witness in the upper right hand corner as shown below:

Exhibit No. (Leave Blank)

Witness: (Initials)

Statement or

Schedule Number

The first page of all exhibits shall contain a caption which describes the subject matter of the exhibit.

d. If the accounting and statistical data submitted differ from the books of the applicant, then the applicant shall include in its filing a reconciliation schedule for each account or subaccount which differs, together with an explanation describing the nature of the difference.

e. The required accounting and statistical data shall include all work papers and other information necessary to ensure that the items, statements and schedules are not misleading.

~~[f. If an applicant requests proprietary treatment of testimony and/or data included in its filing, such filing shall not be deemed complete under any relevant provision of the Code of Virginia until a request for such treatment is ruled on by the commission.]~~

6. ~~[Exhibits~~ An exhibit] consisting of additional schedules may be submitted with the utility's direct testimony. Such ~~schedules exhibit~~ shall be identified as Schedule ~~37 et seq.~~ [~~36 34~~] (this exhibit may include numerous sub-schedules labeled [~~36A 34A~~] et seq.) and shall conform at a minimum to the general instructions contained in subdivision A5.

7. All applications (including those discussed in subdivision 9) shall be filed in the original and 20 copies with the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia ~~23216~~ 23218. Direct testimony, including Schedules ~~4-36 1 through~~ [~~35 33~~], shall, with the exception of Schedule ~~46~~ [~~23 21~~] and Schedule ~~47~~ [~~32 30~~], be filed with the Clerk of the Commission in the original and 20 copies. ~~Two~~ Three copies of Schedule ~~47~~ [~~23 21~~] shall be filed, two directly with the commission's Division of Public Utility Accounting and one directly with either the commission's Division of Energy Regulation or Division of Communications, as appropriate. Additional copies of Schedule ~~47~~ [~~23 21~~] shall be made available to parties upon request. Utilities not seeking rate relief shall file one copy of Schedule ~~46~~ [~~32 30~~] directly with the Division of Energy Regulation or the Division of Communications, as applicable, and one copy of Schedule ~~46~~ [~~32 30~~] directly with the Division of Public Utility Accounting. Additional copies of Schedule ~~46~~ [~~32 30~~] shall be made available to parties upon request.

Applications requesting rate relief shall file an original and 20 copies of Schedule ~~46~~ [~~32 30~~] in the manner stated above. An application shall not be deemed filed, per § 56-238 of the Code of Virginia, unless it is in full compliance with these rules.

[Where a filing contains information that the applicant claims to be confidential, the filing may be made under seal provided it is accompanied by both a motion for protective order or other confidential treatment and an additional five copies of a redacted version of the filing to be available for public disclosure. Unredacted filings containing the confidential information shall, however, be immediately available to the commission staff for internal use at the commission.

Filings containing confidential (or redacted) information shall be so stated on the cover of the filing, and the precise portions of the filing containing such confidential (or redacted) information, including supporting material, shall be clearly marked within the filing.]

8. The selection of a test period is up to the applicant. However, the use of overlapping test periods will not be allowed.

9. Unless modified per a commission-approved alternative regulatory plan each utility not requesting a base rate increase shall make an annual informational filing consisting of Schedules ~~4-17 1 through 7, 9 through~~ [~~19, 21 through 23, 25 through 29 and 32~~ 17, 19 through 21, 25 and 30]. The test period shall be the current 12 months ending in the same month used in the utility's most recent rate application. This information shall be filed with the commission within [~~90 120~~] days after the end of the new test period. Accounting adjustments reflected in Column ~~(2) (4)~~ of Schedule ~~42~~ [~~47 15~~] shall incorporate the ratemaking treatment approved by the commission in the utility's last rate case and shall be calculated in accordance with the Expedited Rules of Schedule ~~44~~ [~~49 17~~]. A fully adjusted rate of return [~~on a statement reflecting~~] jurisdictional operations is required in order to allow the commission and its staff to adequately evaluate the company's financial condition. Similarly, a jurisdictional per books rate of return statement restated to a regulatory basis is required in order to allow the commission and its staff to adequately evaluate expense recoveries.

10. These rules [~~apply only to the applicant and~~] do not limit the commission staff or parties [other than the applicant] from raising [~~new~~] issues [not addressed by the applicant] for commission consideration. [However, except for good cause shown, issues specifically decided by commission order in the applicant's most recent rate case may not be raised by staff or interested parties in Earnings Test Filings.]

11. The commission retains the right to waive any or all parts of these rate case rules for good cause shown.

B. If not otherwise constrained by law or regulatory requirements, an applicant [~~which who~~] has not experienced a substantial change in circumstances may file [~~for an expedited increase in rates an expedited rate application~~] as an alternative to a general rate application. [~~Such application need not propose an increase in regulated operating revenues.~~] If, upon timely consideration of the expedited application and supporting evidence it appears that a substantial change in circumstances has taken place since the applicant's last rate case, then the commission may take appropriate action, such as directing that the application be dismissed or treated as a general rate application. Prior to public hearing, and subject to applicable provisions of law, an application for expedited rate increase may take effect within 30 days after the date the application is filed. Expedited rate increases may also take effect in less than 12 months after the applicant's preceding rate increase so long as rates are not increased more than once in any calendar year. An

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applicant seeking an expedited increase in rates shall comply with the following rules in addition to the rules contained in subsection A, above:

1. In computing its cost of capital, as prescribed in Schedule 3 of the Appendix attached hereto, the applicant shall use the equity return rate approved by the commission and used to determine the revenue requirements in the utility's most recent general rate case.

2. An applicant, in developing its rate of return statement, shall make adjustments to its test period jurisdictional results only in accordance with the instructions accompanying Schedules 12, 13, and 14 Schedule [49 17] in the Appendix attached hereto.

3. ~~Allocation methodologies and rate design objectives are determined by the commission in general rate cases. Therefore, a utility seeking an expedited increase in rates shall allocate any proposed increases among its customer classes and shall design its proposed rates consistent with the commission's order in the applicant's most recent general rate case. The applicant may propose new allocation methodologies, rate designs and new or revised terms and conditions provided such proposals are supported by appropriate cost studies. Such support shall be included in Schedule 30.]~~

C. Rates authorized to take effect 30 days following the filing of any application for an expedited rate increase shall be subject to refund in a manner prescribed by the commission. If rates are subject to refund, the commission may also direct that such refund bear interest at a rate set by the commission.

D. An applicant seeking a change in rates filed pursuant to § 56-582 of the Code of Virginia shall comply with the following rules in addition to the rules contained in subsection A of this section:

1. Applications shall include Schedules [~~37~~ 35] through [48 45], as set forth in the appendix to these rules.

2. No expedited rate filings shall be made pursuant to this subsection.

~~D.~~ E. Fuel Factor - Cogeneration Filing Requirements:

1. General Rate Case - When an electric utility files for a rate increase in the context of a general rate case, fuel factor projections and cogeneration rates shall not be filed as part of the original application. The commission shall by order, establish a filing date for fuel factor and cogeneration testimony.

2. Expedited Filing - When an electric utility files for an expedited rate increase, it shall file fuel factor projections and cogeneration rates at least six full weeks prior to the anticipated effective date of interim rates. Such filing shall include the projections required by the commission's Fuel Monitoring System as well as the necessary testimony and exhibits in support of those projections and the proposed cogeneration rates.

3. In the event that an electric utility files an application to increase the fuel factor only, fuel factor projections and

proposed cogeneration rates shall be filed six weeks prior to the proposed effective date. The filing shall include projections required by the commission's Fuel Monitoring System as well as the testimony and exhibits supporting the fuel factor projections and cogeneration rates.

4. Regardless of a utility's filing schedule, fuel factor projections must be filed at least six weeks prior to the expiration of the last projection or as required by the commission.

~~E. F. Nothing in these regulations shall be interpreted to apply to applications for temporary reductions of rates pursuant to § 56-242 of the Code of Virginia or temporary increases in rates pursuant to § 56-245 of the Code of Virginia.~~

G. Requests for temporary increases in rates filed pursuant to § 56-245 of the Code of Virginia shall include Schedules 1 through 7 and 9 through [46 14].

F. H. The applicant shall serve a copy of the information required in subdivisions A1 through A3, upon the Commonwealth's Attorney and Chairman of the Board of Supervisors of each county (or equivalent officials in the counties having alternate forms of government) in this Commonwealth affected by the proposed increase and upon the Mayor or Manager and the attorney of every city and town (or equivalent officials in towns and cities having alternate forms of government) in this Commonwealth affected by the proposed increase. The applicant shall also serve each such official with a statement that a copy of the complete application may be obtained at no cost by making a request therefor orally or in writing to a specified company official or location. In addition, the applicant shall serve a copy of its complete application upon the Division of Consumer Counsel of the Office of the Attorney General of Virginia. All such service specified by this rule shall be made either by (i) personal delivery or (ii) first class mail, to the customary place of business or to the residence of the person served.

NOTICE: The following appendix replaces the existing appendix in its entirety. The existing appendix is not shown below, but may be found in Volume 16 (main volume) of the Virginia Administrative Code on pages 317 through 333.

APPENDIX

Schedule 1 - Historic Profitability and Market Data

Instructions: Using the format of the attached schedule and the definitions provided below, provide the data for the test year and four prior fiscal years. The information shall be compatible with the latest stockholder's annual report (including any restatements). Information in Sections A and B shall be compiled for the corporate entity, which raises equity capital in the marketplace. Information in Section C shall be compiled for the subsidiary company that provides regulated utility service in Virginia.

Definitions

Return on Earnings Available for Common Shareholders
Year End Year End Common Equity
Equity* =

$$\text{Return on Average Equity}^* = \frac{\text{Earnings Available for Common Shareholders}}{\text{The Average of Year End Equity for the Current \& Previous Year}}$$

$$[\text{E.P.S. Earnings Per Share (EPS)}] = \frac{\text{Earnings Available for Common Shareholders}}{\text{Average No. Common Shares Outstanding}}$$

$$[\text{D.P.S. Dividends Per Share (DPS)}] = \text{Common Dividends Paid per Share During the Year}$$

$$\text{Payout Ratio} = \text{D.P.S./E.P.S}$$

$$\text{Average Market Price}^{**} = (\text{Yearly High} + \text{Yearly Low Price})/2$$

$$\text{Dividend Yield} = \text{D.P.S./ Average Market Price}^{**}$$

$$\text{Price Earnings Ratio} = \text{Average Market Price}^{**}/\text{E.P.S}$$

* Job Development Credits shall not be included as part of equity capital nor shall a deduction be made from earnings for a capital charge on these Job Development Credits in Schedule 1

** An average based on monthly highs and lows is also acceptable. If this alternative is chosen, provide monthly market prices and sufficient data to show how the calculation was made.

Schedule 2 - Interest and Cash Flow Coverage Data

Instructions: This schedule shall be prepared using the definitions and instructions given below and presented in the format of the attached schedule. The information shall be provided for the test year and the prior four fiscal years based on information for the applicant and for the consolidated company if applicant is a subsidiary.

Interest (Lines 3, 4, & 5) shall include amortization of expenses, discounts, and premiums on debt without deducting an allowance for borrowed funds used during construction.

Income taxes (Line 2) include federal and state income taxes.

Earnings before interest and taxes (Line 6) equals net income plus income taxes plus total interest = (Line 1) + (Line 2) + (Line 5).

[AFUDC Allowance For Funds Used During Construction (AFUDC)] (Line [7 8]), where applicable, is total AFUDC -- for borrowed and other funds.

Preferred dividends (Line 12) for a subsidiary may need to be allocated from the parent's total preferred dividends. Specify the allocation factor and the methodology used in a footnote.

Cash flow generated (Line [43 14]) = (Line 1) + (Line 8) + (Line 9) + (Line 10) + (Line 11) - (Line 7) - (Line 12).

Construction expenditures (Line [44 15]) are net of AFUDC.

Common dividends (Line [45 16]) for a subsidiary shall be stated per books. If the subsidiary's dividend payout ratio differs from the consolidated company's payout ratio, show in a footnote the subsidiary's common

dividends based on the consolidated company's payout ratio.

Coverage Definitions for Schedule 2

$$\text{Pre-Tax Interest Coverage} = \frac{\text{Earnings before Interest and Taxes}}{\text{Interest}} = \frac{\text{Line 6}}{\text{Line 5}}$$

$$\text{Common Dividend Coverage} = \frac{\text{Cash Flow Generated}}{\text{Common Dividends}} = \frac{\text{Line [43 14]}}{\text{Line [45 16]}}$$

$$\text{Cash Coverage of Construction Expenditures} = \frac{\text{Cash Flow Generated}}{\text{Construction Expenditures}} = \frac{\text{Line 13}}{\text{Line 14}}$$

$$\text{Cash After Common Dividends Coverage Of Construction Expenditures} = \frac{\text{Line 13 - Line 15}}{\text{Line 14}}$$

Schedule 3 - Capital Structure and Cost of Capital Statement – Per Books and Average

Instructions: This schedule shall show the amount of each capital component per balance sheet, the amount for ratemaking purposes, the percentage weight in the capital structure, the component cost and weighted cost, using the format in the attached schedule. The information shall be provided for the test period, the four prior fiscal years, and on a 13-month average [or five-quarter average] basis for the test period. The data shall be provided for the entity whose capital structure was approved for use in the applicant's last rate case.

In part A, the information shall be compatible with the latest Stockholders' Annual Report (including any restatements). In Parts B, C, and D, the methodology shall be consistent with that approved in the applicant's last rate case. Reconcile differences between Parts A and B. The amounts for short-term debt and revolving credit agreements (and similar arrangements) in Part B shall be based preferably on a daily average over the test year, or alternatively on a 13-month average over the test year. Except for the Part B amount for short-term debt and [43-month] average amounts in Column (6), all other accounts are end-of-year and end-of-test period. The component weighted cost rates equal the product of each component's capital structure weight for ratemaking purposes times its cost rate. The weighted cost of capital is equal to the sum of the component weighted cost rates. The Job Development Credits cost is equal to the weighted cost of permanent capital (long-term debt, preferred stock, and common equity).

Schedule 4 - Schedules of Long-Term Debt, Preferred and Preference Stock, Job Development Credits, and Any Other Component of Ratemaking Capital

Instructions: For each applicable capital component, provide a schedule that shows, for each issue, the amount outstanding, its percentage of the total capital component, and effective cost based on the embedded cost rate. This data shall

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support the amount and cost rate of the respective capital components contained in Schedule 3, consistent with the methodology approved in applicant's last rate case. In addition, a detailed breakdown of all job development credits should be provided that reconciles to the per books balance of investment tax credits. These schedules should reflect disclosure of any associated hedging/derivative instruments, their respective terms and conditions (instrument type, notional amount and associated series of debt or preferred stock hedged, period in effect, etc.), and their impact on the cost of debt or preferred stock.

Schedule 5 - Schedule of Short-Term Debt, Revolving Credit Agreements, and Similar Short-Term Financing Arrangements

Instructions: Consistent with the methodology approved in the applicant's last rate case, provide the data and explain the methodology used to calculate the cost and balance contained in Schedule 3 for short-term debt, revolving credit agreements, and similar arrangements. This schedule should also provide detailed disclosure of any hedging/derivative instruments related to short-term debt, their respective terms and conditions (instrument type, notional amount and associated series of debt hedged, period in effect, etc.), and their impact on the cost of short-term debt.

Schedule 6 - Public Financial Reports

Instructions: Provide copies of the most recent Stockholder's Annual Report, [~~SEC~~ Securities and Exchange Commission] Form 10-K, and Form 10-Q for the applicant and the consolidated parent company if applicant is a subsidiary. [If published, provide a copy of the most recent statistical or financial supplemental for the consolidated parent company.]

Schedule 7 - Comparative Financial Statements

Instructions: If not provided in the public financial reports for Schedule 6, provide comparative balance sheets, income statements, and cash flow statements for the test year and the 12-month period preceding the test year for the applicant and its consolidated parent company if applicant is a subsidiary.

Schedule 8 - Proposed Cost of Capital Statement

Instructions: Provide the capital structure/cost of capital schedule that supports applicant's proposed rate increase. In conjunction, provide schedules that support the amount and cost of each component of the proposed capital structure, and explain all assumptions used.

Schedule 9 - Rate of Return Statement – Earnings Test

Instructions: [Applicants meeting the three following criteria may omit this schedule in Annual Informational Filings and rate applications: (i) the applicant is not subject to the Virginia Electric Utility Restructuring Act (§ 56-576 et seq. of the Code of Virginia); (ii) the applicant has no Virginia jurisdictional regulatory assets on its books; and (iii) the applicant is not seeking to defer test year costs.]

Use format of attached schedule.

Jurisdictional allocation factors used to eliminate nonjurisdictional business in Column (2) shall be supported in Schedule [~~32~~ 30] .

Adjustments in Column (4) shall reflect any financial differences between Generally Accepted Accounting Principles ("GAAP") and regulatory accounting as prescribed by the commission. Each Column (4) adjustment shall be separately identified and reflected in Schedule [~~43~~ 12] .

The amount of other income (expense) shown in Column (5) shall be the current amount of other income (expense) recognized as jurisdictional in the applicant's last rate case.

For subsidiary companies that receive all external capital from the parent, lines 16 and 17, Column (3) shall be allocated from the consolidated parent's interest expense and preferred dividends. The allocation factor shall be equal to Column (3) rate base divided by the total capitalization reflected in Column (1).

Line [~~48~~ 19] , [~~JDC~~ Job Development Credits (JDC)] Capital Expense, shall be reflected as Not Applicable ("N/A") in Columns (1) and (2). Column (3) of line [~~48~~ 19] shall reflect a jurisdictional per books level as follows:

JDC Capital Expense = [~~AOI~~ Adjusted Operating Income (AOI)] (line [~~44~~ 15]) X weight of JDC Capital in Schedule 3

A per books regulatory accounting adjustment to reflect JDC Capital Expense shall be reflected in Column (4), if applicable. Column (5) JDC Capital Expense shall be calculated as follows:

JDC Capital Expense = Rate Base (line [~~23~~ 24]) X weighted cost of JDC Capital in Schedule 3 [~~(bottom of the equity range)~~]

The associated income tax savings shall be reflected in line 5, Column (4) as follows:

Associated income tax savings = total average rate base (line [~~23~~ 24]) X weight of JDC capital (Schedule 3) X weighted cost of debt component of the JDC cost component (Schedule 3) X [~~FIT~~ Federal Income Tax (FIT)] rate

Schedule 10 - Net Original Cost Rate Base – Earnings Test

Instructions: [Applicants meeting the three following criteria may omit this schedule in Annual Informational Filings and rate applications: (i) the applicant is not subject to the Virginia Electric Utility Restructuring Act (§ 56-576 et seq. of the Code of Virginia); (ii) the applicant has no Virginia jurisdictional regulatory assets on its books; and (iii) the applicant is not seeking to defer test year costs.]

Use format of attached schedule.

Jurisdictional allocation factors used to eliminate non-jurisdictional business in Column (2) shall be supported in Schedule [~~32~~ 30] .

Adjustments in Column (4) shall reflect any financial differences between GAAP and regulatory accounting as prescribed by the commission. Each Column (4) adjustment shall be separately identified and reflected in Schedule [~~43~~ 12] .

If a cash working capital allowance that is based on the results of a lead/lag study has been approved by the commission for the applicant, Schedules [45 13] and [46 14] shall be provided detailing the cash working capital computation for Column (5).

[~~Schedule 11 – Earnings Test Expense Recovery~~

~~Instructions: Use format of attached schedule.~~

~~Lines 2 and 3, Common Equity Capital and Return on Equity, shall be from average Capital Structure in Schedule 3. Line 5, Income Available per Earnings Test, shall be from Schedule 9.~~

~~Line 7 shall be the gross-up factor(s) shall included only the applicable federal income tax rate specific to the regulatory asset(s) being written-off.]~~

Schedule [42 11] - Schedule of Regulatory Assets

Instructions: [If applicable per Schedules 9 and 10 instructions.]

Use format of attached schedule.

All regulatory assets shall be individually listed with associated deferred income tax. Indicate whether the regulatory asset is included in financial reporting or is currently recognized for ratemaking purposes only.

[~~Column (7) shall include any write-off of regulatory assets due to excess earnings determined in Schedule 11.]~~

Schedule [43 12] - Detail of Earnings Test Adjustments

Instructions: [If applicable per Schedules 9 and 10 instructions.]

Use format of attached schedule.

