
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>).

September 2000 through June 2001

<u>Volume:Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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17:3	October 4, 2000	October 23, 2000
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17:7	November 29, 2000	December 18, 2000
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17:8	December 12, 2000 (Tuesday)	January 1, 2001
17:9	December 27, 2000	January 15, 2001
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17:11	January 24, 2001	February 12, 2001
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17:13	February 21, 2001	March 12, 2001
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2 VAC 5-600-10	Amended	16:20 VA.R. 2458	5/31/00
Title 4. Conservation and Natural Resources			
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
4 VAC 20-620-40	Amended	16:20 VA.R. 2463	5/25/00
4 VAC 20-620-40 emer	Amended	16:18 VA.R. 2292	4/26/00-5/25/00
4 VAC 20-620-50	Amended	16:14 VA.R. 1861	3/1/00
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
4 VAC 20-620-70	Amended	16:20 VA.R. 2465	5/25/00
4 VAC 20-620-70 emer	Amended	16:18 VA.R. 2294	4/26/00-5/25/00
4 VAC 20-700-20	Amended	16:16 VA.R. 2041	4/1/00
4 VAC 20-700-20	Amended	16:23 VA.R. 2890	7/1/00
4 VAC 20-720-20	Amended	16:12 VA.R. 1671	2/4/00
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
4 VAC 20-720-60	Amended	16:12 VA.R. 1672	2/4/00
4 VAC 20-720-70	Amended	16:12 VA.R. 1673	2/4/00
4 VAC 20-720-80	Amended	16:12 VA.R. 1673	2/4/00
4 VAC 20-752-20	Amended	16:23 VA.R. 2890	7/1/00
4 VAC 20-752-30	Amended	16:23 VA.R. 2891	7/1/00
4 VAC 20-890-20	Amended	16:25 VA.R. 3227	10/1/00
4 VAC 20-890-25	Amended	16:12 VA.R. 1674	2/2/00
4 VAC 20-890-40	Amended	16:25 VA.R. 3227	10/1/00
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4 VAC 20-900-25 emer	Amended	16:25 VA.R. 3330	7/28/00-8/24/00
4 VAC 20-910-45	Amended	16:14 VA.R. 1862	3/1/00
4 VAC 20-910-45	Amended	16:23 VA.R. 2891	7/1/00
4 VAC 20-950-45	Amended	16:14 VA.R. 1862	3/1/00

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4 VAC 20-1040-10	Amended	16:20 VA.R. 2465	5/26/00
4 VAC 20-1040-20	Amended	16:20 VA.R. 2465	5/26/00
4 VAC 20-1040-30	Repealed	16:20 VA.R. 2465	5/26/00
4 VAC 25-30 (Forms)	Amended	16:23 VA.R. 2967	--
4 VAC 25-130-700.5	Amended	16:15 VA.R. 1956	5/10/00
4 VAC 25-130-795.1	Amended	16:15 VA.R. 1968	5/10/00
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
4 VAC 25-130-795.8	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.9	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.10	Amended	16:15 VA.R. 1969	5/10/00
4 VAC 25-130-795.11	Amended	16:15 VA.R. 1970	5/10/00
4 VAC 25-130-795.12	Amended	16:15 VA.R. 1970	5/10/00
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6 VAC 15-31-10	Amended	16:24 VA.R. 3082	9/17/00
6 VAC 15-31-50	Amended	16:24 VA.R. 3083	9/17/00
6 VAC 15-31-80	Amended	16:24 VA.R. 3083	9/17/00
6 VAC 15-31-120 through 6 VAC 15-31-140	Amended	16:24 VA.R. 3083-3086	9/17/00
6 VAC 15-31-160	Amended	16:24 VA.R. 3086	9/17/00
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6 VAC 15-31-410	Amended	16:24 VA.R. 3090	9/17/00
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6 VAC 20-171-420	Erratum	16:14 VA.R. 1911	--
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8 VAC 20-131-10 through 8 VAC 20-131-150	Amended	16:25 VA.R. 3228-3237	9/28/00
8 VAC 20-131-170	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-180	Amended	16:25 VA.R. 3237	9/28/00
8 VAC 20-131-210	Amended	16:25 VA.R. 3238	9/28/00
8 VAC 20-131-220	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-240	Amended	16:25 VA.R. 3239	9/28/00
8 VAC 20-131-250	Repealed	16:25 VA.R. 3240	9/28/00
8 VAC 20-131-260 through 8 VAC 20-131-320	Amended	16:25 VA.R. 3240-3249	9/28/00
8 VAC 20-131-325	Added	16:25 VA.R. 3249	9/28/00
8 VAC 20-131-340	Amended	16:25 VA.R. 3250	9/28/00
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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	*

* Effective date suspended.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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 25-31-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-30	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-40	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-100	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-120	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-125	Added	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-170	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-190	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-200	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-230	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-280	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-340	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-390	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-500	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-570	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-580	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-590	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-620	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-660	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-670	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-710	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-720	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-750	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-770	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-780	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-800	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-810	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-31-840	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-10	Amended	16:25 VA.R. 3252	9/27/00
9 VAC 25-210-50	Amended	16:25 VA.R. 3254	9/27/00
9 VAC 25-210-110	Amended	16:25 VA.R. 3254	9/27/00
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
9 VAC 25-400-10	Amended	16:25 VA.R. 3255	9/27/00
Title 11. Gaming			
11 VAC 10-60-10	Amended	16:21 VA.R. 2623	8/4/00

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 10-100-30	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-110	Amended	16:25 VA.R. 3261	8/8/00
11 VAC 10-100-170	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-100-210	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-30	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-90	Amended	16:25 VA.R. 3262	8/8/00
11 VAC 10-110-230	Added	16:25 VA.R. 3263	8/8/00
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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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
14 VAC 5-370-20	Amended	16:25 VA.R. 3264	9/30/00
14 VAC 5-370-100	Amended	16:25 VA.R. 3264	9/30/00
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
16 VAC 25-120-1917.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.3	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.23	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.26	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.27	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.30	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.42 through 16 VAC 25-120-1917.45	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.50	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.71	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.73	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.92	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.95	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.112	Amended	16:25 VA.R. 3265	10/1/00

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16 VAC 25-120-1917.117 through 16 VAC 25-120-1917.122	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.124	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.151	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.152	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.153	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120-1917.156	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-120 Appendix I	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.1	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.2	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.24	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.25	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.37	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.41	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.42	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.43	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.51	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.52	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.54	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.61	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.62	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.65	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.66	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.69	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.85	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.86	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.94	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.97	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.98	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.100	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.102	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130-1918.105	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix II	Amended	16:25 VA.R. 3265	10/1/00
16 VAC 25-130 Appendix IV	Amended	16:25 VA.R. 3265	10/1/00
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
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 85-31-10 through 18 VAC 85-31-160	Repealed	16:25 VA.R. 3266-3270	9/27/00
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

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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 112-20-10 through 18 VAC 112-20-150	Added	16:25 VA.R. 3266-3270	9/27/00
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
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

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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 5-200-21	Amended	16:25 VA.R. 3274	7/28/00
20 VAC 5-200-30	Amended	16:25 VA.R. 3296	7/28/00
20 VAC 5-200 Appendix	Amended	16:25 VA.R. 3298	7/28/00
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
22 VAC 40-60-310	Repealed	16:12 VA.R. 1683	7/1/00

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 40-180 (Forms)	Amended	16:25 VA.R. 3331-3332	--
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 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-60-10 et seq. Rules and Regulations Governing the Operation of Livestock Markets.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, amend the regulation to terminate the active testing of cattle in the markets, and implement a program to monitor the operation of livestock markets to assure that adequate disease surveillance measures are accomplished. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-724 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Robert Whiting, Program Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 602, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

VA.R. Doc. No. R00-272; Filed August 14, 2000, 12:31 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-140-10 et seq. Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to reflect (i) newer animal testing technology and procedures; (ii) fewer testing requirements as justified by the advances made in certain national eradication programs, including brucellosis; (iii) the application of knowledge gained from epidemiological investigations of disease spread; and (iv) the use of information gained from research indicating the best techniques for identifying, controlling, and eradicating animal diseases. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Robert Whiting, Program Coordinator, Department of Agriculture and Consumer Services, 1100 Bank St., Room 602, Richmond, VA 23219, telephone (804) 786-2483 or FAX (804) 371-2380.

VA.R. Doc. No. R00-274; Filed August 14, 2000, 12:31 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-320-10. Rules and Regulations for the Enforcement of the Endangered Plant and Insect Species Act.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation to (i) remove the currently named plants that are no longer considered globally rare and (ii) add those threatened or endangered plant and insect species that are considered rare both globally and in Virginia. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: Chapter 39 (§ 3.1-1020 et seq.) of Title 3.1 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Frank Fulgham, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 703, Richmond, VA 23219, telephone (804) 786-3515 or FAX (804) 371-7793.

VA.R. Doc. No. R00-271; Filed August 14, 2000, 12:32 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-400-10 et seq. Rules and Regulations for the Enforcement of the Virginia Fertilizer Law.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation relating to (i) definitions, (ii) plant nutrients, (iii) labels, (iv) investigational allowances and penalties, (v) minimum plant food allowed, (vi) sampling and analysis procedures needed to clarify language, and (vii) changes needed to make the regulation compatible with the 1994 changes to the Virginia Fertilizer Act. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 3.1-106.4 of the Code of Virginia.

Notices of Intended Regulatory Action

Public comments may be submitted until November 13, 2000.

Contact: Alan Rogers, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 402, Richmond, VA 23219, telephone (804) 786-2476 or FAX (804) 786-1571.

VA.R. Doc. No. R00-275; Filed August 14, 2000, 12:31 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 Agriculture and Consumer Services intends to consider amending regulations entitled: **2 VAC 5-610-10 et seq. Rules Governing the Solicitation of Contributions.** The purpose of the proposed action is to review the regulation for effectiveness and continued need, and amend the regulation to conform with amendments to the Virginia Solicitation of Contributions Law relating to (i) the annual registration process and exemption to such registration, (ii) rules governing a professional solicitor, and (iii) general provisions relating to disclosure requirements by for-profit organizations and the use of private mailboxes by the regulated entities. The agency invites comments on whether there should be an advisor. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: § 57-66 of the Code of Virginia.

Public comments may be submitted until November 13, 2000.

Contact: Andres "Andy" Alvarez, Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1101, Richmond, VA 23219, telephone (804) 786-1381 or FAX (804) 786-5112.

VA.R. Doc. No. R00-273; Filed August 14, 2000, 12:32 p.m.



TITLE 9. ENVIRONMENT

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;

Notices of Intended Regulatory Action

6. Correction of adoption errors in the exclusion rules for recovered oil which is recycled;
7. Addition of rules related to Phase III of the Land Disposal Restriction and treatment standards concerning carbamate pesticide production wastes, primary aluminum production wastes, characteristic wastes, listed wastes, and wastes that are diluted;
8. Identification of import and export wastes subject to the graduated system of controls under the Organization for Economic Cooperation and Development;
9. Revisions of rules for disposal of wastes from conditionally exempt small quantity generators;
10. Adoption of additional air standards for the control of organic emissions from tanks, surface impoundments, containers and miscellaneous units, including during accumulation of waste on site;
11. Extensions of the national capacity variance (under Phase III of the Land Disposal Restrictions) for spent potliners for primary aluminum production;
12. Adoption of Military Munitions Rule, which identifies when conventional and chemical military munitions become a hazardous waste, provides rules for the safe storage and transport of such waste, changes rules regarding emergency responses involving munitions and explosives, and exempts generators and transporters from manifest requirements on right-of-ways that are on or along the border of contiguous properties under the control of the same person;
13. Adoption of Land Disposal Restrictions - Phase IV, which establishes treatment standards under the land disposal restrictions for waste from wood preserving operations, revises 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

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(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, 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.

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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.

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.



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

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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

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 30-10-10 et seq. State Plan Under Title XIX of the Social Security Act Medical Assistance Program--General Provisions;** and **12 VAC 30-20-10 et seq. Administration of Medical Assistance Services.** The purpose of the proposed action is to promulgate new provider appeals regulations for all provider types and to conform to the time requirements of Chapter 967. 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 October 11, 2000, to Martha Smith, Director, Appeals 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. R00-291; Filed August 23, 2000, 10:22 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 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.

Notices of Intended Regulatory Action

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 30-90-10 et seq. Methods and Standards for Establishing Payment Rates for Long-Term Care.** The purpose of the proposed action is to establish a new nursing home payment system pursuant to policy mandates from the 2000 General Assembly. 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 October 11, 2000, to Stan Fields, Director, Cost Settlement and Audit, 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. R00-281; Filed August 15, 2000, 11:13 a.m.



TITLE 16. LABOR AND EMPLOYMENT

VIRGINIA EMPLOYMENT COMMISSION

† 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 Employment Commission intends to consider amending regulations entitled: **16 VAC 5-10-10 et seq. Definitions and General Provisions.** The purpose of the proposed action is to ensure compliance with Executive Order 25 (98). The definitions will be expanded to encompass the changes made to the agency's other regulations. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 60.2-111 and 60.2-623 of the Code of Virginia.

Public comments may be submitted until October 11, 2000.

Contact: Michael Worthington, Director of Policy and Planning, P.O. Box 1358, Room 300, Richmond, VA 23218-

1358, telephone (804) 371-6406, FAX (804) 225-3923 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R00-285; Filed August 22, 2000, 2:46 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 Employment Commission intends to consider amending regulations entitled: **16 VAC 5-20-10 et seq. Unemployment Taxes.** The purpose of the proposed action is to eliminate language requiring reimbursable employers to post a surety bond. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 60.2-111 and 60.2-623 of the Code of Virginia.

Public comments may be submitted until October 11, 2000.

Contact: Michael Worthington, Director of Policy and Planning, P.O. Box 1358, Room 300, Richmond, VA 23218-1358, telephone (804) 371-6406, FAX (804) 225-3923 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R00-286; Filed August 22, 2000, 2:46 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 Employment Commission intends to consider amending regulations entitled: **16 VAC 5-32-10 et seq. Required Records and Reports.** The purpose of the proposed action is to add specific language to ensure that employers know what information should be retained and that they know what information may be required by the agency. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 60.2-111 and 60.2-623 of the Code of Virginia.

Public comments may be submitted until October 11, 2000.

Contact: Michael Worthington, Director of Policy and Planning, P.O. Box 1358, Room 300, Richmond, VA 23218-1358, telephone (804) 371-6406, FAX (804) 225-3923 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R00-287; Filed August 22, 2000, 2:46 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 Employment Commission intends to consider amending regulations entitled: **16 VAC 5-60-10 et seq. Benefits.** The purpose of the proposed action is to allow claimants to file initial claims, partial claims and continued claims by telephone and the Internet. The amendments will make technological improvements, allow the agency to comply with the mandate of Executive Order 65 (00), and replace references to the Job Training Partnership Act with references to the Workforce Investment Act. Finally, language will be added regarding the cancellation and

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withdrawal of claims. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 60.2-111 and 60.2-623 of the Code of Virginia.

Public comments may be submitted until October 11, 2000.

Contact: Michael Worthington, Director of Policy and Planning, P.O. Box 1358, Room 300, Richmond, VA 23218-1358, telephone (804) 371-6406, FAX (804) 225-3923 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R00-288; Filed August 22, 2000, 2:46 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 Employment Commission intends to consider amending regulations entitled: **16 VAC 5-70-10 et seq. Interstate and Multi-state Claimants.** The purpose of the proposed action is to allow interstate claimants to file claims by telephone and the Internet. Also, language will be added regarding the cancellation and withdrawal of combined wage claims. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 60.2-111 and 60.2-623 of the Code of Virginia.

Public comments may be submitted until October 11, 2000.

Contact: Michael Worthington, Director of Policy and Planning, P.O. Box 1358, Room 300, Richmond, VA 23218-1358, telephone (804) 371-6406, FAX (804) 225-3923 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R00-289; Filed August 22, 2000, 2:46 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 Employment Commission intends to consider amending regulations entitled: **16 VAC 5-80-10 et seq. Adjudication.** The purpose of the proposed action is to allow parties to file appeals by facsimile and over the Internet and to allow expanded use of telephonic hearings. Also, the agency recommends that (i) a 10-day notice of hearing be required for both lower and higher authority; (ii) language establishing the criteria for the approval of attorney's fees to lawyers representing claimants be added; (iii) language prohibiting ex-parte communications with presiding hearing officers be added; (iv) the language regarding transcripts be modified to make it consistent with § 60.2-623 of the Code of Virginia; (v) a provision is added to establish criteria for when the commission would consider a decision pursuant to § 60.2-630 of the Code of Virginia; and (vi) a provision is added regarding rescission of a withdrawal by a party. The agency does not intend to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 60.2-111 and 60.2-623 of the Code of Virginia.

Public comments may be submitted until October 11, 2000.

Contact: Michael Worthington, Director of Policy and Planning, P.O. Box 1358, Room 300, Richmond, VA 23218-1358, telephone (804) 371-6406, FAX (804) 225-3923 or toll-free 1-800-828-1120/TTY ☎

VA.R. Doc. No. R00-290; Filed August 22, 2000, 2:46 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.

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.

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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.

BOARDS OF NURSING AND 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 Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-30-10 et seq. Regulations Governing the Licensure of Nurse Practitioners.** The purpose of the proposed action is to amend regulations to provide requirements for continued competency pursuant to a statutory mandate in the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-2912.1 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until October 11, 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) 662-9943.

Notices of Intended Regulatory Action

VA.R. Doc. No. R00-280; Filed August 17, 2000, 11:39 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 Boards of Nursing and Medicine intend to consider amending regulations entitled: **18 VAC 90-40-10 et seq. Regulations for Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to amend regulations to provide requirements for continued competency pursuant to a statutory mandate in the Code of Virginia. The agency intends to hold a public hearing on the proposed regulation after publication.

Statutory Authority: §§ 54.1-2400, 54.1-2912.1, 54.1-2957 and 54.1-2957.01 of the Code of Virginia.

Public comments may be submitted until October 11, 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) 662-9943.

VA.R. Doc. No. R00-279; Filed August 17, 2000, 11:39 a.m.

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.

Notices of Intended Regulatory Action

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.

REAL ESTATE BOARD

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Real Estate Board has **WITHDRAWN** the Notice of Intended Regulatory Action for **18 VAC 135-40-10 et seq. Time Share Regulations**, which was published in 16:8 VA.R. 943 January 3, 2000.

Contact: Eric Olson, Department of Professional and Occupational Regulations, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8510 or (804) 367-9753/TTY ☎

VA.R. Doc. No. R00-69; Filed August 17, 2000, 11:36 a.m.

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.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Social Services has **WITHDRAWN** the Notice of Intended Regulatory Action for **22 VAC 40-260-10 et seq. Agency Placement Adoptions - Subsidy**, which was published in 15:24 VA.R. 3088 August 16, 1999.

Contact: L. Richard Martin, Department of Social Services, Theater Row Bldg., 730 E. Broad St., Richmond, VA 23239-1849, telephone (804) 692-1825 or (804) 828-1120/TTY ☎

VA.R. Doc. No. R99-232; Filed August 23, 2000, 10:33 a.m.

Notice of Intended Regulatory Action

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

Notices of Intended Regulatory Action

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.



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 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

October 31, 2000 - 11 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-10-10 et seq. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed amendment is to require that notices of initial decisions of the board's hearing officers be sent by both certified mail and regular mail and to extend the present 10-day appeal period to 30 days.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

October 31, 2000 - 11 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The purpose of the proposed amendment is to allow for the acceptance of credit or debit cards from licensees for the purchase of alcoholic beverages at government stores.

Statutory Authority: §§ 4.1-103, 4.1-111 and 4.1-119 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎

October 31, 2000 - 11 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The proposed amendment adds a new section that lists a number of administrative violations for which a licensee may waive administrative hearing and accept a predetermined penalty in lieu of license suspension for a first violation within three years.

Statutory Authority: §§ 4.1-103 and 4.1-227 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY ☎



TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

October 18, 2000 - 7 p.m. -- Public Hearing
James City County Government Center, 101-C Mounts Bay Road, Building C, 1st Floor, Board of Supervisors Room, Williamsburg, Virginia.

November 10, 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 adopt regulations entitled: **9 VAC 20-170-10 et seq. Transportation of Solid Medical Wastes on State Waters.** The proposed regulation sets

Public Comment Periods - Proposed Regulations

forth guidelines for the permitting of facilities and establishes a permit-by-rule requirement for facilities receiving solid and regulated medical wastes from a ship, barge or other vessel transporting such wastes upon navigable waters of the Commonwealth and includes provisions governing the commercial transport, loading and off-loading of solid and regulated medical wastes by ship, etc. The board is requesting comments from the public on:

1. The costs and benefits of the proposal;
2. Alternatives to the requirements of the proposal, including the advantages and disadvantages of the alternatives;
3. The social costs of the proposal, including a description of the types of costs (i.e., increased paperwork, duplicative reporting requirements, etc.), potential nondollar impacts of the proposal (i.e., increased volume of waste transported by trucks due to increased regulation of water transport) and the possible health and environmental consequences associated with such impacts;
4. Quantitative information, if possible, regarding incremental benefits of the proposed regulation over existing federal and state regulations and current industry practices;
5. The relationship of the proposed regulation to federal regulations regarding nonhazardous and medical waste transport, including the identification of redundancy or conflict; and
6. Whether the board should make further distinctions between solid wastes and medical wastes which are regulated under the Resource Conservation and Recovery Act and covered by this rulemaking and hazardous wastes which are covered by the Resource Conservation and Recovery Act and not addressed in this rulemaking.

Statutory Authority: §§ 10.1-1402 and 10.1-1454.1 of the Code of Virginia.

Contact: Daniel S. Gwinner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4218, FAX (804) 698-4327 or e-mail dsgwinner@deq.state.va.us.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

November 15, 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 Health is adopting regulations entitled: **12 VAC 5-185-10 et seq. Policies and Procedures for Administering the**

Commonwealth Neurotrauma Initiative Trust Fund. These regulations will establish (i) policies and procedures for handling applications for funding received by the Commonwealth Neurotrauma Initiative (CNI) Advisory Board, (ii) criteria for reviewing applications, and (iii) procedures for distributing moneys from the CNI Trust Fund.

Statutory Authority: § 32.1-73.1 of the Code of Virginia.

Contact: Douglas R. Harris, Adjudication Officer, State Board of Health, 1500 E. Main St., Room 308, Richmond, VA 23218, telephone (804) 786-3561, FAX (804) 786-4616 or toll-free 1-800-828-1120/TTY ☎

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

November 10, 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 of Care; and 12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment--Inpatient Hospital Services.** The proposed regulations incorporate the agency's restrictions for covering Medicaid services in out-of-state facilities.

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

Public comments may be submitted until November 10, 2000, to Jim Cohen, Director, Division of Program Operations, 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.

November 10, 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 and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care: Pharmacy Services: Pharmacy Intravenous Infusion Therapy Services.** The purpose of the proposed amendments is to provide a consistent payment methodology for all pharmacy intravenous infusion therapy services provided in a fee-for-service program regardless of the patient's place of residence.

Public Comment Periods - Proposed Regulations

By simplifying their billing and documentation procedures, this consistent payment methodology will benefit pharmacists who are asked to render specialized and highly technical pharmacological services to patients who require medicinal and nutritional intravenous therapies.

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

Public comments may be submitted until November 10, 2000, to Marianne Rollings, Program Operations, 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.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

October 12, 2000 - 8 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

November 10, 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 Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture.** The purpose of the proposed amendments is to modify the seven-year rule for completion of Steps 1, 2 and 3 of the USMLE examination and delete the provision permitting an applicant to take combination USMLE and FLEX examinations.

Statutory Authority: §§ 54.1-2400 and 54.1-2913 of the Code of Virginia.

Contact: Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.

BOARD OF PHARMACY

October 10, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

November 10, 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 Pharmacy intends

to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The proposed amendments provide for approval of robotic technology in hospital pharmacies through application to an informal conference committee.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 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) 662-9313.

October 10, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

November 10, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-30-10 et seq. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The proposed amendments would update and clarify sections of the regulation to provide consistency with current law, current practices in pharmacy, and the board's regulations for licensed pharmacists.

Statutory Authority: §§ 54.1-2400 and 54.1-3304.1 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) 662-9313.



TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

November 10, 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 amend regulations entitled: **22 VAC 40-35-10 et seq. Virginia Independence Program.** The purpose of the proposed amendment is to provide one year of supportive transitional employment and training services to VIEW (Virginia Initiative for Employment not Welfare) participants.

Statutory Authority: §§ 63.1-25 and 63.1-133.46 of the Code of Virginia.

Contact: Chris Raines, Human Services Program Consultant, Department of Social Services, 730 E. Broad St.,

Public Comment Periods - Proposed Regulations

7th Floor, Richmond, VA 23219, telephone (804) 692-1323 or
FAX (804) 692-1704.



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 2. AGRICULTURE

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 A 17 of the Code of Virginia, which excludes the Commissioner of Agriculture and Consumer Services in promulgating regulations pursuant to § 3.1-398, which conform, insofar as practicable, with those promulgated under the federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.).

Title of Regulation: **2 VAC 5-600-10. Regulations Pertaining to Food for Human Consumption.**

Statutory Authority: § 3.1-398 of the Code of Virginia.

Summary:

The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services propose to adopt amendments to 2 VAC 5-600, Regulations Pertaining to Food for Human Consumption. This action is pursuant to § 3.1-398 of the Code of Virginia, which declares that:

"Notwithstanding any other requirement under the Administrative Process Act... to the contrary, the Commissioner may adopt any regulation under the federal act without public hearing.... The Board, at its next regular meeting, shall adopt the regulation after notice but without public hearing...."

This notice by the agency follows deferral in July 2000 by the board of action required pursuant to the above-cited provision of § 3.1-398 of the Code of Virginia and represents a reinitiation of the above-quoted process required by § 3.1-398; this notice also represents notice by the commissioner of his intention to readopt amendments to the regulation that previously appeared in the Virginia Register of Regulations on June 19, 2000 (Volume 16, Issue 20, pp.2458-2459; 2566).

The regulation ensures that the same standards are applied to foods by food establishments under the jurisdiction of the Department of Agriculture and Consumer Services that are applied by the U.S. Food and Drug Administration to food establishments. This regulatory action brings the regulations up to date and ensures their consistency with current federal regulations.

Agency Contact: Copies of the regulation may be obtained from James A. Morano, Jr., Department of Agriculture and

Consumer Services, 1100 Bank Street, 5th Floor, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3520.

2 VAC 5-600-10. Adoption by reference.

A. Regulations from Title 21, Chapter 1, Subchapter A, Code of Federal Regulations.

The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 21, Subchapter A of the Code of Federal Regulations (Rev. April 1, 1999) as regulations applicable in the enforcement of the Virginia Food Act by reference:

Part 73, Listing of color additives exempt from certification, Subpart A – Foods.

Part 74, Listing of color additives subject to certification, Subpart A – Foods.

Part 81, General specifications and general restrictions for provisional color additives for use in foods, drugs and cosmetics.

Part 82, Listing of certified provisionally listed colors and specifications, Subpart B - Foods, Drugs and Cosmetics.

A- B. Regulations from Title 21, Chapter 1, Subchapter B, Code of Federal Regulations.

The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 21, Subchapter B of the Code of Federal Regulations (Rev. April 1, 1994 1999) as regulations applicable in the enforcement of the Virginia Food Act by reference:

Part 100, General.

Part 101, Food labeling.

Part 102, Common or usual name for nonstandardized foods.

~~*Part 103, Quality standards for foods with no identity standards.*~~

Part 104, Nutritional quality guidelines for foods.

Part 105, Foods for special dietary use.

Part 109, Unavoidable contaminants in food for human consumption and food-packaging material.

Part 110, Current good manufacturing practice in manufacturing, packing, or holding human food.

Part 111, Current good manufacturing practice for dietary supplements.

Part 113, Thermally processed low-acid foods packaged in hermetically sealed containers.

Part 114, Acidified foods.

Proposed Regulations

- Part 129, Processing and bottling of bottled drinking water.
- Part 133, Cheeses and related cheese products.
- Part 136, Bakery products.
- Part 137, Cereal flours and related products.
- Part 139, Macaroni and noodle products.
- Part 145, Canned fruits.
- Part 146, Canned fruit juices.
- Part 150, Fruit butters, jellies, preserves, and related products.
- Part 152, Fruit pies.
- Part 155, Canned vegetables.
- Part 156, Vegetable juices.
- Part 158, Frozen vegetables.
- Part 160, Eggs and egg products.*
- Part 161, Fish and shellfish.
- Part 163, Cacao products.
- Part 164, Tree nut and peanut products.
- Part 165, Beverages.*
- Part 166, Margarine.
- Part 168, Sweeteners and table sirups.
- Part 169, Food dressings and flavorings.
- § 170.19, Pesticide chemicals in processed foods.
 - Part 172, Food additives permitted for direct addition to food for human consumption.
 - Part 173, Secondary direct food additives permitted in food for human consumption.
 - Part 174, Indirect food additives: General.
 - Part 175, Indirect food additives: Adhesives and components of coatings.
 - Part 176, Indirect food additives: Paper and paperboard components.
 - Part 177, Indirect food additives: Polymers.
 - Part 178, Indirect food additives: Adjuvants, production aids, and sanitizers.
 - Part 179, Irradiation in the production, processing and handling of food.
 - Part 180, Food additives permitted in food or in contact with food on an interim basis pending additional study, Subpart B - Specific requirements for certain food additives.*
 - Part 181, Prior-sanctioned food ingredients.
 - Part 182, Substances generally recognized as safe.

Part 184, Direct food substances affirmed as generally recognized as safe.

Part 186, Indirect food substances affirmed as generally recognized as safe.

Part 189, Substances prohibited from use in human food.

C. Regulations from Title 21, Chapter 1, Subchapter L, Code of Federal Regulations.

The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 21, Subchapter L of the Code of Federal Regulations (Rev. April 1, 1999) as regulations applicable in the enforcement of the Virginia Food Act by reference:

§ 1240.61, Mandatory pasteurization for all milk and milk products in final package form intended for direct human consumption.

B- D. Regulations from Title 40, Chapter 1, Subchapter E, Code of Federal Regulations.

The Board of Agriculture and Consumer Services hereby adopts the following provisions of Chapter 1 of Title 40, Subchapter E of the Code of Federal Regulations (Rev. July 1, 1999) as regulations applicable to the enforcement of the Virginia Food Act by reference:

Part 180, Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities.

Part 185, Tolerances for pesticides in food.

NOTICE: The forms used in administering 2 VAC 5-600-10, Regulations Pertaining to Food for Human Consumption, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Inspection Report, Form VDACS-06017.

Sample Collection Report.

Form FDA 481(A) - CG (rev. 10/96).

Form FDA 481(C) - CG (rev. 9/84).

Form FDA 481 (E) - CG (rev. 11/95).

Proposed Regulations

DATE ASSGND: / / PRIORITY: DATE INSPD: GRP:
 CENTRAL FILE NO.: JD/TA: CNTY: PHONE: EMPL NO:
 NAME: STREET: DISTRICT:
 CITY: STATE: ZIP:

ENDORSEMENT

COMPLIANCE ACHIEVEMENT DATA

FAC	PROBLEM TYPE	CORR ACTION	DATE ACTION VERIFIED	CORR UNIT	REPT DIST	REASON FO CORRECTIO
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FORM FDA 481 (C) -CG (09/84)

VA.R. Doc. No. R00-282; Filed August 18, 2000, 11:29 a.m.

TITLE 3. ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL BOARD

Title of Regulation: 3 VAC 5-10-10 et seq. Procedural Rules for the Conduct of Hearings before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations (amending 3 VAC 5-10-70 and 3 VAC 5-10-240).

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Public Hearing Date: October 31, 2000 – 11 a.m.

Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: The Alcoholic Beverage Control Board is required by § 4.1-111 of the Code of Virginia to adopt a regulation requiring retail licensees to file an appeal from any hearing decision by a hearing officer within 30 days of the date the notice of the decision is sent. The section further provides that the regulation shall require that the notice shall be sent to the licensee at the address on record with the board by certified mail, return receipt requested, and by regular mail.

Purpose: The purpose of these amendments is to carry out the mandate of Chapter 40 of the 1997 Acts of Assembly and to provide more notice and opportunity for appeal to parties affected by decisions of the board's hearing officers. The proposed amendments promote the public welfare by ensuring that parties to matters before the board receive adequate notice of proceedings which affect their property rights.

Substance: Amendments to 3 VAC 5-10-70 require the board's hearing officers to mail their decisions to interested parties at the address on record with the board, both by regular mail and by certified mail, return receipt requested.

Amendments to 3 VAC 5-10-240 extend the time within which an interested party may appeal an adverse decision of a hearing officer from 10 to 30 days.

Issues: The proposed amendments will have some advantages for interested parties. Mailing by both regular and certified mail should help ensure that decisions are in fact received. Interested parties who receive an adverse decision will also have the advantage of additional time within which to decide whether to pursue an appeal.

Applicants for licensure may suffer a disadvantage in that the longer appeal period will cause an additional 20 days' delay in the issuance of a license in cases in which the hearing officer's initial decision is to grant the contested license.

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. Pursuant to § 4.1-111 of the Code of Virginia, as amended by Chapter 40 of the 1997 Acts of Assembly, the Alcoholic Beverage Control Board (board) is required to adopt a regulation that allows licensees or potential licensees 30 days in which to file an appeal from any hearing decision. This would represent a change from the current regulation, which allows 10 days in which to file an appeal. The board would also allow other interested parties 30 days in which to appeal.

Estimated economic impact. The proposed increase in the time in which an appeal can be made by 20 days will help enable interested parties, such as community groups and local governments, to find time to file an appeal to the granting of a license. Thus, the proposed change to the regulation may increase the probability that interested parties successfully appeal the granting of a liquor license. Also, the extra 20 days could potentially be beneficial to an applicant if their application is turned down. The applicant could use the extra time to decide whether to appeal.

The additional 20 days may be detrimental to license applicants for two reasons. First, if it turns out that the applicant is granted a license, then 20 days of potential sales are lost. Second, the extra time increases the chance that the applicant's initially successful application will be turned down after an appeal by other interested parties. Then, any benefits from sales at the chosen location will be lost. Since there are minimal data available on the likely impact of the change on either the number of appeals or on the outcomes of any additional appeals, it is not possible at this time to measure the net economic impact of this proposed change.

Businesses and entities affected. Each year, approximately 61 applicants for ABC licenses have their applications contested.¹ These individuals are affected by the proposed regulatory change. Additionally, other parties interested in the awarding of ABC licenses, such as community associations and local governments, as well as the communities in the vicinity of proposed licensees, would be affected by the proposed change to this regulation.

Localities particularly affected. The proposed change to the regulation affects localities throughout the Commonwealth.