Each regulatory accounting adjustment shall be numbered sequentially beginning with ET-1 and listed under the appropriate description category (Operating Revenues, Interest Expense, Common Equity Capital, etc.).

Each regulatory accounting adjustment shall be fully explained in the description column of this schedule. Regulatory accounting adjustments shall adjust from a financial accounting basis to a regulatory accounting basis. Adjustments to reflect going-forward operations shall not be included on this schedule.

Detailed workpapers substantiating each adjustment shall be provided in Schedule [23 21.]

[~~Schedule 14 – Reconciliation of Changes in Earnings – Earnings Test~~

~~Instructions: Use format of attached schedule.~~

~~Regulatory accounting adjustments shall be listed under the appropriate description category (Operating Revenues, O&M, etc.)~~

~~Column (1) shall include each amount of the adjustment from Schedule 13.]~~

Schedule [45 13] - Cash Working Capital – Earnings Test

Instructions: If applicable per [~~Schedule 10~~ Schedules 9 and 10] instructions.

Use format of attached schedule.

Total Balance Sheet Net Source/Use of Average Cash Working Capital determined in Schedule [46 14] shall be included in the Total Cash Working Capital amount in this schedule.

The Total Cash Working Capital amount determined in this schedule shall be included in Schedule 10.

Schedule [46 14] - Balance Sheet Analysis – Earnings Test

Instructions: If applicable per [~~Schedule 10~~ Schedules 9 and 10] instructions.

Use format of attached schedule.

All sources/uses of cash working capital shall be detailed in this schedule. The associated accumulated deferred income tax shall also be included as a source/use.

The Net Source/Use of Average Cash Working Capital determined in this schedule shall be included in Schedule [45 13].

Schedule [47 15] - Adjusted Rate of Return Statement

Instructions: Use format of attached schedule.

Jurisdictional allocation factors used to eliminate nonjurisdictional business in Column (2) shall be supported in Schedule [32 30].

Each Column (4) adjustment shall be separately identified and reflected in Schedule [49 17].

After ratemaking adjustments, lines [20, 21 and 29 21 through 23 and 30] shall be calculated consistent with the ratemaking capital structure reflected in either Schedule 3 or Schedule 8 as appropriate.

After ratemaking adjustments, JDC capital expense shall be calculated as follows:

Total rate base (line 27) X weighted cost of JDC capital in Schedule 3 or 8.

Schedule [48 16] - Net Original Cost Rate Base Statement – Adjusted

Instructions: Use format of attached schedule.

Jurisdictional allocation factors used to eliminate nonjurisdictional business in Column (2) shall be supported in Schedule [32 30].

If a cash working capital allowance that is based on the results of a lead/lag study has been approved by the commission for the applicant, Schedules [24 19] and [22 20] shall be provided detailing the cash working capital computation for Column (5).

Schedule [49 17] - Detail of Ratemaking Adjustments

Instructions: Use format of attached schedule.

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Each adjustment shall be numbered sequentially and listed under the appropriate description category (Operating Revenues, Interest Expense, Common Equity Capital, etc.).

Ratemaking adjustments shall reflect [no more than] the initial rate year level of revenues, expenses, rate base and capital.

In Expedited Filings, Column (4) Ratemaking Adjustments shall reflect only those types of adjustments previously approved for the applicant.

Detailed workpapers substantiating each adjustment shall be provided in Schedule [23 21] .

Schedule [20 18] - Revenue Requirement Reconciliation

Instructions: Use format of attached schedule.

Ratemaking adjustments shall be listed under the appropriate description category (Operating Revenues, O&M, etc.)

Column (1) should include the amount of the adjustment from Schedule [49 17] .

Schedule [24 19] - Cash Working Capital – Adjusted

Instructions: If applicable per Schedule [48 16] instructions.

Use format of attached schedule.

Total Balance Sheet Net Source/Use of Average Cash Working Capital determined in Schedule [22 20] shall be included in the Total Cash Working Capital amount in this schedule.

The Total Cash Working Capital amount determined in this schedule shall be included in Schedule [48 16] .

Schedule [22 20] - Balance Sheet Analysis – Adjusted

Instructions: If applicable per Schedule [48 16] instructions.

Use format of attached schedule.

All sources/uses of cash working capital shall be detailed in this schedule. The associated accumulated deferred income tax shall also be included as a source/use.

The Net Source/Use of Average Cash Working Capital determined in this schedule shall be included in Schedule [24 19] .

Schedule [23 21] - Workpapers for Earnings Test and Ratemaking Adjustments

Instructions: Provide detailed workpapers and supporting schedules of all Earnings Test as well as Ratemaking Adjustments. Each supporting document shall identify the origin of the data shown. Also, indicate whether data is actual or estimated. Working papers shall be indexed and tabbed for each adjustment. Two copies shall be filed with the Division of Public Utility Accounting and one copy with the Division of Energy Regulation or Division of Communications, as appropriate.

Schedule [24 22] - Revenue and Expense Variance Analysis

Instructions: Applicant shall quantify jurisdictional operating revenues and system operating and maintenance (“O&M”)

expenses by primary account [as specified by the appropriate federal or state Uniform System of Accounts (Federal Energy Regulatory Commission, Federal Communications Commission, National Association of Regulatory Commissions) (hereinafter referred to as “USOA account”)] during the test period and the preceding 12 months. Also, provide jurisdictional sales volumes by customer class for the test period.

Applicant shall provide a detailed explanation of all jurisdictional revenue and system expense increases or decreases of more than 10% during the test period compared to the previous 12-month period. The expense variance analysis applies to test period expense items greater than one-hundredth of one percent (.0001) of total [O&M Operation and Maintenance (O&M)] expenses for utilities with O&M expenses exceeding \$100 million, and one-tenth of one percent (.001) of total O&M expenses for utilities with O&M expenses below \$100 million.

Schedule [25 23] - Advertising Expense

Instructions: A schedule detailing advertising expense by [USOA] account and grouped [~~as informational, promotional, image, safety, cooperative and conservational~~ according to the categories identified in § 56-235.2 of the Code of Virginia] shall be provided. [~~State the basis for the respective grouping and~~ Advertising costs that are not identifiable to any of those categories shall be included in a separate category titled "other." If applicant seeks rate relief,] demonstrate that the applicant's advertising meets the criteria established in § 56-235.2 of the Code of Virginia.

Schedule [26 24] - Miscellaneous Expenses

Instructions: Provide a description, amounts paid and [USOA] accounts charged for all charitable and educational donations, payments to associated industry organizations, and all other miscellaneous general expenses. Advertising expenses included in Schedule [25 23] should be excluded from this schedule.

Schedule [27 25] - Affiliate [~~Transactions Services~~]

Instructions: For purposes of this schedule affiliate services shall be defined to include those [~~transactions services~~] between regulated and [~~nonregulated~~ competitive] divisions of an incumbent utility. [If any portion of the required information has been filed with the commission as part of an applicant's Annual Report of Affiliate Transactions, the applicant may reference such report clearly identifying what portions of the required information are included in the Annual Report of Affiliate Transactions.]

Provide a narrative description of each [type of] affiliated service received or provided during the test period.

Provide a summary of affiliate transactions detailing costs by function for each month of the test period. Show the final [USOA] account distribution of all costs billed to or by the regulated entity by month for the test period.

Identify all amounts billed to an affiliate and then billed back to the regulated entity.

[~~Provide~~] Cost records and market analyses supporting all affiliated charges billed to or by the regulated entity/division [shall be maintained and made readily available for commission staff review] . This shall include supporting detail of costs (including the return component) incurred by the affiliated interest rendering the service and the allocation methodology. In situations when the pricing is required to be the higher (lower) of cost or market and market is unavailable, note each such transactions and have data supporting such a finding available for commission staff review.

If affiliate charges are booked per a pricing mechanism other than that approved by the commission, the regulated entity shall provide a reconciliation of books to commission-approved pricing, including an explanation of why the commission-approved pricing is not used for booking purposes.

Schedule [~~28~~ 26] - Income Taxes

Instructions: Provide a schedule detailing the computation of test period current state and federal income taxes [(FIT)] on a total company and Virginia jurisdictional basis. Schedule should provide a complete reconciliation between book and taxable income showing all individual differences.

Provide a schedule detailing the individual items of deferred state and [~~federal income tax~~ FIT] expense for the test period on a total company and Virginia jurisdictional basis.

Provide a detailed reconciliation between the statutory and effective [~~federal income tax~~ FIT] rates for the test period. Schedule should quantify individual reconciling items by dollar amount and percentage. Individual items should include but not be limited to permanent differences (itemize), flow through depreciation, excess [~~DFIT~~ deferred FIT] amortization and [~~ITC~~ Investment Tax Credits (ITC)] amortization.

Provide a detailed listing of individual [~~ADIT~~ accumulated deferred FIT] amounts as of the end of test period. Separately identify those items impacting the computation of rate base on both a total company and Virginia jurisdictional basis.

Quantify total company and Virginia jurisdictional [~~ADITC and excess-ADFIT~~ accumulated deferred ITC and accumulated deferred FIT] balances as of the end of test period. Reconcile these balances with recorded [SFAS Statement of Financial Accounting Standard No.] 109 regulatory asset/liability amounts.

Schedule [~~29~~ 27] - Organization

Instructions: Provide an organizational chart of the applicant and its parent company detailing subsidiaries and divisions. Provide details of any material corporate reorganizations since the applicant's last rate case. Explain the reasons and any ratemaking impact of such reorganization.

Schedule [~~30~~ 28] - Changes in Accounting Procedures

Instructions: Detail any material changes in accounting procedures adopted by either the parent/service company or the utility since the applicant's last rate case. Explain any ratemaking impact of such changes.

Identify any write-offs or write-downs associated with assets (i.e., plant, tax accounts, etc.) which have either been retained, transferred or sold.

Schedule [~~31~~ 29] - Out-of-Period Book Entries

Instructions: Provide a summary schedule prepared from an analysis of journal entries showing "out-of-period" items booked during the test period. Show journal entry number, amount, [USOA] account and explanation of charge.

Schedule [~~32~~ 30] - Jurisdictional Study

Instructions: Use format of attached schedule.

[a.] Provide detailed calculations for all jurisdictional allocations. Show the allocation basis for each primary [USOA] account and for any amount included therein with a unique allocation basis. Explain the methodology used and why such method is proposed. Discuss all changes in the applicant's operations that have materially changed any allocation factor since the last rate case. For electric utilities, provide the calculations supporting the applicant's line loss percentages.

[b. Applicant shall provide appropriate supporting cost data for new allocation methodologies or rate design proposals in expedited rate applications.]

Schedule [~~33~~ 31] - Proposed Rates and Tariffs

Instructions: Provide a summary of the rates designed to effect the proposed revenue increase. Provide a copy of all tariff pages that the applicant proposes to revise in this proceeding, with revisions indicated by a dashed line (--) through proposed deletions and by underlining proposed additions.

Schedule [~~34~~ 32] - Present and Proposed Revenues

Instructions: A. Provide the detailed calculations supporting total per books revenues in Column (3) of Schedule [~~47~~ 15] . The present revenues from each of the applicant's services shall be determined by multiplying the current rates times the test period billing units (by rate block, if applicable).

Provide a detailed calculation supporting total adjusted revenues in Column (7) of Schedule [~~47~~ 15] . The proposed revenues from each of applicant's services shall be determined by multiplying the proposed rates by the adjusted billing units (by rate block, if applicable). Detail by rate schedule all miscellaneous charges and other revenues, if applicable. Reconcile per books billing units to adjusted billing units itemizing changes [~~such as~~] such as customer growth, weather, btu content and miscellaneous revenues. The revenue changes for applicant's services should be subtotaled into the applicant's traditional categories.

Schedule [~~35~~ 33] - Sample Billing

Instructions: Electric, natural gas and water and/or sewer utilities shall provide a sample billing analysis detailing the effect on each rate schedule at representative levels of consumption.

Schedule [~~36~~ 34]

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Reserved for additional exhibits presented by the applicant to be labeled [36A 34A] et seq.

Electric Utility Restructuring Act Addendum

Investor-Owned Electric Utilities

Schedule [37 35] - Profitability Data - Projected

Instructions: Provide an estimate of the same type of information for applicant as found in the test year Section C of Schedule 1, projected for each calendar year through 2007. The projections for this schedule may be consistent with the five- and 10-year Integrated Resource Plan Forecasts provided to the Division of Economics and Finance. The information provided should reflect and explain the type of functional separation planned or executed by the company for generation, transmission, and distribution operations by January 1, 2002, as required by [§ 56-590 of] Chapter 23 [(~~§ 56-590~~) (§ 56-576 et seq.)] of Title 56 of the Code of Virginia, the Virginia Electric Utility Restructuring Act ("Restructuring Act").

Schedule [38 36] - Interest and Cash Flow Coverage Data - Projected

Instructions: Provide an estimate of the same type of information found in the test year Section B of Schedule 2, as projected for each calendar year through 2007. The projections for this schedule may be consistent with the five- and 10-year Integrated Resource Plan Forecast provided to the Division of Economics and Finance if they reflect the functional separation of generation, transmission, and distribution operations by January 1, 2002, as required by § 56-590 of the Restructuring Act.

Schedule [39 37] - Capital Structure and Cost of Capital - Projected

Instructions: Provide an estimate of the same type of information found in Column (5) of Schedule 3, as projected for each calendar year through 2007. The projections for this schedule may be consistent with the five- and 10-year Integrated Resource Plan Forecast provided to the Division of Economics and Finance if they reflect the functional separation of generation, transmission, and distribution operations by January 1, 2002, as required by § 56-590 of the Restructuring Act.

Schedule [40 38] - Schedule of Short-Term Debt, Revolving Credit Agreements, and similar Short-Term Financing Arrangements - Projected

Instructions: Provide projections of the cost and average balance of short-term debt, revolving credit agreements, and similar arrangements, for each calendar year through 2007. The cost rate should reflect the impact of any hedging/derivative instruments related to short-term debt that are expected to be in effect during the period projected. The balance and cost rate for each year should support the short-term debt figures in Schedule [39 37] .

Schedule [44 39] - Schedules of Long-Term Debt, Preferred and Preference Stock, Job Development Credits, and Any Other Component of Ratemaking Capital - Projected

Instructions: Provide projections of the amounts and cost rates for long-term debt, preferred stock, job development credits, and any other component of ratemaking capital for each calendar year through 2007. The cost rates should reflect the impact of any hedging/derivative instruments related to the respective capital components shown in this Schedule and expected to be in effect during the period projected. The balance and cost rate for each capital component in each year should support and correspond to the respective figures in Schedule [39 37] .

Schedule [42 40] - Comparative Financial Statements - Projected

Instructions: Provide projected balance sheets, income statements, and cash flow statements for the applicant for each calendar year through 2007. The projections for this schedule may be consistent with the five- and 10-year Integrated Resource Plan Forecast provided to the Division of Economics and Finance if they reflect the functional separation of distribution operations from generation, and transmission operations by January 1, 2002, as required by § 56-590 of the Restructuring Act.

Schedule [43 41] - Cost of Capital Statement - Projected

Instructions: Provide the capital structure/cost of capital schedule which applicant supports for the determination of capped rates under § 56-582 of the Restructuring Act. In conjunction, provide schedules that support the amount and cost of each capital structure component, and explain all assumptions used.

~~[Schedule 44 - Additional Instructions for Earnings Test Schedules~~

~~Instructions: Provide Schedules 9 through 16 for generation services that have been transferred to a subsidiary, affiliate or division.~~

~~If the capitalization for generation investment is not included in Schedule 3, provide the average capitalization of the entity providing generation services in format similar to that on Schedule 3.]~~

Schedule [45 42] - Detail of Restructuring Act Adjustments

Instructions: Use format of attached schedule.

This schedule shall be filed in addition to Schedule [49 17] .

Each adjustment shall be numbered sequentially and listed under the appropriate description category (operating revenues, interest expense, common equity capital, etc.).

Restructuring Act Adjustments shall reflect an annual going-forward year level of revenues, expenses, rate base and capital consistent with § 56-582 of the Code of Virginia. These adjustments shall be reflected in Schedule [47 15] by inserting two columns after Column (5). Column (6) shall be titled Restructuring Act Adjustments.

Provide an explanation for why some costs (by function) remain at a test year level. Additionally, describe and detail how increases in productivity have been factored into each cost whether adjusted or remaining at a test year level.

Detailed workpapers substantiating each adjustment shall be provided in Schedule [46 43] .

Schedule [46 43] - Workpapers for Restructuring Act Adjustments

Instructions: This schedule shall be filed in addition to Schedule [23 21] .

Provide detailed workpapers and supporting schedules of Restructuring Act adjustments. Each supporting document shall identify the origin of the data shown.

Include a comparison of actual to final budget data for the past 10 years for each adjustments.

Provide budgeted data for each adjustment annually through July 1, 2007. For projected adjustment amount, identify budget information as preliminary or final. If preliminary, indicate when final budget is anticipated.

Include a narrative of budgeting methodology as well as any significant changes that have occurred during the 10 years.

Working papers shall be indexed and tabbed for each adjustment. Two copies shall be filed with the Division of Public Utility Accounting [, two copies with the Division of Economics and Finance] and one copy with the Division of Energy Regulation.

Schedule [47 44] - Income Taxes

Instructions: This schedule shall be filed in addition to Schedule [28 26] .

Provide annual estimates of the effective state and federal income tax rates through calendar year 2007. Also, provide the working papers supporting the development of each income tax rate. Quantify the individual items that reconcile to the statutory federal income tax rate by dollar amount and percentage for each year.

Provide an estimate of individual ADIT amounts as year-end through calendar year 2007. Separately identify those items impacting rate base on both a total company and Virginia jurisdictional basis.

Estimate total company Virginia jurisdictional [~~ADIT~~ accumulated deferred ITC] and excess [~~ADFIT~~ accumulated deferred FIT] balances as of year-end through calendar year 2007.

Schedule [48 45] - Functional Unbundling

Instructions: This schedule shall be filed in addition to Schedule [32 30] .

Use the format of attached schedule.

Provide cost of service studies that identify the costs associated with the functional areas of generation (production), transmission, distribution and customer.

Provide cost breakouts for subcomponents of functional areas such as primary and secondary distribution, metering, billing and maintenance. Report cost functions and subcomponents on summary sheets by both system and class.

Provide cost of service studies for any competitive service that has been transferred to a subsidiary, affiliate or division.

[

Exhibit No.: _____
Witness: _____
Schedule 1

COMPANY NAME
HISTORIC PROFITABILITY AND MARKET DATA
CASE NO. PUE-----

<i>Company Profitability And Capital Market Data</i>	<i>4th Year Prior</i>	<i>3rd Year Prior</i>	<i>2nd Year Prior</i>	<i>1st Year Prior</i>	<i>Test Period</i>
--	---------------------------	---------------------------	---------------------------	---------------------------	--------------------

- A. *Ratios*
Return on Year End Equity
Return on Average Equity

Earnings Per Share
Dividends Per Share
Payout Ratio

Market Price of Common Stock:
Year's High
Year's Low
Average Price

Dividend Yield on Common Stock:
Price Earnings Ratio
- B. *External Funds Raised*
External Funds Raised - Debt:
Dollar Amount Raised
Coupon Rate
Bond Rating(s)
(Rating Service)

*External Funds Raised - Preferred
Stock*
Dollar Amount Raised
Dividend Rate
Preferred Stock Rating(s)
(Ratings Service)

*External Funds Raised - Common
Equity:*
Dollar Amount From Public Offering
Number Shares Issued
Average Offering Price
- C. *Subsidiary Data*
Return on Year End Equity
Return on Average Equity

External Funds Raised - Bonds:
Dollar Amount Raised
Coupon Rate
Bond Rating(s)
(Rating Service)

*External Funds Raised - Preferred
Stock*
Dollar Amount Raised
Dividend Rate
Preferred Stock Rating(s)
(Ratings Service)

*Equity Capital Transfer
From Parent*
(Dollar Amount - Net)]

COMPANY NAME
INTEREST AND CASH FLOW COVERAGE DATA
CASE NO. PUE-----

Exhibit No.: _____
Witness: _____
Schedule 2

Coverage Ratios and Cash Flow Profile Data	4th Year Prior	3rd Year Prior	2nd Year Prior	1st Year Prior	Test Period
---	-------------------	-------------------	-------------------	-------------------	----------------

A. Consolidated Company Data

Interest Coverage Ratio
Pre-Tax

Cash Flow Coverage Ratios

- a. Common Dividend Coverage
- b. Cash Flow Coverage of
Construction Expenditures
- c. Cash After Dividends Coverage
of Construction Expenditures

Data for Interest Coverage

- 1 Net Income
- 2 Income Taxes
- 3 Interest on Mortgages
- 4 Other Interest
- 5 Total Interest
- 6 Earnings Before Interest and
Taxes

Data for Cash Flow Coverage

- 7 Net Income
- 8 AFUDC
- 9 Amortization
- 10 Depreciation
- 11 Change in Deferred Taxes
- 12 Change in Investment Tax
Credits
- 13 Preferred Dividends Paid
- 14 Cash Flow Generated
- 15 Construction Expenditures
- 16 Common Dividends Paid

B. Subsidiary Data

Interest Coverage Ratio
Pre-Tax

Cash Flow Coverage Ratios

- a. Common Dividend Coverage
- b. Cash Flow Coverage of
Construction Expenditures
- c. Cash After Dividends Coverage
of Construction Expenditures

Data for Interest Coverage

- 1 Net Income
- 2 Income Taxes
- 3 Interest on Mortgages
- 4 Other Interest
- 5 Total Interest
- 6 Earnings Before Interest and
Taxes

Final Regulations

Data for Cash Flow Coverage

7 *Net Income*

8 *AFUDC*

9 *Amortization*

10 *Depreciation*

11 *Change in Deferred Taxes*

12 *Change in Investment Tax
Credits*

13 *Preferred Dividends Paid*

14 *Cash Flow Generated*

15 *Construction Expenditures*

16 *Common Dividends Paid*

COMPANY NAME
 CAPITAL STRUCTURE AND COST OF CAPITAL STATEMENT - PER BOOKS AND AVERAGE
 CASE NO. PUE-----

Exhibit No.: _____
 Witness: _____
 Schedule 3

	(1)	(2)	(3)	(4)	(5)	(6)
	4th Year Prior	3rd Year Prior	2nd Year Prior	1st Year Prior	Test Period	[Five-Quarter or] 13-Month Average
A. Capital Structure Per Balance Sheet (\$)						
Short-Term Debt						N/A
Customer Deposits						N/A
Other Current Liabilities						N/A
Long-Term Debt						N/A
Preferred & Preference Stock						N/A
Common Equity						N/A
Investment Tax Credits						N/A
Other Tax Deferrals						N/A
Other Liabilities						N/A
Total Capitalization						N/A
B. Capital Structure Approved for Ratemaking Purposes (\$)						
Short-Term Debt [(1)]						
Long-Term Debt						
Preferred & Preference Stock						
Job Development Credits						
Common Equity						
Other (specify)						
Total Capitalization						
C. Capital Structure Weights for Ratemaking Purposes						
Short-Term Debt						
Long-Term Debt						
Preferred & Preference Stock						
Job Development Credits						
Common Equity						
Other (specify)						
Total Capitalization (100%)						
D. Component Capital Cost Rates (%)						
Short-Term Debt						
Long-Term Debt						
Preferred & Preference Stock						
Job Development Credits						
Common Equity (Authorized)						
Other (specify)						
E. Component Weighted Cost Rates (%)						
Short-Term Debt						
Long-Term Debt						
Preferred & Preference Stock						
Job Development Credits						
Common Equity (Authorized)						
Other (specify)						
Weighted Cost of Capital						

[(1) - For ratemaking purposes, short-term debt shall be based on a daily average balance over the test year or alternatively on a 13-month average balance over the test year.]

Final Regulations

COMPANY NAME
 RATE OF RETURN STATEMENT - EARNINGS TEST
 FOR THE TEST YEAR ENDED --/--/--
 USING THIRTEEN MONTH AVERAGE RATE BASE AND COMMON EQUITY

Exhibit No.: ____
 Witness: ____
 Schedule 9

LINE NO.	(1) Total Company	(2) Non-Jurisdictional	(3) Virginia Jurisdictional Business	(4) Per Books Regulatory Accounting Adjustments	(5) Virginia Jurisdictional after all Adjustments	[(6) [Regulatory Asset Write-off	(7) Amounts after Add-Expense Recovery]
1	OPERATING REVENUE						
2	OPERATING REVENUE DEDUCTIONS						
3	OPERATION & MAINTENANCE EXPENSE						
4	DEPRECIATION & AMORTIZATION						
5	FEDERAL INCOME TAXES						
6	TAXES OTHER THAN INCOME TAXES						
7	(GAIN)/LOSS ON DISPOSITION OF PROPERTY						
8	TOTAL OPERATING REVENUE DEDUCTIONS						
9	OPERATING INCOME						
10	PLUS: AFUDC						
11	LESS: CHARITABLE DONATIONS						
12	INTEREST EXPENSE ON CUSTOMER DEPOSITS						
13	INTEREST ON SUPPLIER REFUNDS						
[43	OTHER INTEREST						
14]	EXPENSE/(INCOME)						
[44	ADJUSTED OPERATING INCOME						
15]							
[45	PLUS: OTHER INCOME/(EXPENSE)						
16]							
[46	LESS: INTEREST EXPENSE-BOOKED						
17]							
[47	PREFERRED DIVIDENDS						
18]							
[48	JDC CAPITAL EXPENSE						
19]							
[49	INCOME AVAILABLE FOR COMMON EQUITY						
20]							
[20	ALLOWANCE FOR WORKING CAPITAL						
21]							
[21	PLUS: NET UTILITY PLANT						
22]							
[22	LESS: OTHER RATE BASE DEDUCTIONS						
23]							
[23	TOTAL AVERAGE RATE BASE						
24]							
[24	TOTAL AVERAGE CAPITAL						
25]							
[25	AVERAGE COMMON EQUITY CAPITAL						
26]							
[26	% RATE OF RETURN EARNED ON AVG. RATE						
27]	BASE						
[27	% RATE OF RETURN EARNED ON AVG.						
28]	COMMON EQ.						
[28	% EQUITY RETURN AUTHORIZED - BOTTOM						
	OF RANGE]						

COMPANY NAME
NET ORIGINAL COST RATE BASE - EARNINGS TEST
THIRTEEN-MONTH AVERAGE PER BOOKS RATE BASE

Exhibit No.: _____
Witness: _____
Schedule 10

LINE NO.	(1) Total Company	(2) Non-Jurisdictional	(3) Virginia Jurisdictional Business	(4) Per Books Reg. Accounting Adjustments	(5) Virginia Jurisdictional after all Adjustments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
[43]					
[44]					
13]					
[45]					
14]					
[46]					
15]					
[47]					
16]					
[48]					
17]					
[49]					
18]					
[20]					
19]					
[24]					
20]					
[22]					
21]					

Final Regulations

[

~~COMPANY NAME~~
~~EARNINGS TEST EXPENSE RECOVERY~~

~~Exhibit No.:~~ _____
~~Witness:~~ _____
~~Schedule 11~~

Line

- ~~1 LOW END OF RANGE~~
- ~~2 COMMON EQUITY CAPITAL~~
- ~~3 TIMES: RETURN ON EQUITY~~

- ~~4 INCOME AVAILABLE REQUIREMENT~~
- ~~5 LESS: INCOME AVAILABLE PER EARNINGS TEST~~

- ~~6 REDUCTION TO INCOME AVAILABLE FOR EQUITY~~
- ~~7 DIVIDED BY: GROSS-UP FACTOR~~

- ~~8 REGULATORY ASSET WRITE-OFF]~~

COMPANY NAME
 SCHEDULE OF REGULATORY ASSETS
 AS OF --/--/--

Exhibit No.: ____
 Witness: ____
 Schedule [#2 11]

Account Number	Description	(1)	(2)	(3)	(4)	(5)	(6)	[(7)]	{ (8) }
		Start of Year Date System Amount	Year Juris. Factor	Start of Year Date Juris. Amount	Test Year Amortization Expense	Test Year Accruals	End of Year Date Adjusted Amount	[Year Write-off]	[End of Year Date Balance after Write-off]
-----	Individual Regulatory Asset								
-----	Related Deferred Income Tax								
-----	Individual Regulatory Asset								
-----	Related Deferred Income Tax								
-----	Individual Regulatory Asset								
-----	Related Deferred Income Tax								
	Totals								

Final Regulations

COMPANY NAME
DETAIL OF EARNINGS TEST ADJUSTMENTS
REFLECTED IN COL. (--) OF SCHEDULES -- AND --

Exhibit No.: ____
Witness: ____
Schedule [13 12]

ADJ. NO.	ADJUSTMENT	AMOUNT
-------------	------------	--------

[~~INCOME ADJUSTMENTS~~]

OPERATING REVENUE ADJUSTMENTS
OPERATION AND MAINTENANCE EXPENSES ADJUSTMENTS
DEPRECIATION EXPENSE ADJUSTMENTS
INCOME TAXES ADJUSTMENTS
TAXES OTHER THAN INCOME ADJUSTMENTS
GAIN ON PROPERTY DISPOSITION ADJUSTMENTS
CHARITABLE DONATIONS ADJUSTMENTS
OTHER INTEREST EXPENSE/(INCOME) ADJUSTMENTS
INTEREST EXPENSE ADJUSTMENTS
PREFERRED DIVIDENDS ADJUSTMENTS
JDC CAPITAL EXPENSE ADJUSTMENTS
ALLOWANCE FOR WORKING CAPITAL ADJUSTMENTS
ELECTRIC PLANT IN SERVICE ADJUSTMENTS
PLANT HELD FOR FUTURE USE ADJUSTMENTS
CONSTRUCTION WORK IN PROGRESS ADJUSTMENTS
ACCUMULATED DEPRECIATION AND AMORTIZATION ADJUSTMENTS
OTHER RATE BASE DEDUCTIONS ADJUSTMENTS
COMMON EQUITY CAPITAL ADJUSTMENTS

[COMPANY NAME
 RECONCILIATION OF CHANGES IN EARNINGS - EARNINGS TEST
 CASE NO. PUE-----

Exhibit No.: _____
 Witness: _____
 Schedule 14

Line No.	Description	(1) Amounts	(2) Effect on Revenue Requirement Based on Bottom of the Equity Range
1	Per Books Revenue Requirement		
2	Revenue Adjustments		
3	O&M Expense Adjustments		
4	Depreciation and Amortization Expense Adjustments		
5	Federal Income Tax Adjustments		
6	Taxes Other than Income Adjustments		
7	Gain/Loss on Disposition of Property Adjustments		
8	Charitable Donations Adjustments		
9	Other Interest Expense/(Income) Adjustments		
10	Rate Base Adjustments		
11	Capital Structure and Cost of Capital		
12	Company Proposed Regulatory Asset Write-off]		

Final Regulations

COMPANY NAME
 CASH WORKING CAPITAL - EARNINGS TEST
 FOR THE YEAR ENDED --/--/--
 SUPPORTING COLUMN -- OF SCHEDULE --

Exhibit No.: ____
 Witness: ____
 Schedule [#5 13]

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Virginia Juris. Per Books Amounts	Per Books Regulatory Accounting Adjustments	Amounts After Adj.	Average Daily Amount	Expense (Lead)Lag Days	Revenue Lag	Net (Lead)Lag Days	Working Capital (Provided)\ Required
OPERATING EXPENSES								
O&M Expenses:								
Account # - Fuel Clause								
Account # - Fuel Clause								
Account # - Fuel Clause								
Account # - Purchased Power								
Account # - Deferred Fuel								
Payroll Expense								
Benefits and Pension Expense								
OPEB Expense								
Regulatory Asset Amortization Expense								
Uncollectible Expense								
Stores Issues								
[Stores Stores] Undistributed								
Accrued Vacation Expense								
Prepaid Insurance Amortization Expense								
Worker's Compensation Expense								
Directors' Deferred Compensation Exp.								
Storm Damage Expense								
Transition Cost Expense								
Restructuring Expense								
Contingent Liabilities								
Other O&M Expenses								
Depreciation Expense:								
Depreciation Expense								
[Amortization Expense]								
Amortization Expense								
Amortization of Regulatory Assets								
Federal Income Taxes:								
Current								
Deferred								
DFIT on items excluded from Rate Base								
Deferred ITC								
State Income Tax Expense								
Taxes Other Than Income:								
Property Tax Expense								
Virginia Gross Receipts Tax Expense								
Valuation Tax Expense								
Local Gross Receipts Tax Expense								
Business and Occupation Tax Expense								
Payroll Tax Expense								
Other Taxes								
AFUDC								
Gain/Loss of Disposition of Property								
Charitable Donations								
Interest on Customer Deposits								
Other [Expense/Income Income/Expense]								
(A-t-l)								
Other Income/Expense (B-t-l)								
Interest Expense								
Preferred Dividends								
JDC Expense								
Income Available for Common Equity								
Totals								
Plus: Customer Utility Taxes								
BALANCE SHEET ITEMS								
TOTAL CASH WORKING CAPITAL								

COMPANY NAME
BALANCE SHEET ANALYSIS - EARNINGS TEST
FOR THE THIRTEEN MONTHS ENDED --/--

Exhibit No.: ____
Witness: ____
Schedule [46 14]

Additional Uses of Average Cash Working Capital

*Account
Number*

*Account
Title*

*Thirteen
Month
Average*

*Individual Uses of Cash Working Capital
Individual Uses of Cash Working Capital
Individual Uses of Cash Working Capital
Individual Uses of Cash Working Capital*

Total Additional Uses of Average Cash Working Capital

Additional Sources of Average Cash Working Capital

*Account
Number*

*Account
Title*

*Thirteen
Month
Average*

*Individual Sources of Cash Working Capital
Individual Sources of Cash Working Capital
Individual Sources of Cash Working Capital
Individual Sources of Cash Working Capital*

Total Additional Sources of Average Cash Working Capital

Net (Source)/Use of Average Cash Working Capital

Final Regulations

COMPANY NAME
ADJUSTED RATE OF RETURN STATEMENT
FOR THE TEST YEAR ENDED --/--

Exhibit No.: ____
Witness: ____
Schedule [#7
15]

ADJUSTED FROM AVERAGE TO END OF PERIOD RATE BASE AND COMMON EQUITY

LINE NO.	(1) Total Company Business	(2) Non- Jurisdictional	(3) Virginia Jurisdictional Business	(4) Ratemaking Adjustments	(5) Amounts After Adjustments	(6) Revenue Requirements for a -- % ROE	(7) Amounts After Additional Revenue Requirement
1	OPERATING REVENUES						
2	BASE RATE REVENUES						
3	FUEL REVENUES						
4	LATE PAYMENT FEES						
5	OTHER OPERATING REVENUES						
6	TOTAL OPERATING REVENUES						
7	OPERATING REVENUE DEDUCTIONS						
8	OPERATION & MAINTENANCE EXPENSE						
9	DEPRECIATION & AMORTIZATION						
10	FEDERAL INCOME TAXES						
11	TAXES OTHER THAN INCOME TAXES						
12	(GAIN)/LOSS ON DISPOSITION OF PROPERTY						
13	TOTAL OPERATING REVENUE DEDUCTIONS						
14	OPERATING INCOME						
15	PLUS: AFUDC						
16	LESS: CHARITABLE DONATIONS						
17	INTEREST EXPENSE ON CUSTOMER DEPOSITS						
18	OTHER INTEREST EXPENSE/(INCOME)						
19	ADJUSTED OPERATING INCOME						
20	PLUS: OTHER INCOME/(EXPENSE)						
21	LESS: INTEREST EXPENSE						
22	PREFERRED DIVIDENDS						
23	JDC CAPITAL EXPENSE						
24	INCOME AVAILABLE FOR COMMON EQUITY						
25	ALLOWANCE FOR WORKING CAPITAL						
26	PLUS: NET UTILITY PLANT						
27	LESS: OTHER RATE BASE DEDUCTIONS						
28	TOTAL RATE BASE						
29	TOTAL CAPITAL						
30	COMMON EQUITY CAPITAL						
31	% RATE OF RETURN EARNED ON RATE BASE						
32	% RATE OF RETURN EARNED ON COMMON EQUITY						
33	% [EQUITY RATE OF] RETURN AUTHORIZED [ON COMMON EQUITY]						

COMPANY NAME
 RATE BASE STATEMENT - ADJUSTED
 AS OF --/--

Exhibit No.: _____
 Witness: _____
 Schedule [48
 16]

LINE NO.	(1) Virginia Jurisdictional Business	(2) Ratemaking Adjustments	(3) Amounts After Adjustments
1	ALLOWANCE FOR WORKING CAPITAL		
2	MATERIAL AND SUPPLIES		
3	CASH WORKING CAPITAL (LEAD LAG STUDY)		
4	DEFERRED FUEL/DEFERRED GAS NET OF FIT		
5	OTHER WORKING CAPITAL		
6	TOTAL ALLOWANCE FOR WORKING CAPITAL		
7	NET UTILITY PLANT		
8	UTILITY PLANT IN SERVICE		
9	ACQUISITION ADJUSTMENT		
10	CONSTRUCTION WORK IN PROGRESS		
11	PLANT HELD FOR FUTURE USE		
12	LESS: ACCUMULATED PROVISION FOR DEPRECIATION		
13	AND AMORTIZATION		
14	CUSTOMER ADVANCES FOR CONSTRUCTION		
15	TOTAL NET UTILITY PLANT		
16	RATE BASE DEDUCTIONS		
17	CUSTOMER DEPOSITS		
18	SUPPLIER REFUNDS		
19	ACCUMULATED DEFERRED INCOME TAXES		
20	OTHER COST FREE CAPITAL		
21	TOTAL RATE BASE DEDUCTIONS		
22	TOTAL RATE BASE		

Final Regulations

COMPANY NAME
DETAIL OF RATEMAKING ADJUSTMENTS
REFLECTED IN COL. (-) OF SCHEDULES -- AND --

Exhibit No.: _____
Witness: _____
Schedule [49 17]

ADJ. NO.	ADJUSTMENT	AMOUNT
-------------	------------	--------

[~~INCOME ADJUSTMENTS~~]

OPERATING REVENUE ADJUSTMENTS

OPERATION AND MAINTENANCE EXPENSE ADJUSTMENTS

DEPRECIATION EXPENSE ADJUSTMENTS

INCOME TAX ADJUSTMENTS

TAXES OTHER THAN INCOME ADJUSTMENTS

GAIN ON PROPERTY DISPOSITION ADJUSTMENTS

CHARITABLE DONATION ADJUSTMENTS

OTHER INTEREST EXPENSE/(INCOME) ADJUSTMENTS

INTEREST EXPENSE ADJUSTMENTS

PREFERRED DIVIDENDS ADJUSTMENTS

JDC CAPITAL EXPENSE ADJUSTMENTS

ALLOWANCE FOR WORKING CAPITAL ADJUSTMENTS

ELECTRIC PLANT IN SERVICE ADJUSTMENTS

PLANT HELD FOR FUTURE USE ADJUSTMENTS

CONSTRUCTION WORK IN PROGRESS ADJUSTMENTS

ACCUMULATED DEPRECIATION AND AMORTIZATION ADJUSTMENTS

OTHER RATE BASE DEDUCTIONS ADJUSTMENTS

COMMON EQUITY CAPITAL

COMPANY NAME
 RECONCILIATION OF REVENUE REQUIREMENT SHORTFALL
 CASE NO. PUE-----

Exhibit No.: ____
 Witness: ____
 Schedule [20 18]

Line No.	Description	(1) Amounts	(2) Effect on Revenue Requirement
1	Per Books Revenue Requirement		
2	Revenue Adjustments		
3	O&M Expense Adjustments		
4	Depreciation and Amortization Expense Adjustments		
5	Federal Income Tax Adjustments		
6	Taxes Other than Income Adjustments		
7	Gain/Loss on Disposition of Property Adjustments		
8	Charitable Donations Adjustments		
9	Other Interest Expense/(Income) Adjustments		
10	Rate Base Adjustments		
11	Capital Structure and Cost of Capital		
12	Company Proposed Revenue Requirement		

Final Regulations

COMPANY NAME
 CASH WORKING CAPITAL - ADJUSTED
 FOR THE YEAR ENDED --/--/--

Exhibit No.: _____
 Witness: _____
 Schedule [24
 19]