Projected impact on employment. The proposed increase in time in which interested parties may file an appeal to a hearing officer's decision could potentially have a small negative impact on employment. The increased time may make it more likely that a community association or other party opposed to the granting of a liquor license may put together a successful appeal of a ruling that granted such a

¹ This is based on information provided by the Alcoholic Beverage Control Board.

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license. If the appeal were successful, then a potential new business may not go into operation or a currently operating business may not add new customers. In either case, some potential new jobs may not be created.

Effects on the use and value of private property. As previously mentioned, the proposed extended appeal time may increase the probability that interested parties may prevent the granting of a liquor license. This could decrease the potential value of some businesses or prevent the formation of others where a liquor license is vital, such as a tavern. On the other hand, the increased probability of license denial may add to local property values. The sale of alcohol may be considered a negative for residential neighbors.

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 require that notices of initial decisions of the board's hearing officers be sent to interested parties by both certified mail, return receipt requested, and regular mail. The current regulation only requires that they be mailed and does not specify any particular manner. The proposed amendments will also extend the present 10-day period for appealing such decisions to 30 days.

3 VAC 5-10-70. Decisions.

A. Initial decisions. The decision of the hearing officer shall be deemed the initial decision, shall be a part of the record and shall include:

1. A statement of the hearing officer's findings of fact and conclusions, as well as the reasons or bases therefor, upon all the material issues of fact, law or discretion presented on the record; and
2. The appropriate rule, order, sanction, relief or denial thereof as to each such issue.

B. Summary decisions. At the conclusion of a hearing, the hearing officer, in his discretion, may announce the initial decision to the interested parties.

C. Notice. At the conclusion of any hearing, the hearing officer shall advise interested parties that the initial decision will be reduced to writing and the notice of such decision, along with notice of the right to appeal to the board, will be mailed to them or their representative and filed with the board in due course. (See 3 VAC 5-10-240 for Appeals).

D. Prompt filing. The initial decision shall be reduced to writing, mailed to interested parties *at the address on record with the board by certified mail, return receipt requested, and by regular mail*, and filed with the board as promptly as possible after the conclusion of the hearing or the expiration of the time allowed for the receipt of additional evidence.

E. Request for early or immediate decision. Where the initial decision is deemed to be acceptable, an interested party may file, either orally before the hearing officer or in writing, a waiver of his right of appeal to the board and

request early or immediate implementation of the initial decision. The board or hearing officer may grant the request for early or immediate implementation of the decision by causing issuance or surrender of the license and prompt entry of the appropriate order.

F. Timely review. The board shall review the initial decision and may render a proposed decision, which may adopt, modify or reject the initial decision unless immediate implementation is ordered. In any event, the board shall issue notice of any proposed decision, along with notice of right to appeal, within the time provided for appeals as stated in 3 VAC 5-10-240.

3 VAC 5-10-240. Appeals.

A. An interested party may appeal to the board an adverse initial decision, including the findings of fact and the conclusions, of a hearing officer or a proposed decision, or any portion thereof, of the board provided a request therefor in writing is received within 40 30 days after the date of mailing of the initial decision or the proposed decision, whichever is later.

B. At his option, an interested party may submit written exceptions to the initial or proposed decision within the 40 30-day period and waive further hearing proceedings.

C. If an interested party fails to appear at a hearing, the board may proceed in his absence and render a decision.

VA.R. Doc. No. R99-211; Filed August 21, 2000, 10:19 a.m.

* * * * *

Title of Regulation: **3 VAC 5-70-10 et seq. Other Provisions (amending 3 VAC 5-70-170).**

Statutory Authority: §§ 4.1-103, 4.1-111, and 4.1-119 of the Code of Virginia.

Public Hearing Date: October 31, 2000 – 11 a.m.

Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: The Alcoholic Beverage Control Board is required by § 4.1-111 of the Code of Virginia to adopt a regulation prescribing the terms and conditions under which credit or debit cards may be accepted from licensees at government stores.

Purpose: The purpose of these amendments is to carry out the mandate of Chapter 98 of the 1999 Acts of Assembly and to allow mixed beverage restaurant licensees to pay for alcoholic beverages purchased at government stores using credit or debit cards. The proposed amendment promotes the public safety and welfare by reducing the needs for employees of licensees to carry large sums of cash in purchases of distilled spirits at government stores.

Substance: Amendments to 3 VAC 5-70-170 would expand the present acceptance of credit or debit cards at government stores to include purchases by mixed beverage restaurant licensees.

Issues: The proposed amendments will have some advantages for mixed beverage restaurant licensees of the board. They will have the option of paying for their alcoholic beverage purchases by credit or debit card. Presently they are limited to payment by cash or check. The board may also receive an advantage from a reduction in checks returned for lack of sufficient funds. A possible disadvantage to the board is the payment of additional credit card processing fees.

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 Alcoholic Beverage Control Board (board) proposes to amend two provisions of this regulation. Under the current regulation, consumers may make purchases of alcohol from government stores with credit or debit cards, but private businesses that hold a liquor license (licensees), such as restaurants and taverns, may not. The proposed regulation would allow licensees to purchase alcohol from government stores with credit or debit cards. Also, under the proposed regulation, the board designates violations for which first time offenders can choose to waive a hearing and either pay a preset civil charge or serve a license suspension for a preset length of time. In the current regulation first time offenders do not have the option to waive a hearing.

Estimated economic impact. Currently, licensees may purchase alcohol from government stores only by cash or check. The proposed regulation would allow licensees to pay by cash, check, debit card, or credit card. Additional choices of payment method can only be beneficial for the licensees. They still have the options to pay by cash or check. Some may find it more convenient to pay by debit or credit card. Plus, credit cards give licensees the option to borrow and purchase more than they would be able to when limited to only cash and check payment.

The Department of Alcoholic Beverage Control (department) does not receive any General Funds and is completely self-supporting. But ABC profits are added to the General Fund revenue total. Thus, an impact on ABC profits will affect Virginia's taxpayers. The department will have to pay fees to credit card companies when credit cards are used. On the other hand, the use of credit cards by licensees may reduce the number of bounced checks received by government stores, consequently lowering costs. Also, credit cards may encourage some licensees to spend more than they would if they only could pay by cash or check. Credit cards allow the holder to borrow, as opposed to the other two payment

methods. The additional spending could generate increased profits for the department. The department has not collected the data necessary to indicate whether the combined lower costs of fewer bounced checks with the greater profits from increased sales outweigh the increased costs from fees paid to credit card companies. Thus, it cannot be determined whether total profits from ABC stores will increase or decrease. Consequently, it is not clear whether General Fund revenue will increase or decrease due to the proposed change.

The proposal to allow first time offending licensees to waive a hearing and either pay a preset civil charge or serve a license suspension for a preset length of time will provide a net economic benefit. Licensees maintain their option to have a hearing concerning their alleged offense. Under the proposed change they will have the option to save on the time and expense involved with going through the hearing process. The board could also reduce its costs by holding fewer hearings. On average the communities near licensees will not be affected by the proposed change since the preset penalties are on average about the same as would result from hearings.¹

Businesses and entities affected. The proposed changes to the regulation affect all 12,000² ABC licensed establishments in the Commonwealth.

Localities particularly affected. All Virginia localities are affected by the proposed changes.

Projected impact on employment. There is not expected to be a significant impact on employment.

Effects on the use and value of private property. The proposal to allow the use of credit and debit cards by licensees to purchase alcohol from government stores will increase the use of credit and debit cards by licensees. It will likely also increase the amount of alcohol purchased by some licensees due to the new option of borrowing that comes with credit cards. The proposal to permit first time offending licensees to waive a hearing and accept a preset penalty could reduce costs for such businesses and to a small degree increase the value of those businesses.

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 amendment allows for the acceptance of credit or debit cards from licensees for the purchase of alcoholic beverages at government stores. The current regulation allows for the acceptance of such cards from consumers, but not from licensees.

3 VAC 5-70-170. Credit and debit cards.

Government stores may accept credit or debit cards from consumers *and licensees* for the ~~retail~~ purchase of alcoholic

¹ This statement is based on information provided by the Alcoholic Beverage Control Board.

² Approximate number provided by the Alcoholic Beverage Control Board.

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beverages. The board may establish policies to set purchase requirements, determine the credit or debit cards that will be accepted, provide for the collection of related fees, penalties or service charges where appropriate, establish credit procedures for returned merchandise and make any other decisions to carry out the purpose of this chapter.

VA.R. Doc. No. R99-213; Filed August 21, 2000, 10:19 a.m.

* * * * *

Title of Regulation: 3 VAC 5-70-10 et seq. **Other Provisions (adding 3 VAC 5-70-210).**

Statutory Authority: §§ 4.1-103 and 4.1-227 of the Code of Virginia.

Public Hearing Date: October 31, 2000 – 11 a.m.

Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: The Alcoholic Beverage Control Board is required by § 4.1-227 of the Code of Virginia to adopt a regulation designating the violations for which a waiver of a hearing and payment of a civil charge in lieu of suspension may be accepted for a first offense occurring within three years. Section 4.1-227 also prescribes the maximum penalties for violations which may be imposed by the board.

Purpose: The purpose of these amendments is to carry out the mandate of Chapters 549 and 563 of the 1995 Acts of Assembly and to provide licensees of the board with a system whereby they may be allowed to pay a predetermined penalty upon commission of certain first-time regulatory violations and thereby avoid the expense of hearing procedures. The proposed amendment promotes the public safety and welfare by ensuring that licensees who do not comply with regulations governing the sale of alcoholic beverages are appropriately punished, while saving the public costs of an administrative hearing.

Substance: 3 VAC 5-70-210 grants licensees of the board charged with a first-time violation of certain alcoholic beverage regulations the option of accepting a predetermined period of license suspension or a set monetary penalty in lieu of suspension rather than have their case proceed to hearing. Any notice of hearing for a covered violation is required to contain a notice of the licensee's options.

Issues: The proposed amendments have some advantages for licensees of the board. The licensee will have the option of avoiding the expenses associated with a hearing on certain first-time violations by accepting the predetermined penalty specified in the regulation. The board may also receive an advantage from a reduction in hearing costs as licensees avail themselves of this option. There are no disadvantages to the board, its licensees, or the public.

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 Alcoholic Beverage Control Board (board) proposes to amend two provisions of this regulation. Under the current regulation, consumers may make purchases of alcohol from government stores with credit or debit cards but private businesses that hold a liquor license (licensees), such as restaurants and taverns, may not. The proposed regulation would allow licensees to purchase alcohol from government stores with credit or debit cards. Also, under the proposed regulation, the board designates violations for which first time offenders can choose to waive a hearing and either pay a preset civil charge or serve a license suspension for a preset length of time. In the current regulation first time offenders do not have the option to waive a hearing.

Estimated economic impact. Currently, licensees may purchase alcohol from government stores only by cash or check. The proposed regulation would allow licensees to pay by cash, check, debit card, or credit card. Additional choices of payment method can only be beneficial for the licensees. They still have the options to pay by cash or check. Some may find it more convenient to pay by debit or credit card. Plus, credit cards give licensees the option to borrow and purchase more than they would be able to when limited to only cash and check payment.

The Department of Alcoholic Beverage Control (department) does not receive any General Funds and is completely self-supporting. But ABC profits are added to the General Fund revenue total. Thus, an impact on ABC profits will affect Virginia's taxpayers. The department will have to pay fees to credit card companies when credit cards are used. On the other hand, the use of credit cards by licensees may reduce the number of bounced checks received by government stores, consequently lowering costs. Also, credit cards may encourage some licensees to spend more than they would if they only could pay by cash or check. Credit cards allow the holder to borrow, as opposed to the other two payment methods. The additional spending could generate increased profits for the department. The department has not collected the data necessary to indicate whether the combined lower costs of fewer bounced checks with the greater profits from increased sales outweigh the increased costs from fees paid to credit card companies. Thus, it cannot be determined whether total profits from ABC stores will increase or decrease. Consequently, it is not clear whether General Fund revenue will increase or decrease due to the proposed change.

The proposal to allow first time offending licensees to waive a hearing and either pay a preset civil charge or serve a license suspension for a preset length of time will provide a net

economic benefit. Licensees maintain their option to have a hearing concerning their alleged offense. Under the proposed change they will have the option to save on the time and expense involved with going through the hearing process. The board could also reduce its costs by holding fewer hearings. On average the communities near licensees will not be affected by the proposed change since the preset penalties are on average about the same as would result from hearings.¹

Businesses and entities affected. The proposed changes to the regulation affect all 12,000² ABC licensed establishments in the Commonwealth.

Localities particularly affected. All Virginia localities are affected by the proposed changes.

Projected impact on employment. There is not expected to be a significant impact on employment.

Effects on the use and value of private property. The proposal to allow the use of credit and debit cards by licensees to purchase alcohol from government stores will increase the use of credit and debit cards by licensees. It will likely also increase the amount of alcohol purchased by some licensees due to the new option of borrowing that comes with credit cards. The proposal to permit first time offending licensees to waive a hearing and accept a preset penalty could reduce costs for such businesses and to a small degree increase the value of those businesses.

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 regulation lists a number of administrative violations for which a licensee may waive administrative hearing and serve a predetermined term of license suspension or pay a predetermined monetary penalty in lieu of such suspension if the licensee has not had any substantiated violations of regulation or statute within the three years immediately preceding the date of the violation. The regulation also provides for the procedure of notifying violators of their options and the time frame within which such options must be exercised.

3 VAC 5-70-210. Schedule of penalties for first-offense violations.

Any licensee charged with any violation of board regulations or statutes listed below, if the licensee has not had any substantiated violations of regulation or statute within the three years immediately preceding the date of the violation, may enter a written waiver of hearing and (i) accept the period of license suspension set forth below for the violation, or (ii) pay the civil charge set forth below for the violation in lieu of suspension. Any notice of hearing served on a licensee for a violation covered by this section shall

contain a notice of the licensee's options under this section. Any licensee who fails to notify the board of its intent to exercise one of the options provided for under this section within 20 days after the date of mailing of the notice of hearing shall be deemed to have waived the right to exercise such options and the case shall proceed to hearing. For good cause shown, the board may, in its discretion, allow a licensee to exercise the options provided for under this section beyond the 20-day period.

VIOLATION	SUSPENSION	CIVIL CHARGE
<i>Sale of beer, wine or mixed beverages to a person at least 18 but under 21 years of age.</i>	25 days	\$2,000
<i>Allowing consumption of beer, wine, or mixed beverages by a person at least 18 but under 21 years of age.</i>	25 days	\$2,000
<i>Aiding and abetting the purchase of alcoholic beverages by a person at least 18 but under 21 years of age.</i>	10 days	\$1,000
<i>Keeping unauthorized alcoholic beverages on the premises, upon which appropriate taxes have not been paid.</i>	10 days	\$1,000
<i>Keeping unauthorized alcoholic beverages on the premises, upon which appropriate taxes have been paid.</i>	7 days	\$500
<i>Allow gambling on the premises, if licensee, agent, or employee is participant, but is not conducting the gambling event or operation.</i>	10 days	\$1,000
<i>Allow gambling on the premises, if licensee, agent, or employee is not participant nor conducting the gambling event or operation.</i>	7 days	\$500
<i>Allow an intoxicated person to loiter on the premises.</i>	7 days	\$500
<i>Sale to an intoxicated person.</i>	25 days	\$2,000
<i>Allow consumption by an intoxicated person.</i>	25 days	\$2,000
<i>After hours sales or consumption of alcoholic beverages.</i>	10 days	\$1,000
<i>No designated manager on premises.</i>	7 days	\$500
<i>Invalid check to wholesaler or board.</i>	7 days	\$250
<i>Failure to keep records.</i>	7 days	\$500

¹ This statement is based on information provided by the Alcoholic Beverage Control Board.

² Approximate number provided by the Alcoholic Beverage Control Board.

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<i>Failure to maintain mixed beverage food ratio required by statute (not applicable if ratio falls below 30%).</i>	<i>10 days</i>	<i>\$1,000</i>
<i>Inadequate illumination.</i>	<i>7 days</i>	<i>\$500</i>
<i>ABC license not posted.</i>	<i>7 days</i>	<i>\$500</i>
<i>Not timely submitting report required by statute or regulation.</i>	<i>7 days</i>	<i>\$500</i>
<i>Designated manager not posted.</i>	<i>7 days</i>	<i>\$500</i>
<i>Person less than 18 serving alcoholic beverages; less than 21 acting as bartender.</i>	<i>7 days</i>	<i>\$500</i>
<i>Sale of alcoholic beverages in unauthorized place or manner.</i>	<i>10 days</i>	<i>\$1,000</i>
<i>Consumption of alcoholic beverages in unauthorized area.</i>	<i>7 days</i>	<i>\$500</i>
<i>Removal of alcoholic beverages from authorized area.</i>	<i>7 days</i>	<i>\$500</i>
<i>Failure to obliterate mixed beverage stamps.</i>	<i>7 days</i>	<i>\$500</i>
<i>Employee on duty consuming alcoholic beverages.</i>	<i>7 days</i>	<i>\$500</i>
<i>Conducting illegal happy hour.</i>	<i>7 days</i>	<i>\$500</i>
<i>Illegally advertising happy hour.</i>	<i>7 days</i>	<i>\$500</i>
<i>Unauthorized advertising.</i>	<i>7 days</i>	<i>\$500</i>
<i>Failure to remit state beer/wine tax (if deficiency has been corrected).</i>	<i>10 days</i>	<i>\$1,000</i>
<i>Wholesaler sale of wine/beer in unauthorized manner.</i>	<i>10 days</i>	<i>\$1,000</i>
<i>Wholesaler sale of wine/beer to unauthorized person.</i>	<i>10 days</i>	<i>\$1,000</i>

VA.R. Doc. No. R99-212; Filed August 21, 2000, 10:19 a.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Title of Regulation: 9 VAC 20-170-10 et seq.
Transportation of Solid Medical Wastes on State Waters.

Statutory Authority: §§ 10.1-1402 and 10.1-1454.1 of the Code of Virginia.

Public Hearing Date: October 18, 2000 – 7 p.m.
Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: Section 10.1-1454.1 of the Code of Virginia requires the Virginia Waste Management Board to develop regulations governing the commercial transport, loading and off-loading of nonhazardous solid wastes (except scrap metal, dredged material and source-separated recyclables), municipal and industrial sludge, and regulated medical waste by ship, barge or other vessel upon the navigable waters of the Commonwealth. The statutes also require the regulation to include the following provisions: (i) establish a permits-by-rule requirement for the receiving facilities; (ii) establish specific requirements for ships, barges or other vessels, and the containers holding wastes to prevent the escape of wastes, liquids, and odors, and to prevent spillage in the event of an accident; (iii) establish a fee, payable by the owner or operator of any ship, barge or other vessel, to recover the administrative and enforcement costs, and to assess a permit fee for the owner or operator of a receiving facility; and (iv) require the owners and operators of ships, barges, and other vessels to demonstrate financial responsibility as a condition of operation.

Further, § 10.1-1402 of the Code of Virginia authorizes the Virginia Waste Management Board to supervise and control waste management activities in the Commonwealth, promulgate and enforce regulations, and abate hazards and nuisances dangerous to public health, safety and the environment, both emergency and otherwise, created by the improper disposal, treatment, storage, transportation or management of substances with the jurisdiction of the board.

The proposed regulation is not mandated by federal law. However, the Shore Protection Act (Act) of 1988, 33 USC § 2601 et seq. requires all vessels transporting municipal or commercial waste in coastal waters to obtain a permit from the Secretary of Transportation, and display a number or other marking on the vessels as prescribed by the Secretary under 46 USC § 12502(b). The Act includes a provision to require waste sources, receiving facilities, and vessels provide means and facilities to assure that the waste will not be deposited into coastal waters during loading, off-loading, and transport. It also requires the Environmental Protection Agency (EPA) to prescribe waste handling regulations for waste sources, receiving facilities, and vessels handling or transporting municipal or commercial waste in coastal waters. Although a proposed regulation, 40 CFR Part 237, was published in the Federal Register on August 30, 1994, it is not anticipated that EPA will promulgate this regulation any time soon.

Purpose: The purpose of this proposed regulatory action is to adopt a regulation for transportation of solid wastes and regulated medical wastes on state waters. The proposed regulation will establish a permits-by-rule requirement for facilities receiving solid wastes and regulated medical wastes from a ship, barge or other vessel; and it will prescribe specific siting, design/construction, and operational standards for the receiving facilities. In addition, the proposed regulation will establish a registration requirement for any ship, barge or other vessel transporting solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth, to the extent allowable under state law; it will prescribe specific design/construction, and operational standards for these vessels and the containers holding wastes; and it will

establish a financial responsibility requirement for the owners and operators of these vessels. Ships, barges or vessels, and the containers holding wastes are required to be designed, constructed, loaded, operated and maintained so as to prevent the escape of liquids, waste and odors and to prevent the loss or spillage of waste in the event of accident. Therefore, the proposed regulatory action is essential to protect the health, safety and welfare of the citizens of the Commonwealth. It is also essential to protect the Commonwealth's environment and natural resources from pollution, impairment or destruction.

Substance: The proposed regulation will establish a permits-by-rule requirement, including permit fees, for facilities receiving solid wastes and regulated medical wastes from a ship, barge or other vessel; and it will prescribe specific siting, design/construction, and operational standards for the receiving facilities. The proposed regulation will establish a registration requirement, including registration fees, for any ship, barge or other vessel transporting solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth, to the extent allowable under state law; it will prescribe specific design/construction and operational standards for these vessels and the containers holding wastes; and it will establish a financial responsibility requirement for the owners and operators of these vessels. Specific requirements for containers include a performance standard, testing requirement, manifest system, and stacking restrictions.

Issues: In the absence of any federal mandates on waste handling practices for the receiving facilities and vessels transporting solid wastes and regulated medical wastes in coastal waters, the proposed regulatory action will benefit the citizens and environment of the Commonwealth, and the regulated community. The proposed regulation will prescribe specific siting, design/construction, and operational standards for the receiving facilities; it will prescribe specific design/construction, and operational standards for vessels and the containers holding wastes; and it will require the owner or operator of each receiving facility and vessel to prepare and implement a Response and Mitigation Plan (Plan). In the event of a waste deposit into state waters, the owner or operator of the receiving facility or a vessel will immediately take all necessary actions, in accordance with the approved Plan, to contain and remove the wastes. Ships, barges or vessels, and the containers holding wastes are required to be designed, constructed, loaded, operated and maintained so as to prevent the escape of liquids, waste and odors and to prevent the loss or spillage of waste in the event of accident. Therefore, the advantage to the public and the agency is the protection of the health, safety and welfare of the citizens of the Commonwealth and protection of the Commonwealth's environment and natural resources from pollution, impairment or destruction. In addition, the proposed regulation will provide guidelines on waste handling practices for the regulated community to implement a safe and sound environmental practice.

There are no perceived disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact

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

Summary of the proposed regulation. This proposal establishes regulations concerning the transportation of solid and regulated medical waste (hereinafter, waste) on state waters. The Department of Environmental Quality is mandated by § 10.1-1454.1 of the Code of Virginia to promulgate these rules. The provisions of the regulation include:

- a permit requirement for facilities receiving waste by ship, barge or other vessel,
- design, construction and operation requirements for permitted facilities,
- a registration requirement for any ship, barge or other vessel transporting waste on state navigable waters,
- design, construction and operation standards for these vessels,
- a requirement that waste be transported in closed, watertight containers,
- standards for containers including a watertightness performance standard, periodic testing requirements, a manifest system and stacking restrictions for containers located at permitted facilities, and
- financial assurance requirements.

Estimated Economic Impact

Each of the new requirements in this proposal can be expected to add to the cost of transporting waste by water for disposal in Virginia, and each (with one possible exception to be discussed later) can be expected to provide benefits in the form of increased protection of the environment. Assessing the net economic impact of these rules is particularly difficult in this case for a number of reasons. First, the magnitude of the impact on Virginians will depend on such currently unknown factors as where the wastes are generated, the shipping routes used, and the net affect that the rules have on the demand for Virginia labor used in transporting and processing the waste.

Second, both the increased shipping costs and the potential hazard from the shipments are highly speculative at this time. No wastes are currently being shipped to Virginia on state waters although, according to DEQ, there are outstanding contracts for such services. The agency believes that the

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waste transportation services provided for in that contract will occur. According to the agency, the timing for this activity is not known at this time.

In the event that shipment does commence, the risks are, for the most part, not from the impact of daily operations but rather from the potential for a maritime disaster such as the sinking of a barge or the spilling of a number of containers of waste into Virginia waterways. The consequences of a large waste spill would depend critically on a number of unknown factors including: the constituents of the waste, the location of the spill, the extent of the spill, local weather conditions, and the time of year.

While the increased costs of waste transportation may or may not affect the performance of existing contracts for waste disposal services, economic theory and a large body of empirical evidence suggest that increasing the cost of waste transport would tend to reduce the quantity of these services that waste generators would choose to buy. This is simply a restatement of the well understood observation that, as the price of a good or service increases, potential buyers of that good will tend to move some of their business to the now relatively less costly substitutes. Thus, it may be expected that any health and safety regulation will likely result in some substitution away from the regulated activity. There are many empirical studies supporting this conclusion.

The provisions of this proposal will almost certainly increase the cost of water transport of waste. Thus, in equilibrium, some reduction in demand for these services from the levels that would occur in the absence of the health and safety regulations must be expected. This does not imply that all waste transport activity will stop or even that actual reductions in waste transport will actually occur. These are things that cannot be known at this time. Waste transport under conditions similar to those provided in these rules is a profitable business in the Pacific Northwest.

The permit, registration and manifest requirements do not add significantly to the cost of transporting and disposing waste. These requirements do, however, reduce the cost of enforcing the more substantive provisions.

The provisions that will have the greatest impact on costs are: (i) the rules requiring that the waste be containerized in watertight containers; (ii) the testing and certification requirements for those containers; (iii) the rules for design and operation of vessels and port facilities; and (iv) the financial assurance provisions.

The financial assurance provisions require firms shipping waste to carry insurance to cover at least a significant portion of the damage that might occur should there be a release of waste into state waters. As with any insurance, if the cost of the insurance varies with the amount of care taken to avoid accidents, then it provides firms with incentive to increase the level of care that they take relative to the case where no insurance is required. However, if it is difficult for insurance companies to monitor the actual level of care taken by waste transporters, then there is a possibility that forcing firms to insure could actually result in less care than they would take if they simply faced liability under a negligence rule. Since the financial assurance requirement also has the affect of

increasing the cost of transporting waste, it may reduce the quantity of waste shipped. Whatever the impact on firm incentives to take care, reducing the level of waste shipments will lower risk somewhat. Without more information, it is not possible to determine whether the financial assurance requirement increases or reduces the likely magnitude of waste releases.

Many of the rules for design and operation of vessels and port facilities simply specify things that firms would probably do anyway, such as maintain the roadways on which their vehicles will carry waste and visually inspect their facility daily. Other provisions require facilities to make provisions to ensure that waste and leachate do not enter state waters. While such a requirement may tend to increase the cost of operation, it is simply a matter of the state protecting its own property interest in state waters from unauthorized use. The same sort of restriction would apply to the port facility if it were only adjacent to other private property owners rather than to state waters.

Two of the provisions pertaining to the operation of port facilities merit separate analysis. First is the requirement that port facilities not stack the (watertight) containers more than two high. DEQ has given two reasons for this provision: (i) limiting stack height allows for visual inspection of the certification marking on the containers thereby simplifying enforcement of the rule requiring certification, and (ii) containers stacked more than two high represent a fire hazard. While limiting stacking to two high would probably facilitate visual inspection of the containers, any number of other mechanisms can be imagined for facilitating enforcement. If limiting stacking on port facilities would significantly increase the cost of operating port facilities, owners would have substantial incentive to find other, less expensive means to facilitate inspection.

DEQ indicated that limiting stack height reduces fire hazard at port facilities. However, the agency did not provide any specific information about the effectiveness of stack height restrictions in reducing fire hazard. Without this information it is not possible to evaluate what economic benefits will result from this restriction.

Without knowing what would occur in the absence of this regulation, it is not possible to know how much costs are actually increased. It may be that port facilities would choose not to stack containers more than two high. In that case, the rule will add little to costs. If, on the other hand, port facilities could operate more efficiently with higher stacks, then costs will be increased. This provision of the proposed rule could result in a situation where a port facility owner wishing to process more waste would be forced to expand the acreage of the facility rather than stacking containers higher. In such a case, this rule would increase the amount of waterfront property used for offloading waste relative to the amount needed if higher stacking were allowed.

The second notable provision of the facility regulations requires that waste not be stored on the site for more than 72 hours. Depending on the reason for this rule, there may be other, less costly ways of accomplishing the intended result. This prevents the facility from being used as a batch processing facility rather than a continuous flow facility. As

before, since there is no waste currently being received, there is no basis for knowing whether facilities would choose to retain waste on sight for more than 72 hours in the absence of the regulations. It may be that the rule requires firms to do what they would otherwise do anyway. No conclusion can be drawn on this issue given the current absence of waste transport activity.

The provisions requiring the use and maintenance of watertight containers for shipping waste will impose the greatest costs on shippers. In the absence of this requirement, the waste would probably be shipped in containers that are not fully enclosed. Fully enclosed, watertight containers are considerably more expensive than open containers. These containers must be certified by the American Bureau of Shipping. In addition to the higher capital cost for the containers, shippers are required to certify the watertightness of the containers bi-annually. Presumably, these containers will be more costly to fill and maintain. Given the absence of shipping activity at this time, there is no data on the actual increase in costs associated with using watertight containers, although it is reasonable to expect an increase in costs.

These containerization provisions probably also provide the lion's share of the economic benefits of the proposed rules. They do this by greatly reducing the probability of a major disaster resulting from an otherwise routine barge accident. There is always a non-zero probability of accidents involving barges in busy shipping corridors and ports. There is not enough experience with the barge transport of waste in Virginia state waters to estimate the likelihood of a disastrous accident. However, some of the factors influencing the cost of a spill can be assessed.

Much of the shipping of waste would be through the Chesapeake Bay and along the Eastern Shore. The Bay is a very significant source of economic value to Virginia. It is an active shipping route; a source of shellfish, tidal marshes and seafood; and it is valued for recreation and tourism. All of these sources of value would be threatened by a large waste spill which could do significantly more damage than an oil spill of similar size.

A major spill of waste should affect the entire water column, with some waste settling to the bottom, some suspended and some floating. The waste could hurt biological resources and greatly reduce harvestability and the value of any harvest. A spill in a shipping lane could disrupt shipping and activity at some important ports. The cooling water services of the Bay could be disrupted, forcing the shutdown of some power plants. The spilled waste could result in a stigma on Bay resources, lowering the value of seafood, recreation and tourism. If the waste turned out to contain bio-hazardous waste, the cleanup would be much more lengthy and expensive. All of these possible damages are quite speculative in terms of their probability and likely magnitude.

There is some evidence that watertight containers would greatly reduce the probability of a catastrophic spill. In 1995, a barge carrying watertight containers of waste ran aground and dumped five containers, each holding 25 to 30 tons of waste into the Columbia River. Five days later, the containers were recovered from the river. The containers had not leaked

or spilled any waste into the river. While this does not prove that containers would always perform this well, it does suggest that watertight containers can reduce the probability of contamination.

There is little data to use to estimate the actual magnitude of costs and benefits of these regulations. That said, it is clear that the rules will increase the costs of transporting waste and may result in less waste being transported on state waters. It is also clear that the rules will reduce the probability that the transport of waste will result in the contamination of environmentally and economically sensitive resources.

Businesses and entities affected. Currently, only one port facility in Virginia is affected by this regulation, the Weanack port facility in Charles City. Since no wastes are currently being shipped into this facility, no other businesses or entities will be affected at this time. However, should waste shipments begin, the regulation may reduce the amount of waste going into area landfills which would constitute a loss of business for the landfills but possibly a gain to those living or owning property near those facilities or near the roads leading to the facilities.

The reduction in the probability of a catastrophic accident in sensitive areas of the Chesapeake Bay is a benefit to businesses dependent on the Bay and to citizens of Virginia who use the Bay for recreation and casual harvesting of seafood.

Localities particularly affected. The Charles City area and the portions of the Chesapeake Bay where transport of waste would occur are the only Virginia localities likely to be affected by this regulation.

Projected impact on employment. By increasing the cost of transporting waste by barge within Virginia, these rules may reduce the amount of waste shipped by water within the state, including the waste shipped to the state by water for disposal. If so, this, in turn, will reduce the need for labor in processing, transporting and disposing of the waste. Since there is no waste being shipped by barge at this time, it is not likely that there will be any impact on employment in the very short run.

Effects on the use and value of private property. Increasing the cost of transporting and handling waste may reduce the profitability of facilities intended for use in this activity. Some of the capital invested in facilities may be less valuable in other uses. Consequently, this regulation could reduce the value of investments made in equipment and facilities intended for use in transporting and processing barge-transported waste.

Transportation of waste is perceived as a noxious activity. There is substantial evidence that properties located near waste facilities tend to have lower value than similar properties at greater distance from the facilities. These regulations, by requiring containerization of waste, would tend to reduce both the amount of waste transported by water and the aesthetic impact of the transportation process. The rules would, in turn, reduce any impact that the shipment of waste would have on property values for affected property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The department has

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reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comments on the analysis.

Summary:

The proposed regulation sets forth guidelines for the permitting of the facilities receiving solid wastes and regulated medical wastes from a ship, barge or other vessel transporting such wastes upon the navigable waters of the Commonwealth to the extent allowable under state law. It also includes provisions governing the commercial transport, loading and off-loading of solid wastes and regulated medical wastes by ship, barge or other vessel upon the navigable waters of the Commonwealth to the extent allowable under state law.

The proposed regulation establishes a permits-by-rule requirement, including permit fees, for facilities receiving solid wastes and regulated medical wastes from a ship, barge or other vessel; and prescribes specific siting, design/construction, and operational standards for the receiving facilities. In addition, the proposed regulation will establish a registration requirement, including registration fees, for any ship, barge or other vessel transporting solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth to the extent allowable under state law. The regulation prescribes specific design/construction and operational standards for these vessels and the containers holding wastes and establishes a financial responsibility requirement for the owners and operators of these vessels. Specific requirements for containers include a performance standard, testing requirement, manifest system, and stacking restrictions.

CHAPTER 170. TRANSPORTATION OF SOLID MEDICAL WASTES ON STATE WATERS.

PART I. DEFINITIONS AND PROGRAM ADMINISTRATION.

9 VAC 20-170-10. Definitions.

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

"Affiliated company" means (i) any company that directly or indirectly owns, controls, or holds, with power to vote, 10% or more of the outstanding voting securities of a pure captive insurer or (ii) any company of which 10% or more of the voting securities are directly or indirectly owned, controlled, or held, with power to vote, by a parent, subsidiary, or associated company.