SUPPORTING COLUMN -- OF SCHEDULE --

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Virginia Juris. Per Books Amounts	Rate-making Adjustments	Amounts After Adj.	Average Daily Amount	Expense (Lead)\Lag Days	Revenue Lag	Net (Lead)\Lag Days	Working Capital (Provided)\ Required
OPERATING EXPENSES								
O&M Expenses:								
Account # - Fuel Clause								
Account # - Fuel Clause								
Account # - Fuel Clause								
Account # - Purchased Power								
Account # - Deferred Fuel								
Payroll Expense								
Benefits and Pension Expense								
OPEB Expense								
Regulatory Asset Amortization								
Expense								
Uncollectible Expense								
Stores Issues								
[Stores Stores] Undistributed								
Accrued Vacation Expense								
Prepaid Insurance Amortization								
Expense								
Worker's Compensation Expense								
Directors' Deferred Compensation								
Exp.								
Storm Damage Expense								
Transition Cost Expense								
Restructuring Expense								
Contingent Liabilities								
Other O&M Expenses								
Depreciation Expense:								
Depreciation Expense								
[Amortization Expense]								
Amortization Expense								
Amortization of Regulatory Assets								
Federal Income Taxes:								
Current								
Deferred								
DFIT on items excluded from								
Rate Base								
Deferred ITC								
State Income Tax Expense								
Taxes Other Than Income:								
Property Tax Expense								
Virginia Gross Receipts Tax								
Expense								
Valuation Tax Expense								
Local Gross Receipts Tax								
Expense								
Business and Occupation Tax								
Expense								
Payroll Tax Expense								
Other Taxes								
AFUDC								
Gain/Loss of Disposition of Property								
Charitable Donations								
Interest on Customer Deposits								
Other [Expense Income								
Income/Expense] (A-t-l)								
Other Income/Expense (B-t-l)								
Interest Expense								

Preferred Dividends
JDC Expense
Income Available for Common Equity
Totals

Plus: Customer Utility Taxes

BALANCE SHEET ITEMS

TOTAL CASH WORKING CAPITAL

Final Regulations

COMPANY NAME
BALANCE SHEET ANALYSIS - ADJUSTED
AS OF --/--/--

Exhibit No.: _____
Witness: _____
Schedule [22 20]

Additional Uses of Cash Working Capital

<i>Account Number</i>	<i>Account Title</i>	<i>Adjusted Amount</i>
	<i>Individual Uses of Cash Working Capital</i>	
	<i>Individual Uses of Cash Working Capital</i>	
	<i>Individual Uses of Cash Working Capital</i>	
	<i>Individual Uses of Cash Working Capital</i>	

Total Additional Uses of Cash Working Capital

Additional Sources of Cash Working Capital

<i>Account Number</i>	<i>Account Title</i>	<i>Adjusted Amount</i>
	<i>Individual Sources of Cash Working Capital</i>	
	<i>Individual Sources of Cash Working Capital</i>	
	<i>Individual Sources of Cash Working Capital</i>	
	<i>Individual Sources of Cash Working Capital</i>	

Total Additional Sources of Cash Working Capital

Net (Source)/Use of Cash Working Capital

COMPANY NAME
 JURISDICTIONAL CLASS COST OF SERVICE
 (METHODOLOGY) COST ALLOCATION STUDY
 JURISDICTIONAL COST OF SERVICE
 CASE NO. PUE-----

Exhibit No.: _____
 Witness: _____
 Schedule [~~32~~ 30]

Line No.	Description	Total System	Virginia Juris.	Virginia Non-Juris.	Non-Juris.	Non-Juris.	Non-Juris.	Allocation Basis
10	Operating Revenues							
20								
30	Operating Expenses							
40	Depreciation Expenses							
50	Amortization							
60	Income Taxes							
70	State Income Taxes							
80	Taxes Other than Income							
90								
100	Total Operating Expenses							
110								
120	Net Operating Income							
130								
140	Adjustments to Operating Income							
150								
160	Add: AFUDC							
170	Less: Charitable Donations							
180	Interest Exp.- Customer Dep.							
190								
200	Adjusted Net Operating Income							
210								
220	Rate Base							
230								
240	ROR Earned on Rate Base							

Final Regulations

[

Exhibit No.: _____
Witness: _____
Schedule 42

COMPANY NAME
DETAIL OF RESTRUCTURING ACT ADJUSTMENTS
REFLECTED IN COL. (-) OF SCHEDULES -- AND --

ADJ. NO.	ADJUSTMENT	AMOUNT
	OPERATING REVENUE ADJUSTMENTS	
	OPERATION AND MAINTENANCE EXPENSE ADJUSTMENTS	
	DEPRECIATION EXPENSE ADJUSTMENTS	
	INCOME TAX ADJUSTMENTS	
	TAXES OTHER THAN INCOME ADJUSTMENTS	
	GAIN ON PROPERTY DISPOSITION ADJUSTMENTS	
	CHARITABLE DONATIONS ADJUSTMENTS	
	OTHER INTEREST EXPENSE/(INCOME) ADJUSTMENTS	
	INTEREST EXPENSE ADJUSTMENTS	
	PREFERRED DIVIDENDS ADJUSTMENTS	
	JDC CAPITAL EXPENSE ADJUSTMENTS	
	ALLOWANCE FOR WORKING CAPITAL ADJUSTMENTS	
	ELECTRIC PLANT IN SERVICE ADJUSTMENTS	
	PLANT HELD FOR FUTURE USE ADJUSTMENTS	
	CONSTRUCTION WORK IN PROGRESS ADJUSTMENTS	
	ACCUMULATED DEPRECIATION AND AMORTIZATION ADJUSTMENTS	
	OTHER RATE BASE DEDUCTIONS ADJUSTMENTS	
	COMMON EQUITY CAPITAL]	

COMPANY NAME
 JURISDICTIONAL CLASS COST OF SERVICE
 (METHODOLOGY) COST ALLOCATION STUDY

Exhibit No.: _____
 Witness: _____
 Schedule [~~48-A~~
 45A]

SYSTEM FUNCTIONAL ANALYSIS
 CASE NO. PUE-----

Line No.	Description	System	Production	Transmission	Distribution	Energy	Customer	Allocation Basis
10	Operating Revenues							
20								
30	Operating Expenses							
40	Depreciation Expenses							
50	Amortization							
60	Income Taxes							
70	State Income Taxes							
80	Taxes Other than Income							
90								
100	Total Operating Expenses							
110								
120	Net Operating Income							
130								
140	Adjustments to Operating Income							
150								
160	Add: AFUDC							
170	Less: Charitable Donations							
180	Interest Exp.- Customer Dep.							
190								
200	Adjusted Net Operating Income							
210								
220	Rate Base							
230								
240	ROR Earned on Rate Base							

Final Regulations

COMPANY NAME
JURISDICTIONAL CLASS COST OF SERVICE
(METHODOLOGY) COST ALLOCATION STUDY

Exhibit No.: _____
Witness: _____
Schedule [48B
45B]

CLASS SUMMARY
CASE NO. PUE-----

Line No.	Description	Virginia Juris	Retail Class 1	Retail Class 2	Retail Class 3	Retail Class 4	Retail Class 5	Allocation Basis
10	Operating Revenues							
20								
30	Operating Expenses							
40	Depreciation Expenses							
50	Amortization							
60	Income Taxes							
70	State Income Taxes							
80	Taxes Other than Income							
90								
100	Total Operating Expenses							
110								
120	Net Operating Income							
130								
140	Adjustments to Operating Income							
150								
160	Add: AFUDC							
170	Less: Charitable Donations							
180	Interest Exp.- Customer Dep.							
190								
200	Adjusted Net Operating Income							
210								
220	Rate Base							
230								
240	ROR Earned on Rate Base							

COMPANY NAME
 JURISDICTIONAL CLASS COST OF SERVICE
 (METHODOLOGY) COST ALLOCATION STUDY

Exhibit No.: _____
 Witness: _____
 Schedule [48C
 45C]

CLASS FUNCTIONAL ANALYSIS
 CASE NO. PUE-----

Line No.	Description	Retail Class 1	Production	Transmission	Distribution	Energy	Customer	Allocation Basis
10	Operating Revenues							
20								
30	Operating Expenses							
40	Depreciation Expenses							
50	Amortization							
60	Income Taxes							
70	State Income Taxes							
80	Taxes Other than Income							
90								
100	Total Operating Expenses							
110								
120	Net Operating Income							
130								
140	Adjustments to Operating Income							
150								
160	Add: AFUDC							
170	Less: Charitable Donations							
180	Interest Exp. - Customer Dep.							
190								
200	Adjusted Net Operating Income							
210								
220	Rate Base							
230								
240	ROR Earned on Rate Base							

VA.R. Doc. No. R00-47; Filed July 28, 2000, 3:50 p.m.



EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

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

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

Effective Dates: July 28, 2000, through August 24, 2000.

Summary:

The amendment lowers the commercial landings quota by 50%, from 710,000 to 355,000 horseshoe crabs.

4 VAC 20-900-10. Purpose.

The purposes of this ~~chapter~~ *emergency regulation* 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 20-900-25. 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~~ 355,000 horseshoe crabs.

D. It shall be unlawful for any person to harvest from Virginia waters or to land in Virginia any horseshoe crab for 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. R00-249; Filed July 28, 2000, 2:34 p.m.

FORMS

TITLE 22. SOCIAL SERVICES

DEPARTMENT OF SOCIAL SERVICES

EDITOR'S NOTICE: The forms used in administering 22 VAC 40-180-10 et seq. are listed below. Any amended or added forms are reflected in the listing and are published following the listing. The forms are available for public inspection at the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219. Copies of the forms may be obtained from L. Richard Martin, Jr., Division of Management and Customer Services, Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1825, FAX (804) 692-1814 or e-mail lrm2@email.dss.state.va.us.

Title of Regulation: **22 VAC 40-180-10 et seq. Voluntary Registration of Family Day Homes--Requirements for Providers.**

FORMS

Voluntary Registration Health and Safety Checklist (rev. ~~7/98~~ 8/00).

Voluntary Registration Provider Application Form, 032-05-210/1 (rev. 7/96).

Voluntary Registration Health and Safety Checklist

Verify each item that is currently true for your home by inserting a P (provider) in the first slot provided before the item. The screener will place an S (screener) in the second slot when this information is verified during the visit to your home. Mark the item N/A if the item is not applicable to your home.

Section 1. I AM PREPARED TO DEAL WITH EMERGENCIES:

- I have a medical release form from each family to permit emergency care; I also have the names and phone numbers of one or more persons besides the family who may be contacted in case of an emergency.
- I have an operable telephone, or have easy access to one, with a 911 sticker or emergency telephone numbers posted in clear view.
- My address or equivalent identifying information is easily seen from the street or parking lot.
- Exit ways, hallways and stairways are always well lighted and free of obstructions.
- I have a first aid kit and an operable flashlight available at all times.
- I practice emergency evacuation drills monthly to the point of exit from the home and have a posted evacuation plan.
- I have an approved, properly installed, and operable battery-operated smoke detector in each sleeping area and on each additional floor in accordance with the Virginia Uniform Statewide Building Code.

Section 2. I TAKE PRECAUTIONS TO PREVENT ACCIDENTS AND INJURIES:

- I have taken steps to safeguard the outdoor play area used by children in my home from open and obvious hazards, such as: standing water, animal fecal material, construction materials, poison ivy, dangerous lawn and garden tools, and traffic.

- (Fencing or other barriers might be needed when play area is next to a body of water or busy street).
- My home is in good repair, with no peeling lead paint.
- Steps and stairs accessible to children are in good repair with hand or guard rails.
- I have taken steps to safeguard my home from open and obvious household hazards, such as loose carpeting, unmarked glass doors, and small items that could be swallowed. I will permit a fire inspection of my home by appropriate authorities if conditions indicate a need for approval and the contract agency or the Virginia Department of Social Services requests it.
- Cribs or playpens that meet the current Consumer Product Safety Commission (CPSC) guidelines for cribs are used for children under 18 months of age. The service side of an occupied crib is accessible. Crib slats are no more than 2 3/4 inches apart.
- I use screened doors and windows for ventilation.
- Protective barriers, including but not limited to safety gates, are placed on stairways that are accessible to children. Safety gates that are used meet the Consumer Product Safety Commission (CPSC) guidelines for juvenile products.
- Electrical outlets are child-proof in all areas accessible to children. Multi-plug adapters that are used have fuse safety features.
- I place barriers around space heaters, fireplaces, wood stoves, and fans when in use.
- My fireplaces, heating system, and duct work are in good repair.

Voluntary Registration Health and Safety Checklist

- My electrical panel is easily accessible to adults, free of loose connections and fraying wiring, and has no missing fuses. There is no frayed or uninsulated wiring anywhere in the house.
- I keep medications and toxic household products in areas inaccessible to children and away from food products.
- I keep dangerous objects, such as knives, out of the reach of children, unless under supervision, e.g., when children are using these objects in planned activities.
- I ensure that small appliances are not accessible to children, unless under supervision, e.g., when children are using these appliances in planned activities.
- I keep firearms unloaded, apart from ammunition, and in a locked place.
- My kitchen appliances are in good working order, with range, oven and hood clean and free of grease.

Section 3. I TAKE PRECAUTIONS TO PROTECT THE HEALTH OF THE CHILDREN ENTRUSTED TO ME:

- I keep a copy of the physical examination results obtained on each child before or within 30 days after enrollment, and up-to-date immunization records on each child in care, unless I have a statement of medical or religious exemption.
- My hands and children's hands are washed with soap before meals and after toileting and diapering.
- I serve nutritious meals and snacks to children.
- Rooms used by children are dry, well lighted, and kept at least 68 degrees during heating season.
- I have indoor running water and bathrooms.

Section 4. I ENCOURAGE CHILDREN TO DEVELOP THEIR OWN SKILLS AND PERSONALITIES:

- I plan for adequate rest and play for children in care.
- I encourage children to participate in activities to their age and levels of development.
- I never use discipline which would be mean or belittle a child and never use physical (corporal) punishment.

Section 5. I AM MINDFUL OF MY RESPONSIBILITIES TO UPHOLD LAWS AND REGULATIONS IMPORTANT TO THE PROTECTION OF CHILDREN:

- I am at least 18 years of age and have not been convicted of any offenses specified in § 63.1-198.1 of the Code of Virginia.
- My physical and mental condition are such that I am able to care for children.

Voluntary Registration Health and Safety Checklist

 [For Agency Use Only]

Check only one:

- Initial Verification
- Monitoring Visit
- Renewal Visit
- Other (Specify): _____

Time of Visit: _____
 Date: _____

I, _____
 (screener), verify that the provider meets the health and safety standards and has agreed to comply with the above requirements.

Agency conducting evaluation: _____

Voluntary Registration Health and Safety Checklist

I disclose to parents the percentage of time that a provider other than myself will care for their children.

I comply with Section 63.1-196.002 (COP) by requiring proof of each child's identity and age for children enrolled on or after 7/1/98.

- Previous child day care programs and schools attended.
- Documentation of reviewing proof of identity and age.

If I transport children, I make sure any vehicle used to transport children meets the standards set by the Division of Motor Vehicles and is equipped with the proper restraining devices required by law.

I will comply with the Requirements for Providers and permit to participate in an evaluation of my home by the department or contracting organization; and, I will maintain the records listed in the Requirements for Providers and make them available for review by an authorized screener.

I understand that the contracting agency and the Virginia Department of Social Services stand ready to help me provide good care to children and that I may ask for help or advice as needed.

I, the undersigned, agree to comply with these requirements.

Signature: _____
 Name: (print) _____
 Address: _____
 Phone Number: () _____

My family day home is not required to be licensed under state law. I make sure that the number of children receiving care, other than my own children and children residing in the home, is not more than five at any one time.

I adhere to the following adult to child ratios and print system required to supervise children receiving care:

- When children are in the same age groups, adult to child ratios: 1:4 children from birth to 15 months; 1:5 children from 16 months through 23 months; 1:8 children from two years through four years of age; and 1:16 children from five years to nine years of age;
- When children's ages are mixed, an adult may carry no more than 16 points: children from birth through 15 months count as four points; children 16 months through 23 months count as three points; children from two years through four years of age count as two points; and children from five years through nine years of age count as one point;

I understand that my own children and children residing in the home who are under eight years of age are included in the ratios and the point system.

I never leave children alone with an assistant younger than 18 years of age. I make sure children are properly supervised at all times.

I make sure that all care givers are familiar with the Requirements for Providers.

I report cases of suspected child abuse and neglect and other hazardous situations as described in the Requirements for Providers.

I make sure that any adult (18 years of age or older), including any adult household member, who comes in contact with children or will provide ongoing care to children has a tuberculosis (TB) test, criminal records check and Child Protective Services Central Registry Clearance, and I will not allow them to use alcohol or illegal drugs while children are in care.

GENERAL NOTICES/ERRATA

DEPARTMENT OF JUVENILE JUSTICE

Notices of Periodic Review

The Department of Juvenile Justice is reviewing the regulation entitled Minimum Standards for Virginia Delinquency Prevention and Youth Development Act Grant Programs (6 VAC 35-60) to determine if the regulation should be terminated, amended or retained in its current form.

The department seeks public comment regarding the regulation's essentiality in protecting the public safety, the regulation's effectiveness in achieving its intended specific and measurable goals, whether the regulation is clearly written and easily understandable, and suggestions as to less burdensome and intrusive alternatives to the regulations.

The goals of the regulation are to:

1. Reduce the number of institutionalized children by preventing their contact with Virginia's juvenile justice system;
2. Involve citizens and professionals in a planning process before new programs are developed; and
3. Create in the sponsor locality an environment that will provide for the positive and wholesome development of youth.

Comments may be submitted until September 30, 2000, to Mr. Donald Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, Virginia 23218-1110; or e-mailed to carigndr@djj.va.state.us, or FAXED to (804) 371-0773.

* * *

The Department of Juvenile Justice is reviewing the regulation entitled Standards for Juvenile Residential Facilities (6 VAC 35-140) to determine if the regulation should be terminated, amended or retained in its current form.

The department seeks public comment regarding the regulation's essentiality in protecting the public safety, the regulation's effectiveness in achieving its intended specific and measurable goals, whether the regulation is clearly written and easily understandable, and suggestions as to less burdensome and intrusive alternatives to the regulations.

The goals of the regulation are to:

1. Protect the citizens of the Commonwealth by confining delinquent juveniles who pose a threat to the public safety;
2. Provide a safe and secure environment for confined juveniles in which treatment and rehabilitative programming can be delivered; and
3. Provide appropriate due process protections to confined juveniles.

Comments may be submitted until September 30, 2000, to Donald Carignan, Regulatory Coordinator, Department of

Juvenile Justice, P.O. Box 1110, Richmond, Virginia 23218-1110; or e-mailed to carigndr@djj.va.state.us, or FAXED to (804) 371-0773.

* * *

Pursuant to Executive Order Number Twenty-five (98), the Department of Juvenile Justice is reviewing the regulation entitled Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts (6 VAC 35-150-10 et seq.) to determine if the regulation should be terminated, amended or retained in its current form.

The department seeks public comment regarding the regulation's essentiality in protecting the public safety, the regulation's effectiveness in achieving its intended specific and measurable goals, whether the regulation is clearly written and easily understandable, and suggestions as to less burdensome and intrusive alternatives to the regulations.

The summary that appeared with the publication of the Final Regulations in the Virginia Register of October 13, 1997 (Volume 14, Issue 2) states: "The regulation establishes minimum standards for court service staffs and related supportive personnel so that 'uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth.' (§ 16.1-233 C of the Code of Virginia.)"

The regulation also establishes standards for the development, implementation, operation and evaluation of the nonresidential community-based programs and services such as those established by the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq. of the Code of Virginia).

The regulation seeks to balance the goal of establishing statewide minimum levels of service delivery with the goal of permitting program flexibility to meet diverse local circumstances. The regulation places increased emphasis on outcomes and effectiveness and less emphasis on the measurement of inputs or activities.

Specifically, the department is seeking to determine:

1. Whether the regulation ensures that "uniform services, insofar as is practical, will be available to juvenile and domestic relations district courts throughout the Commonwealth"?
2. Whether the regulation, particularly as applicable to intake and supervision, adequately protects the public safety?
3. Whether the regulation succeeds in balancing the goal of statewide minimum levels of service delivery with the goal of permitting program flexibility to meet diverse local circumstances?
4. Whether the regulation appropriately focuses on outcomes and effectiveness as opposed to the measurement of inputs or activities?
5. 6 VAC 35-150-55. Is the caseload requirement meaningful and adequate?

6. 6 VAC 35-150-200. Is the standard adequate to protect staff and the public in court service units?

7. 6 VAC 35-150-270. Should the standard mention the automated intake information system? Should this standard, or one of the following standards on intake, address the criteria for detention?

8. 6 VAC 35-150-310. Should the standard be revised to reflect changes in the Code of Virginia regarding postdispositional detention? Should the standard address the issue of criteria or qualification for postdispositional detention?

9. 6 VAC 35-150-335 et seq. Should the standards governing probation, parole and other supervision address the question of "intensive" supervision, including risk assessment or other criteria, and minimum standards of contact for juvenile under intensive supervision?

10. 6 VAC 35-150-350. Should the family involvement plan required in Part C be more closely integrated into the staffing process at the Reception and Diagnostic Center?

11. Should the report on the family's progress required in Part D be more closely integrated into the facility's requirement to conduct a 90-day review of the ward's progress in the individualized treatment plan? Should the written supervision plan required in Part E be tied more specifically to the ward's early release date, rather than to the "anticipated release date"?

12. 6 VAC 35-150-420. Can the purpose of the 30-day contact with JCC staff and the 90-day contact with wards be accomplished in some other way?

13. 6 VAC 35-150-430. Is the requirement for the program to state the "methods and criteria for evaluating program effectiveness" adequate?

14. 6 VAC 35-150-440. Are the requirements for employee background checks appropriate?

15. 6 VAC 35-150-470. Are the time limitations realistic?

16. Are the "Guidelines for transporting juveniles in detention" appropriate?

Comments may be submitted until September 30, 2000, to Donald Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, Virginia 23218-1110; or e-mailed to carigndr@djj.va.state.us, or FAXED to (804) 371-0773.

STATE BOARD OF EDUCATION

Notice of Reproposal

September 27, 2000 - Public comments may be submitted until this date.

Notice is hereby given that the State Board of Education intends to afford an additional 30-day public comment period for 8 VAC 20-80-10 et seq., Regulations Governing Special

Education Programs for Children with Disabilities in Virginia. Proposed regulations were first published in the Virginia Register on January 17, 2000, and a 60-day public comment period was held. The board reviewed the comments received during this period and, on July 27, 2000, proposed certain modifications based on the comments.

The revised text and a summary of proposed changes are available on the Virginia Department of Education web site at <http://www.pen.k12.va.us/VDOE/Instruction/Sped/spfedregs.html>.

Comments may be submitted to Special Education Regulations Comments, Virginia Department of Education, Office of Special Education and Student Services, P.O. Box 2120, Richmond, VA 23218-2120.

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

Persons unable to access copies on the web site may request copies by contacting the Office of Special Education and Student Services at the above address or by calling (804) 225-2402. Braille and audiotape copies are also available upon request.

Contact: Catherine A. Pomfrey, Virginia Department of Education, Office of Special Education and Student Services, P.O. Box 2120, Richmond, VA 23218-2021, telephone (804) 225-2402, e-mail cpomfrey@mail.vak12ed.edu.

STATE WATER CONTROL BOARD

Proposed Consent Special Order Michael Seeger and Thomas Spencer

The State Water Control Board proposes to enter into a Consent Special Order with Michael Seeger and Thomas Spencer to resolve violations of the State Water Control Law and regulations at the Seeger and Spencer private residences. The Seeger and Spencer residences are located in Rockbridge County and are served by a sewage treatment system consisting of a septic tank and discharging sand filter. The discharge is in the Middle James River basin. The treatment system was formerly regulated under the local health services LHS-120 permitting program. In 1992, regulation of this facility was referred to the State Water Control Board from the local health department. LHS 120 facilities did not have valid permits to authorize the discharge of wastewater to state waters.

DEQ has found Michael Seeger and Thomas Spencer to be in violation of laws and regulations for an unpermitted discharge and failure to make application for a VPDES Permit for the discharge.

The proposed Consent Special Order settles an outstanding Notice of Violation and incorporates a schedule of compliance requiring Mr. Seeger and Mr. Spencer to either install on-site subsurface sewage disposal systems approved by the local health department or to make application for a VPDES discharge permit for the existing treatment system.

The board will receive written comments relating to the proposed Consent Special Order for 30 days from the date of

General Notices/Errata

publication of this notice. Comments should be addressed to Steven W. Hetrick, Department of Environmental Quality, Post Office Box 3000, Harrisonburg, Virginia 22801, and should refer to the Consent Special Order.

The proposed Order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia 22801. A copy of the order may be obtained in person or by mail from the DEQ office.

VIRGINIA CODE COMMISSION

Change in Subscription Rate for the Virginia Register of Regulations

The Virginia Code Commission approved an increase of the annual subscription rate for the Virginia Register of Regulations to \$125 and an increase for single copy issues of the Register to \$5.00 per issue. The new rates will become effective with Volume 17, Issue 1, which will be published on September 25, 2000.

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219. You may FAX in your notice; however, we ask that you FAX two copies and do not follow up with a mailed copy. Our FAX number is: (804) 692-0625.

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

All agencies are required to use the appropriate forms when furnishing material for publication in *The Virginia Register of Regulations*. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other *Virginia Register* resources may be printed or downloaded from the *Virginia Register* web page:



<http://legis.state.va.us/codecomm/register/regindex.htm>

FORMS:

NOTICE of INTENDED REGULATORY ACTION - RR01
NOTICE of COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE of MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OBJECTIONS
- RR08


CALENDAR OF EVENTS

Symbol Key

-  Location accessible to persons with disabilities
 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. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.vipnet.org or contact the organization directly.

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


† **October 4, 2000 - 10 a.m.** -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.

October 30, 2000 - 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 Accountancy intends to **repeal** regulations entitled: **18 VAC 5-20-10 et seq. Board for Accountancy Regulations** and **adopt** regulations entitled: **18 VAC 5-21-10 et seq. Board of Accountancy Regulations**. The board is currently operating under emergency regulations that implement the provisions of Senate Bill 926 passed by the 1999 Session of the General Assembly. The proposed regulations are necessary to replace the emergency regulations and to continue to implement the provisions of SB 926.

Statutory Authority: §§ 54.1-201 and 54.1-2002 of the Code of Virginia.


Contact: Christine Martine, Regulatory Board Administrator, Board of Accountancy, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-6128 or (804) 367-9753/TTY 

October 16, 2000 - 10 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 meeting to 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, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail accountancy@dpor.state.va.us.

COMMONWEALTH COUNCIL ON AGING

September 14, 2000 - 9 a.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A business meeting of the Public Relations Committee.

Contact: Bill Edwards, Education, Training and Research Coordinator, Commonwealth Council on Aging, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9314.


September 14, 2000 - 10 a.m. -- Open Meeting
Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Marsha Mucha, Administrative Staff Assistant, Commonwealth Council on Aging, Virginia Department for the Aging, 1600 Forest Ave., Suite 102, Richmond, VA 23229, telephone (804) 662-9312.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Agricultural Council

August 28, 2000 - 9 a.m. -- Open Meeting
August 29, 2000 - 9 a.m. -- Open Meeting
Hampton Inn, 380 Arbor Drive, Christiansburg, Virginia  (Interpreter for the deaf provided upon request)

An annual meeting to act upon the financial and business affairs of the council. Field trips to various agricultural interest will begin at 1 p.m. on August 28 and resume August 29 at 9 a.m. until noon. The council 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 Thomas Yates at least five days

Calendar of Events

before the meeting date so that suitable arrangements can be made.

Contact: Thomas R. Yates, Assistant Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Fifth Floor, Room 509, Richmond, VA, telephone (804) 786-6060, FAX (804) 371-8372, (800) 828-1120/TTY ☎

Virginia Cattle Industry Board

† **August 30, 2000 - 9 a.m.** -- Open Meeting
Holiday Inn, Woodrow Wilson Parkway, Staunton, Virginia. ♿

A meeting to approve minutes from the July 2000 meeting in addition to reviewing the financial statement for the period July 15 through August 15. Staff will give program updates for the state and national level. Final project proposals will be presented for fiscal year 2000-2001 budget and marketing plan. 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Reginald B. Reynolds, Executive Director, Virginia Cattle Industry Board, Department of Agriculture and Consumer Services, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

Virginia Horse Industry Board

September 27, 2000 - 10 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Board Room, Charlottesville, Virginia. ♿

A meeting to review the minutes of the last meeting, review end of fiscal year marketing projects and budgets, and consider revising the grant guidelines. 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Andrea S. Heid, Program Director, Virginia Horse Industry Board, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank St., Suite 1004, Richmond, VA, telephone (804) 786-5842, FAX (804) 371-7786.

Virginia Peanut Board

† **September 6, 2000 - 2 p.m.** -- Open Meeting
Virginia Peanut Growers Association Office, 23020 Main Street, Capron, Virginia. ♿

The board will convene in regular session to review peanut research projects requested by Virginia Researchers for possible funding by the National Peanut

Board. The minutes of the last meeting will be heard and approved. The board's financial statement will be reviewed. 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Russell C. Schools, Program Director, Virginia Peanut Board, Department of Agriculture and Consumer Services, P.O. Box 356, Capron, VA 23829, telephone (804) 658-4573, FAX (804) 658-4531.

STATE AIR POLLUTION CONTROL BOARD

August 28, 2000 - 7:30 p.m. -- Public Hearing
City Hall, Council Chambers, 441 Market Street, Suffolk, Virginia. ♿

A public hearing to receive comments on a change to the one-hour significant ambient air concentration for acrylamide at Ciba Specialty Chemicals Water Treatments, Inc. located in Suffolk, Virginia.

Contact: Cathy Francis, State Air Pollution Control Board, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23462, telephone (757) 518-2004, e-mail cfrancis@deq.state.va.us.

September 7, 2000 - 9 a.m. -- Open Meeting
Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia. ♿

A public meeting to receive comment on the board's intent to modify 9 VAC 5-20-21 to update information related to technical documents incorporated by reference and maintain consistency with Title 40 of the Code of Federal Regulations.

The department is soliciting comments on (i) the intended regulatory action, to include ideas to assist the department in the development of the proposal and (ii) the costs and benefits of alternatives. This public meeting is being held by the board to receive comments on and 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.

Contact: Karen Sabasteanski, State Air Pollution Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, (804) 698-4021/TTY ☎, e-mail kgsabastea@deq.state.va.us.

ALCOHOLIC BEVERAGE CONTROL BOARD

† **October 31, 2000 - 11 a.m.** -- Public Hearing
Virginia Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ♿

A regular meeting.

Contact: W. Curtis Coleburn III, Chief Operating Officer, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, e-mail wccolen@abc.state.va.us.

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

August 30, 2000 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Landscape Architects Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

September 6, 2000 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Certified Interior Designers Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

September 13, 2000 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct business of the APELSCIDLA Board. Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the department at (804) 367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail apelsla@dpor.state.va.us.

VIRGINIA COUNCIL ON ASSISTIVE TECHNOLOGY

September 13, 2000 - 9 a.m. -- Open Meeting

Virginia Foundation for Humanities, 145 Ednam Drive, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to conduct general business. This statewide consumer-driven advisory council provides oversight and direction to the Virginia Assistive Technology System.

Contact: Kenneth H. Knorr, Director, Virginia Assistive Technology System, P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-9990, (804) 662-9995, or toll-free 1-800-552-5019/TTY ☎

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND THEIR FAMILIES

State Executive Council

August 30, 2000 - 9 a.m. -- Open Meeting

September 27, 2000 - 9 a.m. -- Open Meeting

October 25, 2000 - 9 a.m. -- Open Meeting

November 29, 2000 - 9 a.m. -- Open Meeting

Department of Social Services, 730 East Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to provide for interagency programmatic and fiscal policies, oversee the administration of funds appropriated under the Act, and advise the Secretary of Health and Human Resources and the Governor.

Contact: Alan G. Saunders, Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Suite 137, Richmond, VA 23219, telephone (804) 662-9815, FAX (804) 662-9831, e-mail ags992@central.dss.state.va.us.

State Management Team

† **September 7, 2000 - 9:15 a.m.** -- Open Meeting


St. Joseph's Villa, 8000 Brook Road, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss recommendations for policy and procedure to the State Executive Council on the Comprehensive Services Act. Public comment will be received from 9:45 until 10 a.m.


Contact: Elisabeth Hutton, Secretary, Comprehensive Services for At-Risk Youth and Families, P.O. Box 2448, Richmond, VA 23218, telephone (804) 371-4099.

Calendar of Events


BOARD FOR BARBERS AND COSMETOLOGY

August 28, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barbers@dpor.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

† **September 18, 2000 - 10 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room C, First Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A meeting to conduct general business, review local Chesapeake Bay Preservation Area programs, and consider the FY2002 Local Assistance Grant Program Request for Proposals (RFP). Public comment will be taken during the meeting. A tentative agenda will be available September 1, 2000, from the Chesapeake Bay Local Assistance Department.

Contact: Carolyn J. Elliott, Executive Secretary Sr., Chesapeake Bay Local Assistance Board, James Monroe Building, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 371-7505, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY , e-mail celliott@cblad.state.va.us.


September 22, 2000 - 2 p.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 17th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Policy Committee to review a draft policy paper titled "Buffer Area Requirements and Limitations on Development Activities." Persons interested in observing should call the Chesapeake Bay Local Assistance Department to verify meeting time, location and schedule.

Contact: Shawn E. Smith, Principal Environmental Planner, Chesapeake Bay Local Assistance Department, James Monroe Building, 17th Floor, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447, toll-free (800) 243-

7339, (800) 243-7229/TTY , e-mail
ssmith@cblad.state.va.us.


VIRGINIA COLLEGE BUILDING AUTHORITY

October 13, 2000 - 1:30 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. 


A meeting to discuss the pooled bond program.


Contact: Evelyn R. Whitley, Manager, VCBA, Department of the Treasury, Monroe Bldg., 101 N. 14th Street, 3rd Floor, Richmond, VA 23219, telephone (804) 371-6006, FAX (804) 225-3187, e-mail evelyn.whitley@trs.state.va.us.

STATE BOARD FOR COMMUNITY COLLEGES


† **September 20, 2000 - 3:30 p.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


Meetings of the Audit, the Academic and Student Affairs, and the Budget and Finance Committees.

Contact: Susan Hayden, Public Relations Manager, State Board for Community Colleges, 101 N. 14th Street, 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 


† **September 20, 2000 - 4:15 p.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

Meetings of the Facilities and the Personnel Committees.


Contact: Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 

† **September 21, 2000 - 9 a.m.** -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Susan Hayden, Public Relations Manager, State Board for Community Colleges, James Monroe Bldg., 101 N. 14th Street, 15th Floor, Richmond, VA 23219, telephone (804) 225-2126, FAX (804) 371-0085, (804) 371-8504/TTY 

COMPENSATION BOARD


September 26, 2000 - 11 a.m. -- Open Meeting
Compensation Board, Ninth Street Office Building, Richmond, Virginia. 

A 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, e-mail cwaddell@scb.state.va.us.


COMMONWEALTH COMPETITION COUNCIL

Taskforce on Commercial Activities of Not-for-Profit Organizations

† **August 31, 2000 - 5 p.m.** -- Open Meeting
City of Williamsburg, Striker Council Chambers, 412 North Boundary Street, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The fourth in a series of five fact-finding conferences to study the ongoing or permanent commercial activities of not-for-profit organizations and the effects of such activities on state revenues (SJR 219 2000 Virginia General Assembly). Speakers must register to speak by 7 p.m. A report will be made to the Governor and the 2001 General Assembly.

Contact: Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, P.O. Box 1475, Richmond, VA 23218, telephone (804) 786-0240, FAX (804) 786-1594, e-mail probertson@ccc.state.va.us.


† **September 13, 2000 - 7 p.m.** -- Open Meeting
Manassas, Virginia; location to be determined.  (Interpreter for the deaf provided upon request)

The fifth in a series of five fact-finding conferences to study the ongoing or permanent commercial activities of not-for-profit organizations and the effects of such activities on state revenues (SJR 219 2000 Virginia General Assembly). Speakers must register to speak by 8 p.m. A report will be made to the Governor and the 2001 General Assembly.

Contact: Peggy R. Robertson, Executive Assistant, Commonwealth Competition Council, P.O. Box 1475, Richmond, VA 23218, telephone (804) 786-0240, FAX (804) 786-1594, e-mail probertson@ccc.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION

Board on Conservation and Development of Public Beaches


September 11, 2000 - 11 a.m. -- Open Meeting
Virginia Institute of Marine Science, Gloucester Point, Virginia.  (Interpreter for the deaf provided upon request)

October 16, 2000 - 11 a.m. -- Open Meeting
College of William and Mary, Williamsburg, Virginia.

A regular business meeting.

Contact: Lee Hill, Environmental Engineer, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-3998, FAX (804) 786-6141, e-mail leehill@dcr.state.va.us.

Dam Safety Technical Advisory Committee

September 14, 2000 - 1 p.m. -- Open Meeting
Natural Resources Conservation Service, 1606 Santa Rosa Road, Suite 209, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.


Contact: Joseph Haugh, Director, Division of Dam Safety, Department of Conservation and Recreation, 203 Governor St., Richmond, VA 23219, telephone (804) 786-1369, FAX (804) 786-6141, e-mail jhaugh@dcr.state.va.us.

Falls of the James Scenic River Advisory Board

† **September 14, 2000 - Noon** -- Open Meeting

† **October 5, 2000 - Noon** -- Open Meeting

† **November 2, 2000 - 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 regular meeting.

Contact: Richard G. Gibbons, Environmental Programs Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Goose Creek Scenic River Advisory Board

† **September 12, 2000 - 1:30 p.m.** -- Open Meeting


Loudoun County Administration Building, 1 Harrison Street, S.E., Hamilton Room, Leesburg, Virginia.  (Interpreter for the deaf provided upon request)

A regular board meeting.

Contact: Richard G. Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-4132, FAX (804) 371-7899, e-mail rgibbons@dcr.state.va.us.

Virginia State Parks Foundation

October 12, 2000 - 9 a.m. -- Open Meeting


Fairy Stone State Park, Stuart, Virginia.  (Interpreter for the deaf provided upon request)

A regular business 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, e-mail leonapp@dcr.state.va.us.


Calendar of Events

BOARD FOR CONTRACTORS


August 30, 2000 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the board to address policy and procedural issues; review and render case decisions on matured complaints against licensees, and consider other matters which may require board action. The meeting is open to the public, however, a portion of the board's business may be discussed in closed meeting. The department fully complies with Americans with Disabilities Act. Persons desiring to participate in the meeting and who require special accommodations or interpreter services should contact Nancy T. Feldman.


Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.state.va.us.

† September 27, 2000 - 11 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Conference Room,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing on the need for a certification program for chimney safety professionals to be followed at 1 p.m. by a regular meeting of the Tradesman Committee to consider items of interest relating to tradesmen/backflow workers/lp gas fitters/natural gas fitter providers and other matters pertaining to the tradesman section of the Board for Contractors.


Contact: Bob Tortolani, Administrator, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2607, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail tortolani@dpor.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

† September 15, 2000 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia. 

A regular meeting of the Committee on Training.

Contact: Thomas Nowlin, Executive Secretary, Sr., Criminal Justice Services Board, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6348, FAX (804) 371-8981, e-mail tnowlin@dcjs.state.va.us.

† September 15, 2000 - 10:30 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia. 


A regular board meeting.

Contact: Christine Y. Wiedemer, Administrative Staff Assistant, Criminal Justice Services Board, 805 E. Broad St.,


Richmond, VA 23219, telephone (804) 786-8718, FAX (804) 371-8981, e-mail cwiedemer@dcjs.state.va.us.


BOARD OF DENTISTRY

† September 14, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
4th Floor, Richmond, Virginia. 


† September 15, 2000 - 9 a.m. -- Open Meeting
Williamsburg Inn, 136 Francis Street, Providence Wing,
Williamsburg, Virginia. 

Formal administrative hearings to hear possible violations of the regulations and statues governing the practice of dentistry. No public comment will be heard.

Contact: Marcia J. Miller, Executive Director, Board of Dentistry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail mmiller@dhp.state.va.us.

† September 15, 2000 - 1 p.m. -- Open Meeting
Williamsburg Inn, 136 Francis Street, Providence Wing,
Williamsburg, Virginia. 

A meeting to discuss changes in the by-laws, possible legislative proposals, and other items as may be presented. In addition, the board will elect officers and hear a presentation by William McAllister, President of Virginia Monitoring.


Contact: Marcia J. Miller, Executive Director, Board of Dentistry, Southern States Bldg., 6606 W. Broad St., 4th Floor Richmond, VA 23230-1717, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail mjm1@dhp.state.va.us, homepage <http://www.dhp.state.va.us>.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

September 5, 2000 - 11 a.m. -- Open Meeting
Virginia Economic Development Partnership, Riverfront
Plaza, 901 East Byrd Street, West Tower, 19th Floor,
Presentation Center, Richmond, Virginia. 