"Anniversary date" means the date of issuance of a financial mechanism.

"Applicant" means any and all persons seeking or holding a permit required under this chapter.

"Associated company" means any company in the same corporate system with a pure captive insurer.

"Association captive insurer" means any insurer transacting the business of insurance and reinsurance only on risks, hazards, and liabilities of the members of an insurance association.

"Beneficial use" means both instream and offstream uses of state waters. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural, electric power generation, commercial and industrial uses. Public water supply uses for human consumption shall be considered the highest priority.

"Board" means the Virginia Waste Management Board.

"Bodily injury" means the death or injury of any person incident to a waste deposit from a vessel, but not including any death, disablement, or injuries covered by worker's compensation, disability benefits or unemployment compensation law or other similar law. Bodily injury may include payment of medical, hospital, surgical, and funeral expenses arising out of the death or injury of any person. This term shall not include those liabilities that, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

"Captive insurer" means any pure captive insurer or any association captive insurer.

"Certificant" means an owner or operator who has been issued a Certificate of Financial Responsibility under this chapter.

"Certificate applicant" means an owner or operator who has applied for a Certificate of Financial Responsibility or for the renewal of a Certificate of Financial Responsibility under this chapter.

"Certificate of Financial Responsibility" or "certificate" means a Certificate of Financial Responsibility issued under Part VI (9 VAC 20-170-200 et seq.) of this chapter, unless otherwise indicated.

"Certified copy" means a legible copy certified as accurate by a notary public or other person authorized to take oaths in the United States.

"CFR" means Code of Federal Regulations.

"Charter by demise" means to hire for exclusive use through a lease.

"Closure" means the act of securing a solid waste management facility pursuant to the requirements of this chapter.

"Commercial transport" means transportation for the purposes of commercial carriage of solid wastes or regulated medical wastes as cargo.

"Commercial transporter" means any person who transports for the purposes of commercial carriage of solid wastes or regulated medical wastes as cargo.

"Container" means any watertight structure that meets the provisions of this chapter.

"Containment and cleanup" means abatement, containment, removal and disposal of solid wastes or regulated medical wastes that have been deposited to state waters or adjoining shorelines, and the restoration of the environment to its existing state prior to a deposit of the wastes.

"Demise charterer" means a person with whom the owner of the vessel enters into a demise charter. The charterer takes over all possession and control of the vessel from the owner of the vessel and becomes subject to the duties and responsibilities of ownership. The charterer is also responsible for directing the operations of the vessel and providing the master and crew.

"Department" means the Virginia Department of Environmental Quality.

"Destination facility" means a facility that treats, disposes of, or recycles solid wastes or regulated medical wastes in accordance with applicable federal and state regulations.

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

"Disclosure statement" means a sworn statement or affirmation, in such form as may be required by the director, which includes:

1. The full name, business address, and social security number of all key personnel;
2. The full name and business address of any entity, other than a natural person, that collects, transports, treats, stores, or disposes of solid waste or hazardous waste in which any key personnel holds an equity interest of 5.0% or more;
3. A description of the business experience of all key personnel listed in the disclosure statement;
4. A listing of all permits or licenses required for the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste issued to or held by any key personnel within the past 10 years;
5. A listing and explanation of any notices of violation, prosecutions, administrative orders (whether by consent or otherwise), license or permit suspensions or revocations, or enforcement actions of any sort by any state, federal or local authority, within the past 10 years, that are pending or have concluded with a finding of violation or entry of a consent agreement, regarding an allegation of civil or criminal violation of any law, regulation or requirement relating to the collection, transportation, treatment, storage or disposal of solid waste or hazardous waste by any key personnel, and an itemized list of all convictions within 10 years of key personnel of any of the following crimes punishable as felonies under the laws of the Commonwealth or the equivalent thereof under the laws of any other jurisdiction: murder; kidnapping; gambling; robbery; bribery; extortion; criminal usury; arson; burglary; theft and related crimes; forgery and fraudulent practices; fraud in the offering, sale, or purchase of securities; alteration of motor vehicle identification numbers;

unlawful manufacture, purchase, use or transfer of firearms; unlawful possession or use of destructive devices or explosives; violation of the Drug Control Act, Chapter 34 (§ 54.1-3401 et seq.) of Title 54.1 of the Code of Virginia; racketeering; or violation of antitrust laws;

6. A listing of all agencies outside the Commonwealth that have regulatory responsibility over the applicant or have issued any environmental permit or license to the applicant within the past 10 years in connection with the applicant's collection, transportation, treatment, storage, or disposal of solid waste or hazardous waste;

7. Any other information about the applicant and the key personnel that the director may require that reasonably relates to the qualifications and abilities of the key personnel or the applicant to lawfully and competently operate a solid waste management facility in Virginia; and

8. The full name and business address of any member of the local governing body or planning commission in which the solid waste management facility is located or proposed to be located, who holds an equity interest in the facility.

"Existing facility" means any receiving facility that is constructed prior to [the effective date of this chapter].

"Generator" means any person, by site, whose act or process produces solid wastes or regulated medical wastes, or whose act first causes solid wastes or regulated medical wastes to become subject to this chapter.

"Insurance association" means any group of individuals, corporations, partnerships, associations, or governmental units or agencies whose members collectively own, control, or hold with power to vote all of the outstanding voting securities of an association captive insurer.

"Key personnel" means the applicant itself and any person employed by the applicant in a managerial capacity, or empowered to make discretionary decisions, with respect to the solid waste or hazardous waste operations of the applicant in Virginia, but shall not include employees exclusively engaged in the physical or mechanical collection, transportation, treatment, storage, or disposal of solid or hazardous waste and such other employees as the director may designate by regulation. If the applicant has not previously conducted solid waste or hazardous waste operations in Virginia, the term also includes any officer, director, partner of the applicant, or any holder of 5.0% or more of the equity or debt of the applicant. If any holder of 5.0% or more of the equity or debt of the applicant or of any key personnel is not a natural person, the term includes all key personnel of that entity, provided that where such entity is a chartered lending institution or a reporting company under the Federal Security and Exchange Act of 1934, the term does not include key personnel of such entity. Provided further that the term means the chief executive officer of any agency of the United States or of any agency or political subdivision of the Commonwealth, and all key personnel of any person, other than a natural person, that operates a landfill or other facility for the disposal, treatment or storage of

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nonhazardous solid waste under contract with or for one of those governmental entities.

"Leachate" means a liquid that has passed through or emerged from solid waste or regulated medical waste and contains soluble, suspended, or miscible materials from such waste. Leachate and any material with which it is mixed is solid waste; except that leachate that is pumped from a collection tank for transportation to disposal in an off-site facility is regulated as septage, and leachate discharged into a wastewater collection system is regulated as industrial wastewater.

"Load Line Certificate" means a certificate issued by the American Bureau of Shipping (ABS) or other similarly qualified organizations authorized by the Secretary of Transportation (U. S. Department of Transportation) to the owner of the vessel, in accordance with 46 USC Chapter 51.

"Manifest" means the shipping document originated and signed by the generator in accordance with the provisions of this chapter. For transportation of regulated medical wastes, the hazardous materials shipping paper requirements under 49 CFR Part 172 Subpart C may be reflected in the manifest.

"Medical waste" or "regulated medical waste" means solid wastes defined to be regulated medical wastes by Part III of the Regulated Medical Waste Management Regulations (9 VAC 20-120-10 et seq.). Solid waste packaged as regulated medical waste is regulated medical waste. Medical wastes that have been sterilized, treated or incinerated in accordance with the Regulated Medical Waste Management Regulations (9 VAC 20-120-10 et seq.) are no longer considered as regulated medical waste.

"Navigable waters of the Commonwealth" means state water being used or susceptible of being used, in its natural and ordinary condition, as a highway for commerce, on which trade and travel are or may be conducted in the customary modes of trade and travel on water.

"New facility" means any receiving facility which is constructed on or after [the effective date of this chapter].

"Odors" means any emissions which cause an odor objectionable to individuals of ordinary sensibility.

"Operator" means, in the case of a receiving facility, any person responsible for the overall operation of a receiving facility that handles solid wastes or regulated medical wastes. In the case of a vessel, it means any person who operates, charters by demise, rents or otherwise exercises control over or responsibility for a vessel.

"Owner" means, in the case of a receiving facility, any person who owns a receiving facility or part of a receiving facility, that handles solid wastes or regulated medical wastes as cargo for hire. In the case of a vessel, it means any person who owns a vessel or a part of a vessel that transports solid wastes or regulated medical wastes as cargo for hire.

"Parent" means a corporation, partnership, governmental unit or agency, or individual who directly or indirectly owns, controls or holds, with power to vote, more than 50% of the outstanding voting securities of a pure captive insurer.

"Permit by rule" means provisions including public participation of this chapter stating that a facility or activity is deemed to have a permit if it meets the requirements of the provision.

"Person" means an individual, trust, firm, joint stock company, corporation including a government corporation, partnership, association, any state or agency thereof, municipality, county, town, commission, political subdivision of a state, any interstate body, consortium, joint venture, commercial entity, the government of the United States or any unit or agency thereof.

"Property damage" means the loss or destruction of, or damage to, the property of any third party including any loss, damage or expense incident to a waste deposit from a vessel. This term shall not include those liabilities that, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage.

"Provider of financial responsibility" means an entity that provides financial responsibility to an owner and operator of a vessel transporting solid wastes or regulated medical wastes through one of the mechanisms listed in 9 VAC 20-170-240, including a financial institution, surety, or issuer of a letter of credit.

"Public vessel" means a vessel that is owned or demise chartered and operated by the United States government or a government of a foreign country and that is not engaged in commercial service.

"Pure captive insurer" means any insurer transacting the business of insurance and reinsurance only on risks, hazards, and liabilities of its parent, subsidiary companies of its parent, and associated and affiliated companies.

"Receiving facility" means a facility, vessel or operation that receives solid wastes or regulated medical wastes transported, loaded, or unloaded upon the navigable waters of the Commonwealth, to the extent allowable under state law, by a commercial transporter. A receiving facility is considered as a solid waste management facility.

"Solid waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, or community activities but does not include (i) materials regulated as hazardous wastes under the Virginia Hazardous Waste Management Regulations (9 VAC 20-60-10 et seq.); (ii) scrap metal, dredged material and source-separated recyclables; (iii) solid or dissolved material in domestic sewage; (iv) solid or dissolved material in irrigation return flows or in industrial discharges that are sources subject to a permit from the State Water Control Board; or (v) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954, as amended.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"Subsidiary company" means any corporation of which 50% or more of the outstanding voting securities are directly or

indirectly owned, controlled, or held, with power to vote, by a parent or by a company that is a subsidiary of the parent.

"Surface waters" 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 that are subject to the ebb and flow of the tide;
2. All interstate waters, including interstate wetlands;
3. All other waters such as 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. That 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. That are used or could be used for industrial purposes by industries in interstate commerce;
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.

"Transport" or "transportation" means any movement of solid wastes or regulated medical wastes, and any packing, loading, unloading or storage incidental thereto.

"USC" means the U.S. Code.

"Vehicle" means any motor vehicle, rolling stock or other artificial contrivance for transport whether self-propelled or otherwise, except vessels.

"Vessel" includes every description of watercraft or other contrivance used as a means of transporting on water, whether self-propelled or otherwise, and shall include barges and tugs.

"Waste deposit" or "deposit of waste" means any solid waste or regulated medical waste from a vessel or a receiving facility that is placed, discharged, spilled, dropped, or leaked into state waters or adjoining shorelines.

9 VAC 20-170-20. Purpose.

This chapter establishes standards and procedures pertaining to the commercial transport, loading and off-loading of solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth to the extent allowable under state law in order to protect the public health,

safety and welfare, and to protect the environment and natural resources from pollution, impairment or destruction.

9 VAC 20-170-30. Applicability.

This chapter applies to each owner and/or operator of a vessel transporting solid wastes or regulated medical wastes for the purposes of commercial carriage as cargo, and each owner or operator of a receiving facility. This chapter also applies to the receiving facilities and vessels transporting solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth to the extent allowable under state law.

9 VAC 20-170-40. Exclusions.

This chapter does not apply to a public vessel as defined under 9 VAC 20-170-10, the owner and operator of a public vessel, vessels transporting solid wastes or regulated medical wastes incidental to their predominant business or purposes, vessels transporting solid wastes or regulated medical wastes generated during normal operations of the vessel, solid wastes or regulated medical wastes generated during the normal operations of the vessel, and solid wastes excluded pursuant to 9 VAC 20-80-150 or conditionally exempted pursuant to 9 VAC 20-80-160 of the Virginia Solid Waste Management Regulations.

9 VAC 20-170-50. Relationship to other regulations.

A. The Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) prescribe requirements for the solid waste management facilities in general. While a facility utilized to receive solid wastes or regulated medical wastes transported, loaded, or unloaded upon the navigable waters of the Commonwealth, to the extent allowable under state law, by a commercial transporter is a solid waste management facility, this chapter herein prescribes specific requirements, including siting, design/construction, operation, and permitting, for this type of facilities. If there is any overlapping requirement between these two regulations, whichever is more stringent shall apply.

B. The Regulated Medical Waste Management Regulations (9 VAC 20-120-10 et seq.) address special needs for regulated medical waste management. A facility utilized to receive regulated medical waste transported, loaded, or unloaded upon the navigable waters of the Commonwealth, to the extent allowable under state law, by a commercial transporter is a regulated medical waste facility and it must conform to any applicable sections of the Regulated Medical Waste Management Regulations adopted by the board. If there is any overlapping requirement between these two regulations, whichever is more stringent shall apply.

C. This chapter does not exempt any receiving facility from obtaining a Virginia Water Protection Permit as required by the Virginia Water Protection Permit Regulation (9 VAC 25-210-10 et seq.), whenever it is applicable.

9 VAC 20-170-60. Enforcement, inspections, and right of entry.

A. Any person violating any requirement of this chapter is liable for a civil penalty of not more than \$25,000 per violation. Each day of a continuing violation is a separate violation.

Proposed Regulations

B. The owner or operator of a receiving facility or a vessel shall allow the director or his designee, upon presentation of appropriate credentials or other documents as may be required by law, to

1. Enter at reasonable times upon any premises where a regulated facility or activity is located or conducted, or where records must be kept under the provisions of this chapter;
2. Have access to and copy, at reasonable times, any records that must be kept under the provisions of this chapter;
3. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under the provisions of this chapter; and
4. Sample or monitor at reasonable times, for the purposes of assuring compliance with the provisions of this chapter.

9 VAC 20-170-70. Delegation of authority.

The director may perform any act of the board provided under this chapter, except as limited by § 10.1-1405 of the Code of Virginia.

PART II. STANDARDS FOR RECEIVING FACILITIES.

Article 1. Standards for Containers and Receiving Facilities.

9 VAC 20-170-80. Siting.

A. The receiving facility shall be adjacent to or have direct access to roads which are paved or surfaced and capable of withstanding anticipated load limits.

B. The receiving facility shall be located so as to minimize waterborne traffic congestion and navigational hazards. Sites shall allow for sufficient room to minimize land traffic congestion and allow for safe operation.

C. No loading, unloading, or receiving areas shall be located closer than 50 feet to any property line (excluding the property line along the water side), nor closer than 200 feet to any occupied dwelling, a health care facility, school or recreational park area, or similar type public institution.

9 VAC 20-170-90. Design/construction.

A. Containers used to transport solid wastes or regulated medical wastes shall be watertight, designed, and constructed so as to prevent the escape of wastes, liquids, and odors, and to prevent the loss or spillage of wastes during transport, normal handling, and in the event of an accident. A container is considered to be watertight if it passes the watertightness test. It is demonstrated by filling the tested unit with a minimum head of water of 24 inches for at least 15 minutes and the exterior is free from the penetration of water.

B. Each container shall meet the U.S. Department of Transportation specifications and be certified by the American Bureau of Shipping (ABS) and affixed with a decal signifying that the container meets the requirements including watertightness for its general service.

C. An all-weather road suitable for loaded transfer vehicles shall be provided from the entrance gate to the loading, unloading, or receiving area.

D. The loading, unloading, or receiving areas shall be constructed of easily cleanable materials; equipped with containment or diversionary structures, drains or pumps, or equivalent means to facilitate the removal of wastewater for proper storage or disposal; and equipped with appropriate storm water management systems so as to prevent storm water from contacting wastes and/or contaminating state waters.

E. Sufficient on-site queuing capacity shall be provided for the expected traffic so that the waiting transfer vehicles do not back up onto the public road.

9 VAC 20-170-100. Operation.

A. Containers used to transport solid wastes or regulated medical wastes shall be secured and maintained so as to prevent the escape of wastes, liquids, and odors, and to prevent the loss or spillage of wastes during transport, normal handling, and in the event of an accident.

B. Containers shall be tested at least once every six months for watertightness. The container owner shall certify that such testing has been conducted in accordance with 9 VAC 20-170-90 A and it has shown that the container is watertight. Such certification including a current testing date shall be legible, accessible, and permanently marked on each container.

C. The owner or operator of a receiving facility shall not receive solid wastes or regulated medical wastes in containers not meeting the requirements of this part, nor such containers shall be received without a properly signed manifest, as specified under subsection D of this section. The owner or operator of the receiving facility shall sign and date each copy of the manifest to certify that the waste covered by the manifest was received. Note any significant discrepancies on each copy of the manifest. A copy of the properly signed manifest shall be delivered to the next transporter and, subsequently, the destination facility.

D. The manifest shall include, but not be limited to, the following information:

1. An identification number of each container;
2. A general description of the wastes being transported (solid wastes or regulated medical wastes) in each container;
3. The total quantity of the wastes being transported in each container;
4. The name and address of the generator, transporter or transporters, receiving facility, and destination facility; and
5. For transportation of solid wastes, a certification statement signed by the generator as follows,

"I hereby certify that the above named materials meet the quality acceptable to the destination facility according to applicable federal and state regulations,

have been properly described, classified and packaged, and are in proper condition for transportation according to applicable federal and state regulations."

For transportation of regulated medical waste, a certification statement signed by the generator as follows,

"I hereby certify that the above named materials do not contain any radioactive, explosive, toxic, or hazardous waste as defined by 40 CFR Part 261 or the Virginia Hazardous Waste Management Regulations, have been properly described, classified, packaged, marked and labeled, and are in proper condition for transportation according to applicable federal and state regulations."

6. A certification of receipt of materials signed by the transporter or transporters, the owner or operator of the receiving facility, and the owner or operator of the destination facility.

E. Containers loaded with solid wastes or regulated medical wastes shall not be kept on site more than 72 hours once they arrive at the receiving facility by vessels during normal operation. In the event of inclement weather or equipment malfunction, containers may be kept on site up to seven days provided a written justification filed with the appropriate department regional office. Loaded containers shall not be stacked more than two high in the loading or unloading areas.

F. Empty containers shall be maintained watertight to prevent any escape of residual wastes, liquids, and odors during normal handling and in the event of an accident. Any remaining liquids inside of the containers shall be managed as leachate.

G. The owner or operator of a receiving facility shall load and off-load solid wastes or regulated medical wastes to assure that any deposit of solid wastes or regulated medical wastes into state waters or adjoining shorelines is prevented. Receiving facilities shall employ containment or diversionary structures and any other appropriate equipment.

H. In the event of a deposit of solid wastes or regulated medical wastes into state waters or adjoining shorelines as a result of any facility operation or failure of the integrity of the containers, the owner or operator of a receiving facility shall immediately notify the appropriate department regional office, the United State Coast Guard (USCG) National Response Center at 1-800-424-8802, the cleanup contractor as identified under subdivision 3 g of 9 VAC 20-170-110, the emergency coordinator of the local jurisdiction, the local office of the state Health Department, and any federal or state wildlife or natural resource authority or private natural resource management entity whose reserves could be affected by the incident. Such verbal notification shall be followed by written notification to the department regional office within five days.

I. In the event of a deposit of solid wastes or regulated medical wastes into state waters or adjoining shorelines, the owner or operator of a receiving facility shall immediately take all necessary actions, in accordance with the receiving

facility's Response and Mitigation Plan as specified under subdivision 3 of 9 VAC 20-170-110, to contain and remove such waste.

J. The owner or operator of the receiving facility shall have a placard located at the facility where it will be readily visible to persons involved in waste handling indicating the individuals responsible for notifying the appropriate department regional office, the USCG National Response Center, and the cleanup contractor as identified under subdivision 3 g of 9 VAC 20-170-110, in the event of a deposit of solid wastes or regulated medical wastes into state waters or adjoining shorelines.

1. The telephone numbers for the individuals responsible for notification shall be visibly and legibly displayed on the placard.

2. The telephone numbers for the individuals responsible for notification shall be designated by the owner or operator of the receiving facility.

3. The individuals responsible for notification must be a supervisory employee responsible for waste handling activities or an officer of the company owning or operating the receiving facility, who is responsible for some aspect of waste handling activities (e.g., vice president in charge of operations).

K. Adequate numbers and types of properly maintained equipment shall be available for operation. Provision shall be made for substitute equipment to be available within 24 hours should the former become inoperable or unavailable. In the event of a deposit of solid wastes or regulated medical wastes into state waters or adjoining shorelines, and initiation of cleanup activities, operation shall not be continued unless adequate cleanup equipment is available on site.

L. The receiving facility shall operate under the direct supervision of a Class I waste management facility operator licensed by the Board for Waste Management Facility Operators. During the facility's operating hours, the licensed operator shall be present at the facility or be readily available to direct the facility personnel in the proper handling of solid wastes or regulated medical wastes.

M. An operating record to include date, quantity by weight or volume, source and type of the wastes received and processed shall be maintained on site for at least three years and be made available to the department for examination or use when requested. A copy of the manifest shall be maintained in the operating record.

N. The owner or operator shall conduct daily inspections of the receiving facility. The inspection shall include, but is not limited to, visual inspection of the integrity of the containers, equipments, and loading, unloading, and receiving areas to ensure that the provisions of this chapter are met. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary shall be kept on site as part of the operating record.

Proposed Regulations

O. All new or modified receiving facilities shall be inspected by the department to verify that the provisions of this chapter and the permit have been met prior to the commencement of operations. All facilities shall be inspected by the department regional office on at least a quarterly basis to verify that the provisions of this chapter and the permit are met. These inspections may include, but are not limited to, documentation verification and visual inspections of the receiving facility and containers.

P. The specifications and methods adopted by the owner or operator to meet these waste handling practice standards shall be identified in the Operation and Maintenance manual.

9 VAC 20-170-110. Operation and Maintenance Manual.

The Operation and Maintenance Manual shall contain the following information:

1. Housekeeping and recordkeeping procedures, on-site traffic control, schedules for waste loading and unloading, wastewater and storm water collections, odor control, noise control, and methods of enforcement of traffic flow plans for the waste transfer vehicles.
2. A description of the basic operation and maintenance measures adopted by the receiving facility to implement the requirements of 9 VAC 20-170-90 and 9 VAC 20-170-100; and
3. A Response and Mitigation Plan. The plan shall include the following information:
 - a. Name of the facility, geographic location on the applicable 7.5 minute USGS quadrangle map, and the access routes to the facility by road and water;
 - b. Name of the facility operators and owners, including address and telephone number;
 - c. A physical description of the facility consisting of a plan of the facility which identifies the waste loading and unloading areas, staging areas, cranes, wharves, roadways, pollution control devices, diversionary structures within the facility boundary, and adjacent easements and leased property;
 - d. A complete listing, including 24-hour numbers, of all federal, state and local agencies, to be notified in the event of a deposit of wastes to state waters or adjoining shorelines due to any facility operation or failure of the integrity of the containers. This listing shall include the appropriate department regional office, the USCG National Response Center, the cleanup contractor as identified under subdivision 3 g of this section, the emergency coordinator of the local jurisdiction, the local office of the state Health Department and any federal or state wildlife or natural resource authority or private natural resource management entity whose reserves could be affected by the incident described in 9 VAC 20-170-100 H. This list shall also include the adjacent property owners;
 - e. The position title of the individuals responsible for making the required notifications and a copy of the notification check-off list;

f. The position title, address and phone number of the individuals authorized to act on behalf of the owner or operator to initiate containment and cleanup actions and ensure compliance with all applicable federal, state and local requirements. These individuals shall be available on a 24-hour basis to ensure the appropriate containment and cleanup actions are undertaken;

g. Identification and insurance by contract or other means acceptable to the department of the availability of the facility and/or private personnel and equipment necessary to contain and cleanup the worst case circumstance. This contract or agreement shall ensure a certain response within the shortest feasible time. The department will accept a letter of understanding between the operator and the response contractors which attests to this capability being readily available. Membership in a cleanup cooperative or other response organization is also acceptable. A listing of contractor or cooperative capabilities, including an inventory of the on-site and off-site equipment, and means to conduct a monitoring program to assess the effects of the incident, shall be included;

h. Assessment of the worst case circumstance, including measures to limit the dispersion of floating and sinking wastes as well as those wastes that are miscible in water, the recovery strategy, disposal plan and monitoring plan. For the purpose of this chapter, the worst case circumstance is the instantaneous release of the contents of the largest waste handling container capable of utilization at the facility, which is deposited into near shore waters. Facilities shall take into consideration the types of wastes that may be solid wastes or regulated medical wastes; the forms of wastes that may be solid, liquid, semisolid or contained gaseous materials; and the dispersion of the wastes due to downstream flow or tidal influences within 72 hours of the event;

i. Identification and location of natural resources at risk due to the worst case circumstance listed in subdivision 3 h of this section. These resources are, but are not limited to, all surface waters as indicated on the applicable USGS quadrangle maps, groundwater, public and agricultural water supplies, public and private water wells and springs, state or federal wildlife management areas, wildlife refuges, public or private management areas, sanctuaries, shoreline habitats, wetlands, property listed on the National Register of Historic Places and property listed on the National Register of Natural Landmarks. The identification shall include priorities for protection, the means of protecting these resources and respective monitoring programs to ensure protection and recovery of these resources and their beneficial uses; and

j. Identification of risks to human health due to the worst case circumstance listed in subdivision 3 h of this section. These risks shall include water borne and air borne pathogens, alterations of the physical, chemical or biological properties of the affected waters

that would deny or prevent full beneficial uses of these waters, and the impairment or destruction of commercial or recreational fisheries, including shellfish. The identification shall include priorities of the risks and means of notification of closure of affected areas, if necessary. The facility shall provide for the monitoring and restoration of the affected areas in cooperation with the local emergency coordinator, health department and fisheries regulatory agencies.

Article 2.
Facility Closure.

9 VAC 20-170-120. Closure standards.

A. The owner or operator shall close the receiving facility in a manner that minimizes the need for further maintenance, and controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the escape of residual waste, surface runoff, or waste decomposition products to the groundwater, surface water, or to the atmosphere.

B. At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment systems, containers, contaminated subsoils, and structures and equipment contaminated with waste.

C. The owner or operator shall complete closure activities in accordance with the closure plan and within six months after receiving the final volume of wastes.

9 VAC 20-170-130. Closure plan and amendment of plan.

A. The owner or operator of a receiving facility shall prepare a written closure plan. The plan shall identify the steps necessary to completely close the facility at its full operation. The closure plan shall include, at least a schedule for final closure including, as a minimum, the anticipated date when wastes will no longer be received, the date when completion of final closure is anticipated, and intervening milestone dates which will allow tracking of the progress of closure.

B. The owner or operator with the approval of the department may amend his closure plan at any time during the active life of the facility. At least 45 days prior to the submittal of the amended plan for the department's approval, the owner or operator shall publish a notice in a major local newspaper of general circulation informing the public that he intends to amend the closure plan. Results of the public participation effort including a summary of and the permittee's response to the comments received shall be submitted along with the amended closure plan for approval. The approved plan shall be placed in the operating record.

C. At least 90 days prior to beginning closure of the receiving facility, the owner or operator shall notify the director of the intent to close.

9 VAC 20-170-140. Inspection.

The department shall inspect all receiving facilities that have been closed to determine if the closing is complete and adequate. It shall notify the owner of a closed facility, in writing, if the closure is satisfactory, and shall order necessary

construction or such other steps as may be necessary to bring unsatisfactory sites into compliance with this part.

PART III.
PERMITTING OF RECEIVING FACILITIES.

9 VAC 20-170-150. Applicability.

A. This part applies to a receiving facility as defined under 9 VAC 20-170-10 and its owner or operator.

B. Each receiving facility's permit shall be limited to one site and shall be nontransferable between sites.

9 VAC 20-170-160. Compliance dates.

No new or existing facilities shall receive any solid wastes or regulated medical wastes from a ship, barge, or other vessel without a permit issued in accordance with this part.

9 VAC 20-170-170. Permit by rule.

The owner or operator of the receiving facility shall be deemed to have a solid waste management facility permit if the provisions in 9 VAC 20-170-180 and 9 VAC 20-170-190 are met.

9 VAC 20-170-180. Permit certification procedures.

A. The owner or operator of a receiving facility shall submit the permit certification fee in accordance with 9 VAC 20-170-190 and a certification package including the following documents:

1. A notice of intent which notifies the director of his intent to operate such a facility and a statement certifying that the siting standards have been met by the facility in accordance with 9 VAC 20-170-80;
2. Plans and specifications of the receiving facility and a certificate signed by a registered professional engineer that the facility has been designed and constructed in accordance with 9 VAC 20-170-90 C, D and E;
3. An Operation and Maintenance Manual and a statement certifying that the Operation and Maintenance Manual will be implemented prior to the commencement of operation in accordance with 9 VAC 20-170-110;
4. A certification from the governing body of the county, city or town in which the facility is or is to be located that the location and operation of the facility is consistent with all applicable ordinances. If the applicant proposes to locate the facility on property not governed by any county, city or town zoning ordinance, a certification from the governing body that it has held a public hearing to receive public comment on the proposed facility;
5. A disclosure statement for all key personnel;
6. Results of the public participation effort conducted in accordance with the requirements contained in subsection B of this section, including a summary of and the applicant's response to the comments received; and
7. A closure plan and a statement certifying that a closure plan has been prepared in accordance with 9 VAC 20-170-120.

Proposed Regulations

B. Public participation.

1. Before the initiation of any construction of a new receiving facility or operation of an existing facility, the owner or operator shall publish a notice as a display ad in a major local newspaper of general circulation informing the public that he intends to construct and/or operate a facility eligible for a permit by rule. The notice shall include:

- a. A brief description of the new or existing facility;
- b. A statement that the purpose of the public participation is to acquaint the public with the technical aspects of the facility and how the standards and the requirements of this chapter will be met;
- c. Announcement of a 30-day comment period in accordance with subdivision 4 of this subsection, and the name and address of the owner's or operator's representative where comments shall be sent;
- d. Announcement of the date, time, and place for a public meeting in accordance with subdivision 3 of this subsection; and
- e. Location where copies of the documentation to be submitted to the department in support of the permit by rule notification and any supporting documents can be viewed and copied.

2. The owner or operator shall place a copy of the documentation and support documents in a location accessible to the public in the vicinity of the proposed facility.

3. The owner or operator shall hold a public meeting not earlier than 15 days after the publication of the notice required in subdivision 1 of this subsection and no later than seven days before the close of the 30-day comment period. The meeting shall be held to the extent practicable in the vicinity of the new or existing facility.

4. The public shall be provided 30 days to comment on the technical and the regulatory aspects of the proposal. The comment period shall begin on the date the owner or operator publishes the notice in the local newspaper.

C. Upon receiving the certifications and other required documents, the director will review and make determination of the technical and administrative completeness of the certification package within 60 days. If the applicant's submission is incomplete, the applicant will be notified that the facility will not be considered to have a permit by rule until the missing certifications or other documents are submitted and approved.

D. Change of ownership. A permit by rule shall not be transferred by the permittee to a new owner or operator without proper notification to and approval by the department. In the event that the property transfer takes place without proper closure, at least 30 days in advance of the property transfer, the new owner shall notify, in writing, the department of the sale, agree to abide by the provisions of this chapter, and submit a disclosure statement and an updated Operation and Maintenance Manual in accordance with subsection A of

this section. Upon receipt and approval of such notification, the department will release the old owner from its closure and issue a new permit by rule in the name of the new owner.

E. Facility modifications. The owner or operator of a facility operating under a permit by rule may modify its permit by rule by furnishing the department the permit fee in accordance with 9 VAC 20-170-190 and a new documentation required under subsection A of this section, as applicable. Whenever modifications in the permit by rule affect the provisions of the approved closure plan, the owner or operator shall also submit an amended closure plan in accordance with 9 VAC 20-170-130 and subdivision A 7 of this section.

F. Loss of permit by rule status. In the event that a facility operating under a permit by rule violates any applicable siting, design, construction, or closure provisions of Article 1 (9 VAC 20-170-80 et seq.) of Part II of this chapter, or the owner or operator fails to submit the inspection fee in accordance with 9 VAC 20-170-190, the owner or operator of the facility will be considered to be operating an unpermitted facility, and shall be required to either obtain a new permit by rule in accordance with subsection A of this section or close the facility in accordance with Article 2 (9 VAC 20-170-120 et seq.) of Part II of this chapter.

G. Revocation or amendment of permits. Any permit issued by the director pursuant to this chapter may be revoked, amended or suspended in accordance with the provisions of § 10.1-1409 and Chapter 1.1:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia.

9 VAC 20-170-190. Permit fee requirements.

A. Purpose. The purpose of this section is to establish schedules and procedures pertaining to the payment and collection of fees from any owner or operator of a receiving facility seeking a new permit by rule or seeking a modification to an existing permit by rule. It also establishes schedules and procedures pertaining to the payment and collection of inspection fees from any owner or operator of a receiving facility.

B. Payment, deposit and use of fees.

1. Due date. All permit certification fees are due on the submittal day of the certification package. The inspection fees for the first year or portion of a year are due as part of the permit certification. Thereafter, all inspection fees are due March 1.

2. Method of payment. Fees shall be paid by check, draft or postal money order made payable to "Treasurer of Virginia/DEQ", and shall be sent to the Department of Environmental Quality, Receipts Control, P. O. Box 10150, Richmond, VA 23240.

3. Incomplete payments. All incomplete payments will be deemed nonpayments.

4. Late payment. No certifications will be deemed complete until proper payment is received by the department. In the event that the inspection fee is not received by the department on or prior to March 1, the

owner or operator of the facility will be considered to be operating an unpermitted facility.

5. *Deposit and use of fees.* The department shall collect the permit fees pursuant to this chapter and deposit them into a separate account within the Virginia Waste Management Board Permit Program Fund. All moneys collected shall be used solely for the purposes of this chapter.

6. *Fee schedules.* Each certification for a permit by rule or each certification for a modification to a permit by rule is a separate action and shall be assessed a separate fee. The amount of the permit certification fee is based on the costs associated with the permitting program required by this chapter. An inspection fee will be collected annually and its amount is based on the costs associated with the inspections program conducted by the department on at least a quarterly basis. The fee schedules are shown in the following table.