A meeting of the Board of Directors to discuss issues pertaining to the Virginia Economic Development Partnership.

Contact: Mara Hilliar, Office Manager, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8106 or FAX (804) 371-8112.

† September 5, 2000 - 11:30 a.m. -- Open Meeting
Department of Economic Development Partnership, Riverfront
Plaza, 901 East Byrd Street, West Tower, 19th Floor,
Richmond, Virginia. 

A meeting of the Nominating Committee to discuss nominations for chair for the Board of Directors.

Contact: Mara Hilliar, Office Manager, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8106, FAX (804) 371-8112.

STATE BOARD OF EDUCATION

† **September 28, 2000 - 2:30 p.m.** -- Public Hearing
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

October 27, 2000 - 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 Education intends to amend regulations entitled: **9 VAC 20-160-10 et seq. Regulations Governing Secondary School Transcripts.** The proposed amendments specify the manner in which the public schools shall account for and exhibit verified credit on the student transcript.

Statutory Authority: §§ 22.1-16 and 22.1-253.13:3 of the Code of Virginia.

Contact: Vernon Wildy, Division of Secondary Education, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2877 or FAX (804) 225-2524.

† **September 28, 2000 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

† **October 19, 2000 - 9 a.m.** -- Open Meeting
Longwood College, Farmville, Virginia (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, James Monroe Bldg., 101 N. 14th St., 25th Floor, P. O. Box 2120, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

November 6, 2000 - 9 a.m. -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the History SOL Management and Advisory Committee. All sessions will consist of work sessions, and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu, homepage <http://www.pen.k12.va.us>.

September 28, 2000 - 9 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

October 19, 2000 - 9 a.m. -- Open Meeting
Longwood College, 201 High Street, Farmville, Virginia. (Interpreter for the deaf provided upon request)

A business meeting of the board. Persons requesting services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Board of Education, Post Office Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

November 9, 2000 - 9 a.m. -- Open Meeting
Richmond Hotel and Conference Center, 6531 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the History SOL Task Force. All sessions will be work sessions and public comment will not be received. Persons requesting services of interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu, homepage <http://www.pen.k12.va.us>.

LOCAL EMERGENCY PLANNING COMMITTEE - WINCHESTER

† **September 6, 2000 - 3 p.m.** -- Open Meeting
Shawnee Fire Department, 2333 Roosevelt Boulevard, Winchester, Virginia.

A regular business meeting to review SARA Title III Emergency Response Plan update.

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

August 30, 2000 - 7 p.m. -- Open Meeting
Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. (Interpreter for the deaf provided upon request)

The first public meeting on the development of the fecal coliform bacteria total maximum daily load for Blacks Run. Blacks Run is located in Rockingham County and is part of the Shenandoah River Basin.

Contact: Rod Bodkin, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7801, FAX (540) 574-7878, e-mail rvbodkin@deq.state.va.us.

Calendar of Events

† **September 7, 2000 - 7 p.m.** -- Open Meeting
Fredericksburg Public Library Theater, 1201 Caroline Street,
Fredericksburg, Virginia.

† **September 11, 2000 - 7 p.m.** -- Open Meeting
Southwest Virginia Higher Education Center, 15835
Porterfield Highway, Abingdon, Virginia.

† **September 13, 2000 - 7 p.m.** -- Open Meeting
Petersburg Central Library, 137 South Sycamore Street,
Basement Meeting Room, Petersburg, Virginia.

† **September 18, 2000 - 7 p.m.** -- Open Meeting
Virginia Beach Central Library, 4100 Virginia Beach
Boulevard, Meeting Room A, Virginia Beach, Virginia.

† **September 19, 2000 - 7 p.m.** -- Open Meeting
Central Virginia Community College, 3506 Wards Road,
Merritt Hall, Multipurpose Room, First Floor, Lynchburg,
Virginia.

† **September 21, 2000 - 7 p.m.** -- Open Meeting
Department of Environmental Quality, Valley Regional Office,
4411 Early Road, Harrisonburg, Virginia.

A public meeting to discuss and receive public comment
on the preliminary prioritization and closure schedule for
HB 1205 landfills.

Contact: Melissa Porterfield, Department of Environmental
Quality, P.O. Box 10009, Richmond, VA 23240, telephone
(804) 698-4238, FAX (804) 698-4327, e-mail
msporterfi@deq.state.va.us.

BOARD OF FORESTRY

† **September 12, 2000 - 9:30 a.m.** -- Open Meeting
Graves Mountain Lodge, Syria, Virginia (Interpreter for the
deaf provided upon request)

A regular meeting to conduct general business.

Contact: Donna S. Hoy, Administrative Staff Specialist,
Board of Forestry, 900 Natural Resources Drive, Suite 800,
Charlottesville, VA 22903, telephone (804) 977-6555, FAX
(804) 977-7749, (804) 977-6555/TTY ☎, e-mail
hoyd@dof.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

September 6, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 W. Broad Street, 5th
Floor, Conference Room 4, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

Formal hearings. There will not be a public comment
period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant,
Board of Funeral Directors and Embalmers, 6606 W. Broad
St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX
(804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

September 19, 2000 - 9 a.m. -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800
Shore Drive, Virginia Beach, Virginia. (Interpreter for the
deaf provided upon request)

A meeting to develop long- and short-term goals and
objectives of the board. There will be a public comment
period during the first 15 minutes of the meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant,
Board of Funeral Directors and Embalmers, 6606 W. Broad
St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX
(804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

September 20, 2000 - 9 a.m. -- Open Meeting
Virginia Beach Resort Hotel and Conference Center, 2800
Shore Drive, Virginia Beach, Virginia. (Interpreter for the
deaf provided upon request)

A general board meeting and formal hearing to discuss
new cemetery law and regulations. There will be a public
comment period during the first 15 minutes of the
meeting.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant,
Board of Funeral Directors and Embalmers, 6606 W. Broad
St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX
(804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

September 27, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. (Interpreter
for the deaf provided upon request)

A meeting of the Special Conference Committee to hold
informal hearings. There will not be a public comment
period.

Contact: Cheri Emma-Leigh, Administrative Staff Assistant,
Board of Funeral Directors and Embalmers, 6606 W. Broad
St., 4th Floor, Richmond, VA, telephone (804) 662-9907, FAX
(804) 662-9523, e-mail CEmma-Leigh@dhp.state.va.us.

DEPARTMENT OF GAME AND INLAND FISHERIES


† **September 6, 2000 - 6:30 p.m.** -- Open Meeting
Deep Creek Middle School, 1955 Deal Avenue, Auditorium,
Chesapeake, Virginia. (Interpreter for the deaf provided
upon request)


Farmville Train Station, 510 West Third Street, Farmville,
Virginia. (Interpreter for the deaf provided upon request)


† **September 7, 2000 - 6:30 p.m.** -- Open Meeting
Forest Public Library, 15583 Forest Road, Forest,
Virginia. (Interpreter for the deaf provided upon request)


Warren County Government Center, 220 North Commerce
Avenue, Board Room, Front Royal, Virginia. (Interpreter for
the deaf provided upon request)


Toano Middle School, 7817 Richmond Road, Williamsburg,
Virginia. (Interpreter for the deaf provided upon request)


† **September 11, 2000 - 6:30 p.m.** -- Open Meeting
Fort Belvoir Military Reservation, S.O.S.A. Community Building, 9800 Belvoir Road, Building 200, Fairfax, Virginia. 
(Interpreter for the deaf provided upon request)

Department of Game and Inland Fisheries, Regional Office, 4725 Lee Highway, Verona, Virginia. 
(Interpreter for the deaf provided upon request)

† **September 12, 2000 - 6:30 p.m.** -- Open Meeting
Mountain Empire Community College, U.S. Highway 23, South, Dalton Cantrell Auditorium, Big Stone Gap, Virginia. 
(Interpreter for the deaf provided upon request)

† **September 13, 2000 - 6:30 p.m.** -- Open Meeting
Department of Game and Inland Fisheries, Central Office, 4000 West Broad Street, Board Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

Wytheville Community College, 1000 East Main Street, Grayson Hall-The Commons, Wytheville, Virginia. 
(Interpreter for the deaf provided upon request)

† **September 14, 2000 - 6:30 p.m.** -- Open Meeting
National Rifle Association Building, 11250 Waples Mill Road, Auditorium, Fairfax, Virginia. 
(Interpreter for the deaf provided upon request)


The department is holding a series of 11 open meetings for the purpose of receiving the public's comments regarding proposed changes to regulations governing (i) sportfish and fishing, and (ii) wildlife diversity (wildlife other than in the context of hunting, trapping, or fishing). The meeting format will be informal questions and answers and discussion from 6:30 p.m. to 7:30 p.m., with staff presentation of the proposed regulations beginning at 7:30 p.m.

The proposals to be addressed at the meeting series are those regulations or regulation amendments which the Board of Game and Inland Fisheries proposed at its August 24, 2000, meeting. A public comment period opened on the proposed regulation amendments August 24 and will close October 26, 2000. The proposals will be available at the public meetings, on the department's web site at www.dgif.state.va.us, at the department's central and regional offices, and will be published in the September 25 issue of the *Virginia Register of Regulations*.

The public input meeting series is being held prior to the board meeting of October 26, 2000, at which the board intends to adopt final regulations or regulation amendments. The 11 public input meetings are supplemental public hearings to the two hearings held during the August 24 and October 26, 2000, board meetings. Comments received on the proposals at the public input meetings will be summarized and reported to the board for their consideration at the October 26, 2000, meeting prior to their adopting final regulations.

Contact: Phil Smith, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000 or FAX (804) 367-0488.


DEPARTMENT OF HEALTH PROFESSIONS

† **October 13, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)


A meeting with the committee's contractor and representatives to review reports, policies and procedures for the Health Practitioner's Intervention Program. The committee will meet in open and closed session for general discussion of the program. The committee may convene in a closed meeting for the purpose of consideration of specific requests from applicants or participants in the program.

Contact: John W. Hasty, Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9424, FAX (804) 662-9114.


BOARD FOR HEARING AID SPECIALISTS

September 26, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

An open meeting to discuss regulatory review and other matters requiring board action, including disciplinary cases. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any persons desiring to attend the meeting and requiring special accommodations or interpretative services should contact the department at 804-367-8590 or 804-367-9753/TTY at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., 4th Floor, Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA


September 18, 2000 - 1 p.m. -- Open Meeting
Cultural Arts Center, 2880 Mountain Road, Glen Allen, Virginia. 
(Interpreter for the deaf provided upon request)

Monthly committee and council meetings.


Contact: Lee Ann Rung, Executive Assistant, State Council of Higher Education for Virginia, James Monroe Building, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

Calendar of Events


HISTORIC RESOURCES BOARD AND STATE REVIEW BOARD

September 13, 2000 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Boulevard and Grove Avenue,
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 Avenue, Richmond, VA 23221, telephone (804) 367-2323 ext. 115, FAX (804) 367-2391 or (804) 367-2386/TTY 


HOPEWELL INDUSTRIAL SAFETY COUNCIL

September 5, 2000 - 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 as required by SARA Title III.

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

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

September 27, 2000 - 1:30 p.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 1st Floor,
Conference Room B, Richmond, Virginia. 

A quarterly meeting of the State Advisory Council. The council will be discussing issues surrounding the state employee health benefits program.

Contact: Anthony Graziano, Director, Office of Health Benefit Programs, Department of Human Resource Management, 101 N. Fourteenth St., 13th Floor, Richmond, VA 23294, telephone (804) 371-7931.


COUNCIL ON HUMAN RIGHTS

November 18, 2000 - 10 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 12th Floor,
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular board meeting.

Contact: Sandra D. Norman, Administration/Operations Manager, Council on Human Rights, Washington Bldg., 1100 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 225-2292, FAX (804) 225-3294, e-mail snorman@chr.state.va.us.


VIRGINIA INTERAGENCY COORDINATING COUNCIL

† **September 13, 2000 - 9:30 a.m.** -- Open Meeting
Carilion Roanoke Community Hospital, 101 Elm Avenue,
S.E., Medical Office Building, Community Room, Roanoke,
Virginia.  (Interpreter for the deaf provided upon request)


The council meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion will focus on issues related to Virginia's implementation of the Part C program.

Contact: LaKeishia L. White, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710 or FAX (804) 371-7959.

JAMESTOWN-YORKTOWN FOUNDATION


† **November 2, 2000 - Noon** -- Open Meeting
† **November 3, 2000 - 8:30 a.m.** -- Open Meeting
Williamsburg Hospitality House, 415 Richmond Road,
Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

Semi-annual board and committee meetings of the Board of Trustees. Specific schedule to be confirmed. No public comment will be heard.


Contact: Laura W. Bailey, Executive Assistant to the Board, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-4840, FAX (757) 253-5299, (757) 253-7236/TTY , e-mail lwbailey@jyf.state.va.us.

DEPARTMENT OF LABOR AND INDUSTRY


Virginia Apprenticeship Council

September 21, 2000 - 10 a.m. -- Open Meeting
Chesterfield Technical Center, 10101 Courthouse Road,
Chesterfield, Virginia.  (Interpreter for the deaf provided upon request)

Agenda to be announced.

Contact: Beverley Donati, Assistant Program Manager, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , e-mail bgd@doli.state.va.us.

LIBRARY BOARD

† **September 18, 2000 - 8:15 a.m.** -- Open Meeting
† **November 13, 2000 - 8:15 a.m.** -- Public Hearing
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 


A meeting to discuss matters pertaining to The Library of Virginia and the Library Board. Committees of the board will meet as follows:

8:15 a.m. -- Public Library Development Committee, Orientation Room
Publications and Educational Services Committee, Conference Room B
Records Management Committee, Conference Room C

9:30 a.m. -- Archival and Information Services Committee, Orientation Room
Collection Management Services Committee, Conference Room B
Legislative and Finance Committee, Conference Room C

10:30 a.m. The full board will meet in the Conference Room on 2M.


Public comments will be received at approximately 11 a.m.

Contact: Jean H. Taylor, Executive Secretary to the Librarian of Virginia, The Library of Virginia, Richmond, VA 23219, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

October 13, 2000 - 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 Library Board intends to amend regulations entitled: **17 VAC 15-20-10 et seq. Standards for Microfilming Public Records.** The purpose of the proposed amendments is to establish criteria necessary to ensure that microfilm copies of vital and historical records meet archival requirements for permanent retention. Reference standards are updated and a section on resolution requirements for procedural microfilm recording is added.

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.


Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/TTY 

October 13, 2000 - 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 Library Board intends to

repeal regulations entitled: **17 VAC 15-30-10 et seq. Archival Standards for Recording Deeds and Other Writings by a Procedural Micrographic Process.** This regulation is being incorporated into 17 VAC 5-20-10 et seq.


Statutory Authority: § 42.1-8 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/TTY 

October 13, 2000 - 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 Library Board intends to repeal regulations entitled: **17 VAC 15-40-10 et seq. Standards for Microfilming of Ended Law Chancery and Criminal Cases of the Clerks of the Circuit Courts Prior to Disposition.** This regulations is being incorporated into 17 VAC 5-20-10 et seq.


Statutory Authority: § 42.1-8 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/TTY 


October 13, 2000 - 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 Library Board intends to amend regulations entitled: **17 VAC 15-50-10 et seq. Standards for Computer Output Microfilm (COM) for Public Records.** The purpose of the proposed amendments is to ensure that public records on computer are transferred to microfilm that meets archival requirements, and includes revisions that are minor and technical in nature.

Statutory Authority: §§ 42.1-8 and 42.1-82 of the Code of Virginia.

Contact: Janice M. Hathcock, Regulatory Coordinator, The Library of Virginia, 800 East Broad Street, Richmond, VA 23219, telephone (804) 692-3592, FAX (804) 692-3594 or (804) 692-3976/TTY 

LITTER CONTROL AND RECYCLING FUND ADVISORY BOARD

August 29, 2000 - 10 a.m. -- Open Meeting
701 East Franklin Street, Lower Level Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Calendar of Events

A meeting to review the FY 2000 litter prevention and recycling grants and funding splits for 2001. The board will also discuss its current policy on carry forward grant balances and the status of the noncompetitive grant applications/awards.

Contact: Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, (804) 698-4021/TTY ☎ or toll-free 1-800-592-5482, e-mail mpmurphy@deq.state.va.us.

COMMISSION ON LOCAL GOVERNMENT

September 25, 2000 - 10:30 a.m. -- Open Meeting
Timberville Town Council Chambers, 392 South Main Street, Timberville, Virginia ♿ (Interpreter for the deaf provided upon request)

Oral presentations regarding the Town of Timberville - Rockingham County agreement defining annexation rights.

Contact: Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main St., Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

September 25, 2000 - 2 p.m. -- Open Meeting
Timberville Town Council Chambers, 392 South Main Street, Timberville, Virginia ♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider such matters as may be presented. Persons desiring to participate in the meeting and who require special accommodations should contact the commission or the Virginia Relay Center.

Contact: Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main St., Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

September 25, 2000 - 7 p.m. -- Public Hearing
Timberville Town Council Chambers, 392 South Main Street, Timberville, Virginia ♿ (Interpreter for the deaf provided upon request)

A public hearing regarding the Town of Timberville - Rockingham County agreement defining annexation rights.

Contact: Barbara W. Bingham, Administrative Assistant, Commission on Local Government, 900 E. Main St., Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY ☎, e-mail bbingham@clg.state.va.us.

MARINE RESOURCES COMMISSION

September 26, 2000 - 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 beginning 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 beginning 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 ☎

BOARD OF MEDICAL ASSISTANCE SERVICES

† **September 12, 2000 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia.

A meeting to discuss medical assistance services policy and to take action on issues pertinent to the board.

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

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

September 11, 2000 - 1 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, Virginia ♿

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

Contact: Marianne Rollings, R.Ph., Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 786-1680, or toll-free 1-800-343-0634/TTY ☎, e-mail mrollings@dmas.state.va.us.

September 29, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled:

12 VAC 30-10-10 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.

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payments Rates; Other Types of Care.

12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.

These proposed regulations provide for Medicaid coverage of residential psychiatric treatment services for children and adolescents.

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

Public comments may be submitted until September 29, 2000, to Anita Cordill, Analyst, Policy Division, 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.

September 29, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.** The proposed amendments provide for the expansion of health care services that can be rendered by employees of school divisions to special education children and be reimbursed by Medicaid.

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

Public comments may be submitted until September 29, 2000, to Jeff Nelson, Analyst, Policy Division, 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.

September 29, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled:

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

12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality Care.

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates; Other Types of Care.

12 VAC 30-130-10 et seq. Amount, Duration and Scope of Selected Services.

These proposed amendments provide for coverage by Medicaid of case management services for children who are receiving treatment foster care services.

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

Public comments may be submitted until September 29, 2000, to Anita Cordill, Analyst, Policy Division, 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.

October 13, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **12 VAC 30-50-10 et seq. Amount, Duration and Scope of Medical and Remedial Care Services.** This regulatory action proposes to cover Medicaid transportation as an administrative expense as permitted by federal regulations instead of as a medical expense. This would apply to nonemergency transportation services only. This change will permit the coordination of trips and a reduction in expenditures by broker contractors.

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

Public comments may be submitted until October 13, 2000, to Jeff Nelson, Analyst, 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) 371-8854 or FAX (804) 371-4981.

Calendar of Events

BOARD OF MEDICINE

† **September 6, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia.

A meeting to inquire into allegations that a practitioner may have violated laws governing the practice of medicine. The panel will meet in open and closed sessions pursuant §§ 2.1-344 A7 and A15 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixon, Staff, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9517, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail PSadler@dhp.state.va.us.

September 13, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia ♿
(Interpreter for the deaf provided upon request)

The Advisory Committee on Acupuncture will consider issues related to the licensure and regulation of acupuncturists. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

September 13, 2000 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia ♿
(Interpreter for the deaf provided upon request)

The Advisory Committee on Radiological Technology will consider issues related to the licensure and regulation of radiologic technologists and radiologic technologists-limited. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

September 14, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia ♿
(Interpreter for the deaf provided upon request)

The Advisory Board on Occupational Therapy will consider issues related to the licensure and regulation of occupational therapists. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

September 14, 2000 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia ♿

The Advisory Board on Respiratory Therapy will consider issues related to the licensure and regulation of respiratory care practitioners. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

September 15, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia ♿
(Interpreter for the deaf provided upon request)

The Advisory Board on Athletic Trainers will consider issues related to the certification and regulation of athletic trainers. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.

September 15, 2000 - 1 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 4, Fifth Floor, Richmond, Virginia ♿
(Interpreter for the deaf provided upon request)


The Advisory Committee on Physician Assistants will consider issues related to the licensure and regulation of physician assistants. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.


† **September 29, 2000 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia ♿


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

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail wharp@dhp.state.va.us.


† **October 12, 2000 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 2, 5th Floor, Richmond, Virginia. 


A meeting to conduct general board business, receive committee and board reports, and discuss any other items which may come before the board. The board will also review reports, interview licensees/applicants, and conduct administrative proceedings. The board will also review any regulations that may come before it. The board will entertain public comments during the first 15 minutes on agenda items.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.


† **October 13, 2000 - 8:30 a.m.** -- Open Meeting
† **October 14, 2000 - 8:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Conference Room 2, 5th Floor, Richmond, Virginia. 


The board will meet to review disciplinary procedures.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.


† **October 13, 2000 - 8:30 a.m.** -- Open Meeting
† **December 1, 2000 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Fifth Floor, Conference Room 3, Richmond, Virginia. 


A meeting of the Credentials Committee will be held in open and closed session to conduct general business, interview and review medical credentials of applicants applying for licensure in Virginia, and discuss any other items which may come before the committee. The committee will receive public comments of those persons appearing on behalf of candidates.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.


† **November 17, 2000 - 8:45 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Fifth Floor, Conference Room 2, Richmond, Virginia. 

The Executive Committee will meet to consider adoption of final regulations for collaborative practice, jointly promulgated with the Board of Pharmacy. Public comment will be received immediately following adoption of the agenda.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.


† **December 1, 2000 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Fifth Floor, Conference Room 2, Richmond, Virginia. 

The Executive Committee will meet to review disciplinary files requiring administrative action, adopt amendments and approve for promulgation regulations as presented, interview applicants, and 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: William L. Harp, M.D., Executive Director, Board of Medicine, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail wharp@dhp.state.va.us.


Informal Conference Committee

September 7, 2000 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg,
Virginia. (Interpreter for the deaf provided upon request)

† **September 15, 2000 - 8:15 a.m.** -- Open Meeting
† **September 29, 2000 - 8:15 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia. 

† **September 21, 2000 - 9 a.m.** -- Open Meeting
Wyndham Roanoke Hotel, 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 of the Code of Virginia. Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Board of Medicine, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY 

DEPARTMENT OF MENTAL HEALTH , MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

† **September 26, 2000 - 2 p.m.** -- Public Hearing
Thomas Jefferson Building, 1220 Bank Street, 8th Floor
Conference Room, Richmond, Virginia. (Interpreter for the
deaf provided upon request)

A public hearing to receive comments on the Virginia Substance Abuse Prevention and Treatment Block Grant Application for federal fiscal year 2001. Copies of the application are available for review at the Office of Substance Abuse Services, Thomas Jefferson Building, 8th Floor, and at each community services board office. Comments may be made at the hearing or in writing by no later than September 26, 2000, to the Office of the Commissioner at the address below. Any person wishing to make a presentation at the hearing should contact

Calendar of Events

Mellie Randall. Copies of oral presentations should be filed at the time of the hearing.

Contact: Mellie Randall, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-2135, FAX (804) 786-4320 or (804) 371-8977/TTY ☎

STATE MILK COMMISSION

August 30, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, 1st Floor, Richmond, Virginia. ♿

September 21, 2000 - 10:30 a.m. -- Open Meeting
The Farm of Judith Motley, Chatham, Virginia.

A regular meeting to consider industry issues, distributor licensing, base transfers, baseholder license amendment, fiscal matters, and to review reports from staff of the agency. Any persons requiring special accommodations in order to participate in the meeting should contact Edward C. Wilson, Jr., at least five days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

August 30, 2000 - 11 a.m. -- Open Meeting
General Assembly Meeting, 9th and Broad Streets, Senate Room B, 1st Floor, Richmond, Virginia. ♿

A meeting to consider public comment on regulatory review of 2 VAC 15-11-10 through 2 VAC 15-11-120 and 2 VAC 15-20-10 through 2 VAC 15-20-130 to determine if these regulations should be terminated, amended or retained in their current form. The open hearing is in accordance with 2 VAC 15-11-100 and will be conducted in accordance with 2 VAC 15-20-125.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, Ninth St. Office Bldg., 202 N. Ninth St., Room 915, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, e-mail ewilson@smc.state.va.us.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† September 6, 2000 - 1:30 p.m. -- Open Meeting
Powell River Project, approximately 7 miles north of Norton, VA, off state route 620, Wise County, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Abandoned Mine Land Advisory Committee to review current and outstanding issues of the Abandoned Mine Land Program (AML) and Rural Abandoned Mine Program (RAMP)

Contact: Roger L. Williams, Abandoned Mine Land Services Manager, Department of Mines, Minerals and Energy, P.O.

Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8208, FAX (540) 523-8247, (800) 828-1120/TTY ☎, e-mail rlw@mme.state.va.us.

† September 6, 2000 - 10 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, Room 211, Big Stone Gap, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Coal Surface Mining Reclamation Advisory Board to discuss the current status and administration of the coal surface mining reclamation fund. Public comments will not be received at this meeting.

Contact: Roger L. Williams, Abandoned Mine Land Services Manager, Department of Mines, Minerals and Energy, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (540) 523-8208, FAX (540) 523-8247, (800) 828-1120/TTY ☎, e-mail rlw@mme.state.va.us.

MOTOR VEHICLE DEALER BOARD

† September 11, 2000 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 9 a.m.
Franchise Law Committee - 10 a.m.
Licensing Committee - 10:45 a.m.
Transaction Recovery Fund Committee - 1:30 p.m.
Advertising Committee - 2:15 p.m.
Personnel Committee - 3 p.m.

Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.


† September 12, 2000 - 8:30 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the full board. Prior to the meeting the following committees will meet:

Finance Committee - 8:30 a.m. -- Room 702
Full Board - 9:30 a.m. -- Room 702

Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.


Contact: Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.

† **September 12, 2000 - 2 p.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss electronic commerce in the automobile dealer industry as it relates to the Motor Vehicle Dealer Board.

Contact: Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, Virginia, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvb.state.va.us.


VIRGINIA MUSEUM OF FINE ARTS

September 7, 2000 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A monthly meeting held for staff to brief the Executive Committee. Public comment will not be received.

Contact: Suzanne Broyles, Assistant to the Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, e-mail sbroyles@vmfa.state.va.us.

COMMONWEALTH NEUROTRAUMA INITIATIVE ADVISORY BOARD


† **September 18, 2000 - 10 a.m.** -- Open Meeting
Department of Rehabilitative Services, Lee Building, 8004 Franklin Farms Drive, 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 needing special accommodations to participate should contact Ana Hernandez at least five days prior to the meeting so that suitable arrangements can be made.

Contact: Ana Hernandez, Program Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K300, Richmond, VA 23288-0300, telephone (804) 662-7162, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 464-9950/TTY 


BOARD OF NURSING


August 30, 2000 - 8:30 a.m. -- Open Meeting
September 7, 2000 - 8:30 a.m. -- Open Meeting
September 25, 2000 - 8:30 a.m. -- Open Meeting


September 27, 2000 - 8:30 a.m. -- Open Meeting
September 28, 2000 - 8:30 a.m. -- Open Meeting
October 5, 2000 - 8:30 a.m. -- Open Meeting
October 10, 2000 - 8:30 a.m. -- Open Meeting
October 12, 2000 - 8:30 a.m. -- Open Meeting
October 16, 2000 - 8:30 a.m. -- Open Meeting
October 17, 2000 - 8:30 a.m. -- Open Meeting
October 26, 2000 - 8:30 a.m. -- Open Meeting
October 31, 2000 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Rooms 1, 2, 3 or 4, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

NOTE: CHANGE IN MEETING TIME AND LOCATION
August 29, 2000 - 11:30 a.m. -- Open Meeting
Western State Hospital, 1301 Richmond Avenue, Jeffreys Building 123, Conference Room 94, Staunton, Virginia. 


A panel of the board will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.


Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.

September 15, 2000 - 11 a.m. -- Open Meeting
Department of Social Services, Piedmont Regional Offices, Commonwealth of Virginia Building, 210 Church Avenue, S.W., Suite 100, Roanoke, Virginia. 


November 30, 2000 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.


† **September 26, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Room 2, Richmond, Virginia. 

The board will review regulations for prescriptive authority for nurse practitioners and regulations for the certification of massage therapists. It will also consider other business as may be presented. Public comment will be received at 11 a.m.


Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

Calendar of Events


Committee of the Joints Boards of Nursing and Medicine

August 30, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The committee will review applications for prescriptive authority for nurse practitioners and consider other business as may be presented. Public comment will be received at the beginning of the meeting.


Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail ndurrett@dhp.state.va.us.

OLD DOMINION UNIVERSITY

October 9, 2000 - 3 p.m. -- Open Meeting
November 13, 2000 - 3 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

September 14, 2000 - 2:30 p.m. -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.


Contact: Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, 225 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS


September 29, 2000 - Public comments may be submitted through this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Opticians intends to amend regulations entitled: **18 VAC 100-20-10 et seq. Board for Opticians Regulations.** The purpose of the proposed amendments is to (i) establish a definitions section; (ii) clarify entry requirements for licensure; (iii) specify examination procedures and examination content for licensure and contact lens examinations; and (iv) modify the procedures and provisions regarding renewal, reinstatement, and the standards of practice and conduct.

Statutory Authority: § 54.1-201 and Chapter 17 (§ 54.1-1700 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Nancy T. Feldman, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295 or (804) 367-9753/TTY , e-mail opticians@dpor.state.va.us.

VIRGINIA OUTDOORS FOUNDATION

September 25, 2000 - 10 a.m. -- Open Meeting
September 26, 2000 - 10 a.m. -- Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Board of Trustees to discuss business of the foundation and to accept conservation easements. Public input will be accepted after the regular business meeting.

Contact: Tamara A. Vance, Executive Director, Virginia Outdoors Foundation, 203 Governor Street, Richmond, VA, telephone (804) 225-2147.

Preservation Trust Fund Advisory Board-Region II

September 6, 2000 - 10 a.m. -- Open Meeting
Piedmont Environmental Council, Conference Room, Warrenton, Virginia.

† **November 15, 2000 - 10 a.m.** -- Open Meeting
Virginia Outdoors Foundation-Charlottesville

A meeting to review Region II Preservation Trust Fund Applications.

Contact: Sherry Buttrick, Director, Charlottesville Office, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

Preservation Trust Fund Advisory Board-Region V

August 30, 2000 - 10:30 a.m. -- Open Meeting
† **November 8, 2000 - 10:30 a.m.** -- Open Meeting
Lynchburg Chamber of Commerce, Conference Room, Lynchburg, Virginia.

A meeting to review Preservation Trust Fund Region V applications.

Contact: Sherry Buttrick, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.

Preservation Trust Fund Advisory Board-Region II

September 6, 2000 - 10 a.m. -- Open Meeting
Piedmont Environmental Council, Conference Room, Warrenton, Virginia.

A meeting to review Region II Preservation Trust Fund Applications

Contact: Sherry Buttrick, Director, Charlottesville Office, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.


Preservation Trust Fund Advisory Board-Region V

August 30, 2000 - 10:30 a.m. -- Open Meeting
Lynchburg Chamber of Commerce, Conference Room, Lynchburg, Virginia.

A meeting to review Preservation Trust Fund Region V applications.

Contact: Sherry Buttrick, Virginia Outdoors Foundation, 1010 Harris St., #4, Charlottesville, VA 22903, telephone (804) 293-3423, FAX (804) 293-3859, e-mail vofsherryb@aol.com.


VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† **October 17, 2000 - 9 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting of the Disability Commission. Any questions about this meeting should be directed to Brian Parsons or Barbara Ettner.

Contact: Barbara Ettner, Assistant Director of Board Operations, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464.

BOARD OF PHARMACY

October 10, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, Conference Room 2, Fifth Floor, Richmond, Virginia. 

The board will receive public comment on proposed regulation 18 VAC 110-40-10 et seq., Regulations Governing Collaborative Practice Agreements, jointly adopted with the Board of Medicine.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail erussell@dhp.state.va.us.

BOARDS OF PHARMACY AND MEDICINE

October 10, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.


October 27, 2000 - 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 Boards of Pharmacy and Medicine intend to adopt regulations entitled: **18 VAC 110-40-10 et seq. Regulations Governing Collaborative Practice Agreements.** The boards are proposing regulations governing collaborative practice agreements, which will replace the emergency regulations currently in effect.


Statutory Authority: §§ 54.1-2400, 54.1-3303 and 54.1-3303.1 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.


BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

September 25, 2000 - 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 general business meeting.


Contact: Debra L. Vought, Agency Management Analyst, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY 

BOARD OF PSYCHOLOGY

† **September 15, 2000 - 3 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 

The Ad-hoc Committee will review the Regulations Governing the Certification of Sex Offender Treatment Providers to identify any problems with the regulations that the board should address during its periodic review of the regulations under Executive Order 25 (98).

Contact: Janet Delorme, Deputy Executive Director, Board of Psychology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9575, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail jdelorme@dhp.state.va.us.

September 19, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to hear possible violations of the laws and regulations governing the practice of psychology. No public comment will be heard.

Contact: Arnice Covington, Administrative Assistant, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA

Calendar of Events

23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail acovington@dhp.state.va.us.

September 21, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia.

October 27, 2000 - 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 Psychology intends to amend regulations entitled: **18 VAC 125-20-10 et seq. Regulations Governing the Practice of Psychology.** The purpose of the proposed action is to set the criteria and fees for licensure of school psychologists-limited.

Statutory Authority: § 54.1-2400 and Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 of the Code of Virginia.

Contact: Janet Delorme, Executive Director, Board of Psychology, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913 or FAX (804) 662-9943.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

September 18, 2000 - 11 a.m. -- Open Meeting
Department for the Aging, 1600 Forest Avenue, Conference Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Kimlah Hyatt, Administrative Staff Assistant, Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, VA 23229, telephone (804) 662-9318, FAX (804) 662-9354, (804) 662-9333/TTY ☎, or e-mail: khyatt@vdh.state.va.us.

VIRGINIA RACING COMMISSION

† **September 20, 2000 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. ♿

A monthly meeting. The commission will hear a report from Colonial Downs and discuss racing days for the year 2001. Public comment will be received.

Contact: William H. Anderson, Policy Analyst, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, e-mail Anderson@vrc.state.va.us.

REAL ESTATE BOARD

† **September 13, 2000 - 4 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Education Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail reboard@dpor.stat.va.us.

† **September 14, 2000 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Fair Housing Committee.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

† **September 14, 2000 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting.

Contact: Karen W. O'Neal, Assistant Director, Real Estate Board, 3600 W. Broad St., Richmond, VA, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **September 12, 2000 - 10 a.m.** -- Open Meeting
Central Virginia Waste Management Authority, 2104 West Laburnum Avenue, Board Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. Subcommittee meetings may be held prior to or after the general council meeting. Call Mike Murphy for details.

Contact: Michael P. Murphy, Director, Environmental Enhancement, Department of Environmental Quality, Virginia Recycling Markets Development Council, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4003, FAX (804) 698-4319, toll-free (800) 592-5482, (804) 698-4021/TTY ☎.

BOARD OF REHABILITATIVE SERVICES


September 28, 2000 - 10 a.m. -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting. Public comments will be received at 10:15 a.m.

Contact: Barbara G. Tyson, Administrative Staff Specialist, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, toll-free (800) 552-5019, (804) 662-7000/TTY ☎


DEPARTMENT OF REHABILITATIVE SERVICES

Statewide Independent Living Council

September 14, 2000 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Executive Committee will discuss the State Plan for Independent Living—Spending Plan.

Contact: Jim Rothrock, SILC Staffperson, Department of Rehabilitative Services, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119, e-mail jarothrock@aol.com.

† **October 4, 2000 - 1 p.m.** -- Open Meeting
Hampton Inn, 85 University Boulevard, Harrisonburg Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Jim Rothrock, SILC Staffperson, Department of Rehabilitative Services, 1802 Marroit Rd., Richmond, VA 23229, telephone (804) 673-0119, e-mail jarothrock@aol.com.

VIRGINIA RESOURCES AUTHORITY


† **September 12, 2000 - 9 a.m.** -- Open Meeting
Virginia Resources Authority, Eighth and Main Building, 707 East Main Street, Second Floor Conference Room, Richmond, Virginia.

A regular meeting of the Board of Directors to (i) review and, if appropriate, approve the minutes from the most recent monthly meeting; (ii) review the authority's operations for the prior month; (iii) review applications for loans submitted to the authority for approval; (iv) consider loan commitments for approval and ratification under its various programs; (v) approve the issuance of any bonds; (vi) review the results of any bond sales; and (vii) consider such other matters and take such other actions as it may deem appropriate. Various committees of the Board of Directors may also meet immediately before or after the regular meeting and consider matters within their purview. The planned agenda of the meeting and any committee meetings will be available at the offices of the authority one week prior to the date of the meeting. Any person who needs any accommodation in order to participate in the meeting should contact the authority at least 10 days before the meeting so that suitable arrangements can be made.

Contact: Benjamin M. Hoyle, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bhoyle@vra.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

NOTE: CHANGE IN MEETING DATE

September 26, 2000 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Main Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors to review applications for loans submitted to the authority for approval and for general business of the board. Contact the authority for confirmation of meeting time.

Contact: Cathleen M. Surface, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254 or FAX (804) 225-3384.


STATE BOARD OF SOCIAL SERVICES

September 1, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-35-5 et seq. Virginia Independence Program.** The purpose of the proposed action is to implement the Virginia Employer Tax Credit.

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


Contact: Thomas J. Steinhauser, Division of Temporary Assistance Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1703.

September 5, 2000 - 10 a.m. -- Public Hearing
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

Having received at least 25 request to submit additional comments on the final regulation 22 VAC 40-130-10 et seq., Minimum Standards for Licensed Child-Placing Agencies, the board is receiving additional public comment pursuant to § 9-6.14:7.1 K of the Code of Virginia. Speakers will be limited to a three-minute presentation. Written copies of presentations are requested. Speakers will be required to register and may do so at the hearing, beginning one-half hour before the hearing commences.

Contact: Doris Jenkins, Child Welfare Licensing, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1773.

VIRGINIA SOIL AND WATER CONSERVATION BOARD

September 21, 2000 - 9 a.m. -- Open Meeting
The Heritage Center, Pocahontas State Park, Chesterfield, Virginia.  (Interpreter for the deaf provided upon request)


Calendar of Events

A regular business 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, e-mail leonapp@dcr.state.va.us.

DEPARTMENT OF TAXATION

State Land Evaluation Advisory Council


† **September 26, 2000 - 10 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, 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, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8020.

DEPARTMENT OF TECHNOLOGY PLANNING


Virginia Geographic Information Network Advisory Board

† **August 29, 2000 - 2 p.m.** -- Open Meeting
Department of Information Technology, 110 South 7th Street, Executive Conference Room, 3rd Floor, Richmond, Virginia. 

A regular business meeting.


Contact: Bill Shinar, VGIN Division Coordinator, Department of Technology Planning, 110 S. 7th St., Suite 135, Richmond, VA 23219, telephone (804) 786-8175, FAX (804) 371-2795, e-mail bshinar@vgin.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

† **September 20, 2000 - 2 p.m.** -- Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.


† **September 21, 2000 - 10 a.m.** -- Open Meeting
Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. 

A monthly meeting to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset

of the meeting on items on the meeting agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups are asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the Chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Cathy M. Ghidotti, Assistant Secretary to the Board, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-6675, FAX (804) 786-6683, e-mail ghidotti_cm@vdot.state.va.us.


TRANSPORTATION SAFETY BOARD

September 13, 2000 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A quarterly meeting to discuss matters of interest regarding traffic safety.

Contact: Angelisa Jennings, Management Analyst, Department of Motor Vehicles, 2300 W. Broad St., P.O. Box 27412, Room 405, Richmond, VA 23269, telephone (804) 367-2026.