Type of Action	Fee
Initial certification	\$6,200
Modification	
with a closure plan amendment	\$2,500
without a closure plan amendment	\$1,250
Inspections	\$10,000

PART IV.

STANDARDS FOR VESSELS TRANSPORTING SOLID WASTES OR REGULATED MEDICAL WASTES.

9 VAC 20-170-200. Design/construction.

A. Containers used to transport solid wastes or regulated medical wastes shall meet the design/construction standards as specified under 9 VAC 20-170-90 A and B.

B. The vessel transporting solid wastes or regulated medical wastes in containers in compliance with subsection A of this section shall be designed and constructed in accordance with the provisions of 46 CFR Part 42 and be certified for ocean service.

9 VAC 20-170-210. Operation.

A. Containers used to transport solid wastes or regulated medical wastes shall be stacked in accordance with state law, and be secured and maintained so as to prevent the escape of wastes, liquids, and odors and to prevent the loss or spillage of wastes during transport, normal handling, and in the event of accident.

B. Containers shall be tested and certified in accordance with 9 VAC 20-170-100 B.

C. The owner or operator of the vessel shall not transport solid wastes or regulated medical wastes in containers not meeting the requirements of this chapter, nor such containers shall be transported without a properly signed manifest, as specified under 9 VAC 20-170-100 D. The owner or operator of the vessel shall sign and date each copy of the manifest to certify that the waste covered by the manifest was received. Note any significant discrepancies on each copy of the manifest. A copy of the properly signed manifest shall be

maintained on board during shipment and be delivered to the receiving facility upon arrival.

D. The owner or operator of a vessel that transports solid wastes or regulated medical wastes shall secure the containers to assure that any deposit of waste into state waters during transport is prevented. The vessel shall be loaded, unloaded, operated, and maintained so as to prevent the escape of liquids, waste and odors and to prevent the loss or spillage of solid wastes or regulated medical wastes during transport, normal operation, and in the event of an accident.

E. All vessels transporting solid wastes or regulated medical wastes shall maintain aboard a valid conditional permit issued by the U. S. Coast Guard in accordance with 33 CFR Part 151, and a valid Load Line Certificate and all subsequent endorsements demonstrating compliance with 46 USC Chapter 51.

F. In the case of barges transporting solid wastes or regulated medical wastes, the operator of the towing vessel shall carry a valid Operator Uninspected Towing Vessel License issued by the U. S. Coast Guard in accordance with 46 CFR Part 10.

G. The owner or operator of a vessel shall immediately notify the appropriate department regional office, Department of Emergency Services, the USCG National Response Center at 1-800-424-8802, and the cleanup contractor as identified under subdivision 3 i of 9 VAC 20-170-220, in the event of a deposit of solid wastes or regulated medical wastes into state waters. Such verbal notification shall be followed by written notification to the appropriate department regional office within five days.

H. In the event of a deposit of solid wastes or regulated medical wastes into state waters, the owner or operator of a vessel shall immediately take all necessary actions in accordance with the vessel's Response and Mitigation Plan as specified under subdivision 3 of 9 VAC 20-170-220 to contain and remove such wastes.

I. The owner or operator of a vessel shall have a placard located at the vessel where it will be readily visible to persons involved in waste handling indicating the individual responsible for notifying the department regional office, Department of Emergency Management, the United States Coast Guard (USCG) National Response Center, and the cleanup contractor as identified under subdivision 3 i of 9 VAC 20-170-220, in the event of a deposit of solid wastes or regulated medical wastes into state waters.

1. The telephone number for the individuals responsible for notification shall be visibly and legibly displayed on the placard.

2. The telephone number for the individuals responsible for notification shall be designated by the owner or operator of the vessel.

3. The individuals responsible for notification must be a supervisory employee responsible for waste handling activities or an officer of the company owning or operating the vessel, who is responsible for some aspect of waste handling activities (e.g. vice president in charge of operations).

Proposed Regulations

J. The owner or operator of a vessel shall provide the department with a current copy of: (i) a valid conditional permit; (ii) a valid Load Line Certificate and all subsequent endorsements; and (iii) all ABS or other classification society's survey and inspection reports. Any updated information shall be provided to the department whenever it becomes available to the owner or operator of a vessel.

K. The owner or operator of the vessel shall conduct routine inspections of the vessel and the containers to ensure that the provisions of this chapter are met. These inspections shall include, but are not limited to, visual inspections of the integrity of the vessel and containers.

L. The specifications and methods adopted by the owner or operator to meet the operation standards shall be identified in the Operation and Maintenance Manual.

9 VAC 20-170-220. Operation and Maintenance Manual.

The Operation and Maintenance Manual shall include the following information:

1. Housekeeping and recordkeeping procedures;
2. A description of the basic operation and maintenance standards adopted by the vessel to implement the requirements of 9 VAC 20-170-210; and
3. A Response and Mitigation Plan. The plan shall include the following information:
 - a. The name, address, and telephone number of the owners and operators of the vessel;
 - b. The vessel's name and official number;
 - c. The vessel's area of operation and an operation area map;
 - d. The vessel's transport capacity (gross tonnage);
 - e. The type of wastes transported (solid wastes or regulated medical wastes);
 - f. A complete listing, including 24-hour numbers, of all federal, state and local agencies, to be notified in the event of a deposit of solid wastes or regulated medical wastes into state waters;
 - g. The position title of the individuals responsible for making the required notifications and a copy of the notification check-off list;
 - h. The position title, address and phone number of the individuals authorized to act on behalf of the owner or operator to initiate containment and cleanup actions and ensure compliance with all applicable federal, state and local requirements. These individuals shall be available on a 24-hour basis to ensure the appropriate containment and cleanup actions are undertaken;
 - i. Identification and insurance by contract or other means acceptable to the department of the availability of private personnel and equipment necessary to contain and cleanup the wastes. This contract or agreement shall ensure a certain response within the

shortest feasible time. The department will accept a letter of understanding between the owner/operator and the response contractors which attests to this capability being readily available. Membership in a cleanup cooperative or other response organization is also acceptable. A listing of contractor or cooperative capabilities, including an inventory of the equipment and means to conduct a monitoring program to assess the effects of the incident, shall be included; and

j. Identification of measures to contain and remove any floating and sinking wastes as well as those wastes that are miscible in water. The measures shall include implementation of a removal strategy, disposal plan, and monitoring plan. The owner or operator of the vessel shall take into consideration the types of wastes that may be solid wastes or regulated medical wastes; the forms of wastes that may be solid, liquid, semisolid or contained gaseous materials; and the dispersion of the wastes due to downstream flow or tidal influences within 72 hours of the event.

9 VAC 20-170-230. Inspection.

The department shall inspect the moored vessels and containers periodically to verify that the provisions of this chapter are met. The inspection may include, but is not limited to, documentation verification, and visual inspections of the vessel and containers.

PART V.

REGISTRATION OF VESSELS TRANSPORTING SOLID WASTES OR REGULATED MEDICAL WASTES.

9 VAC 20-170-240. Applicability.

This part applies to a vessel and any owner or operator of a vessel transporting solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth to the extent allowable under state law.

9 VAC 20-170-250. Registration requirements.

A. No vessel shall transport any solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth, to the extent allowable under state law, without a valid registration number.

B. Prior to transporting any solid wastes or regulated medical wastes within the navigable waters of the Commonwealth to the extent allowable under state law, the owner or operator of the vessel shall submit the registration fee, as specified in 9 VAC 20-170-260, and a registration package including the following documents:

1. Owner/operator/vessel information:
 - a. The name, address, and telephone number of the owners and operators of the vessel;
 - b. The vessel's name and official number;
 - c. The vessel's area of operation, and an operation area map;
 - d. The vessel's transport capacity (gross tonnage); and

e. The type of wastes transported (solid wastes or regulated medical wastes);

2. An Operation and Maintenance Manual and a statement certifying that an Operation and Maintenance Manual has been developed and implemented for the vessel prior to the commencement of operation in accordance with 9 VAC 20-170-220;

3. A copy of a valid conditional permit issued by the USCG to the vessel as required by 33 CFR Part 151 Subpart B;

4. A copy of a Loading Guidance Manual approved by the ABS;

5. A valid Certificate of Financial Responsibility for the vessel from both the owner and operator or a complete application for a Certificate of Financial Responsibility and evidence of financial responsibility acceptable by the board from both the owner and operator in accordance with Part VI (9 VAC 20-170-270 et seq.) of this chapter; and

6. A copy of the signed certification statement as follows,
I, (Full name of Chief Executive), am chief executive officer of (legal name of firm) and do here by affirm that all the information provided in this registration package is correct to the best of my knowledge; and I further affirm that neither this firm, any antecedent firm to this firm, nor any of the officers of this or antecedent firms has been convicted of a felony in any state.

C. Within 60 days of receiving a technically and administratively complete registration package including acceptable evidence of financial responsibility in accordance with Part VI of this chapter, the department will issue a registration number to the vessel. The registration number shall expire one year from the issuance date.

D. In cases where the owner or operator wishes to register for an additional vessel, within 30 days of receipt of a technically and administratively complete registration package, including acceptable evidence of financial responsibility and the registration fee, as specified in 9 VAC 20-170-260, the department will issue a registration number to the additional vessel. If the registration package indicates the Certificate of Financial Responsibility previously issued to the owner and operator is still valid, the registration shall expire on the same date of the existing Certificate of Financial Responsibility.

E. At least 60 days prior to the expiration date of the registration, the owner or operator of the vessel shall submit an updated registration package in accordance with 9 VAC 20-170-250 B, including an application for the renewal of the Certificate of Financial Responsibility from the owner and operator of the vessel in accordance with 9 VAC 170-310 C, and the registration fee in accordance with 9 VAC 20-170-260, to the department for the renewal of the registration number.

F. Within 30 days following the change of any information under 9 VAC 20-170-250 B, the owner or operator of the vessel shall notify the department of that change. Failure to

notify the department nullifies the registration and invalidates the registration number.

G. Whenever the owner or operator of a vessel fails to comply with the provisions of this part or this part no longer applies to a vessel and the owner or operator of a vessel, the registration number shall be terminated by the department.

9 VAC 20-170-260. Registration fee requirements.

A. Purpose. The purpose of this section is to establish schedules and procedures pertaining to the payment and collection of fees from any owner or operator of the vessel seeking a registration of the vessel or seeking a renewal of an existing registration of the vessel.

B. Payment, deposit and use of fees.

1. Due date. All registration fees are due on the submittal day of the registration package.

2. Method of payment. Fees shall be paid by check, draft, or postal money order made payable to "Treasurer of Virginia/DEQ", and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, VA 23240.

3. Incomplete payments. All incomplete payments will be deemed nonpayments.

4. Late payment. No registrations will be deemed complete until proper payment is received by the department.

5. Deposit and use of fees. The department shall collect the registration fees pursuant to this chapter and deposit them into a separate account within the Virginia Waste Management Board Permit Program Fund. All monies collected shall be used solely for the purposes of this chapter.

6. Fee schedules. Each registration or each renewal of the registration is a separate action and shall be assessed a separate fee. The amount of the registration fee is based on the costs associated with administration and enforcement of this chapter as a results of such operations including, but not limited to, the inspection and monitoring of these vessels to ensure compliance with this chapter. The fee schedules are shown in the following table.

Type of Action	Fee
Initial Registration	\$8,000
Each additional vessel per operator	\$5,500
Renewal	\$6,000

**PART VI.
FINANCIAL RESPONSIBILITY REQUIREMENTS FOR
VESSELS TRANSPORTING SOLID WASTES OR
REGULATED MEDICAL WASTES.**

9 VAC 20-170-270. General purpose and scope.

A. This part sets forth the procedures by which an owner and operator of a vessel transporting solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth, to the extent allowable under state law, may

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establish and maintain evidence of financial responsibility to cover liability of the owner and operator arising from a deposit of solid wastes or regulated medical wastes into state waters.

B. In order to ensure that the costs associated with protecting public health, welfare and property from the consequences of such a deposit of solid wastes or regulated medical wastes are to be recovered from the owner and operator of a vessel transporting solid wastes or regulated medical waste, the owner and operator of such a vessel shall obtain one or a combination of the financial mechanisms described in this part.

C. The director may reject the proposed evidence of financial responsibility if the mechanism or mechanisms submitted do not adequately ensure that funds will be available to accomplish the purpose of this part.

9 VAC 20-170-280. Applicability

A. This part applies to all persons who own or operate a vessel transporting solid wastes or regulated medical wastes on the navigable waters of the Commonwealth, to the extent allowable under state law, unless otherwise exempt.

B. For purposes of this part, when a vessel is chartered by demise, the demise charterer rather than the title owner is the owner of the chartered vessel.

C. Owners or operators of such vessels who are federal or state government entities whose debts and liabilities are the debts or liabilities of the United States or the Commonwealth, are exempt from this part.

D. If separate, nonexempt persons own or operate a vessel subject to this part, the owner and operator shall be jointly and severally liable for meeting the requirements of this part. If either the owner or operator is exempt, as provided in subsection C of this section, then the other person shall be responsible for meeting the requirements of this part. If both the owner and the operator are exempt, as provided in subsection C of this section, then the requirements of this part are not applicable to that vessel.

9 VAC 20-170-290. Certificate of Financial Responsibility.

A. No vessel shall transport solid waste or regulated medical waste upon the navigable waters of the Commonwealth, to the extent allowable under state law, without a valid Certificate of Financial Responsibility (certificate).

B. Application requirements.

1. Each owner and operator shall file an application for a certificate with the department. If the owner and operator are the same entity, only one application is required to be filed with the department. The application shall be in the standard form approved by the board. The application and all supporting documents shall be in English. All monetary terms must be expressed in United States dollars.

2. A certificate applicant may include more than one vessel on the application.

3. Each completed application form shall be accompanied by valid evidence of financial responsibility from the certificate applicant in accordance with 9 VAC 20-170-310, in the amounts specified in 9 VAC 20-170-300 and valid evidence of liability coverage in accordance with 9 VAC 20-170-330.

4. An authorized official of the certificate applicant shall sign the application. The title of the signer must be shown in the space provided on the application. The application must be accompanied by a written statement providing authority to sign, where the signer is not disclosed as an individual (sole proprietor) certificate applicant, a partner in a partnership certificate applicant, or a director, chief executive officer, or any other duly authorized officer of a corporate certificate applicant.

5. If, before the issuance of a certificate, the certificate applicant becomes aware of a change in any of the facts contained in the application or supporting documentation, the certificate applicant shall, within five business days of becoming aware of the change, notify the director, in writing, of the change.

C. Issuance and carriage requirements.

1. Within 60 days of receipt of a complete application and acceptable evidence of financial responsibility in accordance with subsection B of this section from both the owner and operator, the director will issue a Certificate of Financial Responsibility. The original certificate or a certified copy shall be carried aboard the vessel covered by the certificate and a copy shall remain on file with the department. The director shall issue an individual certificate for each vessel for which a completed application has been submitted by the owner and the operator.

2. Each vessel transporting solid wastes or regulated medical waste on the navigable waters of the Commonwealth, to the extent allowable under state law, shall carry an original or certified copy of a valid certificate in the name of the owner and operator. The carriage of a valid certificate or certified copy indicates compliance with this chapter. Failure to carry a valid certificate or certified copy subjects the vessel to enforcement action, except where a certificate is removed temporarily from a vessel for inspection by a state official.

3. The certificate applicant or an authorized officer of the certificate applicant may submit to the director a letter requesting that additional vessels be added to a previously submitted application for an individual certificate. The letter must provide the following information: vessel name, vessel owner and operator, gross tonnage, and type of wastes to be transported. The certificate applicant or an authorized official also shall submit or cause to be submitted acceptable evidence of financial responsibility in accordance with subsection B of this section for these additional vessels.

D. Renewal requirements.

1. The Certificate of Financial Responsibility shall expire one year from the date of issuance.

2. Each owner and operator shall file a written application, in the form provided by the department, for the renewal of a certificate at least 60 days before the expiration date of the certificate. The certificate applicant shall identify in the renewal application any changes which have occurred since the original application for which a certificate was filed, and set forth the correct information in full.

E. Denial or revocation of certificate.

1. The director may deny a certificate when a certificate applicant:

a. Willfully or knowingly makes a false statement in connection with an application for an initial or renewal certificate;

b. Fails to establish acceptable evidence of financial responsibility as required by this part;

c. Fails to comply with or respond to lawful inquiries, regulations, or orders of the department pertaining to the activities subject to this part; or

d. Fails to timely file requested statements, data, notifications, affidavits, or other information.

2. The director may revoke a certificate when a certificant:

a. Willfully or knowingly makes a false statement in connection with an application for an initial or a renewal certificate, or in connection with any other filing required by this part;

b. Fails to comply with or respond to lawful inquiries, regulations, or orders of the department pertaining to the activities subject to this part;

c. Fails to timely file required statements, data, notifications, or affidavits;

d. Fails to maintain acceptable evidence of financial responsibility as required by this part; or

e. Alters any certificate or copy of a certificate except as permitted by this part in connection with notarized certifications of copies.

3. The director shall advise the certificate applicant or certificant, in writing, of the intention to deny or revoke a certificate under subdivision 1 or 2 of this subsection and shall state the reason therefore. Written advice from the director that an incomplete application will be considered withdrawn unless it is completed within a stated period, shall be the equivalent of a denial.

4. If the intended revocation under subdivision 2 of this subsection is based on failure to timely file the required financial statements, data, notifications, or affidavits, the revocation is effective 10 days after the date of the notice of intention to revoke, unless, before revocation, the certificant demonstrates to the satisfaction of the

director that the required documents were timely filed or have been filed.

5. Except in the case of subdivisions 3 and 4 of this subsection, the director may deny or revoke a certificate only after a conference, or a waiver of a conference, in accordance with § 9-6.14:1 et seq. of the Code of Virginia. A certificate subject to revocation under this subdivision remains valid until the director issues a written decision revoking the certificate.

9 VAC 20-170-300. Amount and scope of financial responsibility requirement.

Each owner and operator of a vessel transporting solid waste and/or regulated medical waste upon the navigable waters of the Commonwealth, to the extent allowable under state law, shall demonstrate financial responsibility for the total cost of cleanup and containment of a solid waste and/or regulated medical waste deposit into state waters, and the potential impairment of beneficial use of these waters in the following amounts:

1. For each owner and operator of a vessel transporting solid wastes only: \$1 million or \$300 per gross ton of such vessel, whichever is larger. If the owner or operator owns or operates more than one vessel transporting waste, the amount of financial responsibility shall equal \$1 million or \$300 per gross ton of the owned or operated vessel with the largest transporting capacity, whichever is larger.

2. For each owner and operator of a vessel transporting regulated medical waste or a combination of regulated medical waste and solid waste: \$5 million or \$300 per gross ton of such vessel. If the owner or operator owns or operates more than one vessel transporting waste, the amount of financial responsibility shall equal \$5 million or \$300 per gross ton of the owned or operated vessel with the largest transporting capacity, whichever is larger.

9 VAC 20-170-310. Allowable financial mechanisms.

A. Each owner and operator shall demonstrate financial responsibility by establishing and maintaining a financial mechanism, or combination of mechanisms, in the amounts specified in 9 VAC 20-170-300. The mechanisms used to demonstrate financial responsibility shall ensure that the funds necessary to meet the costs of cleanup and containment and the restoration of beneficial uses of state waters will be available whenever they are needed. The owner and operator shall provide continuous coverage until released by the director.

B. Each owner and operator shall submit the original financial mechanism or combination of mechanisms together with the application for a certificate as specified in 9 VAC 20-170-290 B.

C. Owners and operators shall demonstrate financial responsibility using one or more of the following financial mechanisms:

1. Trust fund.

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a. The owner or operator of a vessel may satisfy the requirements of subsection A of this section by establishing a trust fund that conforms to the requirements of this section and by submitting an originally signed trust agreement to the director. The trustee for the trust fund shall be a bank or financial institution that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

b. The trust fund shall be irrevocable and shall continue until terminated at the written direction of the director and the trustee. Upon termination of the trust, all remaining trust property, less final trust administration expenses, shall be delivered to the owner or operator. The wording of the trust agreement must be identical to the wording specified in APPENDIX I, except that instructions in brackets must be replaced with the relevant information and the brackets deleted, and must be accompanied by a formal certification of acknowledgment as specified in APPENDIX I.

c. The owner or operator initially shall submit the original, signed trust agreement to the director as a part of the application for a certificate as specified in 9 VAC 20-170-290 B.

d. The irrevocable trust fund, when established, must be funded for the full financial responsibility amount as specified in 9 VAC 20-170-300, or funded for part of the required amount and used in combination with other mechanisms that provide the remaining required amount.

e. If the value of the trust fund is greater than the required financial responsibility amount as specified in 9 VAC 20-170-300, the owner or operator may submit a written request to the director for release of the excess.

f. If another financial mechanism as specified in this part is substituted for all or part of the trust fund, the owner or operator may submit a written request to the director for release of the excess.

g. Within 60 days after receiving a request from the owner or operator for release of funds as specified in subdivision 1 e or 1 f of this subsection, the director will instruct the trustee to release to the owner or operator such funds as the director deems appropriate, if any, in writing.

h. Whenever the required financial responsibility amount as specified in 9 VAC 20-170-300 changes after the establishment of the trust fund, the owner or operator shall compare the new amount with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the required amount, the owner or operator shall, within 60 days of the change in the required amount specified in 9 VAC 20-170-300, deposit a sufficient amount into the fund so that its value after payment at least equals the new financial responsibility amount, or obtain another financial mechanism or combination of mechanisms as

specified in this part to cover the difference. If the value of the trust fund is greater than the new financial responsibility amount, the owner or operator may submit a written request to the director for release of the amount that is in excess of the new amount.

i. After beginning a cleanup or containment operation in accordance with the approved Response and Mitigation Plan, an owner or operator or any other person authorized to conduct cleanup or containment, may request reimbursement for cleanup or containment expenditures by submitting itemized bills to the director. Within 60 days after receiving bills for cleanup or containment activities, the director shall instruct the trustee to make reimbursements in those amounts as the director determines are justified.

j. If at any time after the trust is funded, the amount in the trust is reduced below the full amount of coverage required, the owner or operator providing the mechanism shall by the anniversary date of the trust:

(1) Replenish the value of the trust to equal the full amount of coverage required pursuant to 9 VAC 20-170-230; or

(2) Acquire another financial responsibility mechanism for the amount by which the funds in the trust have been reduced.

2. Standby trust fund.

a. An owner or operator using any one of the mechanisms authorized by subdivisions 3 and 4 of this subsection or 9 VAC 20-170-330 C 3 and 4 must establish a standby trust fund when the mechanism is acquired and submit the original standby trust agreement to the director. The trustee of the standby trust fund must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal agency or the State Corporation Commission.

b. The standby trust agreement or trust agreement must be worded identically as specified in APPENDIX I, or APPENDIX VI except that instructions in brackets are to be replaced with the relevant information and the brackets deleted, and accompanied by a formal certification of acknowledgment as specified in APPENDIX I and APPENDIX VI.

c. An owner or operator may establish one trust fund as the depository mechanism for all funds assured in compliance with this section.

3. Surety bond guaranteeing payment.

a. An owner or operator may satisfy the requirements of subsection A of this section by obtaining a surety bond that conforms to the requirements of this section and submitting the original bond to the director. The surety company issuing the bond shall be licensed to operate as a surety in the Commonwealth of Virginia and be among those listed as acceptable sureties on federal bonds in the latest Circular 570 of the U.S. Department of the Treasury.

b. The surety bond must be worded identically as specified in Appendix II, except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

c. The owner or operator initially shall submit the original bond to the director as a part of the application for a certificate as specified in 9 VAC 20-170-290 B.

d. The surety bond shall name the vessel operator or owner as the principal and name the Commonwealth of Virginia as the obligee.

e. Under the terms of the bond, the surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond. The surety's liability is limited to the penal sum of the bond.

f. The owner or operator who uses a surety bond to satisfy the requirements of subsection A of this section must establish a standby trust fund when the surety bond is acquired. Under the terms of the bond, all amounts paid by the surety under the bond will be deposited directly into the standby trust fund in accordance with instructions from the director under 9 VAC 20-170-360. This standby trust fund shall meet the requirements specified in subdivision 2 of this subsection.

g. Whenever the financial responsibility amount specified in 9 VAC 20-170-300 increases to an amount greater than the penal sum of the bond, the owner or operator shall, within 60 days of the increase, cause the penal sum of the bond to be increased to an amount at least equal to the amount specified in 9 VAC 20-170-300 or obtain another financial mechanism or combination of mechanisms as specified in this article to cover the increase. Whenever the financial responsibility amount specified in 9 VAC 20-170-300 decreases, the penal sum of the bond may be reduced to the new amount following written approval by the director. The surety shall send the notice of an increase or decrease in the amount of the bond to the director by certified mail within 60 days of the change.

4. Letter of credit.

a. An owner or operator may satisfy the requirements of subsection A of this section by obtaining an irrevocable standby letter of credit that satisfies the requirements of this section and by submitting the original letter of credit to the director. The issuing institution shall be a bank or other financial institution that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by the Commonwealth of Virginia, by a federal agency, or by an agency of another state.

b. The owner or operator initially shall submit the original letter of credit to the director as a part of the application for a certificate as specified in 9 VAC 20-170-290 B.

c. The letter of credit shall be irrevocable and issued for a period of at least one year in an amount at least

equal to the amount specified in 9 VAC 20-170-300. The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year. If the letter of credit is canceled by the issuing institution, the owner or operator shall obtain alternate evidence of financial responsibility in accordance with this part.

d. The letter of credit must be worded identically as specified in APPENDIX III, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

e. An owner or operator who uses a letter of credit to satisfy the requirements of subsection A of this section must also establish a standby trust fund when the letter of credit is acquired. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the board will be deposited by the issuing institution directly into the standby trust fund in accordance with instructions from the board under 9 VAC 20-170-360. This standby trust fund must meet the requirements specified in subdivision 2 of this subsection.

f. Whenever the financial responsibility amount specified in 9 VAC 20-170-300 increases to an amount greater than the amount of credit, the owner or operator shall, within 60 days of the increase, cause the amount of credit to be increased to an amount at least equal to the amount specified in 9 VAC 20-170-300 or obtain another financial mechanism or combination of mechanisms as specified in this part to cover the increase. Whenever the financial responsibility amount specified in 9 VAC 20-170-300 decreases, the letter of credit may be reduced to the new amount following written approval by the director. The issuing institution shall send the notice of an increase or decrease in the amount of the credit to the director by certified mail within 60 days of the change.

9 VAC 20-170-320. Multiple mechanisms.

An owner or operator may satisfy the requirements of this part by establishing more than one financial mechanism, except that mechanisms guaranteeing performance, rather than payment, may not be combined with other mechanisms. The mechanisms shall be as specified in 9 VAC 20-170-310 C 1 through 4, except that evidence of financial responsibility in the amount at least equal to the amount specified in 9 VAC 20-170-300 may be provided by a combination of mechanisms, rather than a single mechanism.

9 VAC 20-170-330. Liability requirement.

A. The owner and operator of a vessel or a group of such vessels transporting solid wastes or regulated medical wastes upon the navigable waters of the Commonwealth, to the extent allowable under state law, shall demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden and/or nonsudden accidental occurrences arising from a deposit of solid wastes and/or regulated medical waste into the navigable waters of the Commonwealth. The owner or operator shall establish and maintain liability coverage in the following amounts:

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1. For sudden and/or nonsudden accidental occurrences, arising from the deposit of solid wastes from a vessel into the navigable waters of the Commonwealth, to the extent allowable under state law, at least \$1 million per occurrence with an annual aggregate of at least \$2 million, exclusive of legal defense costs; and

2. For sudden and/or nonsudden accidental occurrences, arising from the deposit of regulated medical wastes, or a combination of solid wastes and regulated medical wastes, from a vessel into the navigable waters of the Commonwealth, to the extent allowable under state law, at least \$3 million per occurrence with an annual aggregate of at least \$6 million, exclusive of legal defense costs.

B. Liability coverage shall include coverage for waste deposits that occur from loading and unloading the vessels.

C. An owner or operator may demonstrate liability coverage with the following mechanisms:

1. An insurance policy(s) that conforms to the requirements of this section from a qualified insurer.

a. Such insurance may be in the form of a separate insurance policy or an endorsement to an existing insurance policy.

b. Each insurance policy must be amended by an endorsement worded in no respect less favorable than the coverage as specified in APPENDIX IV, or evidenced by a certificate of insurance worded identically as specified in APPENDIX V, except that instructions in brackets must be replaced with the relevant information and the brackets deleted.

c. The owner or operator initially shall submit an original certificate of insurance or endorsement and a copy of the entire insurance policy to the director as a part of the application for a certificate as specified in 9 VAC 20-170-290 B. After the initial submission, the owner or operator shall submit an original certificate of insurance or endorsement evidencing policy renewal as a part of the application for renewal of the vessel's certificate as specified in 9 VAC 20-170-290 D.

d. An owner or operator shall submit a copy of the entire insurance policy to the department within 30 days of the director's written request.

e. Each insurance policy must be issued by an insurer that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or approved surplus lines insurer in the Commonwealth of Virginia. The insurer shall not be a captive insurer.

f. Each insurance policy shall provide first dollar coverage. The insurer shall be liable for the payment of all amounts within any deductible applicable to the policy to the damaged third party, as provided in this chapter, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of

any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in subdivisions 2 through 4 of this subsection.

2. A trust agreement as specified in 9 VAC 20-170-310 C 1 except that the amount of the trust shall be equal to the amount specified in subsection A of this section. The trust agreement must be worded identically as specified in APPENDIX VI, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

3. A surety bond as specified in 9 VAC 20-170-310 C 2 except that the amount of the bond shall be equal to the amount specified in subsection A of this section. The surety bond must be worded identically as specified in APPENDIX VII, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

4. A letter of credit as specified in 9 VAC 20-170-310 C 3 except that the face amount of the letter of credit shall be equal to the amount specified in subsection A of this section. The letter of credit must be worded identically as specified in APPENDIX VIII, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

D. An owner or operator shall notify the director in writing within 30 days:

1. Whenever a claim for bodily injury or property damages caused by a waste deposit into state waters is made against the owner or operator or an instrument providing financial responsibility for liability coverage under subsection A of this section; or

2. Whenever the amount of financial responsibility for liability coverage under subsection A of this section provided by a financial instrument authorized by subsection C of this section is reduced.

E. An owner or operator may demonstrate the required liability coverage through the use of combinations of insurance, trust funds, surety bonds, and letters of credit. The amounts of coverage demonstrated shall total at least the minimum amounts required by subsection A of this section. If the owner or operator demonstrates the required coverage through the use of a combination of financial responsibility mechanisms under subsection C of this section, the owner or operator shall specify at least one such mechanism as "primary" coverage and shall specify other mechanism as "excess" coverage.

9 VAC 20-170-340. Substitution of financial responsibility mechanisms by owner or operator.

A. An owner or operator may substitute any alternate financial responsibility mechanism as specified in this part, provided that at all times the owner or operator maintains an effective financial responsibility mechanism or combination of mechanisms that satisfies the requirements of 9 VAC 20-170-310 C if the mechanism or mechanisms are submitted to comply with the requirements of 9 VAC 20-170-310 A and subsection C of this section if the mechanism or mechanisms

are submitted to comply with the requirements of subsection A of this section.

B. After obtaining an alternate financial responsibility mechanism, or combination of mechanisms, as specified in this part and written approval from the director, an owner or operator may cancel a financial responsibility mechanism by providing notice to the provider of financial responsibility.

9 VAC 20-170-350. Cancellation or nonrenewal by a provider of financial responsibility.

A. Except as otherwise provided, a provider of financial responsibility may cancel or fail to renew a financial responsibility mechanism by sending a notice of termination by certified mail to the owner or operator and the director.

1. Termination of a surety bond or a letter of credit may not occur until 120 days after the date on which the director and the owner or operator receive the notice of termination, as evidenced by the return receipts.

2. Termination of insurance coverage, except for nonpayment or misrepresentation by the insured may not occur until 60 days after the date on which the director and the owner or operator receive the notice of termination, as evidenced by the return receipts. Termination for nonpayment of premium or misrepresentation by the insured may not occur until a minimum of 30 days after the date on which the director and the owner or operator receives the notice of termination, as evidenced by the return receipts.

B. If a provider of financial responsibility cancels or fails to renew, the owner or operator must obtain alternate coverage as specified in this section within 60 days after receipt of the notice of termination. If the owner or operator fails to obtain alternate coverage within 60 days after receipt of the notice of termination, the owner or operator must immediately notify the board of such failure and submit:

1. The name and address of the provider of financial responsibility;
2. The effective date of termination; and
3. The evidence of the financial responsibility mechanism subject to the termination maintained in accordance with 9 VAC 20-170-310 A or 9 VAC 20-170-340 A.

9 VAC 20-170-360. Drawing on a financial responsibility mechanism.

A. The director may require the surety or institution issuing a letter of credit to place the amount of funds stipulated by the board, up to the limit of funds provided by the financial responsibility mechanism, into the standby trust if:

1. a. The owner or operator fails to obtain and submit an alternate financial responsibility mechanism, or combination of mechanisms within 60 days after receiving notice of cancellation of the surety bond or letter of credit described in this subsection; or
- b. The director determines or suspects that a deposit of solid wastes and/or regulated medical wastes into

state waters has occurred and so notifies the owner and operator, or the owner or operator has notified the director pursuant to 9 VAC 20-170-210 of a waste deposit into state waters from a vessel covered by the mechanism; or

2. The conditions of subsection B of this section are satisfied.

B. The director may draw on a standby trust fund or funds when:

1. The director makes a final determination that a waste deposit has occurred and immediate or long-term cleanup and/or containment for the waste deposit is needed, or the beneficial uses of state waters have been impaired as a result of the waste deposit and the owner and operator, after appropriate notice and opportunity to comply, have not conducted cleanup or containment as required under 9 VAC 20-170-210 H; or

2. The director has received either:
- a. Certification from the owner or operator and the third-party liability claimants and from attorneys representing the owner or operator and the third-party liability claimants that a third-party liability claim should be paid. The certification must be worded identically as specified in APPENDIX X, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted;
 - b. A valid final court order establishing a judgment against the owner or operator for bodily injury or property damage caused by a waste deposit from a vessel covered by financial responsibility under this part and the board determines that the owner or operator has not satisfied the judgment.

C. If the director determines that the amount of cleanup and/or containment costs or beneficial use impact costs and third-party liability claims eligible for payment under subsection B of this section may exceed the balance of the standby trust fund and the obligation of the provider of financial responsibility, the first priority for payment shall be the cleanup and containment activities necessary to protect human health and the environment. The board shall direct payment from the standby trust fund for third-party liability claims in the order in which the board receives certifications under subdivision B 2 a of this section and valid court orders under subdivision B 2 b of this section.

9 VAC 20-170-370. Replenishment of letters of credit or surety bonds.

A. If at any time after a standby trust is funded upon the instruction of the director with funds drawn from a letter of credit or surety bond, and the amount in the standby trust is reduced below the full amount of coverage required, the owner or operator providing the mechanism shall by the anniversary date of the financial mechanism from which the funds were drawn:

1. Replenish the value of the financial responsibility mechanism to equal the full amount of coverage required; or

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2. Acquire another financial responsibility mechanism for the amount by which funds in the standby trust have been reduced.

B. For purposes of this section, the full amount of coverage required is the amount of coverage to be provided under 9 VAC 20-170-300 or 9 VAC 20-170-340 A if the owner or operator is demonstrating financial responsibility for liability coverage. If a combination of mechanisms was used to provide the financial responsibility funds which were drawn upon, replenishment shall occur by the earliest anniversary date among the mechanisms.

9 VAC 20-170-380. Incapacity of owners, operators or financial institution.

A. An owner or operator shall notify the director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.

B. An owner or operator who fulfills the requirements of this part by obtaining a trust fund, a letter of credit, a surety bond, or an insurance policy, will be deemed to be without the required financial responsibility in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing a surety bond, letter of credit, or insurance policy to issue such mechanisms. The owner or operator shall establish another financial responsibility mechanism, or combination of mechanisms, within 60 days of such event. If the owner or operator does not obtain alternate coverage within 60 days after such notification, he shall immediately notify the director in writing.

9 VAC 20-170-390. Service of process.

A. When executing the forms required by this part, each certificate applicant shall designate on the face of the application, a person located in Virginia as its agent for service of process for purposes of this part and for receipt of notices of designations and presentations of claims under this regulation. Each designated agent shall acknowledge the director with a letter showing that he has agreed in advance to act as the registered agent for service of process for the certificate applicant or certificant in question.

B. If any certificate applicant or certificant desires, for any reason, to change any designated agent, the certificate applicant or certificant shall notify the director of the change and furnish the relevant information, including the new agent's acknowledgment in accordance with subsection A of this section. In the event of death, disability, or unavailability of a designated agent, the certificate applicant or certificant shall designate another agent in accordance with paragraph A of this section within 10 days of knowledge of any such event. The certificate applicant or certificant shall submit the new designation to the director. The director may revoke a certificate if a certificate applicant or certificant fails to designate and maintain an agent for service of process.

C. If a designated agent can not be served because of death, disability, unavailability, or similar event and another agent has not been designated under this section, then

service of process on the director will constitute valid service of process. Service of process on the director will not be effective unless the server

1. Sends the certificate applicant or certificant by registered mail, at its last known address on file with the director a copy of each document served on the director; and

2. Attests to this registered mailing, at the time process is served upon the director, indicating that the intent of the mailing is to effect service of process on the certificate applicant or certificant and that service on the designated agent is not possible, stating the reason why.

9 VAC 20-170-400. Release from financial responsibility requirements.

Within 60 days after termination of vessel registration is accomplished pursuant to 20-170-250 G, the director shall notify the owner and operator in writing that they are no longer required to maintain financial responsibility and liability coverage for the vessel. Such notice shall release the owner and operator only from the requirements for financial responsibility for the vessel; it does not release him from legal responsibility for meeting any other requirements of this chapter.

APPENDIX I.

(NOTE: Instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

TRUST AGREEMENT

Trust agreement, the "Agreement," entered into as of (date) by and between (name of the vessel owner or operator), a (State) (corporation, partnership, association, proprietorship), the "Grantor," and (name of corporate trustee), a (State corporation) (national bank), the "Trustee."

Whereas, the Virginia Waste Management Board has established certain regulations applicable to the Grantor, requiring that the owner and operator of a vessel transporting solid and/or regulated medical waste upon the navigable waters of the Commonwealth must provide assurance that funds will be available when needed for cleanup or containment of a waste deposit into such waters,

[Insert the following paragraph if this Trust is established as the financial responsibility mechanism pursuant to 9 VAC 20-170-310 C 1:

Whereas, the Grantor has elected to establish a trust to assure all or part of such financial responsibility for the vessels identified herein.]

[Insert the following paragraph if this Trust is established as a standby trust agreement:

Whereas the Grantor has elected to establish [insert either "a surety bond," or "letter of credit"] to provide all or part of such financial responsibility for its covered vessels and is required to establish a standby trust fund able to accept payments from the instrument.

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

A. The term "fiduciary" means any person who exercises any power of control, management, or disposition or renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of this trust fund, or has any authority or responsibility to do so, or who has any authority or responsibility in the administration of this trust fund.

B. The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

C. The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Vessels. This Agreement pertains to vessels and amounts identified on attached Schedule A. (NOTE: On Schedule A, for each vessel list, as applicable, the vessel name, gross tonnage, owner and operator and the amount of financial responsibility demonstrated by this Agreement.)

[Insert the following paragraph if this Trust is established as a standby trust agreement:

This Agreement pertains to the [identify the financial responsibility mechanism, either a letter of credit or a surety bond from which the standby trust fund is established to receive payments.]

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Department of Environmental Quality, Commonwealth of Virginia. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. [Insert the following sentence if this Trust is established as the financial responsibility mechanism pursuant to 9 VAC 20-170-310 C 1: The Fund is established initially as property consisting of cash or securities, which are acceptable to the Trustee, described in Schedule B attached hereto.] [Insert the following sentence if the fund is established as a standby trust fund: The Fund is established initially as a standby to receive payments and shall not consist of any property.] Such property and any other property subsequently transferred to the Trustee is referred to as the fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund will be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee undertakes no responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments to discharge any liabilities of the Grantor established by the Commonwealth of Virginia's Department of Environmental Quality.

Section 4. Payment for Containment and Clean up of a Waste Deposit. The Trustee will make such payments from the Fund as the Department of Environmental Quality,

Commonwealth of Virginia will direct, in writing, to provide for the payment of the costs of cleanup and containment of any deposit of waste from a vessel covered by this Agreement or the costs to restore any beneficial uses impaired by such a waste deposit. The Trustee will reimburse such persons as specified by the Department of Environmental Quality, Commonwealth of Virginia, from the Fund for expenditures in such amounts as the Department of Environmental Quality will direct, in writing. In addition, the Trustee will refund to the Grantor such amounts as the Department of Environmental Quality specifies in writing. Upon refund, such funds will no longer constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the fund will consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee will invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with investment guidelines and objectives communicated in writing to the Trustee from time to time by the Grantor, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling and managing the Fund, the Trustee or any other fiduciary will discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of any enterprise of a like character and with like aims; except that:

A. Securities or other obligations of the Grantor, or any other owner or operator of the facility, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 USC § 80a-2(a), will not be acquired or held, unless they are securities or other obligations of the federal or a state government;

B. The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

C. The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

A. To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate subject to all of the provisions thereof, to be commingled with the assets of other trusts participating herein. To the extent of the equitable share of the Fund in any such commingled trust, such commingled trust will be part of the Fund; and

B. To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 USC § 80a-1 et seq., of one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of

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which are sold by the Trustee. The Trustees may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

A. To sell, exchange, convey, transfer or otherwise dispose of any property held by it, by private contract or at public auction. No person dealing with the Trustee will be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other dispositions;

B. To make, execute, acknowledge and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

C. To register any securities held in the fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States government, or any agency or instrumentality thereof with a Federal Reserve Bank, but the books and records of the Trustee will at all times show that all such securities are part of the Fund;

D. To deposit any cash in the fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

E. To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund will be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee will be paid from the Fund.

Section 10. Annual Valuation. The Trustee will annually, at the end of the month coincident with or preceding the anniversary date of establishment of the Fund, furnish the Grantor and to the Director of the Department of Environmental Quality, Commonwealth of Virginia, a statement confirming the value of the Trust. Any securities in the Fund will be valued at market value as of no more than 30 days prior to the date of the statement. The failure of the Grantor to object in writing to the Trustee within 90 days after

the statement has been furnished to the Grantor and the Director of the Department of Environmental Quality, Commonwealth of Virginia will constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee will be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee will be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon acceptance of the appointment by the successor trustee, the Trustee will assign, transfer and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee and the date on which he assumes administration of the trust will be specified in writing and sent to the Grantor, the Director of the Department of Environmental Quality, Commonwealth of Virginia, and the present trustees by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this section will be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests and instructions by the Grantor to the Trustee will be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee will be fully protected in acting without inquiry in accordance with the Grantor's orders, requests and instructions. All orders, requests, and instructions by the Director of the Department of Environmental Quality, Commonwealth of Virginia, to the Trustee will be in writing, signed by the director and the Trustee will act and will be fully protected in acting in accordance with such orders, requests and instructions. The Trustee will have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Commonwealth of Virginia's Department of Environmental Quality hereunder has occurred. The Trustee will have no duty to act in the absence of such orders, requests and instructions from the Grantor and/or the Commonwealth of Virginia's Department of Environmental Quality, except as provided for herein.

Section 15. Notice of Nonpayment. If a payment has been made under Section 4 of this Trust, the Grantor shall, on or

before the anniversary date of the establishment of the Fund following such a payment, either make payments to the Trustee in amounts sufficient to cause the Trust to return to its value immediately prior to the payments made under Section 4, or shall provide written proof to the Trustee that other financial assurance as required by 9 VAC 20-170-10 et seq. has been obtained equaling the amount necessary to return the Trust to its value prior to the payments made under Section 4. If the Grantor does not either make payments to the Trustee or provide the Trustee with such proof, the Trustee shall within 10 working days after the anniversary date of the establishment of the Fund provide a written notice of nonpayment to the Director of the Department of Environmental Quality, Commonwealth of Virginia.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the Director of the Department of Environmental Quality, Commonwealth of Virginia, or by the Trustee and the Director of the Department of Environmental Quality, Commonwealth of Virginia, if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust will be irrevocable and will continue until terminated at the written agreement of the Grantor, the Trustee, and the Director of the Department of Environmental Quality, Commonwealth of Virginia, or by the Trustee and the director if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, will be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee will not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Director of the Department of Environmental Quality, Commonwealth of Virginia, issued in accordance with this Agreement. The Trustee will be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement will be administered, construed and enforced according to the laws of the Commonwealth of Virginia.

Section 20. Interpretation. As used in the Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement will not affect the interpretation of the legal efficacy of this Agreement.

In witness whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in the relevant regulations of the Department of Environmental Quality, Commonwealth of Virginia.

(Signature of Grantor)

By: (Title) (Date)

Attest: (Title) (Date)

(Seal)

(Signature of Trustee)

By

Attest: (Title) (Date)

(Seal)

Certification of Acknowledgment:

COMMONWEALTH OF VIRGINIA

STATE OF

CITY/COUNTY OF

On this date, before me personally came (owner or operator) to me known, who being by me duly sworn, did depose and say that she/he resides at (address), that she/he is (title) of (corporation), the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/his name thereto by like order.

(Signature of Notary Public)

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

The Trust Agreement, by and between [insert Grantor Name and Trustee Name] dated [insert date of Agreement] is applicable to the following vessels:

Total Financial Responsibility Amount:

Vessel Name Gross tons Owner Operator

APPENDIX II

(NOTE: instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

SURETY BOND GUARANTEEING PAYMENT

Date bond executed:.....

Effective date:.....

Principal: (legal name and business address)

Type of organization: (insert "individual," "joint venture," "partnership," or "corporation")

State of incorporation:.....

Surety: (name and business address)

Vessels covered by this bond (see attached Schedule A):.....

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Penal sum of bond: \$.....

Surety's bond number:.....

Know all men by these present, That we, the Principal and Surety hereto are firmly bound to the Department of Environmental Quality, Commonwealth of Virginia, (hereinafter called the Department) in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of each sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

Whereas, said Principal is required to have a registration number issued by the Department of Environmental Quality, Commonwealth of Virginia, in order to transport solid or regulated medical waste upon the navigable waters of the Commonwealth, and

Whereas, said Principal is required to provide financial assurance for the cleanup and containment of a waste deposit from a vessel transporting solid and/or regulated medical waste upon the navigable waters of the Commonwealth and for the costs of restoring any beneficial uses impaired as a result of such a waste deposit as a condition of operation pursuant to 9 VAC 20-170-10 et seq.,

Whereas, said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance,

Now, therefore the conditions of this obligation are such that if the Principal shall faithfully pay or cause to be paid any sum or sums for which the Principal is obligated to pay to clean up or contain a waste deposit from a covered vessel pursuant to 9 VAC 20-170-10 et seq. or restore any beneficial uses impaired from such a deposit, then this obligation, to the extent of such payment, shall be void, otherwise to remain in full force and effect.

Or, if the Principal shall provide alternate financial assurance as specified in the Department's regulations and obtain the director's written approval of such assurance, within 60 days of the date notice of cancellation is received by the Director of the Department of Environmental Quality from the Surety, then this obligation will be null and void, otherwise it is to remain in full force and effect for the life of the vessel identified above.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the Director of the Department of Environmental Quality, Commonwealth of Virginia, that the Principal has been found in violation of the requirements of the Department's regulations, the Surety must forfeit the penal sum of the bond and deposit the entire amount of the bond into the standby trust established for this purpose.

The Surety hereby waives notification of amendments to any plans, orders, applicable laws, statutes, rules, and regulations and agrees that such amendments shall in no way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of said penal sum.

The Surety may cancel the bond by sending written notice of cancellation to the owner or operator and to the Director of the Department of Environmental Quality, Commonwealth of Virginia, provided, however, that cancellation cannot occur (1) during the 120 days beginning on the date of receipt of the notice of cancellation by the director as shown on the signed return receipt.

The Principal may terminate this bond by sending written notice to the Surety, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the Director of the Department of Environmental Quality, Commonwealth of Virginia.

In witness whereof, the Principal and Surety have executed this Surety Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in the relevant regulations of the Commonwealth of Virginia, Department of Environmental Quality.

Principal

Signature(s):.....

Name(s) and Title(s) (typed).....

Corporate Surety

Name and Address:.....

State of Incorporation:.....

Liability Limit: \$.....

Signature(s):.....

Name(s) and Title(s) (typed).....

Corporate Seal:

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

Surety Bond [insert bond number] is applicable to the following vessels:

Vessel Name	Gross tons	Owner	Operator
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APPENDIX III

(NOTE: Instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

IRREVOCABLE STANDBY LETTER OF CREDIT

Director
Department of Environmental Quality
P.O. Box 10009
Richmond, Virginia 23240-0009

Dear (Sir or Madam):

We hereby establish our Irrevocable Letter of Credit No..... in your favor at the request and for the account of (vessel owner's or operator's name and address) up to the aggregate amount of (in words) U.S. dollars \$....., available upon presentation of

- 1. your sight draft, bearing reference to this letter of credit No..... together with
2. your signed statement declaring that the amount of the draft is payable pursuant to regulations issued under the authority of the Department of Environmental Quality, Commonwealth of Virginia.

The following vessels are included in the amount of this letter of credit: See attached Schedule of Covered Vessels .

This letter of credit is effective as of (date) and will expire on (date at least one year later), but such expiration date will be automatically extended for a period of (at least one year) on (date) and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify you and (owner or operator's name) by certified mail that we decide not to extend the Letter of Credit beyond the current expiration date. In the event you are so notified, unused portion of the credit will be available upon presentation of your sight draft for 120 days after the date of receipt by you as shown on the signed return receipt; in addition, the unused portion of the credit will be available for an additional 90 days from the stated expiration date upon presentation of your sight draft and your signed statement declaring that there is a compliance procedure pending.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we will duly honor such draft upon presentation to us, and we will pay to you the amount of the draft promptly and directly.

I hereby certify that I am authorized to execute this letter of credit on behalf of (issuing institution) and that the wording of this letter of credit is identical to the wording specified in the relevant regulations of the Department of Environmental Quality, Commonwealth of Virginia.

Attest:

(Signature and title of official of issuing institution) (Date)

This credit is subject to (insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published by the International Chamber of Commerce," of "the Uniform Commercial Code.")

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

Letter of credit [insert letter of credit number] is applicable to the following vessels:

Vessel Name Gross tons Owner Operator

APPENDIX IV

(NOTE: Instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

ENDORSEMENT FOR LIABILITY COVERAGE

1. This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering bodily injury and property damage in connection with the insured's obligation to demonstrate financial responsibility under 9 VAC 20-170-330 of the Transportation of Solid and Medical Waste on State Waters Regulations. The coverage applies to the vessels listed on the attached Schedule A for sudden accidental occurrences and/or nonsudden accidental occurrences. The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's liability], exclusive of legal defense costs.

2. The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with subsections(a) through (e) of this Paragraph 2 are hereby amended to conform with subsections (a) through (e):

(a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy to which this endorsement is attached.

(b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 9 VAC 20-170-330.

(c) Whenever requested by the Director of the Department of Environmental Quality, Commonwealth of Virginia or the Regional Administrator of the U.S. Environmental Protection Agency (EPA), the Insurer agrees to furnish to the director or the Regional Administrator a signed duplicate original of the policy and all endorsements.

(d) Cancellation of this endorsement, whether by the Insurer, the insured, a parent corporation providing insurance coverage for its subsidiary, or by a firm having an insurable interest in and obtaining liability insurance on behalf of the owner or operator of a covered vessel, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the Director of the Department of Environmental Quality, Commonwealth of Virginia.

(e) Any other termination of this endorsement will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the Director of the Department of Environmental Quality, Commonwealth of Virginia.

Attached to and forming part of policy No. _____ issued by [name of Insurer], herein called the Insurer, of [address of Insurer] to [name of insured] of [address] this ____ day of

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_____, 19___. The effective date of said policy is ____ day of _____, 19__.

I hereby certify that the wording of this endorsement is identical to the wording specified in the relevant regulations of the Department of Environmental Quality, Commonwealth of Virginia, and that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

[Signature of Authorized Representative of Insurer]

[Type name]

[Title], Authorized Representative of [name of Insurer]

[Address of Representative]

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

Insurance Policy [insert policy number] is applicable to the following vessels:

Vessel Name	Gross tons	Owner	Operator
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APPENDIX V

(NOTE: Instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

CERTIFICATE OF INSURANCE FOR LIABILITY COVERAGE

1. [Name of Insurer], (the "Insurer"), of [address of Insurer] hereby certifies that it has issued liability insurance covering bodily injury and property damage to [name of insured], (the "insured"), of [address of insured] in connection with the insured's obligation to demonstrate financial responsibility under 9 VAC 20-170-330 of the Transportation of Solid and Medical Waste on State Waters Regulations. The coverage applies to the vessels listed on the attached Schedule A for sudden accidental occurrences and/or nonsudden accidental occurrences. The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the Insurer's liability], exclusive of legal defense costs. The coverage is provided under policy number _____, issued on [date]. The effective date of said policy is [date].

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:

(a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy.

(b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in 9 VAC 20-170-330.

(c) Whenever requested by the Director of the Department of Environmental Quality, Commonwealth of Virginia or a Regional Administrator of the U.S. Environmental Protection Agency (EPA), the Insurer agrees to furnish to the director or Regional Administrator a signed duplicate original of the policy and all endorsements.

(d) Cancellation of the insurance, whether by the insurer, the insured, a parent corporation providing insurance coverage for its subsidiary, or by a firm having an insurable interest in and obtaining liability insurance on behalf of the owner or operator of a covered vessel, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the Director of the Department of Environmental Quality, Commonwealth of Virginia.

(e) Any other termination of the insurance will be effective only upon written notice and only after the expiration of thirty (30) days after a copy of such written notice is received by the Director of the Department of Environmental Quality, Commonwealth of Virginia.

I hereby certify that the wording of this instrument is identical to the wording specified in the relevant regulations of the Department of Environmental Quality, Commonwealth of Virginia, and that the Insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

[Signature of authorized representative of Insurer]

[Type name]

[Title], Authorized Representative of [name of Insurer]

[Address of Representative]

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

Insurance Policy [insert policy number] is applicable to the following vessels:

Vessel Name	Gross tons	Owner	Operator
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APPENDIX VI

(NOTE: Instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

TRUST AGREEMENT FOR THIRD PARTY LIABILITY COVERAGE

Trust Agreement, the "Agreement," entered into as of [date] by and between [name of the vessel owner or operator] a [name of State] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert, "incorporated in the State of _____" or "a national bank"], the "trustee."

Whereas, the Virginia Waste Management Board has established certain regulations applicable to the Grantor, requiring that an owner and operator of a vessel transporting solid and/or regulated medical waste on the navigable waters of the Commonwealth must demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental and/or nonsudden accidental occurrences arising from the transport by water of solid and/or regulated medical waste.

[Insert the following paragraph if this Trust is established as the financial responsibility mechanism pursuant to 9 VAC 20-170-330 C 2:

Whereas, the Grantor has elected to establish a trust to assure all or part of such financial responsibility for the vessels identified herein.]

[Insert the following paragraph if this Trust is established as a standby trust agreement: Whereas the Grantor has elected to establish [insert either "a surety bond," or "letter of credit"] to provide all or part of such financial responsibility for its covered vessels and is required to establish a standby trust fund able to accept payments from the instrument.]

Whereas, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee.

Now, therefore, the Grantor and the Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

(a) The term "Grantor" means the owner or operator who enters into this Agreement and any successors or assigns of the Grantor.

(b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.

Section 2. Identification of Vessels. This Agreement pertains to vessels and amounts identified on attached Schedule A. (NOTE: On Schedule A, for each vessel list, as applicable, the vessel name, gross tonnage, owner and operator and the amount of financial responsibility demonstrated by this Agreement.)

[Insert the following paragraph if this Trust is established as a standby trust agreement:

This Agreement pertains to the [identify the financial responsibility mechanism, either a letter of credit or a surety bond from which the standby trust fund is established to receive payments.]

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, hereinafter the "Fund," for the benefit of any and all third parties injured or damaged by sudden and/or nonsudden accidental occurrences arising from a deposit of solid and/or regulated medical waste into the navigable waters of the Commonwealth from a vessel covered by this Agreement, in the amounts of [insert "\$1 million per occurrence and \$2 million annual aggregate for accidental occurrences arising from a deposit of solid waste into navigable waters" and/or "\$3 million per occurrence and \$6 million annual aggregate for occurrences arising from a deposit of regulated medical waste into navigable waters"], except that the Fund is not established for the benefit of third parties for the following:

(a) Bodily injury or property damage for which [insert Grantor] is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that [insert Grantor] would be obligated to pay in the absence of the contract or agreement.

(b) Any obligation of [insert Grantor] under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(c) Bodily injury to:

(1) An employee of [insert Grantor] arising from, and in the course of, employment by [insert Grantor]; or

(2) The spouse, child, parent, brother or sister of that employee as a consequence of, or arising from, and in the course of employment by [insert Grantor].

This exclusion applies:

(A) Whether [insert Grantor] may be liable as an employer or in any other capacity; and

(B) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (1) and (2).

(d) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft or motor vehicle.

(e) Property damage to:

(1) Any property owned, rented, or occupied by [insert Grantor];

(2) Premises that are sold, given away or abandoned by [insert Grantor] if the property damage arises out of any part of those premises;

(3) Property loaned to [insert Grantor];

(4) Personal property in the care, custody or control of [insert Grantor];

(5) That particular part of real property on which [insert Grantor] or any contractors or subcontractors working directly or indirectly on behalf of [insert Grantor] are performing operations, if the property damage arises out of these operations.

In the event of combination with another mechanism for liability coverage, the fund shall be considered [insert "primary" or "excess"] coverage.

[Insert the following sentence if this Trust is established as the financial responsibility mechanism pursuant to 9 VAC 20-170-330 C 2: The Fund is established initially as property consisting of cash or securities, which are acceptable to the Trustee, described in Schedule B attached hereto.] [Insert the following sentence if the fund is established as a standby trust fund: The Fund is established initially as a standby to receive payments and shall not consist of any property.] Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the Department of Environmental Quality, Commonwealth of Virginia.

Section 4. Payment for Bodily Injury or Property Damage. The Trustee shall satisfy a third party liability claim by making

Proposed Regulations

payments from the Fund only upon receipt of one of the following documents;

(a) Certification from the Grantor and the third party claimant(s) that the liability claim should be paid. The certification must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certification of Valid Claim

The undersigned, as parties [insert Grantor] and [insert name and address of third party claimant(s)], hereby certify that the claim of bodily injury and/or property damage caused by an accidental occurrence arising from a deposit of solid and/or regulated medical waste into navigable waters from a covered vessel should be paid in the amount of \$[].

[Signatures]
Grantor

[Signatures]
Claimant(s)

(b) A valid final court order establishing a judgment against the Grantor for bodily injury or property damage caused by an accidental occurrence arising from a deposit of solid and/or regulated medical waste into navigable waters from one or more of the Grantor's vessels covered by this Agreement.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstance then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other owner or operator of the facilities, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held unless they are securities or other obligations of the Federal or a State government;

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common commingled, or collective trust fund created by the Trustee in which the fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 81a-1 et seq., including one which may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuations. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the Director of the Department of Environmental Quality, Commonwealth of Virginia a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and the Director of the Department of Environmental Quality, Commonwealth of Virginia shall constitute a conclusively binding assent by the Grantor barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, the Director of the Department of Environmental Quality, Commonwealth of Virginia, and the present Trustee by certified mail 10 days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendments to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the director to the Trustee shall be in writing, signed by the Director of the Department of Environmental Quality, Commonwealth of Virginia, or his designees, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that

no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Department of Environmental Quality, Commonwealth of Virginia hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or the Director of the Department of Environmental Quality, Commonwealth of Virginia, except as provided for herein.

Section 15. Notice of Nonpayment. If a payment for bodily injury or property damage is made under Section 4 of this trust, the Trustee shall notify the Grantor of such payment and the amount(s) thereof within five (5) working days. The Grantor shall, on or before the anniversary date of the establishment of the Fund following such notice, either make payments to the Trustee in amounts sufficient to cause the trust to return to its value immediately prior to the payment of claims under Section 4, or shall provide written proof to the Trustee that other financial assurance for liability coverage has been obtained equaling the amount necessary to return the trust to its value prior to the payment of claims. If the Grantor does not either make payments to the Trustee or provide the Trustee with such proof, the Trustee shall within 10 working days after the anniversary date of the establishment of the Fund provide a written notice of nonpayment to the Director of the Department of Environmental Quality, Commonwealth of Virginia.

Section 16. Amendment of Agreement. This Agreement may be amended by an instrument in writing executed by the Grantor, the Trustee, and the Director of the Department of Environmental Quality, Commonwealth of Virginia, or by the Trustee and the Director of the Department of Environmental Quality, Commonwealth of Virginia if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Director of the Department of Environmental Quality, Commonwealth of Virginia, or by the Trustee and the director, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor. The director will agree to termination of the Trust when the owner or operator substitutes alternate financial assurance as specified in this section.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Director of the Department of Environmental Quality, Commonwealth of Virginia issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

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Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the Commonwealth of Virginia.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

In Witness Whereof the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in the relevant regulations of the Department of Environmental Quality, Commonwealth of Virginia.

[Signature of Grantor]
[Title]

Attest:

[Title]
[Seal]

[Signature of Trustee]
Attest:

[Title]
[Seal]

(2) The following is an example of the certification of acknowledgment which must accompany the trust agreement for a trust fund as specified in 9 VAC 20-170-240 or 9 VAC 20-170-260 of this chapter.

State of _____

County of _____

On this [date], before me personally came [owner or operator] to me known, who, being by me duly sworn, did depose and say that she/he resides at [address], that she/he is [title] of [corporation], the corporation described in and which executed the above instrument; that she/he knows the seal of said corporation; that the seal affixed to such instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that she/he signed her/ his name thereto by like order.

Signature of Notary Public]

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

The Trust Agreement, by and between [insert Grantor Name and Trustee Name] dated [insert date of Agreement] is applicable to the following vessels:

Total Financial Responsibility Amount:

Vessel Name	Gross tons	Owner	Operator
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APPENDIX VII

NOTE: Instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

PAYMENT BOND FOR THIRD PARTY LIABILITY COVERAGE

Date bond executed:.....

Effective date:.....

Principal: (legal name and business address)

Type of organization: (insert "individual," "joint venture," "partnership," or "corporation")

State of incorporation:.....

Surety: (name and business address)

Vessels covered by this bond (see attached Schedule A):.....

Penal sum of bond: \$....

Surety's bond number:.....

Purpose: This is an agreement between the Surety and the Principal under which the Surety, its successors and assignees, agree to be responsible for the payment of claims against the Principal for bodily injury and/or property damage to third parties caused by accidental occurrences arising from the transport of [insert "solid waste" or "regulated medical waste"] by a covered vessel on the navigable waters of the Commonwealth in the sums prescribed herein; subject to the governing provisions and the following conditions.

Governing Provisions:

(1) Virginia Waste Management Act, Title 10.1, Code of Virginia (1950), as amended.

(2) Transportation of Solid and Medical Wastes on State Waters Regulations, 9 VAC 20-170-10 et seq.

Conditions:

(1) The Principal is subject to the applicable governing provisions that require the Principal to have and maintain liability coverage for bodily injury and property damage to third parties caused by accidental occurrences arising from the transport of [insert "solid waste" or "regulated medical waste"] by a covered vessel on the navigable waters of the Commonwealth. Such obligation does not apply to any of the following:

(a) Bodily injury or property damage for which [insert principal] is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that [insert principal] would be obligated to pay in the absence of the contract or agreement.

(b) Any obligation of [insert principal] under a workers' compensation, disability benefits, or unemployment compensation law or similar law.

(c) Bodily injury to:

(1) An employee of [insert principal] arising from, and in the course of, employment by [insert principal]; or

(2) The spouse, child, parent, brother or sister of that employee as a consequence of, or arising from, and in the

course of employment by [insert principal]. This exclusion applies:

(A) Whether [insert principal] may be liable as an employer or in any other capacity; and

(B) To any obligation to share damages with or repay another person who must pay damages because of the injury to persons identified in paragraphs (1) and (2).

(d) Bodily injury or property damage arising out of the ownership, maintenance, use, or entrustment to others of any aircraft or motor vehicle.

(e) Property damage to:

(1) Any property owned, rented, or occupied by [insert principal];

(2) Premises that are sold, given away or abandoned by [insert principal] if the property damage arises out of any part of those premises;

(3) Property loaned to [insert principal];

(4) Personal property in the care, custody or control of [insert principal];

(5) That particular part of real property on which [insert principal] or any contractors or subcontractors working directly or indirectly on behalf of [insert principal] are performing operations, if the property damage arises out of these operations.

(2) This bond assures that the Principal will satisfy valid third party liability claims, as described in condition 1.

(3) If the Principal fails to satisfy a valid third party liability claim, as described above, the Surety becomes liable on this bond obligation.

(4) The Surety shall satisfy a third party liability claim only upon the receipt of one of the following documents:

(a) Certification from the Principal and the third party claimant(s) that the liability claim should be paid. The certification must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Certification of Valid Claim

The undersigned, as parties [insert name of Principal] and [insert name and address of third party claimant(s)], hereby certify that the claim of bodily injury and/or property damage caused by an accidental occurrences arising from the transport of [insert "solid waste" or "regulated medical waste"] by a covered vessel on the navigable waters of the Commonwealth should be paid in the amount of \$[].

[Signature]

Principal

[Notary] Date

[Signature(s)]

Claimant(s)

[Notary] Date

or (b) A valid final court order establishing a judgment against the Principal for bodily injury or property damage caused by accidental occurrences arising from the transport of [insert "solid waste" or "regulated medical waste"] by a covered vessel on the navigable waters of the Commonwealth.

(5) In the event of combination of this bond with another mechanism for liability coverage, this bond will be considered [insert "primary" or "excess"] coverage.

(6) The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety hereunder exceed the amount of said annual aggregate penal sum, provided that the Surety furnishes notice to the Director of the Department of Environmental Quality, Commonwealth of Virginia forthwith of all claims filed and payments made by the Surety under this bond.

(7) The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and the Director of the Department of Environmental Quality, Commonwealth of Virginia, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Principal and the director, as evidenced by the return receipt.

(8) The Principal may terminate this bond by sending written notice to the Surety, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the Director of the Department of Environmental Quality, Commonwealth of Virginia.

(9) The Surety hereby waives notification of amendments to applicable laws, statutes, rules and regulations and agrees that no such amendment shall in any way alleviate its obligation on this bond.

(10) This bond is effective from [insert date] (12:01 a.m., standard time, at the address of the Principal as stated herein) and shall continue in force until terminated as described above.

In Witness Whereof, the Principal and Surety have executed this Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety and that the wording of this surety bond is identical to the wording specified in the relevant regulations of the Commonwealth of Virginia, Department of Environmental Quality.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

Proposed Regulations

CORPORATE SURETY[IIES]

[Name and address]

State of incorporation: _____

Liability Limit: \$ _____

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

Bond premium: \$ _____

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

Surety Bond [insert bond number] is applicable to the following vessels:

Vessel Name	Gross tons	Owner	Operator
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APPENDIX VIII

[NOTE: Instructions in brackets are to be replaced with the relevant information and the brackets deleted.]

IRREVOCABLE STANDBY LETTER OF CREDIT FOR THIRD PARTY LIABILITY COVERAGE

Name and Address of Issuing Institution

Director

Department of Environmental Quality
629 East Main Street
P.O. Box 10009
Richmond, Virginia 23240-0009

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of any and all third-party liability claimants, at the request and for the account of [insert owner's or operator's name and address] for third-party liability awards or settlements up to U.S. dollars (\$ _____) per occurrence and the annual aggregate amount of U.S. dollars (\$ _____), for accidental occurrences available upon presentation of a signed draft, bearing reference to this letter of credit No. _____, and

1. a signed certificate reading as follows:

Certification of Valid Claim

The undersigned, as parties [insert principal and insert name and address of third-party claimants], hereby certify that the claim of bodily injury and/or property damage arising from a waste deposit into navigable waters by a covered vessel transporting solid and/or regulated medical waste should be paid in the amount of \$ _____. We hereby certify that the claim does not apply to any of the following:

(a) Bodily injury or property damage for which insert principal is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that

insert principal would be obligated to pay in the absence of the contract or agreement.

(b) Any obligation of insert principal under a workers' compensation, disability benefits, or unemployment compensation law or any similar law.

(c) Bodily injury to:

(1) An employee of insert principal arising from, and in the course of, employment by insert principal; or

(2) The spouse, child, parent, brother or sister of that employee as a consequence of, or arising from, and in the course of employment by insert principal. This exclusion applies:

(A) Whether insert principal may be liable as an employer or in any other capacity; and

(B) To any obligation to share damages with or repay another person who shall pay damages because of the injury to persons identified in paragraphs (1) and (2).