BOARD FOR THE VISUALLY HANDICAPPED


† **October 17, 2000 - 1 p.m.** -- Open Meeting
Department for the Visually Handicapped, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The board will review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Visually Handicapped, 397 Azalea Ave., Richmond VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail proffikc@dvh.state.va.us.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Statewide Rehabilitation Council for the Blind

September 16, 2000 - 10 a.m. -- Open Meeting
Administrative Headquarters Building, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The council meets quarterly to advise the Department for the Visually Handicapped on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: James G. Taylor, VR Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail taylorjg@dvh.state.va.us.

VIRGINIA WASTE MANAGEMENT BOARD

† **September 12, 2000 - 10 a.m.** -- Open Meeting
† **October 3, 2000 - 10 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A meeting of the advisory committee assisting the board in the development of any necessary amendments to the Regulated Medical Waste Management Regulation.

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, e-mail mjdieter@deq.state.va.us.

† **September 28, 2000 - 11 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. ♿

A public meeting to receive comments on the Virginia Waste Management Board's amendments to the Hazardous Waste Management Regulation.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, e-mail rgwickline@deq.state.va.us.

September 28, 2000 - 11 a.m. -- Public Hearing
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia.

October 5, 2000 - 1:30 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

October 27, 2000 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled: **9 VAC 20-80-10 et seq. Solid Waste Management Regulations.** The proposed amendments clarify and correct minor matters or improve procedural requirements, reduce regulatory burden, and reflect changes in the Virginia Waste Management Act.

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

Contact: Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146.

† **October 18, 2000 - 7 p.m.** -- Public Hearing
James City County Government Center, 101-C Mounts Bay Road, Building C, Board of Supervisors Room, First Floor, Williamsburg, Virginia. ♿

A public hearing to receive comments on the proposed regulation governing the transportation of solid and regulated medical wastes on state waters.

Contact: Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4238, e-mail msporterfi@deq.state.va.us.

STATE WATER CONTROL BOARD

August 31, 2000 - 7 p.m. -- Public Hearing
School Board Administration Building Auditorium, Charles City County, 10900 Courthouse Road, Charles City, Virginia. ♿

A public hearing to receive comments on the proposed reissuance of a Virginia Water Protection Permit for Weanack Limited Partnership.

Contact: Jennifer V. Palmore, State Water Control Board, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5058, FAX (804) 698-4346, e-mail jvpalmore@deq.state.va.us.

September 7, 2000 - 9 a.m. -- Open Meeting
September 20, 2000 - 9 a.m. -- Open Meeting
† **October 4, 2000 - 9:30 a.m.** -- Open Meeting
† **October 18, 2000 - 9:30 a.m.** -- Open Meeting
† **October 31, 2000 - 9:30 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of the advisory committee assisting the department in the development of General VWP Permits for Activities Impacting Wetlands regulations and in amendments to 9 VAC 25-210-10 et seq., Virginia Water Protection Permit Regulation.

Contact: Ellen Gilinsky, Virginia Water Protection Permit Program Manager, State Water Control Board, P.O. Box 10009, Richmond, Virginia 23240, telephone (804) 698-4375, FAX (804) 698-4032, (804) 698-4021/TTY ☎, e-mail egilinsky@deq.state.va.us.

September 18, 2000 - 1 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the proposed regulation to establish financial responsibility requirements for aboveground storage tanks and pipeline facilities.

Contact: Leslie Beckwith, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4123.

September 18, 2000 - 1 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Training Room, Glen Allen, Virginia.

October 13, 2000 - Public comments may be submitted until this date.


Calendar of Events

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-640-10 et seq. Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements.** The proposed regulation provides the criteria by which operators of aboveground storage tank and pipeline facilities can demonstrate that they have adequate financial resources to perform their responsibility to contain and clean up any oil discharges that may occur at their facilities.


Statutory Authority: § 62.1-44.34:16 of the Code of Virginia.

Contact: Leslie Beckwith, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4123 or FAX (804) 698-4021, e-mail ldbeckwith@deq.state.va.us.


BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

September 7, 2000 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 

A meeting of the Education Committee.

Contact: David E. Dick, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, Virginia 23230, telephone (804) 367-2648, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.

NOTE: CHANGE IN MEETING DATE

September 21, 2000 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 W. Broad Street, Conference Room 5W, Richmond, Virginia. 

A regular 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 23230, telephone (804) 367-8505, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.state.va.us.

INDEPENDENT


STATE CORPORATION COMMISSION

October 2, 2000 - 10 a.m. -- Public Hearing
State Corporation Commission, Tyler Building, 1300 East Main Street, 2nd Floor Courtroom, Richmond, Virginia.

A public hearing on the adoption of rules governing the filing of applications for approval pursuant to Chapter 4 (§ 56-76 et seq.) of Title 56 of the Code of Virginia (Affiliate Rules).

Contact: Robert Dalton, State Corporation Commission, Division of Public Utility Accounting, Tyler Bldg., 1300 E. Main St., P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9206 or FAX (804) 371-9211.

STATE LOTTERY BOARD


September 13, 2000 - 9:30 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, Richmond, 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, e-mail brobertson@valottery.state.va.us.

LEGISLATIVE

JOINT COMMITTEE STUDYING THE STATUS AND NEEDS OF AFRICAN-AMERICAN MALES IN VIRGINIA (HJR 231, 2000)


September 18, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the agenda should be directed to Brenda Edwards, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 days prior to the meeting.

Contact: Dawn B. Smith, Committee Operations, House of Delegates, State Capitol, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1544 or (804) 786-2369/TTY 

VIRGINIA CODE COMMISSION

September 27, 2000 - 10 a.m. -- Open Meeting
September 28, 2000 - 10 a.m. -- Open Meeting
Omni Charlottesville Hotel, 235 West Main Street, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

October 18, 2000 - 10 a.m. -- Open Meeting
October 19, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 6th Floor, Speaker's Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting. Public comment will be received at the end of the meeting for a period not to exceed 15 minutes.

Contact: Jane D. Chaffin, Registrar of Regulations, Division of Legislative Services, General Assembly Building, 910

Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

HOUSE COMMITTEE ON COUNTIES, CITIES AND TOWNS

† **October 12, 2000 - 10 a.m.** -- Public Hearing
Loudoun County Government Center, 1 Harrison Street, S.E., Board of Supervisor's Room, Leesburg, Virginia. (Interpreter for the deaf provided upon request)

A public hearing relating to growth issues in Loudoun County. The committee will be joined by the Senate Committee on Local Government. Questions regarding the meeting should be addressed to Jeff Sharp or Dennis Walter, 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: Scott Maddrea or Barbara Regen, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

COMMISSION ON EDUCATIONAL INFRASTRUCTURE AND TECHNOLOGY (HJR 223)

† **October 17, 2000 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Norma Szakal, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other special assistance should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Lois V. Johnson, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY

SUBCOMMITTEE STUDYING THE FUTURE OF VIRGINIA'S ENVIRONMENT (SJR 76, 2000)

† **September 13, 2000 - 2 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Senate Committee Operations. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Brian B. Taylor, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

SENATE COMMITTEE ON GENERAL LAWS

October 16, 2000 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, 3rd Floor West, Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of Subcommittee #5 to discuss the Charitable Gaming Commission; volunteer fire departments and rescue squads (SB 426), and fraternal and veterans' organizations (SB 556). Individuals requiring interpreter services or other accommodations should call or write Senate Committee Operations seven working days before the meeting.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

December 6, 2000 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to consider legislation continued to the 2001 Session of the General Assembly.

Contact: John McE. Garrett, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **September 11, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 910 Capitol Street, Senate Room B, Richmond, Virginia.

A meeting to hear staff briefings on welfare reform, assessment of the Integrated Human Resources Information System (IHRIS), and VDOT's administration of the interstate maintenance contract.

Contact: Phillip A. Leone, Director, Joint Legislative Audit and Review Commission, General Assembly Building, 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258.

JOINT SUBCOMMITTEE TO STUDY CREATION OF A NORTHERN VIRGINIA REGIONAL TRANSPORTATION AUTHORITY (SJR 121, 2000)

† **September 13, 2000 - 9:30 a.m.** -- Open Meeting
† **October 11, 2000 - 9:30 a.m.** -- Open Meeting
† **November 8, 2000 - 9:30 a.m.** -- Open Meeting
† **December 13, 2000 - 9:30 a.m.** -- Open Meeting
Northern Virginia Planning District Commission Headquarters, 7535 Little River Turnpike, Suite 100, Annandale, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Senate Committee Operations. Individuals requiring interpreter services or other accommodations

Calendar of Events

should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Thomas G. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT REAPPORTIONMENT COMMITTEE

September 11, 2000 - 2 p.m. -- Open Meeting

October 16, 2000 - 2 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting agenda should be directed to Mary Spain or Jack Austin, Division of Legislative Services, (804) 786-3591.

Contact: Patricia J. Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

COMMISSION ON VIRGINIA'S STATE AND LOCAL TAX STRUCTURE FOR THE 21ST CENTURY

October 2, 2000 - 9 a.m. -- Open Meeting

October 31, 2000 - 9 a.m. -- Open Meeting

University of Virginia, Alumni Hall, Charlottesville, Virginia.♿

A regular meeting of the commission devoted to the discussion and consideration of issues concerning the adequacy of Virginia's state and local tax structure to address the needs of the Commonwealth in the 21st Century.

Contact: Mich Wilkinson, Staff Director, or Rob Hodder, Deputy Staff Director, Commission on Virginia's State and Local Tax Structure for the 21st Century, Weldon Cooper Center for Public Service, 700 E. Franklin St., Suite 700, Richmond, VA 23219-2318, telephone (804) 786-4273, FAX (804) 371-0234, e-mail leisasteele@erols.com.

SENATE COMMITTEE ON TRANSPORTATION

September 15, 2000 - 9 a.m. -- Open Meeting

Hampton City Council Chambers, Hampton, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular meeting to consider carry over legislation for the 2000 legislative session. Individuals requiring interpreter services or other accommodations should call or write Thomas C. Gilman seven working days before the meeting.

Contact: Thomas C. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

JOINT SUBCOMMITTEE TO STUDY THE STATUS AND IMPLEMENTATION OF THE VIRGINIA UNDERGROUND UTILITY DAMAGE PREVENTION ACT (SJR 75, 2000)

† **September 26, 2000 - 2 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular meeting. Please direct all questions regarding the agenda to Senate Committee Operations. Individuals requiring interpreter services or other accommodations should contact the committee operations office at least 10 working days prior to the meeting.

Contact: Thomas G. Gilman, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY ☎

CHRONOLOGICAL LIST

OPEN MEETINGS

August 28

Virginia Agricultural Council
Barbers and Cosmetology, Board for

August 29

Virginia Agricultural Council
Litter Control and Recycling Fund Advisory Board
Nursing, Board of
† Technology Planning, Department of
- Virginia Geographic Information Network Advisory Board

August 30

† Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board of
- Landscape Architects Section
At-Risk Youth and Their Families, Comprehensive Services for
- State Executive Council
Contractors, Board for
Environmental Quality, Department of
Milk Commission, State
Nursing, Board of
- Joint Boards of Nursing and Medicine
- Special Conference Committee
Outdoors Foundation, Virginia
- Preservation Trust Fund - Region V Advisory Board

August 31

† Competition Council, Commonwealth

September 5

† Economic Development Partnership, Virginia
- Board of Directors
- Nominating Committee
Hopewell Industrial Safety Council

Social Services, State Board of

September 6

† Agriculture and Consumer Services, Department of
- Virginia Peanut Board
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board of
- Certified Interior Designers Section
† Emergency Planning Committee, Local - Winchester
Funeral Directors and Embalmers, Board of
† Game and Inland Fisheries, Department of
† Medicine, Board of
† Mines, Minerals and Energy, Department of
- Abandoned Mine Land Advisory Committee
- Coal Surface Mining Reclamation Fund Advisory
Board
Outdoors Foundation, Virginia
- Preservation Trust Fund Advisory Board - Region II

September 7

Air Pollution Control Board, State
† At-Risk Youth and Their Families, Comprehensive
Services for
- State Management Team
† Environmental Quality, Department of
† Game and Inland Fisheries, Department of
Medicine, Board of
- Informal Conference Committee
Museum of Fine Arts, Virginia
- Executive Committee
Nursing, Board of
- Special Conference Committee
† Water Control Board, State
Waterworks and Wastewater Works Operators, Board for
- Education Committee

September 11

Conservation and Recreation, Department of
- Board on Conservation and Development of Public
Beaches
† Game and Inland Fisheries, Department of
† Legislative Audit and Review Commission, Joint
Medical Assistance Services, Department of
- Virginia Medicaid Pharmacy Liaison Committee
† Motor Vehicle Dealer Board
- Advertising Committee
- Dealer Practices Committee
- Franchise Law Committee
- Licensing Committee
- Personnel Committee
- Transaction Recovery Fund Committee
Reapportionment Committee, Joint
† Water Control Board, State

September 12

† Conservation and Recreation, Department of
- Goose Creek Scenic River Advisory Board
† Forestry, Board of
† Game and Inland Fisheries, Department of
† Medical Assistance Services, Board of
† Motor Vehicle Dealer Board
- Finance Committee

† Recycling Markets Development Council
† Resources Authority, Virginia
- Board of Directors
† Waste Management Board, Virginia
- Advisory Committee

September 13

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board of
Assistive Technology, Virginia Council on
† Competition Council, Commonwealth
† Environment, Commission on the Future of Virginia's
† Environmental Quality, Department of
† Game and Inland Fisheries, Department of
Historic Resources Board and State Review Board
† Interagency Coordinating Council, Virginia
Lottery Board, State
Medicine, Board of
- Advisory Committee on Acupuncture
- Advisory Committee on Radiological Technology
† Northern Virginia Regional Transportation Authority,
Joint Subcommittee to Study Creation of a
† Real Estate Board
- Education Committee
Transportation Safety Board

September 14

Aging, Commonwealth Council on
- Public Relations Committee
† Conservation and Recreation, Department of
- Dam Safety Technical Advisory Committee
- Falls of the James Scenic River Advisory Board
† Dentistry, Board of
† Game and Inland Fisheries, Department of
Medicine, Board of
- Advisory Board of Occupational Therapy
- Advisory Committee on Radiological Technology
- Advisory Board on Respiratory Therapy
Old Dominion University
- Board of Visitors
† Real Estate Board
- Fair Housing Committee
Rehabilitative Services, Department of
- Statewide Independent Living Council Executive
Committee

September 15

† Criminal Justice Services Board
- Committee on Training
† Dentistry, Board of
† Medicine, Board of
- Advisory Board on Athletic Trainers
- Informal Conference Committee
- Advisory Committee on Physician Assistants
Nursing, Board of
- Special Conference Committee
† Psychology, Board of
Transportation, Senate Committee on

September 16

Visually Handicapped, Department for the
- Statewide Rehabilitation Council for the Blind

Calendar of Events

September 18

- † Chesapeake Bay Local Assistance Board
- † Environmental Quality, Department of Higher Education for Virginia, State Council of
- † Library Board
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Legislative and Finance Committee
 - Publications and Educational Services Committee
 - Public Library Development Committee
 - Records Management Committee
- † Neurotrauma Initiative Advisory Board, Commonwealth Public Guardian and Conservator Advisory Board, Virginia

September 19

- † Environmental Quality, Department of Funeral Directors and Embalmers, Board of Psychology, Board of

September 20

- † Community Colleges, State Board for
 - Facilities Committee
 - Personnel Committee
- Funeral Directors and Embalmers, Board of
- † Racing Commission, Virginia
- † Transportation Board, Commonwealth
- Water Control Board, State

September 21

- † Community Colleges, State Board for
- † Environmental Quality, Department of Labor and Industry, Department of
 - Virginia Apprenticeship Council
- † Medicine, Board of
 - Informal Conference Committee
- Milk Commission, State
- Soil and Water Conservation Board, Virginia
- † Transportation Board, Commonwealth
- Waterworks and Wastewater Works Operators, Board for

September 22

- Chesapeake Bay Local Assistance Board
 - Policy Committee

September 25

- Local Government, Commission on Nursing, Board of
 - Special Conference Committee
- Outdoors Foundation, Virginia
 - Board of Trustees
- Professional and Occupational Regulation, Board of

September 26

- Compensation Board
- Hearing Aid Specialists, Board for
- Marine Resources Commission
- † Nursing, Board of
- Outdoors Foundation, Virginia
 - Board of Trustees
- † Small Business Financing Authority, Virginia
- † Taxation, Department of
 - State Land Evaluation Advisory Council

- † Underground Utility Damage Prevention Act, Joint Subcommittee Studying the Status and Implementation of

September 27

- Agriculture and Consumer Services, Department of
 - Virginia Horse Industry Board
- At-Risk Youth and Their Families, Comprehensive Services for
 - State Executive Council
- Code Commission, Virginia
- Funeral Directors and Embalmers, Board of
 - Special Conference Committee
- Human Resource Management, Department of Nursing, Board of
 - Special Conference Committee
- Small Business Financing Authority, Virginia

September 28

- Code Commission, Virginia
- Education, State Board of
- Nursing, Board of
 - Special Conference Committee
- Rehabilitative Services, Board of
- † Waste Management Board, Virginia

September 29

- † Medicine, Board of
 - Informal Conference Committee
 - Legislative Committee

October 2

- Tax Structure for the 21st Century, Commission on Virginia's State and Local

October 3

- † Waste Management Board, Virginia

October 4

- † Rehabilitative Services, Department of
 - Independent Living Council, Statewide
- † Water Control Board, State

October 5

- † Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- Nursing, Board of
 - Special Conference Committee

October 9

- Old Dominion University
 - Board of Visitors Executive Committee

October 10

- Nursing, Board of
 - Special Conference Committee

October 12

- Conservation and Recreation, Department of
 - Virginia State Parks Foundation
- † Counties, Cities and Towns, House Committee on
- † Medicine, Board of
- Nursing, Board of
 - Special Conference Committee

October 13

- † Health Professions, Department of
 - Health Practitioners Intervention Program
- † Medicine, Board of
 - Credentials Committee
- Treasury, Department of the
 - Virginia College Building Authority

October 16

- Accountancy, Board of
- Conservation and Recreation, Department of
 - Board on Conservation and Development of Public Beaches
- General Laws, Senate Committee on
- Nursing, Board of
 - Special Conference Committee
- Reapportionment Committee, Joint

October 17

- † Educational Infrastructure and Technology, Commission on
- Nursing, Board of
 - Special Conference Committee
- † People with Disabilities, Board for
 - Disability Commission
- † Visually Handicapped, Board for the

October 18

- Code Commission, Virginia
- † Water Control Board, State

October 19

- Code Commission, Virginia
- Education, State Board of

October 25

- At-Risk Youth and Their Families, Comprehensive Services for
 - State Executive Council

October 26

- Nursing, Board of
 - Special Conference Committee

October 31

- Nursing, Board of
 - Special Conference Committee
- Tax Structure for the 21st Century, Commission on
- Virginia's State and Local
- † Water Control Board, State

November 2

- † Conservation and Recreation, Department of
 - Falls of the James Scenic River Advisory Board
- † Jamestown-Yorktown Foundation
 - Board of Trustees

November 3

- † Jamestown-Yorktown Foundation
 - Board of Trustees

November 6

- Education, Board of

November 9

- Education, Board of

November 13

- † Library Board
 - Archival and Information Services Committee
 - Collection Management Services Committee
 - Legislative and Finance Committee
 - Publications and Educational Services Committee
 - Public Library Development Committee
 - Records Management Committee
- Old Dominion University
 - Board of Visitors' Executive Committee

November 17

- † Medicine, Board of
 - Executive Committee

November 18

- Human Rights, Council on

November 29

- At-Risk Youth and Their Families, Comprehensive Services for
 - State Executive Council

November 30

- Nursing, Board of
 - Special Conference Committee

December 1

- † Medicine, Board of
 - Credentials Committee
 - Executive Committee

December 16

- General Laws, Senate Committee on

PUBLIC HEARINGS

August 28

- Air Pollution Control Board

August 31

- Water Control Board, State

September 18

- Water Control Board, State

September 21

- † Psychology, Board of

September 25

- Local Government, Commission on

September 26

- † Mental Health, Mental Retardation and Substance Abuse Services, Department of

September 27

- † Contractors, Board for
 - Tradesman Committee

September 28

- † Education, Board of
- † Waste Management Board, Virginia

October 2

- Corporation Commission, State

Calendar of Events

October 4

† Accountancy, Board of

October 5

† Waste Management Board, Virginia

October 10

Pharmacy, Board of

† Pharmacy and Medicine, Boards of

October 18

† Waste Management Board, Virginia

October 31

† Alcoholic Beverage Control Board