Signatures

Principal

Signatures

Claimant(s)

or,

2. a valid final court order establishing a judgement against the principal for bodily injury or property damage arising from a waste deposit into navigable waters from a covered vessel transporting solid and/or regulated medical waste.

The provisions of this letter of credit are applicable to the vessels indicated on the attached Schedule of Covered Vessels.

This letter of credit is effective as of date and shall expire on date at least one year later, but such expiration date shall be automatically extended for a period of at least one year on date and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify you, the director and owner's or operator's name by certified mail that we have decided not to extend this letter of credit beyond the current expiration date.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us.

In the event that this letter of credit is used in combination with another mechanism for liability coverage, this letter of credit shall be considered insert "primary" or "excess" coverage.

We certify that the wording of this letter of credit is identical to the wording specified in the relevant regulations of the Department of Environmental Quality, Commonwealth of Virginia.

Signature(s) and title(s) of official(s) of issuing institution

Date

This credit is subject to insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits,

published by the International Chamber of Commerce" or "the Uniform Commercial Code".

SCHEDULE A

IDENTIFICATION OF COVERED VESSELS

Letter of credit [insert letter of credit number] is applicable to the following vessels:

Vessel Name Gross tons Owner Operator

APPENDIX IX

(NOTE: Instructions in parentheses are to be replaced with the relevant information and the parentheses deleted.)

CERTIFICATION OF VALID CLAIM

The undersigned, as principals and as legal representatives of [insert vessel owner or operator] and [insert name and address of third party claimant] hereby certify that the claim of bodily injury [and/or] property damage caused by a sudden and/or nonsudden accidental occurrence arising from a waste deposit from [owner or operator] vessel into state waters should be paid in the amount of \$[].

[Signatures]

Vessel Owner or Operator

Attorney for Owner or Operator

Notary (Date)

[Signature(s)]

Claimant(s)

Attorney(s) for Claimant(s)

Notary (Date)

VA.R. Doc. No. R98-255; Filed August 11, 2000, 8:22 a.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: 12 VAC 5-185-10 et seq. Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund.

Statutory Authority: § 32.1-73.1 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until November 15, 2000.

(See Calendar of Events section for additional information)

Basis: Article 12 of Chapter 2 of Title 32.1 (§ 32.1-73.1 et seq.) of the Code of Virginia contains the law authorizing the establishment of the Commonwealth Neurotrauma Initiative (CNI) Trust Fund, a special nonreverting fund, and the CNI Advisory Board, a permanent collegial body affiliated with the State Board of Health pursuant to § 2.1-1.6 of the Code of Virginia. Section 32.1-73.4 of the Code of Virginia contains

mandatory language authorizing the Board of Health to promulgate the proposed regulations.

That section provides that the Board of Health "shall promulgate regulations establishing procedures and policies for soliciting and receiving grant applications [for moneys in the CNI Trust Fund] and criteria for reviewing and ranking such applications. . . . The Board [of Health] shall receive the recommendations of the [CNI] Advisory Board prior to promulgating or revising any such regulations." (On August 25, 1999, the CNI Advisory Board voted to recommend to the Board of Health the policies and procedures embodied in the proposed regulations.)

Purpose: Promulgation and adoption of the proposed regulations will help implement an unprecedented program in Virginia designed to promote medical research into traumatic brain and spinal cord injury and to provide treatment and care for Virginians who have sustained such injury. Section 32.1-73.2 B of the Code of Virginia provides that: (i) moneys in the CNI Trust Fund "shall be used solely to support grants for Virginia-based organizations, institutions, and researchers" and (ii) "fifty percent [of the moneys in the Fund] shall be allocated for research on the mechanisms and treatment of neurotrauma and fifty percent shall be allocated for rehabilitative services."

Moneys are deposited into the CNI Trust Fund pursuant to § 18.2-271.1 E of the Code of Virginia. That section provides that a fee of \$105 shall be charged "for reinstatement of the driver's license of any person whose privilege or license has been suspended or revoked as a result of . . . [a specified traffic violation]." This section further provides that \$25 of this fee "shall be transferred to the Commonwealth Neurotrauma Initiative Trust Fund."

This funding mechanism depends on fees generated by the reinstatement of drivers' licenses after those drivers have been convicted of offenses that carry the potential for causing motor vehicle collisions and associated neurologically-traumatic injuries. The funding mechanism rests on a sense of fairness and responsibility: Those in our society whose behavior often causes neurotrauma to befall others through the negligent or reckless driving of motor vehicles bear the cost of providing research into understanding and treating neurotrauma and services for victims. The existence of the CNI Trust Fund also may have the indirect benefit of liberating certain general funds of the Commonwealth for other services and purposes.

The trust fund presently has a balance of approximately \$580,000. These moneys may be distributed to support the research and services contemplated by the authorizing law only when the proposed regulations to administer the CNI Trust Fund become effective.

Substance: In their entirety, the proposed regulations will implement an innovative program to support medical research on the mechanisms and treatment of neurotrauma and to support rehabilitative services. Such a program has never before existed in Virginia.

Article 1 of the proposed regulations contains provisions that define key terms and set forth general information relating to administration of the CNI Trust Fund. These provisions

Proposed Regulations

include a statement of the general policy underlying and purpose of the regulations. They also discuss (i) the applicability of the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia) to decisions that will be made pursuant to the proposed regulations, and (ii) the applicability of the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia) to applications submitted for grants from the CNI Trust Fund.

Article 2 of the proposed regulations sets forth the procedures by which the CNI Advisory Board will solicit and review applications for grants of moneys from the CNI Trust Fund. This article clearly sets forth the priorities with which the CNI Advisory Board will review applications for moneys for both medical research and rehabilitative services.

Article 3 of the proposed regulations specifies the considerations and criteria by which the CNI Advisory Board will rank and review applications for moneys in the CNI Trust Fund and explains how the CNI Advisory Board will select successful applications, determine the amount of awards, and announce these decisions.

Issues: One possible disadvantage identified during discussions of the CNI Advisory Board involves the possibility that certain public and private entities that presently provide ongoing rehabilitative services to disabled persons may abandon or limit their efforts to continue seeking general state funding through the legislative process for their programs in the belief that obtaining grants from the CNI Trust Fund may present an easier mechanism for funding.

The process of awarding grants from the CNI Trust Fund will necessarily involve a competitive process in which successful candidates may or may not, depending on the merits of any successive applications they submit, receive more than an initial award. Each award will cover a project designed to last one, two or three years. All entities that have received a grant from the CNI Trust Fund may seek an additional award to continue their projects or to engage in another worthy project, but their applications will be considered in the competitive process contemplated by the authorizing law and given form in the proposed regulations. Entities needing long-term funding for the rehabilitative services they provide should beware of the competitive nature of the manner by which the CNI Trust Fund will be administered and should consider carefully the advantages and disadvantages of any funding source available to them. No other disadvantages of the proposed regulations to the public, the agency or the Commonwealth have been identified.

The primary advantage of the proposed regulations to the public is the very creation of a heretofore nonexistent, specially-funded program that will support both important research on neurotrauma and needed services for Virginians who have sustained neurotrauma. By comparison, certain medical diseases and other medical conditions have long-established funding mechanisms and programs, both at the federal and state levels. Adoption of the proposed regulations will allow the CNI Trust Fund to fill a void, thereby serving the common good in an important new way.

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 1997 General Assembly established the Commonwealth Neurotrauma Initiative (CNI) Trust Fund to promote medical research into traumatic brain and spinal cord injury and to provide treatment and care for Virginians who have sustained such injury. The fund consists of grants, donations, and bequests from public and private sources as well as a portion of the fee charged for reinstatement of drivers' license as provided for in § 46.2-411 of the Code of Virginia. As of December 1999, the Trust Fund had a balance of approximately \$580,000. The proposed regulation establishes the procedures and policies for soliciting and receiving grant applications, the criteria to be used to review and rank applications, and the methods for selecting successful applications and determining the amounts of awards.

Estimated economic impact. The proposed regulation implements a program that is designed to support medical research on the mechanisms and treatment of neurotrauma and to support rehabilitative services for these injuries. There is no information available to evaluate the effectiveness of the proposed application selection policies, however, in so far as the regulation ensures that the money in the CNI Trust Fund is used for the most productive research and treatment programs, it may result in some net economic gain to society.

Businesses and entities affected. The proposed regulation will affect all researchers who apply for funding from the CNI Trust Fund. The number of potential Virginia-based researchers in the neurotrauma field is unknown at this time.

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

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

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

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Health concurs generally with the economic impact analysis of these proposed regulations, prepared by the Department of Planning and Budget and dated December 13, 1999.

Summary:

These regulations will allow a new and important program to begin funding research into the mechanisms and treatment of neurotrauma, i.e., traumatic brain and

spinal cord injury, and services for Virginians who have sustained neurotrauma. Specifically, these regulations will establish (i) policies and procedures for handling applications for funding received by the Commonwealth Neurotrauma Initiative (CNI) Advisory Board, (ii) criteria for reviewing applications, and (iii) procedures for distributing moneys from the CNI Trust Fund.

CHAPTER 185.

POLICIES AND PROCEDURES FOR ADMINISTERING THE COMMONWEALTH NEUROTRAUMA INITIATIVE TRUST FUND.

Article 1.

Definitions and General Information.

12 VAC 5-185-10. Definitions.

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

"Advisory board" means the Commonwealth Neurotrauma Initiative Advisory Board.

"Board" means the State Board of Health.

"Code" means the Code of Virginia.

"Fund" means the Commonwealth Neurotrauma Initiative Trust Fund.

"Neurotrauma" means an injury to the central nervous system, i.e., a traumatic spinal cord or brain injury, which results in loss of physical functions, cognitive functions or both.

"RFP" or "request" means a request for proposals published by the advisory board seeking applications for moneys in the fund.

12 VAC 5-185-20. Statement of general policy.

The Commonwealth of Virginia has recognized the need to prevent traumatic spinal cord and brain injuries and to improve the treatment and care of Virginians with traumatic spinal cord and brain injuries. By creating the fund and authorizing the advisory board to administer the fund, the Commonwealth makes available to Virginia-based organizations, institutions and researchers funds to address these needs. The advisory board seeks to administer the fund in order to carry out the intent of the law in accordance with its authority.

12 VAC 5-185-30. Purpose of chapter.

This chapter serves to (i) establish policies and procedures for soliciting and receiving applications for grants from the fund, (ii) establish criteria for reviewing and ranking such applications, and (iii) establish procedures for distributing moneys in the fund, which shall be used solely to provide grants to Virginia-based organizations, institutions, and researchers, and of which 50% of the moneys shall be allocated for research on the mechanisms and treatment of neurotrauma and 50% shall be allocated for rehabilitative services, i.e., community-based rehabilitative programs for injured individuals. Those applications for grants to conduct research on the mechanisms and treatment of neurotrauma

shall be identified as Option A applications. Those applications for grants to provide rehabilitative services shall be identified as Option B applications.

12 VAC 5-185-40. Compliance with the Administrative Process Act.

Chapter 1.4:1 (§ 9-6.14:1 et seq.) of Title 9 of the Code of Virginia (the Administrative Process Act) governs the promulgation and administration of this chapter and applies to any appeal of a case decision made pursuant to or based upon this chapter.

12 VAC 5-185-50. Application of an exemption to the Virginia Freedom of Information Act.

Pursuant to a provision of the Virginia Freedom of Information Act, Chapter 21 (§ 2.1-340) of Title 2.1 (§ 2.1-340 et seq.) of the Code of Virginia, records submitted as a grant application, or accompanying a grant application, to the advisory board pursuant to the law and this chapter are excluded from the requirement of open inspection to the extent that they contain medical or mental records or other data identifying individual patients or proprietary business or research-related information produced or collected by an applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical or scholarly issues, when such information has not been publicly released, published, copyrighted or patented, if the disclosure of such information would be harmful to the competitive position of the applicant. The advisory board intends to rely upon this exemption in order to encourage the submission of applications.

Article 2.

Soliciting and Reviewing Applications.

12 VAC 5-185-60. Requests for proposals.

The advisory board will solicit applications for grants of moneys from the fund by publishing requests for proposals from time to time. Each application for a grant must be received in response to an actual request for proposals and by a deadline specified in the request, which will be no fewer than 60 days following publication of the request.

12 VAC 5-185-70. Appointment of grant reviewers and technical advisors.

The advisory board may choose to appoint grant reviewers or other technical advisors, or both, at any time to assist in reviewing and ranking applications. Such reviewers and advisors may represent medical researchers, medical practitioners, community-based service providers, consumers, or advocates for consumers. Reviewers and advisors shall be appointed so as to provide equal representation from Virginia's three medical schools. Reviewers and advisors shall be selected so as to avoid any conflict of interests or the appearance thereof, and may be chosen because of their residing or working outside Virginia in order to ensure impartiality. Whenever reviewers or advisors sit as a committee, the chairman of the advisory board or his designee shall serve as chairman of the committee but shall not vote on individual applications.

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12 VAC 5-185-80. Specification of Option A or B.

Each application shall clearly state a purpose to seek funds to carry out a program consistent with Option A or Option B. Option A applications shall state and demonstrate a clear intention of researching the mechanisms of neurotrauma or the treatment of neurotrauma, or both. Option B applications shall demonstrate a clear intention to provide rehabilitative services by developing, expanding or improving community-based programs and facilities serving and treating individuals who have experienced traumatic brain injury or traumatic spinal cord injury, or both, and expanding opportunities for such individuals to become as independent and physically and functionally capable as possible.

12 VAC 5-185-90. Review of applications; stated priorities.

In reviewing applications for grant awards, whether Option A or Option B, the advisory board will give priority to applications that:

1. Present a convincing and persuasive discussion of how the proposed project will carry out its intention as specified in accordance with 12 VAC 5-185-80, and describe in as much detail as possible its anticipated effectiveness in carrying out its intention.
2. Include a system for measuring outcomes and documenting project impact and effectiveness, including any anticipated long-term effect of the proposed project.
3. Provide the means for consumer involvement in the design, implementation and evaluation of the project as relevant to the intention of the proposed project;
4. Identify sources of funds, if known, and fundraising strategies to be used in sustaining the proposed project following termination of a grant award as relevant to the intention of the proposed project;
5. Comply fully with additional informational and administrative requirements stated in the specific RFP to which applications are responding;
6. In the case of an Option A application:
 - a. Discuss the relevance of the proposed project to an identified field of medical inquiry,
 - b. Demonstrate the anticipated benefit of the proposed project in terms of expanding knowledge and understanding of neurotrauma,
 - c. Discuss any innovation or breakthrough the project seeks to promote, specifying outcome measures where possible for each of the preceding enumerated items in this subdivision, and
 - d. Describe efforts to ensure that the proposed project will not duplicate completed or ongoing research; and
7. In the case of an Option B application:
 - a. Describe and demonstrate the need for the proposed project in terms of the absence of alternative services, resources and facilities available to the intended individuals and community,

b. Demonstrate the avoidance of duplication of services already available; and

c. State and emphasize a commitment to collaborative community planning involving consumer groups, service providers, employers, other funding sources, as available or anticipated to become available, and relevant state and local agencies.

Article 3.

Specific Project Considerations and Application Criteria, Selection of Successful Applications and Amount and Announcement of Awards.

12 VAC 5-185-100. Ranking and reviewing applications.

The advisory board will distinguish the class of Option A applications from the class of Option B applications when soliciting, ranking and reviewing applications. Applications will be considered and ranked among only applications with the stated intention to address the same option. Applications initially deemed effective in serving the purpose of either option and to have substantially addressed the general considerations stated in Article 2 of this chapter, as applicable, will be subsequently ranked and reviewed according to their satisfaction of the following criteria, which will be weighted as indicated:

1. The purpose and significance of the project 20 points
2. The objectives and expected benefits of the project 20 points
3. The design of the project, means of assessing outcomes, methods to be employed, and the level of detail and feasibility of an included action plan 25 points
4. Detailed nature, completeness and feasibility of an included budget 15 points
5. Demonstrated or anticipated capability of the existing or planned organizational structure 15 points
6. A commitment to include the participation of small, women-owned and minority businesses, as such are available and capable of participation 5 points

When initially reviewing applications or subsequently ranking and reviewing applications, the advisory board may ask applicants to provide required information that is missing from the application or additional clarifying information relating to their applications and proposed projects. Failure to provide missing information or failure to provide additional information that is material and relevant may result in the rejection or lowered ranking of an application.

12 VAC 5-185-110. Amount of grant awards; duration and availability of funding.

A. After reviewing all applications, duly received, for either Option A or Option B, the advisory board will determine which proposed projects will be offered funding. The selection of successful applications will be made based on availability of moneys in the fund and the criteria listed in this chapter. Subsequent discussions and negotiations may be conducted between the advisory board and successful applicants in

order to clarify any remaining issues relating to the proposed project.

B. In considering and determining the amount of a grant award and the duration of funding for a particular project, the advisory board will consider the requested amount, need, and the project design and justification. Actual grant awards will be made in amounts ranging from \$5,000 to \$150,000 per year, for an anticipated duration, i.e., a total anticipated funding period, of one to three years. The award and duration of funding for a project of an anticipated duration exceeding one year will be contingent upon (i) the availability of moneys in the fund, whether so stated at the time of the award or not; and (ii) the grantee's successful completion of timelines and of interim objectives and milestones as proposed and approved in the grant award documents.

C. The award of grants to successful applicants will be made public within 60 days of the advisory board's decision regarding all applications submitted in response to a request for proposals.

D. In the event any timelines and interim objectives and milestones pertaining to a project are not completed to the satisfaction of the advisory board, the advisory board may act to withhold moneys not yet disbursed for such a project. In the event of a substantial decline in moneys in the fund, the advisory board will attempt to distribute moneys to projects of an anticipated duration greater than one year in a manner as fair and equitable as possible.

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DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **Restrictions on Out-of-State Hospital Coverage:**

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-100, 12 VAC 30-50-105, and 12 VAC 30-50-140).

12 VAC 30-60-10 et seq. Standards Established and Methods Used to Assure High Quality of Care (adding 12 VAC 30-60-21).

12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment Rates—Inpatient Hospital Services (amending 12 VAC 30-70-420; repealing 12 VAC 30-70-120).

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

Public Hearing Date: N/A -- Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements.

42 CFR 431.52 states that Medicaid must be furnished out of state, under the specified conditions, to an eligible individual who is a resident of the state while the individual is in another state to the same extent that Medicaid is furnished to residents in the state.

Purpose: The purpose of this proposal is to clarify and expand upon limits to be placed upon coverage of inpatient hospital services by providers who are located outside the borders of the Commonwealth in order to promote the use of Virginia's inpatient hospitals. This action is not expected to affect the public's health, safety or welfare because Virginia hospitals provide all needed medical services.

Substance: DMAS is repealing 12 VAC 30-70-120 because, with the implementation of the Diagnosis Related Groups reimbursement methodology for inpatient hospital services (at 12 VAC 30-70-200 et seq.), this VAC section is no longer valid.

As allowed by 42 CFR 431.52, DMAS proposes to limit general access to out-of-state general acute care hospitals to only when the service is medically necessary. The out-of-state hospital rendering the service will be required to obtain any needed authorizations.

The reasons for the recipient's need for out-of-state services must be one of the following: (i) a medical or surgical emergency exists; (ii) inpatient hospital services are needed and the recipient's health would be endangered if he were required to travel back to the Commonwealth to obtain medical care; (iii) the Commonwealth determines, on the basis of medical advice, that the needed inpatient hospital services, or necessary supplementary resources, are more readily available in another state; or (iv) it is the general practice for recipients in a particular locality to use inpatient hospital resources in another state. DMAS would recognize exceptional circumstances based on the medical needs of the patient.

Use of out-of-state general acute care hospital services in circumstances other than those listed above will be denied.

Issues: The advantage to the Commonwealth's taxpayer of this change will be the retention of these tax dollars in the Virginia economy. Inpatient hospitals in the Commonwealth will experience a higher cash flow as they provide care to Virginia Medicaid recipients who, in the past, have sought care in other state's hospitals. Recipients who have a true medical need to obtain specialized medical services will be permitted to do so by the exceptions permitted in this policy. The agency expects that border states' hospitals that have been providing this care (mainly Duke University Hospital, N.C. Baptist Hospital, and Johns Hopkins Hospital) to object to this new restriction. However, the North Carolina Medicaid program already enforces this same requirement on its own Medicaid recipients.

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

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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 regulatory action sets out limits on coverage of inpatient hospital services provided in hospitals located outside of Virginia. The proposed provisions establish prior authorization requirements as well as additional standards that must be met before DMAS will cover out-of-state inpatient hospital services.

Estimated economic impact. DMAS coverage of inpatient hospital services does not currently distinguish between in-state and out-of-state facilities. The proposed regulation would limit use of out-of-state hospitals to only situations when the service is medically necessary and meets one of the following criteria:

1. A medical or surgical emergency exists;
2. The recipient's health would be endangered if he were required to travel back to the Commonwealth to obtain needed inpatient hospital services;
3. The Commonwealth determines, on the basis of medical advice, that the needed inpatient hospital services or necessary supplementary resources, are more readily available in another state; or
4. It is the general practice for recipients in a particular locality to use inpatient hospital resources in another state.

Use of out-of-state general acute care hospital services in circumstances other than those listed above would be denied, however DMAS would recognize exceptional circumstances based on the medical needs of the patient.

The proposed regulation will benefit those inpatient hospitals in Virginia that experience higher cash flows by providing care to Virginia Medicaid recipients who, in the past, had sought care in other state's hospitals. DMAS estimates that it paid approximately \$5.7 million of Virginia Medicaid funds to out-of-state hospitals, primarily in North Carolina and Maryland in FY 1999. Some portion of this amount will be spent in Virginia hospitals under the proposed coverage policy. No impact on quality of care is expected for recipients who have a true medical need to obtain inpatient hospital services out of state as they will be permitted to do so by the exceptions allowed in the policy.

However, Medicaid recipients who currently choose to use out-of-state hospital facilities for reasons that do not fall under the proposed coverage criteria (i.e., a perception of higher quality services) will be negatively affected by this proposal. While it is not known if the proposed regulation will actually result in any reduction in quality of care received for these individuals, the proposed coverage policy does restrict recipients' choice as to where they can obtain needed inpatient hospital services.

Businesses and entities affected. As of May 2000, there were 337,291 individuals enrolled in the Virginia Medicaid program (excluding individuals who are enrolled in managed care (HMO) programs). The proposed changes will affect Virginia Medicaid recipients who prefer to use out-of-state hospital facilities for reasons that do not fall under the proposed coverage criteria.

There are 116 general acute care hospitals and freestanding psychiatric hospitals in Virginia that may be affected by the proposed out-of-state hospital coverage restrictions. DMAS expects that border states' hospitals that have been providing care to Virginia Medicaid recipients (mainly Duke University Hospital, N.C. Baptist Hospital, and Johns Hopkins Hospital) will object to the proposed restriction.

Localities particularly affected. No localities are particularly affected by the proposed changes to this regulation.

Projected impact on employment. The proposed changes to this regulation are not anticipated to have a significant effect on employment.

Effects on the use and value of private property. The proposed changes to this regulation are not anticipated to have a significant effect on the use and value of private property.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency concurs with the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Amount, Duration, and Scope of Services; Standards Established and Methods Used to Assure High Quality of Care; Methods and Standards for Establishing Payment Rates-Inpatient Hospital Services; Restrictions on Coverage of Out-of-State Hospital Services.

Summary:

The proposed amendments restrict the circumstances under which DMAS will reimburse for inpatient hospital services that are received in out-of-state hospitals. The circumstances are: (i) medical services are needed because of a medical emergency; (ii) medical services are needed and the recipient's health would be endangered if he were required to travel back to the Commonwealth; (iii) the Commonwealth determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in another state; (iv) it is the general practice for recipients in a particular locality to use inpatient hospital resources in another state.

12 VAC 30-50-100. Inpatient hospital services provided at general acute care hospitals and freestanding psychiatric hospitals; enrolled providers.

A. Preauthorization of all inpatient hospital services will be performed. This applies to both general acute care hospitals and freestanding psychiatric hospitals. Nonauthorized inpatient services will not be covered or reimbursed by the Department of Medical Assistance Services (DMAS). Preauthorization shall be based on criteria specified by DMAS. In conjunction with preauthorization, an appropriate length of stay will be assigned using the HCIA, Inc., Length of

Stay by Diagnosis and Operation, Southern Region, 1996, as guidelines.

1. Admission review.

a. Planned/scheduled admissions. Review shall be done prior to admission to determine that inpatient hospitalization is medically justified. An initial length of stay shall be assigned at the time of this review. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

b. Unplanned/urgent or emergency admissions. *These admissions will be permitted before any prior authorization procedures.* Review shall be performed within one working day to determine that inpatient hospitalization is medically justified. An initial length of stay shall be assigned for those admissions which have been determined to be appropriate. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

2. Concurrent review shall end for nonpsychiatric claims with dates of admission and services on or after July 1, 1998, with the full implementation of the DRG reimbursement methodology. Concurrent review shall be done to determine that inpatient hospitalization continues to be medically necessary. Prior to the expiration of the previously assigned initial length of stay, the provider shall be responsible for obtaining authorization for continued inpatient hospitalization. If continued inpatient hospitalization is determined necessary, an additional length of stay shall be assigned. Concurrent review shall continue in the same manner until the discharge of the patient from acute inpatient hospital care. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

3. Retrospective review shall be performed when a provider is notified of a patient's retroactive eligibility for Medicaid coverage. It shall be the provider's responsibility to obtain authorization for covered days prior to billing DMAS for these services. Adverse authorization decisions shall have available a reconsideration process as set out in subdivision 4 of this subsection.

4. Reconsideration process.

a. Providers requesting reconsideration must do so upon verbal notification of denial.

b. This process is available to providers when the nurse reviewers advise the providers by telephone that the medical information provided does not meet DMAS specified criteria. At this point, the provider must request by telephone a higher level of review if he disagrees with the nurse reviewer's findings. If higher level review is not requested, the case will be denied and a denial letter generated to both the provider and recipient identifying appeal rights.

c. If higher level review is requested, the authorization request will be held in suspense and referred to the Utilization Management Supervisor (UMS). The UMS shall have one working day to render a decision. If the UMS upholds the adverse decision, the provider may accept that decision and the case will be denied and a denial letter identifying appeal rights will be generated to both the provider and the recipient. If the provider continues to disagree with the UMS' adverse decision, he must request physician review by DMAS medical support. If higher level review is requested, the authorization request will be held in suspense and referred to DMAS medical support for the last step of reconsideration.

d. DMAS medical support will review all case-specific medical information. Medical support shall have two working days to render a decision. If medical support upholds the adverse decision, the request for authorization will then be denied and a letter identifying appeal rights will be generated to both the provider and the recipient. The entire reconsideration process must be completed within three working days.

5. Appeals process.

a. Recipient appeals. Upon receipt of a denial letter, the recipient shall have the right to appeal the adverse decision. Under the Client Appeals regulations, Part I (12 VAC 30-110-10 et seq.) of 12 VAC 30-110, the recipient shall have 30 days from the date of the denial letter to file an appeal.

b. Provider appeals. If the reconsideration steps are exhausted and the provider continues to disagree, upon receipt of the denial letter, the provider shall have 30 days from the date of the denial letter to file an appeal if the issue is whether DMAS will reimburse the provider for services already rendered. The appeal shall be held in accordance with the Administrative Process Act (§ 9-6.14:1 et seq. of the Code of Virginia).

B. Out-of-state inpatient general acute care hospitals and freestanding psychiatric hospitals, enrolled providers. In addition to meeting all of the preauthorization requirements specified in subsection A of this section, out-of-state hospitals must further demonstrate that the requested admission meets at least one of the following additional standards. Services provided out of state for circumstances other than these specified reasons shall not be covered.

1. *The medical services must be needed because of a medical emergency;*

2. *Medical services must be needed and the recipient's health would be endangered if he were required to travel to his state of residence;*

3. *The state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state;*

4. *It is general practice for recipients in a particular locality to use medical resources in another state.*

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B. C. Cosmetic surgical procedures shall not be covered unless performed for physiological reasons and require DMAS prior approval.

G. D. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment to health or life of the mother if the fetus were carried to term.

D. E. Coverage of inpatient hospitalization shall be limited to a total of 21 days per admission in a 60-day period for the same or similar diagnosis or treatment plan. The 60-day period would begin on the first hospitalization (if there are multiple admissions) admission date. There may be multiple admissions during this 60-day period. Claims which exceed 21 days per admission within 60 days for the same or similar diagnosis or treatment plan will not be authorized for payment. Claims which exceed 21 days per admission within 60 days with a different diagnosis or treatment plan will be considered for reimbursement if medically indicated. Except as previously noted, regardless of authorization for the hospitalization, the claims will be processed in accordance with the limit for 21 days in a 60-day period. Claims for stays exceeding 21 days in a 60-day period shall be suspended and processed manually by DMAS staff for appropriate reimbursement. The limit for coverage of 21 days for nonpsychiatric admissions shall cease with dates of service on or after July 1, 1998.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in general hospitals and freestanding psychiatric hospitals in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical or psychological, as appropriate, examination. The admission and length of stay must be medically justified and preauthorized via the admission and concurrent or retrospective review processes described in subsection A of this section. Medically unjustified days in such hospitalizations shall not be authorized for payment.

E. F. Mandatory lengths of stay.

1. Coverage for a normal, uncomplicated vaginal delivery shall be limited to the day of delivery plus an additional two days unless additional days are medically justified. Coverage for cesarean births shall be limited to the day of delivery plus an additional four days unless additional days are medically justified.

2. Coverage for a radical or modified radical mastectomy for treatment of disease or trauma of the breast shall be provided for a minimum of 48 hours. Coverage for a total or partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast shall be provided for a minimum of 24 hours. Additional days beyond the specified minimums for either radical, modified, total, or partial mastectomies may be covered if medically justified and prior authorized until the diagnosis related grouping methodology is fully implemented. Nothing in this chapter shall be construed as requiring

the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

F. G. Coverage in freestanding psychiatric hospitals shall not be available for individuals aged 21 through 64. Medically necessary inpatient psychiatric care rendered in a psychiatric unit of a general acute care hospital shall be covered for all Medicaid eligible individuals, regardless of age, within the limits of coverage prescribed in this section and 12 VAC 30-50-105.

G. H. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone marrow/stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia, or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, and bone marrow/stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization by DMAS medical support. Inpatient hospitalization related to kidney transplantation will require preauthorization at the time of admission and, concurrently, for length of stay. Cornea transplants do not require preauthorization of the procedure, but inpatient hospitalization related to such transplants will require preauthorization for admission and, concurrently, for length of stay. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. Reimbursement for covered liver, heart, and bone marrow transplant/stem cell services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC 30-50-570.

H. I. In compliance with federal regulations at 42 CFR 441.200, Subparts E and F, claims for hospitalization in which sterilization, hysterectomy or abortion procedures were

performed shall be subject to review. Hospitals must submit the required DMAS forms corresponding to the procedures. Regardless of authorization for the hospitalization during which these procedures were performed, the claims shall suspend for manual review by DMAS. If the forms are not properly completed or not attached to the bill, the claim will be denied or reduced according to DMAS policy.

12 VAC 30-50-105. Inpatient hospital services provided at general acute care hospitals and freestanding psychiatric hospitals; nonenrolled providers (nonparticipating/out of state).

A. The full DRG inpatient reimbursement methodology shall become effective July 1, 1998, for general acute care hospitals and freestanding psychiatric hospitals which are nonenrolled providers (nonparticipating/out of state) and the same reviews, criteria, and requirements shall apply as are applied to enrolled, in-state, participating hospitals in 12 VAC 30-50-100.

B. Inpatient hospital services rendered by nonenrolled providers shall not require ~~preauthorization~~ *prior authorization*, with the exception of transplants as described in subsection K of this section *and this subsection*. However, these inpatient hospital services claims will be suspended from *automated computer* payment and *will be* manually reviewed for medical necessity as described in subsections ~~C~~ B through K of this section using criteria specified by DMAS. *Inpatient hospital services provided out of state to a Medicaid recipient who is a resident of the Commonwealth of Virginia shall only be reimbursed under at least one of the following conditions. It shall be the responsibility of the hospital, when requesting prior authorization for the admission, to demonstrate that one of the following conditions exists in order to obtain authorization.*

- 1. The medical services must be needed because of a medical emergency;*
- 2. Medical services must be needed and the recipient's health would be endangered if he were required to travel to his state of residence;*
- 3. The state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state;*
- 4. It is general practice for recipients in a particular locality to use medical resources in another state.*

C. Medicaid inpatient hospital admissions (lengths-of-stay) are limited to the 75th percentile of PAS (Professional Activity Study of the Commission on Professional and Hospital Activities) diagnostic/procedure limits. For admissions under four days that exceed the 75th percentile, the hospital must attach medical justification records to the billing invoice to be considered for additional coverage when medically justified. For all admissions that exceed three days up to a maximum of 21 days, the hospital must attach medical justification records to the billing invoice. (See the exception to subsection H of this section.)

D. Cosmetic surgical procedures shall not be covered unless performed for physiological reasons and require DMAS prior approval.

E. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment to health or life of the mother if the fetus was carried to term.

F. Hospital claims with an admission date prior to the first surgical date, regardless of the number of days prior to surgery, must be medically justified. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement for all pre-operative days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admissions will be denied.

G. Reimbursement will not be provided for weekend (Saturday/Sunday) admissions, unless medically justified. Hospital claims with admission dates on Saturday or Sunday will be pended for review by medical staff to determine appropriate medical justification for these days. The hospital must write on or attach the justification to the billing invoice for consideration of reimbursement coverage for these days. Medically justified situations are those where appropriate medical care cannot be obtained except in an acute hospital setting thereby warranting hospital admission. Medically unjustified days in such admission will be denied.

H. Coverage of inpatient hospitalization shall be limited to a total of 21 days per admission in a 60-day period for the same or similar diagnosis or treatment plan. The 60-day period would begin on the first hospitalization (if there are multiple admissions) admission date. There may be multiple admissions during this 60-day period. Claims which exceed 21 days per admission within 60 days for the same or similar diagnosis or treatment plan will not be reimbursed. Claims which exceed 21 days per admission within 60 days with a different diagnosis or treatment plan will be considered for reimbursement if medically justified. The admission and length of stay must be medically justified and preauthorized via the admission and concurrent review processes described in subsection A of 12 VAC 30-50-100. Claims for stays exceeding 21 days in a 60-day period shall be suspended and processed manually by DMAS staff for appropriate reimbursement. The limit for coverage of 21 days shall cease with dates of service on or after July 1, 1998. Medically unjustified days in such hospitalizations shall not be reimbursed by DMAS.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age who are Medicaid eligible for medically necessary stays in general hospitals and freestanding psychiatric facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical or psychological, as appropriate, examination.

I. Mandatory lengths of stay.

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1. Coverage for a normal, uncomplicated vaginal delivery shall be limited to the day of delivery plus an additional two days unless additional days are medically justified. Coverage for cesarean births shall be limited to the day of delivery plus an additional four days unless additional days are medically necessary.

2. Coverage for a radical or modified radical mastectomy for treatment of disease or trauma of the breast shall be provided for a minimum of 48 hours. Coverage for a total or partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast shall be provided for a minimum of 24 hours. Additional days beyond the specified minimums for either radical, modified, total, or partial mastectomies may be covered if medically justified and prior authorized until the diagnosis related grouping methodology is fully implemented. Nothing in this chapter shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

J. Reimbursement will not be provided for inpatient hospitalization for those surgical and diagnostic procedures listed on the DMAS outpatient surgery list unless the inpatient stay is medically justified or meets one of the exceptions.

K. For purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone marrow/stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, bone marrow/stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization by DMAS. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. Reimbursement for covered liver, heart, and bone marrow/stem cell transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover: procurement costs; all hospital costs from admission to discharge for the transplant procedure; total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as

reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC 30-50-570.

L. In compliance with 42 CFR 441.200, Subparts E and F, claims for hospitalization in which sterilization, hysterectomy or abortion procedures were performed shall be subject to review of the required DMAS forms corresponding to the procedures. The claims shall suspend for manual review by DMAS. If the forms are not properly completed or not attached to the bill, the claim will be denied or reduced according to DMAS policy.

12 VAC 30-50-140. Physician's services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.

A. Elective surgery as defined by the Program is surgery that is not medically necessary to restore or materially improve a body function.

B. Cosmetic surgical procedures are not covered unless performed for physiological reasons and require Program prior approval.

C. Routine physicals and immunizations are not covered except when the services are provided under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Program and when a well-child examination is performed in a private physician's office for a foster child of the local social services department on specific referral from those departments.

D. Outpatient psychiatric services.

1. Psychiatric services are limited to an initial availability of 26 sessions, with one possible extension (subject to DMAS' approval) of 26 sessions during the first year of treatment. The availability is further restricted to no more than 26 sessions each succeeding year when approved by DMAS. Psychiatric services are further restricted to no more than three sessions in any given seven-day period. Consistent with § 6403 of the Omnibus Budget Reconciliation Act of 1989, medically necessary psychiatric services shall be covered when prior authorized by DMAS for individuals younger than 21 years of age when the need for such services has been identified in an EPSDT screening.

2. Psychiatric services can be provided by psychiatrists or by a licensed clinical social worker, licensed professional counselor, or licensed clinical nurse specialist-psychiatric under the direct supervision of a psychiatrist.*

3. Psychological and psychiatric services shall be medically prescribed treatment which is directly and specifically related to an active written plan designed and signature-dated by either a psychiatrist or by a licensed clinical social worker, licensed professional counselor, or licensed clinical nurse specialist-psychiatric under the direct supervision of a psychiatrist.*

*Licensed clinical social workers, licensed professional counselors, and licensed clinical nurse specialists-psychiatric may also directly enroll or be supervised by psychologists as provided for in 12 VAC 30-50-150.

4. Psychological or psychiatric services shall be considered appropriate when an individual meets the following criteria:

- a. Requires treatment in order to sustain behavioral or emotional gains or to restore cognitive functional levels which have been impaired;
- b. Exhibits deficits in peer relations, dealing with authority; is hyperactive; has poor impulse control; is clinically depressed or demonstrates other dysfunctional clinical symptoms having an adverse impact on attention and concentration, ability to learn, or ability to participate in employment, educational, or social activities;
- c. Is at risk for developing or requires treatment for maladaptive coping strategies; and
- d. Presents a reduction in individual adaptive and coping mechanisms or demonstrates extreme increase in personal distress.

5. Psychological or psychiatric services may be provided in an office or a mental health clinic.

E. Any procedure considered experimental is not covered.

F. Reimbursement for induced abortions is provided in only those cases in which there would be a substantial endangerment of health or life to the mother if the fetus was carried to term.

G. Physician visits to inpatient hospital patients over the age of 21 are limited to a maximum of 21 days per admission within 60 days for the same or similar diagnoses or treatment plan and is further restricted to medically necessary authorized (for enrolled providers)/approved (for nonenrolled providers) inpatient hospital days as determined by the Program.

EXCEPTION: SPECIAL PROVISIONS FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE: Consistent with 42 CFR 441.57, payment of medical assistance services shall be made on behalf of individuals under 21 years of age, who are Medicaid eligible, for medically necessary stays in general hospitals and freestanding psychiatric facilities in excess of 21 days per admission when such services are rendered for the purpose of diagnosis and treatment of health conditions identified through a physical examination. Payments for physician visits for inpatient days shall be limited to medically necessary inpatient hospital days.

H. (Reserved.)

I. Reimbursement shall not be provided for physician services provided to recipients in the inpatient setting whenever the facility is denied reimbursement.

J. (Reserved.)

K. For the purposes of organ transplantation, all similarly situated individuals will be treated alike. Transplant services

for kidneys, corneas, hearts, lungs, and livers shall be covered for all eligible persons. High dose chemotherapy and bone marrow/stem cell transplantation shall be covered for all eligible persons with a diagnosis of lymphoma, breast cancer, leukemia, or myeloma. Transplant services for any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be limited to children (under 21 years of age). Kidney, liver, heart, and bone marrow/stem cell transplants and any other medically necessary transplantation procedures that are determined to not be experimental or investigational require preauthorization by DMAS. Cornea transplants do not require preauthorization. The patient must be considered acceptable for coverage and treatment. The treating facility and transplant staff must be recognized as being capable of providing high quality care in the performance of the requested transplant. Reimbursement for covered liver, heart, and bone marrow/stem cell transplant services and any other medically necessary transplantation procedures that are determined to not be experimental or investigational shall be a fee based upon the greater of a prospectively determined, procedure-specific flat fee determined by the agency or a prospectively determined, procedure-specific percentage of usual and customary charges. The flat fee reimbursement will cover procurement costs; all hospital costs from admission to discharge for the transplant procedure; and total physician costs for all physicians providing services during the transplant hospital stay, including radiologists, pathologists, oncologists, surgeons, etc. The flat fee reimbursement does not include pre- and post-hospitalization for the transplant procedure or pretransplant evaluation. If the actual charges are lower than the fee, the agency shall reimburse actual charges. Reimbursement for approved transplant procedures that are performed out of state will be made in the same manner as reimbursement for transplant procedures performed in the Commonwealth. Reimbursement for covered kidney and cornea transplants is at the allowed Medicaid rate. Standards for coverage of organ transplant services are in 12 VAC 30-50-540 through 12 VAC 30-50-570.

L. Breast reconstruction/prostheses following mastectomy and breast reduction.

1. If prior authorized, breast reconstruction surgery and prostheses may be covered following the medically necessary complete or partial removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorized, for all medically necessary indications. Such procedures shall be considered noncosmetic.

2. Breast reconstruction or enhancements for cosmetic reasons shall not be covered. Cosmetic reasons shall be defined as those which are not medically indicated or are intended solely to preserve, restore, confer, or enhance the aesthetic appearance of the breast.

M. *Coverage of out-of-state inpatient hospital services. Inpatient hospital services provided out of state to a Medicaid recipient who is a resident of the Commonwealth of Virginia shall only be reimbursed under at least one the following conditions. It shall be the responsibility of the hospital, when requesting prior authorization for the admission, to*

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demonstrate that one of the following conditions exists in order to obtain authorization. Services provided out of state for circumstances other than these specified reasons shall not be covered.

1. The medical services must be needed because of a medical emergency;
2. Medical services must be needed and the recipient's health would be endangered if he were required to travel to his state of residence;
3. The state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state;
4. It is general practice for recipients in a particular locality to use medical resources in another state.

12 VAC 30-60-21. Utilization control of nonparticipating out-of-state inpatient hospitals.

Inpatient hospital services provided out of state to a Medicaid recipient who is a resident of the Commonwealth of Virginia shall only be reimbursed under any one of the following conditions. It shall be the responsibility of the hospital, when requesting prior authorization for the admission, to demonstrate that one of the following conditions exists in order to obtain authorization. It shall be the responsibility of the admitting physician to adhere to these restrictions. Services provided out of state for circumstances other than these specified exceptions shall not be covered. When, during post payment utilization review, inappropriate or inaccurate payments are determined to have been made for reasons other than those specified herein, DMAS shall recover the inappropriately expended funds.

1. The medical services must be needed because of a medical emergency;
2. Medical services must be needed and the recipient's health would be endangered if he were required to travel to his state of residence;
3. The state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state;
4. It is general practice for recipients in a particular locality to use medical resources in another state.

12 VAC 30-70-120. Nonenrolled providers. (Repealed.)

~~A. Hospitals that are not enrolled as providers with the Department of Medical Assistance Services (DMAS) which submit claims shall be paid based on the lesser of:~~

- ~~1. The DMAS average reimbursable inpatient cost-to-charge ratio, updated annually on September 30 of each year based on the most recent settled cost report, for enrolled hospitals less 5.0%. (The 5.0% is for the cost of additional manual processing of the claims.)~~
- ~~2. The DMAS average per diem, updated annually on September 30 of each year based on the most recent settled cost report, of enrolled hospitals excluding the~~

~~state-owned teaching hospitals and disproportionate share adjustments.~~

~~B. Hospitals that are not enrolled shall submit claims using the required DMAS invoice formats. Such claims must be submitted within 12 months from date of services. A hospital is determined to regularly treat Virginia Medicaid recipients and shall be required by DMAS to enroll if it provides more than 500 days of care to Virginia Medicaid recipients during the hospital's financial fiscal year. A hospital which is required by DMAS to enroll shall be reimbursed in accordance with the current Medicaid Prospective Payment System as described in 12 VAC 30-70-10 through 12 VAC 30-70-100. The hospital shall be placed in one of the DMAS peer groupings which most nearly reflects its licensed bed size and location (12 VAC 30-70-50 A). These hospitals shall be required to maintain separate cost accounting records and to file separate cost reports annually, utilizing the applicable Medicare cost reporting forms (HCFA 2552 Series) and the Medicaid forms (MAP-783 Series).~~

~~C. A newly enrolled facility shall have an interim rate determined using the provider's most recent filed Medicare cost report or a pro forma cost report or detailed budget prepared by the provider and accepted by DMAS, which represents its anticipated allowable cost for the first cost reporting period of participation. For the first cost reporting period, the provider shall be limited to the lesser of its actual operating costs or its peer group ceiling. Subsequent rates shall be determined in accordance with the current Medicaid Prospective Payment System as noted in subsection A of this section.~~

~~D. Once a hospital has obtained the enrolled status, 500 days of care, the hospital must agree to become enrolled as required by DMAS to receive reimbursement. This status shall continue during the entire term of the provider's current Medicare certification and subsequent recertification or until mutually terminated with 30 days written notice by either party. The provider must maintain this enrolled status to receive reimbursement. If an enrolled provider elects to terminate the enrolled agreement, the nonenrolled reimbursement status will not be available to the hospital for future reimbursement, except for emergency care.~~

~~E. Prior approval must be received from DMAS when a referral has been made for treatment to be received from a nonenrolled acute care facility (in state or out of state), except in the case of an emergency or because medical resources or supplementary resources are more readily available in another state.~~

~~F. Nothing in this regulation is intended to preclude DMAS from reimbursing for special services, such as rehabilitation, ventilator, and transplantation, on an exception basis and reimbursing for the services on an individually negotiated rate basis.~~

12 VAC 30-70-420. Reimbursement of noncost-reporting general acute care hospital providers.

Effective January 1, 2000, noncost-reporting (general acute care hospitals that are not required to file cost reports) shall be paid based on DRG rates unadjusted for geographic variation increased by the average capital percentage among

hospitals filing cost reports in a recent year. General acute care hospitals shall not file cost reports if they have less than 1,000 days per year (in the most recent provider fiscal year) of inpatient utilization by Virginia Medicaid recipients, inclusive of patients in managed care capitation programs.

Prior approval must be received from DMAS when a referral has been made for treatment to be received from a ~~nonenrolled nonparticipating~~ acute care facility (in-state or out-of-state), ~~except in the case of an emergency or because medical resources or supplementary resources are more readily available in another state.~~ Prior approval will be granted for inpatient hospital services provided out of state to a Medicaid recipient who is a resident of the Commonwealth of Virginia under any one the following conditions. It shall be the responsibility of the non-participating hospital, when requesting prior authorization for the admission of the Virginia resident, to demonstrate that one of the following conditions exists in order to obtain authorization. Services provided out of state for circumstances other than these specified reasons shall not be covered.

1. The medical services must be needed because of a medical emergency;
2. Medical services must be needed and the recipient's health would be endangered if he were required to travel to his state of residence;
3. The state determines, on the basis of medical advice, that the needed medical services, or necessary supplementary resources, are more readily available in the other state;
4. It is general practice for recipients in a particular locality to use medical resources in another state.

VA.R. Doc. No. R00-40; Filed August 11, 2000, 11:32 a.m.

Title of Regulation: **Pharmacy Intravenous Infusion Therapy Services:**

12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-160 and 12 VAC 30-50-210).

12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates—Other Types of Care (amending 12 VAC 30-80-40).

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

Public Hearing Date: N/A -- Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services (BMAS) the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia grants to the Director of the Department of Medical Assistance Services (DMAS) the authority to administer and amend the Plan for Medical Assistance in lieu of board action pursuant to the board's requirements.

Purpose: This proposed action to modify these existing regulations is intended to provide a consistent payment methodology for all pharmacy intravenous infusion therapy services provided in a fee-for-service program regardless of the patient's place of residence. By simplifying their billing and documentation procedures, this consistent payment methodology will benefit pharmacists who are asked to render specialized and highly technical pharmacological services to patients who require medicinal and nutritional intravenous therapies, thereby protecting the patients' health and safety.

Substance: The Virginia Medicaid program began covering pharmacy services in 1969 with the program's origination. As medical technology and pharmacological advances have been made by the medical community and the pharmaceutical industry, Medicaid has modified its pharmacy policy coverage in keeping with the changes. This is the essence of this proposed State Plan change. The Health Care Financing Administration (HCFA) requires that payment methodologies be set out in the State Plan for purposes of supporting states' claims of Federal Financial Participation.

These regulations are federally required to be in the State Plan for Medical Assistance. This proposed action to modify these existing regulations provides a consistent payment methodology for all pharmacy intravenous infusion therapy services provided in a fee-for-service program regardless of the patient's place of residence (either at home or in a nursing facility). By simplifying their billing and documentation procedures, this consistent payment methodology will provide administrative relief to pharmacists who are asked to render specialized and highly technical pharmacological services to patients who require medicinal and nutritional intravenous therapies. This change will make no difference in reimbursement amounts paid to pharmacists.

Issues: Provision of pharmacy services in the Medicaid program provides for treatment of patients needing medication, thereby providing for their health, safety, and well-being and for other citizens of the Commonwealth. The streamlined process provided will increase the efficient and economical performance of the program for both providers and the Commonwealth. The only disadvantage is that if this change is not implemented, pharmacists will continue to be burdened with a highly detailed, cumbersome billing process when they have rendered intravenous infusion therapy services.

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 represents DPB's best estimate of these economic impacts.

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Summary of the proposed regulation. The Department of Medical Assistance Services (DMAS) proposes to modify its billing procedures for pharmacy intravenous infusion therapy services provided in nursing facilities from an itemized system to global billing codes.

Estimated economic impact. Currently, pharmacists are required to itemize all equipment used when providing intravenous infusion therapy services. According to DMAS, these services follow a very standardized medical protocol and allowing global billing for these services is unlikely to produce any change in the quality of care provided. DMAS also maintains that this regulatory change will make no difference in the reimbursement amounts paid to pharmacists.

Pharmacists providing intravenous infusion therapy services to patients in private homes already follow this billing practice. This change will allow a consistent payment methodology for all pharmacy intravenous infusion therapy services, regardless of the patient's place of residence (either at home or in a nursing facility). Simplifying the billing and documentation procedures will decrease the administrative burden for both pharmacists and DMAS in the processing of claims. If, as expected, this change in billing practice reduces transaction costs without impacting the way services are offered, it should result in a net economic gain for both providers and the Commonwealth.

Businesses and entities affected. The proposed change in billing procedures will affect the estimated 25 pharmacies providing long-term care facility pharmacy services in Virginia.

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

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

Effects on the use and value of private property. The proposed regulatory change 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 economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning Amount, Duration, and Scope of Services: Pharmacy Services: Pharmacy Infusion Services.

Summary:

The proposed amendments establish a consistent payment methodology for all pharmacy intravenous infusion therapy services provided in a fee-for-service program regardless of the patient's place of residence. By simplifying their billing and documentation procedures, this consistent payment methodology will benefit pharmacists who are asked to render specialized and highly technical pharmacological services to patients who require medicinal and nutritional intravenous therapies.

12 VAC 30-50-160. Home health services.

A. Service must be ordered or prescribed and directed or performed within the scope of a license of a practitioner of the healing arts. Home health services shall be provided in accordance with guidelines found in the Virginia Medicaid Home Health Manual.

B. Nursing services provided by a home health agency.

1. Intermittent or part-time nursing service provided by a home health agency or by a registered nurse when no home health agency exists in the area.

2. Patients may receive up to 32 visits by a licensed nurse annually. Limits are per recipient, regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient. If services beyond these limitations are determined by the physician to be required, then the provider shall request prior authorization from DMAS for additional services. Payment shall not be made for additional service unless authorized by DMAS.

C. Home health aide services provided by a home health agency.

1. Home health aides must function under the supervision of a registered nurse.

2. Home health aides must meet the certification requirements specified in 42 CFR 484.36.

3. For home health aide services, patients may receive up to 32 visits annually. Limits shall be per recipient, regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient.

D. Durable medical equipment (DME) and supplies suitable for use in the home.

1. General requirements and conditions.

a. All medically necessary supplies and equipment shall be covered. Unusual amounts, types, and duration of usage must be authorized by DMAS in accordance with published policies and procedures. When determined to be cost effective by DMAS, payment may be made for rental of the equipment in lieu of purchase.

b. DME providers shall adhere to all applicable DMAS policies, laws, and regulations for durable medical equipment and supplies. DME providers shall also comply with all other applicable Virginia laws and regulations requiring licensing, registration, or permitting. Failure to comply with such laws and regulations shall result in denial of coverage for durable medical equipment or supplies which are regulated by such licensing agency or agencies.

c. DME and supplies must be furnished pursuant to a Certificate of Medical Necessity (CMN) (DMAS-352).

d. A CMN shall contain a physician's diagnosis of a recipient's medical condition and an order for the durable medical equipment and supplies that are

medically necessary to treat the diagnosed condition and the recipient's functional limitation. The order for DME or supplies must be justified in the written documentation either on the CMN or attached thereto. The CMN shall be valid for a maximum period of six months for Medicaid recipients 21 years of age and younger. The maximum valid time period for Medicaid recipients older than 21 years of age is 12 months. The validity of the CMN shall terminate when the recipient's medical need for the prescribed DME or supplies ends.

e. DME must be furnished exactly as ordered by the attending physician on the CMN. The CMN and any supporting verifiable documentation must be complete (signed and dated by the physician) and in the provider's possession within 60 days from the time the ordered DME and supplies are initially furnished by the DME provider. Each component of the DME must be specifically ordered on the CMN by the physician.

f. The CMN shall not be changed, altered, or amended after the attending physician has signed it. If changes are necessary, as indicated by the recipient's condition, in the ordered DME or supplies, the DME provider must obtain a new CMN. New CMNs must be signed and dated by the attending physician within 60 days from the time the ordered supplies are furnished by the DME provider.

g. DMAS shall have the authority to determine a different (from those specified above) length of time a CMN may be valid based on medical documentation submitted on the CMN. The CMN may be completed by the DME provider or other health care professionals, but it must be signed and dated by the attending physician. Supporting documentation may be attached to the CMN but the attending physician's entire order must be on the CMN.

h. The DME provider shall retain a copy of the CMN and all supporting verifiable documentation on file for DMAS' post payment audit review purposes. DME providers shall not create nor revise CMNs or supporting documentation for this service after the initiation of the post payment review audit process. Attending physicians shall not complete, nor sign and date, CMNs once the post payment audit review has begun.

2. Preauthorization is required for incontinence supplies provided in quantities greater than two cases per month.

3. Supplies, equipment, or appliances that are not covered include, but are not limited to, the following:

a. Space conditioning equipment, such as room humidifiers, air cleaners, and air conditioners;

b. Durable medical equipment and supplies for any hospital or nursing facility resident, except ventilators and associated supplies or specialty beds for the treatment of wounds consistent with DME criteria for nursing facility residents that have been approved by DMAS central office;

c. Furniture or appliances not defined as medical equipment (such as blenders, bedside tables, mattresses other than for a hospital bed, pillows, blankets or other bedding, special reading lamps, chairs with special lift seats, hand-held shower devices, exercise bicycles, and bathroom scales);

d. Items that are only for the recipient's comfort and convenience or for the convenience of those caring for the recipient (e.g., a hospital bed or mattress because the recipient does not have a decent bed; wheelchair trays used as a desk surface); mobility items used in addition to primary assistive mobility aide for caregiver's or recipient's convenience (e.g., electric wheelchair plus a manual chair); cleansing wipes;

e. Prosthesis, except for artificial arms, legs, and their supportive devices which must be preauthorized by the DMAS central office (effective July 1, 1989);

f. Items and services which are not reasonable and necessary for the diagnosis or treatment of illness or injury or to improve the functioning of a malformed body member (e.g., dentifrices; toilet articles; shampoos which do not require a physician's prescription; dental adhesives; electric toothbrushes; cosmetic items, soaps, and lotions which do not require a physician's prescription; sugar and salt substitutes; and support stockings);

g. Orthotics, including braces, splints, and supports;

h. Home or vehicle modifications;

i. Items not suitable for or not used primarily in the home setting (i.e., car seats, equipment to be used while at school, etc.); and

j. Equipment for which the primary function is vocationally or educationally related (i.e., computers, environmental control devices, speech devices, etc.).

4. For coverage of blood glucose meters for pregnant women, refer to 12 VAC 30-50-510.

5. Coverage of ~~home~~ *intravenous* infusion therapy. ~~Home Intravenous~~ infusion therapy shall be defined as the intravenous administration of fluids, drugs, chemical agents, or nutritional substances to recipients in the home setting. DMAS shall reimburse for these services, supplies, and drugs ~~on a service day rate using a per diem methodology established in 12 VAC 30-80-30~~ 12 VAC 30-80-40. The therapies to be covered under this policy shall be: hydration therapy, chemotherapy, pain management therapy, drug therapy, and total parenteral nutrition (TPN). All the therapies which meet criteria set out below in subdivision 5 b will be covered for three months. If any therapy service is required for longer than the original three months, prior authorization shall be required for the DME component for its continuation. The established ~~service day per diem~~ rate shall ~~reimburse be used for reimbursement purposes~~ for all services delivered in a single day. There shall be no additional reimbursement for special or extraordinary services. In the event of incompatible drug administration, a separate HCPCS code shall be used to allow for rental of a second

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infusion pump and purchase of an extra administration tubing. When applicable, this code may be billed in addition to the other ~~service day rate per diem~~ codes. There must be documentation to support the use of this code on the I.V. Implementation Form. Proper documentation shall include the need for pump administration of the medications ordered, frequency of administration to support that they are ordered simultaneously, and indication of incompatibility of the medications. The ~~service day rate per diem~~ payment methodology shall be mandatory for reimbursement of all I.V. therapy services except for the recipient who is enrolled in the Technology Assisted waiver program. The following limitations shall apply to this service:

a. This service must be medically necessary to treat a recipient's medical condition. The service must be ordered and provided in accordance with accepted medical practice. The service must not be desired solely for the convenience of the recipient or the recipient's caregiver.

b. In order for Medicaid to reimburse for this service, the recipient must:

(1) Reside in either a private home or a domiciliary care facility, such as an adult care residence. Because the reimbursement for DME is already provided under institutional reimbursement, recipients in hospitals, nursing facilities, rehabilitation centers, and other institutional settings shall not be covered for this service.

(2) Be under the care of a physician who prescribes the home infusion therapy and monitors the progress of the therapy.

(3) Have body sites available for peripheral intravenous catheter or needle placement or have a central venous access; and

(4) Be capable of either self-administering such therapy or have a caregiver who can be adequately trained, is capable of administering the therapy, and is willing to safely and efficiently administer and monitor the home infusion therapy. The caregiver must be willing to and be capable of following appropriate teaching and adequate monitoring. In those cases where the recipient is incapable of administering or monitoring the prescribed therapy and there is no adequate or trained caregiver, it may be appropriate for a home health agency to administer the therapy.

6. The medical equipment and supply vendor must provide the equipment and supplies as prescribed by the physician on the certificate of medical necessity. Orders shall not be changed unless the vendor obtains a new certificate of medical necessity prior to ordering or providing the equipment or supplies to the patient.

7. Medicaid shall not provide reimbursement to the medical equipment and supply vendor for services provided prior to the date prescribed by the physician or prior to the date of the delivery or when services are not

provided in accordance with published policies and procedures. If reimbursement is denied for one of these reasons, the medical equipment and supply vendor may not bill the Medicaid recipient for the service that was provided.

8. The following criteria must be satisfied through the submission of adequate and verifiable documentation satisfactory to the department. Medically necessary DME and supplies shall be:

a. Ordered by the physician on the CMN;

b. A reasonable and necessary part of the recipient's treatment plan;

c. Consistent with the recipient's diagnosis and medical condition, particularly the functional limitations and symptoms exhibited by the recipient;

d. Not furnished solely for the convenience, safety, or restraint of the recipient, the family, attending physician, or other practitioner or supplier;

e. Consistent with generally accepted professional medical standards (i.e., not experimental or investigational); and

f. Furnished at a safe, effective, and cost-effective level suitable for use in the recipient's home environment.

9. Coverage of enteral nutrition (EN) which does not include a legend drug shall be limited to when the nutritional supplement is the sole source form of nutrition, is administered orally or through a nasogastric or gastrostomy tube, and is necessary to treat a medical condition. Coverage of EN shall not include the provision of routine infant formula. A nutritional assessment shall be required for all recipients receiving nutritional supplements.

E. Physical therapy, occupational therapy, or speech pathology services and audiology services provided by a home health agency or medical rehabilitation facility.

1. Service covered only as part of a physician's plan of care.

2. Patients may receive up to 24 visits for each rehabilitative therapy service ordered annually without authorization. Limits shall apply per recipient regardless of the number of providers rendering services. Annually shall be defined as July 1 through June 30 for each recipient. If services beyond these limitations are determined by the physician to be required, then the provider shall request prior authorization from DMAS for additional services.

F. The following services are not covered under the home health services program:

1. Medical social services;

2. Services or items which would not be paid for if provided to an inpatient of a hospital, such as private-duty nursing services, or items of comfort which have no medical necessity, such as television;

3. Community food service delivery arrangements;
4. Domestic or housekeeping services which are unrelated to patient care and which materially increase the time spent on a visit;
5. Custodial care which is patient care that primarily requires protective services rather than definitive medical and skilled nursing care; and
6. Services related to cosmetic surgery.

12 VAC 30-50-210. Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist.

A. Prescribed drugs.

1. Drugs for which Federal Financial Participation is not available, pursuant to the requirements of § 1927 of the Social Security Act (OBRA 90 § 4401), shall not be covered.
2. Nonlegend drugs shall be covered by Medicaid in the following situations:
 - a. Insulin, syringes, and needles for diabetic patients;
 - b. Diabetic test strips for Medicaid recipients under 21 years of age;
 - c. Family planning supplies;
 - d. Designated categories of nonlegend drugs for Medicaid recipients in nursing homes; and
 - e. Designated drugs prescribed by a licensed prescriber to be used as less expensive therapeutic alternatives to covered legend drugs.
3. Legend drugs are covered with the exception of the drugs or classes of drugs identified in 12 VAC 30-50-520. FDA-approved drug therapies and agents for weight loss, when preauthorized, will be covered for recipients who meet the strict disability standards for obesity established by the Social Security Administration in effect on April 7, 1999, and whose condition is certified as life threatening, consistent with Department of Medical Assistance Services' medical necessity requirements, by the treating physician.
4. Notwithstanding the provisions of § 32.1-87 of the Code of Virginia, and in compliance with the provision of § 4401 of the Omnibus Reconciliation Act of 1990, § 1927(e) of the Social Security Act as amended by OBRA 90, and pursuant to the authority provided for under § 32.1-325 A of the Code of Virginia, prescriptions for Medicaid recipients for multiple source drugs subject to 42 CFR 447.332 shall be filled with generic drug products unless the physician or other practitioners so licensed and certified to prescribe drugs certifies in his own handwriting "brand necessary" for the prescription to be dispensed as written.
5. New drugs shall be covered in accordance with the Social Security Act § 1927(d) (OBRA 90 § 4401).

6. The number of refills shall be limited pursuant to § 54.1-3411 of the Drug Control Act.

7. Drug prior authorization.

a. Definitions. The following words and terms used in these regulations shall have the following meaning, unless the context clearly indicates otherwise:

"Board" means the Board for Medical Assistance Services.

"Committee" means the Medicaid Prior Authorization Advisory Committee.

"Department" means the Department of Medical Assistance Services.

"Director" means the Director of Medical Assistance Services.

"Drug" shall have the same meaning, unless the context otherwise dictates or the board otherwise provides by regulation, as provided in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia).

b. Medicaid Prior Authorization Advisory Committee; membership. The Medicaid Prior Authorization Committee shall consist of 11 members to be appointed by the board. Five members shall be physicians, at least three of whom shall care for a significant number of Medicaid patients; four shall be pharmacists, two of whom shall be community pharmacists; one member shall be a consumer of mental health services; and one shall be a Medicaid recipient.

(1) A quorum for action of the committee shall consist of six members.

(2) The members shall serve at the pleasure of the board; vacancies shall be filled in the same manner as the original appointment.

(3) The board shall consider nominations made by the Medical Society of Virginia, the Old Dominion Medical Society, the Psychiatric Society of Virginia, the Virginia Pharmaceutical Association, the Virginia Alliance for the Mentally Ill, and the Virginia Mental Health Consumers Association when making appointments to the committee.

(4) The committee shall elect its own officers, establish its own procedural rules, and meet as needed or as called by the board, the director, or any two members of the committee. The department shall provide appropriate staffing to the committee.

c. Duties of the committee.

(1) The committee shall make recommendations to the board regarding drugs or categories of drugs to be subject to prior authorization, prior authorization requirements for prescription drug coverage and any subsequent amendments to or revisions of the prior authorization requirements. The board may accept or reject the recommendations in whole or in part,

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and may amend or add to the recommendations, except that the board may not add to the recommendation of drugs and categories of drugs to be subject to prior authorization.

(2) In formulating its recommendations to the board, the committee shall not be deemed to be formulating regulations for the purposes of the Administrative Process Act (§ 9-6.14:1 et seq.). The committee shall, however, conduct public hearings prior to making recommendations to the board. The committee shall give 30 days written notice by mail of the time and place of its hearings and meetings to any manufacturer whose product is being reviewed by the committee and to those manufacturers who request of the committee in writing that they be informed of such hearings and meetings. These persons shall be afforded a reasonable opportunity to be heard and present information. The committee shall give 30 days notice of such public hearings to the public by publishing its intention to conduct hearings and meetings in the Calendar of Events of The Virginia Register of Regulations and a newspaper of general circulation located in Richmond.

(3) In acting on the recommendations of the committee, the board shall conduct further proceedings under the Administrative Process Act.

d. Prior authorization of prescription drug products; coverage.

(1) The committee shall review prescription drug products to recommend prior authorization under the state plan. This review may be initiated by the director, the committee itself, or by written request of the board. The committee shall complete its recommendations to the board within no more than six months from receipt of any such request.

(2) Coverage for any drug requiring prior authorization shall not be approved unless a prescribing physician obtains prior approval of the use in accordance with regulations promulgated by the board and procedures established by the department.

(3) In formulating its recommendations to the board, the committee shall consider the potential impact on patient care and the potential fiscal impact of prior authorization on pharmacy, physician, hospitalization and outpatient costs. Any proposed regulation making a drug or category of drugs subject to prior authorization shall be accompanied by a statement of the estimated impact of this action on pharmacy, physician, hospitalization and outpatient costs.

(4) The committee shall not review any drug for which it has recommended or the board has required prior authorization within the previous 12 months, unless new or previously unavailable relevant and objective information is presented.

(5) Confidential proprietary information identified as such by a manufacturer or supplier in writing in advance and furnished to the committee or the board according to this subsection shall not be subject to the disclosure requirements of the Virginia Freedom of Information Act (§ 2.1-340 et seq. of the Code of Virginia). The board shall establish by regulation the means by which such confidential proprietary information shall be protected.

e. Immunity. The members of the committee and the board and the staff of the department shall be immune, individually and jointly, from civil liability for any act, decision, or omission done or made in performance of their duties pursuant to this subsection while serving as a member of such board, committee, or staff provided that such act, decision, or omission is not done or made in bad faith or with malicious intent.

f. Annual report to joint commission. The committee shall report annually to the Joint Commission on Health Care regarding its recommendations for prior authorization of drug products.

8. Coverage of ~~home~~ intravenous infusion therapy. This service shall be covered consistent with the limits and requirements ~~set out within home health services (12 VAC 30-50-160)~~ of the fee-for-service programs specified in 12 VAC 30-80-40 provided by Medicaid. Multiple applications of the same therapy (e.g., two antibiotics on the same day) shall be covered under one ~~service day~~ *per diem* rate of reimbursement. Multiple applications of different therapies (e.g., chemotherapy, hydration, and pain management on the same day) shall be a full ~~service day rate~~ *per diem* methodology as provided in pharmacy services reimbursement.

B. Dentures. Dentures are provided only as a result of EPSDT and subject to medical necessity and preauthorization requirements specified under Dental Services.

C. Prosthetic devices.

1. Prosthetic services shall mean the replacement of missing arms, legs, and breasts and the provision of any internal (implant) body part. Nothing in this regulation shall be construed to refer to orthotic services or devices or organ transplantation services.

2. Prosthetic devices (artificial arms and legs, and their necessary supportive attachments, implants and breasts) are provided when prescribed by a physician or other licensed practitioner of the healing arts within the scope of their professional licenses as defined by state law. This service, when provided by an authorized vendor, must be medically necessary and preauthorized for the minimum applicable component necessary for the activities of daily living.

D. Eyeglasses. Eyeglasses shall be reimbursed for all recipients younger than 21 years of age according to medical necessity when provided by practitioners as licensed under the Code of Virginia.

12 VAC 30-80-40. Fee-for-service providers: pharmacy.

Payment for pharmacy services shall be the lowest of items 1 through 5 (except that items 1 and 2 will not apply when prescriptions are certified as brand necessary by the prescribing physician in accordance with the procedures set forth in 42 CFR 447.331 (c) if the brand cost is greater than the HCFA upper limit of VMAC cost) subject to the conditions, where applicable, set forth in subdivisions 6 and 7 of this section:

1. The upper limit established by the Health Care Financing Administration (HCFA) for multiple source drugs pursuant to 42 CFR 447.331 and 447.332, as determined by the HCFA Upper Limit List plus a dispensing fee. If the agency provides payment for any drugs on the HCFA Upper Limit List, the payment shall be subject to the aggregate upper limit payment test.
2. The Virginia Maximum Allowable Cost (VMAC) established by the agency plus a dispensing fee for multiple source drugs listed on the VVF.
3. The Estimated Acquisition Cost (EAC) which shall be based on the published Average Wholesale Price (AWP) minus a percentage discount established by the methodology set out in a through c below.
 - a. Percentage discount shall be determined by a statewide survey of providers' acquisition cost.
 - b. The survey shall reflect statistical analysis of actual provider purchase invoices.
 - c. The agency will conduct surveys at intervals deemed necessary by DMAS.
4. (Reserved.)
5. The provider's usual and customary charge to the public, as identified by the claim charge.
6. Payment for pharmacy services will be as described above; however, payment for legend drugs will include the allowed cost of the drug plus only one dispensing fee per month for each specific drug. Exceptions to the monthly dispensing fees shall be allowed for drugs determined by the department to have unique dispensing requirements.
7. The Program pays additional reimbursement for the 24-hour unit dose delivery system of dispensing drugs. This service is paid only for patients residing in nursing facilities. Reimbursements are based on the allowed payments described above plus the unit dose add-on fee and an allowance for the cost of unit dose packaging established by the state agency. The maximum allowed drug cost for specific multiple source drugs will be the lesser of: either the VMAC based on the 60th percentile cost level identified by the state agency or HCFA's upper limits. All other drugs will be reimbursed at drug costs not to exceed the estimated acquisition cost determined by the state agency.
8. Determination of EAC was the result of an analysis of FY89 paid claims data of ingredient cost used to develop a matrix of cost using 0 to 10% reductions from AWP as

well as discussions with pharmacy providers. As a result of this analysis, AWP minus 9.0% was determined to represent prices currently paid by providers effective October 1, 1990.

The same methodology used to determine AWP minus 9.0% was utilized to determine a dispensing fee of \$4.40 per prescription as of October 1, 1990. A periodic review of dispensing fee using Employment Cost Index--wages and salaries, professional and technical workers will be done with changes made in dispensing fee when appropriate. As of July 1, 1995, the Estimated Acquisition Cost will be AWP minus 9.0% and dispensing fee will be \$4.25.

9. ~~Home~~ *Intravenous* infusion therapy.

a. For *fee-for-service patients*, the following therapy categories shall have a pharmacy service day rate payment allowable: hydration therapy, chemotherapy, pain management therapy, drug therapy, total parenteral nutrition (TPN). The service day rate payment for the pharmacy component shall apply to the basic components and services intrinsic to the therapy category. Submission of claims for the per diem rate shall be accomplished by use of the HCFA 1500 claim form.

b. The cost of the active ingredient or ingredients for *hydration*, chemotherapy, pain management and drug therapies shall be submitted as a separate claim through the pharmacy program, using standard pharmacy format. Payment for this component shall be consistent with the current reimbursement for pharmacy services. Multiple applications of the same therapy shall be reimbursed one service day rate for the pharmacy services. Multiple applications of different therapies shall be reimbursed at 100% of standard pharmacy reimbursement for each active ingredient.

VA.R. Doc. No. R00-1; Filed August 11, 2000, 11:33 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Title of Regulation: 14 VAC 5-200-10 et seq. **Rules Governing Long-Term Care Insurance (amending 14 VAC 5-200-20 through 14 VAC 5-200-70, 14 VAC 5-200-90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-150, 14 VAC 5-200-170, and 14 VAC 5-200-200; adding 14 VAC 5-200-65, 14 VAC 5-200-155, 14 VAC 5-200-175, 14 VAC 5-200-185, and 14 VAC 5-200-187; repealing 14 VAC 5-200-180).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Proposed Regulations

Summary:

The purpose of the revisions to the rules is to carry out those provisions of House Bill 1511 of the 2000 General Assembly that added § 38.2-5210 of the Code of Virginia to require that a nonforfeiture benefit be offered to purchasers of long-term care contracts in Virginia. An additional purpose of these revisions is to update this rule to more accurately reflect the model regulation of the National Association of Insurance Commissioners as it existed in April 2000.

Significant revisions include the following: (i) restrictions on when premium increases may be implemented in 14 VAC 5-200-60 F; (ii) the addition of protections against unintentional lapse in 14 VAC 5-200-65; (iii) the addition of requirements to be met by life insurance policies that accelerate benefits for long-term care in 14 VAC 5-200-150 B; (iv) the addition of standards to determine suitability of the product for its intended purchaser in 14 VAC 5-200-175; (v) the addition of standards for nonforfeiture benefits in accordance with HB 1511; and (vi) the addition of standards for benefit triggers in 14 VAC 5-200-187.

Contact: Bob Wright, Special Projects Coordinator, Life and Health Division, Bureau of Insurance, P.O. Box 1157, Richmond, Virginia 23218, telephone (804) 371-9074 or e-mail Rwright@scc.state.va.us.

AT RICHMOND, AUGUST 10, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. INS000130

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Long-Term Care
Insurance

ORDER TO TAKE NOTICE

WHEREAS, § 12.1-13 of the Code of Virginia provides that the Commission shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia;

WHEREAS, § 38.2-5202 of the Code of Virginia also provides that the Commission shall promulgate such regulations regarding long-term care insurance policies and certificates as it deems appropriate;

WHEREAS, the rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code;

WHEREAS, the Bureau of Insurance has submitted to the Commission proposed revisions to Chapter 200 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Long-Term Care Insurance," which amend the rules at 14 VAC 5-200-20 through 14 VAC 5-200-70, 14 VAC 5-200-

90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-150, 14 VAC 5-200-170, and 14 VAC 5-200-200, and propose new rules at 14 VAC 5-200-65, 14 VAC 5-200-155, 14 VAC 5-200-175, 14 VAC 5-200-185, and 14 VAC 5-200-187;

WHEREAS, the proposed revisions reflect amendments to certain sections of Chapter 52 of Title 38.2 of the Code of Virginia enacted by the General Assembly of Virginia in its 2000 session and provisions of the model Long-Term Care Insurance regulation adopted by the National Association of Insurance Commissioners ("NAIC") subsequent to the Commission's most recent adoption of amendments to these Rules in 1992 and prior to the amendments currently under consideration by the NAIC; and

WHEREAS, the Commission is of the opinion that the proposed revisions should be considered for adoption with a proposed effective date of December 1, 2000;

THEREFORE, IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Long-Term Care Insurance," which amend the rules at 14 VAC 5-200-20 through 14 VAC 5-200-70, 14 VAC 5-200-90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-150, 14 VAC 5-200-170, and 14 VAC 5-200-200, and propose new rules at 14 VAC 5-200-65, 14 VAC 5-200-155, 14 VAC 5-200-175, 14 VAC 5-200-185, and 14 VAC 5-200-187, be attached hereto and made a part hereof;

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed revisions shall file such comments or hearing request on or before September 14, 2000, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS000130;

(3) If no written request for a hearing on the proposed revisions is filed on or before September 14, 2000, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed revisions, may adopt the revisions proposed by the Bureau of Insurance;

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revisions, be sent by the Clerk of the Commission to the Bureau of Insurance in care of Deputy Commissioner Gerald A. Milsky, who forthwith shall give further notice of the proposed adoption of the revisions to the rules by mailing a copy of this Order, together with a draft of the proposed revisions, to all insurers licensed by the Commission to write long-term care insurance in the Commonwealth of Virginia; and

(5) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

14 VAC 5-200-20. ~~Effective date and other provisions. Contracts effective prior to December 1, 2000.~~

~~A. This chapter shall be effective on January 1, 1992.~~

~~B. No new policy form shall be approved on or after January 1, 1992 unless it complies with this chapter.~~

~~C. No policy form shall be Except as otherwise specifically provided, each long-term care policy delivered or issued for delivery in this Commonwealth on or after January 1, 1992 unless it complies with this chapter prior to December 1, 2000, shall be subject to this chapter as it existed at the time the policy was issued or issued for delivery.~~

14 VAC 5-200-30. Applicability and scope.

Except as otherwise specifically provided, this chapter applies to all long-term care Insurance policies delivered or issued for delivery in this Commonwealth, on or after ~~January 1, 1992~~ December 1, 2000, by insurers, fraternal benefit societies, health services plans, health maintenance organizations, cooperative non-profit life benefit companies or mutual assessment life, accident and sickness insurers.

14 VAC 5-200-40. Definitions.

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

"Applicant" means in the case of an individual long-term care insurance policy, the person who seeks to contract for such benefits, or in the case of a group long-term care insurance policy, the proposed certificateholder.

"Certificate" means any certificate or evidence of coverage issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this Commonwealth.

"Commission" means the Virginia State Corporation Commission.

"Expected loss ratio" means the ratio of the present value of future premiums to the present value of future benefits over the entire period of the contract.

"Group long-term care insurance" means a long-term care insurance policy which complies with ~~§ 38.2-3523~~ 38.2-3521.1 or § 38.2-3522.1 of the Code of Virginia delivered or issued for delivery in this Commonwealth.

"Insurer" means any insurance company, health services plan, fraternal benefit society, health maintenance organization, cooperative non-profit life benefit company, or mutual assessment life, accident and sickness insurer.

"Long-term care insurance" means any insurance policy or rider primarily advertised, marketed, offered or designed to provide coverage for not less than ~~twelve~~ 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, personal care, mental health or substance abuse services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance whether issued by insurers, fraternal benefit societies, health services plans, health maintenance organizations, cooperative non-profit life benefit companies or mutual assessment life, accident and sickness insurers. Such term also includes a policy or rider which provides for

payment of benefits based upon cognitive impairment or the loss of functional capacity. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset-protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. With regard to life insurance, this term does not include life insurance policies which accelerate the death benefit specifically for one or more of the qualifying events of terminal illness, medical conditions requiring extraordinary medical intervention, or permanent institutional confinement, and which provide the option of a lump-sum payment for those benefits and in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care. Notwithstanding any other provision contained herein, any product advertised, marketed or offered as long-term care insurance shall be subject to the provisions of this chapter. Health maintenance organizations, cooperative non-profit life benefit companies and mutual assessment life, accident and sickness insurers shall apply to the commission for approval to provide long-term care insurance prior to issuing this type of coverage.

"Policy" means any individual or group policy of insurance, contract, subscriber agreement, certificate, rider or endorsement delivered or issued for delivery in this Commonwealth by an insurer, fraternal benefit society, health services plan, health maintenance organization, cooperative non-profit life benefit company, or mutual assessment life, accident and sickness insurer.

14 VAC 5-200-50. Policy definitions.

No long-term care insurance policy delivered or issued for delivery in this Commonwealth shall use the terms set forth below, unless the terms are defined in the policy and the definitions satisfy the following requirements:

"Activities of daily living" means at least bathing, continence, dressing, eating, toileting and transferring.

"Acute condition" means that the individual is medically unstable. Such an individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult day care" means a program for six or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

"Bathing" means washing oneself by sponge bath, or in either a tub or shower, including the task of getting into or out of the tub or shower.

"Cognitive impairment" means a deficiency in a person's short or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

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"Contenance" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

"Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners or artificial limbs.

"Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup or table) or by a feeding tube or intravenously.

"Hands-on assistance" means physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

"Home health care services" means medical and nonmedical services, provided to ill, disabled or infirm persons in their residences. Such services may include homemaker services, assistance with activities of daily living and respite care services.

"Medicaid" shall be defined as means the program administered in accordance with Title 32.1 of the Code of Virginia.

"Medicare" shall be defined as means "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965" (42 USC § 1395 et seq.), or "Title 1, Part I of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act" (Public Law 89-97 79 Stat. 286 July 30, 1965), or words of similar import.

"Mental or nervous disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

"Personal care" means the provision of hands-on services to assist an individual with activities of daily living.

"Skilled nursing care," "intermediate care," "personal care," "home health care," and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

"Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

"Transferring" means moving into or out of a bed, chair or wheelchair.

All providers of services, including but not limited to "skilled nursing facility," "extended care facility," "intermediate care facility," "convalescent nursing home," "personal care facility," "home for adults," and "home health care agency" shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

14 VAC 5-200-60. Policy practices and provisions.

A. Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any individual long-term

care insurance policy without further explanatory language in accordance with the disclosure requirements of 14 VAC 5-200-70 of this chapter.

1. No such policy issued to an individual shall contain renewal provisions other than "guaranteed renewable or noncancellable".

2. The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

3. The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no unilateral right to make any change in any provision of the insurance or in the premium rate.

B. Limitations and exclusions. No policy may be delivered or issued for delivery in this Commonwealth as long-term care insurance if such policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

1. Preexisting conditions or diseases, subject to § 38.2-5204 B of the Code of Virginia;

2. Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease, senile dementia, organic brain disorder or other similar diagnoses;

3. Alcoholism and drug addiction;

4. Illness, treatment or medical condition arising out of:

a. War or act of war (whether declared or undeclared);

b. Participation in a felony, riot or insurrection;

c. Service in the armed forces or units auxiliary thereto;

d. Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or

e. Aviation (this exclusion applies only to non fare-paying passengers).

5. Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

6. This subsection B is not intended to prohibit exclusions and limitations by type of provider or territorial limitations.

C. Extension of benefits. Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if such institutionalization began while the long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

D. Continuation or conversion.

1. Group long-term care insurance issued in this Commonwealth on or after ~~January 1, 1992~~ *December 1, 2000*, shall provide covered individuals with a basis for continuation of coverage or a basis for conversion of coverage.

2. For the purposes of this chapter "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers and/or facilities may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy. The substantial equivalency of benefits is subject to review by the commission, and in doing so, the commission shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

3. For the purposes of this chapter, "a basis for conversion of coverage" means a policy provision stating that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced) for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy he or she is covered, without evidence of insurability.

4. For the purposes of this chapter, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or benefits determined by the commission to be substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use certain providers and/or facilities, the insurer, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity. The determination of

substantial equivalency is subject to review by the commission.

5. Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be renewable annually.

6. Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the initial group policy replaced.

7. Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

a. Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or

b. The terminating coverage is replaced, as to an individual insured, not later than 31 days after termination, by group coverage effective on the day following the termination of coverage:

(1) Providing benefits identical to or benefits substantially equivalent to or in excess of those provided by the terminating coverage; and

(2) The premium for which is calculated in a manner consistent with the requirements of subdivision 6 of this subsection. The determination of substantial equivalency is subject to review by the commission.

8. Notwithstanding any other provision of this section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100% of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

9. The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

10. Notwithstanding any other provision of this section, any insured individual whose eligibility for group

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long-term care coverage is based upon his or her relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

11. For the purposes of this chapter, a "Managed Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

E. Discontinuance and replacement. If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

1. Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and
2. Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

F. Premium increases.

1. The premium charged to an insured shall not increase due to either:
 - a. The increasing age of the insured at ages beyond age 65; or
 - b. The duration the insured has been covered under the policy.
2. The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under 14 VAC 5-200-185, the portion of the additional coverage shall be added to and considered part of the initial annual premium.
3. A reduction in benefits shall not be considered a premium change, but for purposes of the calculation under 14 VAC 5-200-185, the initial annual premium shall be based on the reduced benefits.

14 VAC 5-200-65. Unintentional lapse.

A. Each insurer offering long-term care insurance shall, as a protection against unintentional lapse, comply with the following:

1. Notice before lapse or termination. No individual long-term care policy or certificate shall be issued until the insurer has received from the applicant either a written designation of at least one person, in addition to the applicant, who is to receive notice of lapse or termination of the policy or certificate for nonpayment of premium, or a written waiver dated and signed by the applicant electing not to designate additional persons to receive notice. The applicant has the right to designate at least one person who is to receive the notice of termination, in addition to the insured. Designation shall not constitute

acceptance of any liability on the third party for services provided to the insured. The form used for the written designation must provide space clearly designated for listing at least one person. The designation shall include each person's full name and home address. In the case of an applicant who elects not to designate an additional person, the waiver shall state: "Protection against unintended lapse. I understand that I have the right to designate at least one person other than myself to receive notice of lapse or termination of this long-term care insurance policy for nonpayment of premium. I understand that notice will not be given until 30 days after a premium is due and unpaid. I elect NOT to designate a person to receive this notice."

The insurer shall notify the insured in writing of the right to change this written designation, no less often than once every two years.

2. When the policyholder or certificateholder pays premium for a long-term care insurance policy or certificate through a payroll or pension deduction plan, the requirements contained in subdivision 1 of this subsection need not be met until 60 days after the policyholder or certificateholder is no longer on such a payment plan. The application or enrollment form for such policies or certificates shall clearly indicate the payment plan selected by the applicant.

3. Lapse or termination for nonpayment of premium. No individual long-term care policy or certificate shall lapse or be terminated for nonpayment of premium unless the insurer, at least 30 days before the effective date of the lapse or termination, has given notice to the insured and to those persons designated pursuant to subdivision 1 of this subsection, at the address provided by the insured for purposes of receiving notice of lapse or termination. Notice shall be given by first class United States mail, postage prepaid; and notice may not be given until 30 days after a premium is due and unpaid. Notice shall be deemed to have been given as of five days after the date of mailing.

B. Reinstatement. In addition to the requirement in subsection A of this subsection, a long-term care insurance policy or certificate shall include a provision that provides for reinstatement of coverage in the event of lapse if the insurer is provided proof that the policyholder or certificateholder was cognitively impaired or had a loss of functional capacity before the grace period contained in the policy expired. This option shall be available to the insured if requested within five months after termination and shall allow for the collection of past due premium, where appropriate. The standard of proof of cognitive impairment or loss of functional capacity shall not be more stringent than the benefit eligibility criteria on cognitive impairment or the loss of functional capacity contained in the policy and certificate.

14 VAC 5-200-70. Required disclosure provisions.

A. Renewability. Individual long-term care insurance policies shall contain a renewability provision. Such provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where

limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed. This provision shall not apply to policies which do not contain a renewability provision, and under which the right to nonrenew is reserved solely to the policyholder.

B. Riders and endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

C. Payment of benefits. A long-term care insurance policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

D. Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations".

E. Other limitations or conditions on eligibility for benefits. A long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in § 38.2-5205- A- of the Code of Virginia shall set forth a description of such limitations or conditions, including any required number of days of confinement prior to receipt of benefits, in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

F. Disclosure of tax consequences. With regard to life insurance policies which provide an accelerated benefit for long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

G. *Benefit triggers. Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall also be explained in this section. If these triggers differ for different benefits, explanation of the trigger*

shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

14 VAC 5-200-90. Minimum standards for home health care benefits in long-term care insurance policies.

A. A long-term care insurance policy or certificate may not, if it provides benefits for home health care services, limit or exclude benefits:

1. By requiring that the insured/claimant would need skilled care in a skilled nursing facility if home health care services were not provided;
2. By requiring that the insured/claimant first or simultaneously receive nursing and/or therapeutic services in a home or community setting before home health care services are covered;
3. By limiting eligible services to services provided by registered nurses or licensed practical nurses;
4. By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;
5. *By excluding coverage for personal care services provided by a home health aide;*
6. *By requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;*
- ~~7.~~ 7. By requiring that the insured/claimant have an acute condition before home health care services are covered; ~~or~~
- ~~8.~~ 8. By limiting benefits to services provided by Medicare-certified agencies or providers.; ~~or~~
9. *By excluding coverage for adult day care services.*

B. Home health care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

14 VAC 5-200-110. Requirements for application forms and replacement coverage.

A. Application or enrollment forms shall include the following questions designed to elicit information as to whether, as of the date of the application the applicant has another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used. With regard to a replacement policy issued to a group the following questions may be modified only to the extent necessary to elicit information about accident and sickness or long-term care insurance policies other than the group policy being replaced;

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provided, however, that the certificateholder has been notified of the replacement.

1. Do you have another long-term care insurance policy or certificate in force (including a health services plan contract, or a health maintenance organization contract)?
2. Did you have another long-term care insurance policy or certificate in force during the last 12 months?
 - a. If so, with which company?
 - b. If that policy lapsed, when did it lapse?
3. Are you covered by Medicaid?
4. Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

B. Agents shall list any other health insurance policies they have sold to the applicant.

1. List policies sold which are still in force.
2. List policies sold in the past five years which are no longer in force.

C. Solicitations other than direct response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be phrased as follows:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

.....

[INSURANCE COMPANY'S NAME AND ADDRESS]

SAVE THIS NOTICE

IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by (Company Name). Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT [OR OTHER REPRESENTATIVE]:

(Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage; I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention.

1. [In the event that the replacing policy does not have exclusions or limitations for preexisting conditions this language may be deleted.] Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.
3. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.
4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

Signature of Agent or Other Representative

(Typed name and Address of Agent)

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

D. Direct Response Solicitations: Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be phrased as follows:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE

.....
.....
.....

Insurance Company's Name and Address

SAVE THIS NOTICE!

IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by (Company Name). Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

1. [In the event that the replacing policy does not have exclusions or limitations for preexisting conditions, this language may be deleted.] Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. (To be included only if the application is attached to the policy or certificate.) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application or enrollment form attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application or enrollment form could cause an otherwise valid claim to be denied. Carefully check the application or enrollment form and write to (Company Name and Address) within

thirty (30) days if any information is not correct or complete, or if any past medical history has been left out of the application or enrollment form.

(Company Name)

E. Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, name of the insured and policy number or address including zip code. Such notice shall be made within five working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

F. An individual long-term care policy that replaces a previous long-term care policy must be at least substantially equivalent in benefits. The substantial equivalency of benefits is subject to review by the commission. An insured may purchase and an insurer may issue an individual replacement policy that is less than substantially equivalent in benefits only under the following conditions:

1. The insured provides to the insurer to which application for the replacement policy is made written acknowledgement and documentation satisfactory to the insurer that the insured has had a change in financial or personal circumstances sufficient to justify the replacement; and

2. The insured signs a waiver form separate from, and in addition to the replacement notice by ~~subdivisions~~ *subsections* C and D of this section. The waiver form shall be printed in boldface type of a size not less than 12 point, one point leaded; shall be executed at the time of application for the replacement policy; and shall be signed and dated both by the applicant and by the agent, if an agent is involved in the transaction. The waiver form shall state that the insured understands that the replacement policy applied for will provide benefits that are less than those provided by the policy being replaced; and

3. One copy of the waiver form shall be retained by the applicant, and an additional copy signed by the applicant shall be submitted to the insurer, who shall retain such copy with the applicant's file, along with the acknowledgement and documentation required in subdivision 1 of this subsection. The insurer shall also retain copies of all such acknowledgements, documentation, and waivers in a separate file of long-term care policy replacements that may be examined and verified by the commission or its authorized representatives.

14 VAC 5-200-120. Reporting requirements.

A. Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses of long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

B. ~~Each~~ Every insurer shall report annually by June 30 the 10% of its agents with the greatest percentages of lapses and replacements as measured by subsection A ~~above~~ *of this section.*

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C. Reported replacement and lapse rates do not alone constitute a violation of the insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

D. Every insurer shall report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year.

E. Every insurer shall report annually by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year.

F. For purposes of this section, "policy" shall mean only long-term care insurance and "report" means on a statewide basis.

14 VAC 5-200-150. Loss ratio.

A. Benefits under individual long-term care insurance policies shall be deemed reasonable in relation to premiums provided the expected loss ratio is at least 60% calculated in a manner which provides for adequate reserving of the long-term care insurance risk. In evaluating the expected loss ratio, due consideration shall be given to all relevant factors, including:

1. Statistical credibility of incurred claims experience and earned premiums;
2. The period for which rates are computed to provide coverage;
3. Experienced and projected trends;
4. Concentration of experience within early policy duration;
5. Expected claim fluctuation;
6. Experience refunds, adjustments or dividends;
7. Renewability features;
8. All appropriate expense factors;
9. Interest;
10. Experimental nature of the coverage;
11. Policy reserves;
12. Mix of business by risk classification; and
13. Product features such as long elimination periods, high deductibles and high maximum limits.

Demonstrations of loss ratios shall be made in compliance with ~~Regulation No. 22~~ the Rules Governing the Filing of Rates for Individual and Certain Group Accident and Sickness Insurance Policy Forms, Chapter 130 (14VAC 5-130-10 et seq.) of this title.

B. *Subsection A of this section shall not apply to life insurance policies that accelerate benefits for long-term care. A life insurance policy that funds long-term care benefits entirely by accelerating the death benefit is considered to*

provide reasonable benefits in relation to premiums paid, if the policy complies with all of the following provisions:

1. *The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;*
2. *The portion of the policy that provides life insurance benefits meets the nonforfeiture requirements of Chapter 32 (§ 38.2-3200 et seq.) of Title 38.2 of the Code of Virginia;*
3. *If an application for a long-term care insurance contract or certificate is approved, the issuer shall deliver the contract or certificate of insurance to the applicant no later than 30 days after the date of approval;*
4. *At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy that provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:*
 - a. *An explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;*
 - b. *An illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;*
 - c. *Any exclusions, reductions and limitations on benefits of long-term care;*
 - d. *A statement that any long-term care inflation protection option required by 14 VAC 5-200-100 is not available under this policy;*
 - e. *If applicable to the policy type, the summary shall also include:*
 - (1) *A disclosure of the effects of exercising other rights under the policy;*
 - (2) *A disclosure of guarantees related to long-term care costs of insurance charges; and*
 - (3) *Current and projected maximum lifetime benefits; and*
 - f. *The provisions of the policy summary listed above may be incorporated into a basic illustration or into the life insurance policy summary;*
5. *Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. The report shall include:*
 - a. *Any long-term care benefits paid out during the month;*

b. An explanation of any changes in the policy, e.g., death benefits or cash values, due to long-term care benefits being paid out; and

c. The amount of long-term care benefits existing or remaining;

6. Any policy illustration that meets the applicable requirements of 14 VAC 5-40-10 et seq.; and

7. An actuarial memorandum is filed with the Bureau of Insurance that includes:

a. A description of the basis on which the long-term care rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer must include percentage of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age;

g. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and

h. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying life insurance policy, both for active lives and those in long-term care claim status.

14 VAC 5-200-155. Filing requirement.

Prior to an insurer or similar organization offering group long-term care insurance to a resident of this Commonwealth pursuant to § 38.2-3522.1 of the Code of Virginia, it shall file with the commission evidence that the group policy or certificate thereunder has been approved by a state having statutory or regulatory long-term care insurance requirements substantially similar to those adopted in this Commonwealth.

14 VAC 5-200-170. Standards for marketing.

A. Every insurer, marketing long-term care insurance coverage in this Commonwealth directly or through its agents, shall:

1. Establish marketing procedures to assure that any comparison of policies by its agents will be fair and accurate.

2. Establish marketing procedures to assure excessive insurance is not sold or issued.

3. Display prominently by type, stamp or other appropriate means on the first page of the outline of coverage and policy the following:

"Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

4. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insurance and the types and amounts of any such insurance.

5. Every insurer, marketing long-term care insurance shall establish auditable procedures for verifying compliance with this subsection A.

6. At solicitation, provide written notice to the prospective policyholder and certificateholder that the Virginia Insurance Counseling and Assistance Program is available at: Virginia Department for the Aging, 1600 Forest Avenue, Suite 102, Richmond, Virginia 23229, Aging Services Hotline 1-800-552-3402.

7. For long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms with 14 VAC 5-200-60.

B. In addition to the practices prohibited in Chapter 5 (§ 38.2-500 et seq.) of Title 38.2 of the Code of Virginia the following acts and practices are prohibited:

1. Twisting. Making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied or undue pressure to purchase or recommend the purchase of insurance.

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

14 VAC 5-200-175. Suitability.

A. This section shall not apply to life insurance policies that accelerate benefits for long-term care.

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B. Every insurer, health care service plan or other entity marketing long-term care insurance (the "issuer") shall:

1. Develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;
2. Train its agents in the use of its suitability standards; and
3. Maintain a copy of its suitability standards and make them available for inspection upon request by the commission.

C. 1. To determine whether the applicant meets the standards developed by the issuer, the agent and issuer shall develop procedures that take the following into consideration:

- a. The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;
- b. The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and
- c. The values, benefits and costs of the applicant's existing insurance, if any, when compared to the values, benefits and costs of the recommended purchase or replacement.

2. The issuer, and where an agent is involved, the agent shall make reasonable efforts to obtain the information set out in subdivision 1 of this subsection. The efforts shall include presentation to the applicant, at or prior to application, the "Long-Term Care Insurance Personal Worksheet." The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Form A, in not less than 12-point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the commission for approval as required for a policy pursuant to § 38.2-316 of the Code of Virginia.

3. A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

4. The sale or dissemination outside the company or agency by the issuer or agent of information obtained through the personal worksheet in Form A is prohibited.

D. The issuer shall use the suitability standards it has developed pursuant to this section in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

E. Agents shall use the suitability standards developed by the issuer in marketing long-term care insurance.

F. At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Long-Term Care Insurance"

shall be provided. The form shall be in the format contained in Form B, in not less than 12-point type.

G. If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a letter similar to Form C. If a letter similar to Form C is sent, it may be in lieu of a notice of adverse underwriting decision as set forth in § 38.2-610 of the Code of Virginia. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

H. The issuer shall report annually to the commission the total number of applications received from residents of this state, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards, and the number of those who chose to confirm after receiving a suitability letter.

14 VAC 5-200-180. Appropriateness of recommended purchase. (Repealed.)

~~In recommending the purchase or replacement of any long-term care insurance policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.~~

14 VAC 5-200-185. Nonforfeiture of benefit requirement.

A. This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

B. To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of § 38.2-5210 of the Code of Virginia:

1. A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in subsection E of this section; and
2. The offer shall be in writing if the nonforfeiture benefit is not otherwise described in the Outline of Coverage or other materials given to the prospective policyholder.

C. If the offer required to be made under § 38.2-5210 of the Code of Virginia is rejected, the insurer shall provide the contingent benefit upon lapse described in this section.

D. 1. After rejection of the offer required under § 38.2-5210 of the Code of Virginia, for individual and group policies without nonforfeiture benefits issued after December 1, 2001, the insurer shall provide a contingent benefit upon lapse.

2. In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

3. The contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least 30 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%
78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

4. On or before the effective date of a substantial premium increase as defined in subdivision 3 of this subsection, the insurer shall:

a. Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased;

b. Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of subsection E of this section. This option may be elected at any time during the 120-day period referenced in subdivision 3 of this subsection; and

c. Notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in subdivision 3 of this subsection shall be deemed to be the election of the offer to convert in subdivision b of this subdivision.

E. Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse, are described in this subsection:

1. For purposes of this subsection, attained age rating is defined as a schedule of premiums starting from the issue date which increases age at least 1.0% per year prior to age 50, and at least 3.0% per year beyond age 50.

2. For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subdivision 3 of this subsection.

3. The standard nonforfeiture credit will be equal to 100% of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection F of this section.

4. a. The nonforfeiture benefit and the contingent benefit upon lapse shall begin not later than the end of the third year following the policy or certificate issue date.

b. Notwithstanding subdivision a of this subdivision, except that for a policy or certificate with a contingent benefit upon lapse or a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of: (i) the end of the tenth year following the policy or certificate issue date; or (ii) the end of the second year following the date the policy or certificate is no longer subject to attained age rating.

5. Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

F. All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would be payable if the policy or certificate had remained in premium paying status.

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G. There shall be no difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

H. The requirements set forth in this section shall become effective December 1, 2001, and shall apply as follows:

1. Except as provided in subdivision 2 of this subsection, the provisions of this section apply to any long-term care policy issued in this Commonwealth on or after December 1, 2001.

2. For certificates issued on or after December 1, 2001, under a group long-term care insurance policy as defined in § 38.2-5200 of the Code of Virginia, which policy was in force December 1, 2001, the provisions of this section shall not apply.

I. Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of 14 VAC 5-200-150 treating the policy as a whole.

J. To determine whether contingent nonforfeiture upon lapse provisions are triggered under subdivision D 3 of this section, a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

K. A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

1. The nonforfeiture provision shall be appropriately captioned;

2. The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the commission for the same contract form; and

3. The nonforfeiture provision shall provide at least one of the following:

a. Reduced paid-up insurance;

b. Extended term insurance;

c. Shortened benefit period; or

d. Other similar offerings approved by the commission.

14 VAC 5-200-187. Standards for benefit triggers.

A. A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability

to perform not more than three of the activities of daily living or the presence of cognitive impairment.

B. 1. Activities of daily living shall include at least the following as defined in 14 VAC 5-200-50 and in the policy:

a. Bathing;

b. Continence;

c. Dressing;

d. Eating;

e. Toileting; and

f. Transferring;

2. Insurers may use activities of daily living to trigger covered benefits in addition to those contained in subdivision 1 of this subsection as long as they are defined in the policy.

C. An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however the provisions shall not restrict and are not in lieu of the requirements contained in subsections A and B of this section.

D. For purposes of this section the determination of a deficiency shall not be more restrictive than:

1. Requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or

2. If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.

E. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.

F. Long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

G. The requirements set forth in this section shall be effective December 1, 2001, and shall apply as follows:

1. Except as provided in subdivision 2 of this subsection, the provisions of this section apply to a long-term care policy issued in this Commonwealth on or after December 1, 2001.

2. For certificates issued on or after December 1, 2001, under a group long-term care insurance policy that was in force on or after December 1, 2000, the provisions of this section shall not apply.

14 VAC 5-200-200. Standard format outline of coverage.

This section of the chapter implements, interprets and makes specific, the provisions of § 38.2-5207 of the Code of Virginia in prescribing a standard format and the content of an outline of coverage.

1. The outline of coverage shall be a freestanding document, in at least 10-point type.
2. The outline of coverage shall contain no material of an advertising nature.
3. Text which is capitalized or underscored in the standard format for outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
4. The text and sequence of text of the standard format for outline of coverage is mandatory, unless otherwise specifically indicated.
5. Format for outline of coverage:

[COMPANY NAME]

[ADDRESS - CITY & STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied.] If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises. If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which the group policy was issued]).

2. **PURPOSE OF OUTLINE OF COVERAGE.** This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you **READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!**

3. **TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.**

a. [Provide a brief description of the right to return - "free look" provision of the policy.]

b. [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

4. **THIS IS NOT MEDICARE SUPPLEMENT COVERAGE.** If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

a. [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.

b. [For direct response] [insert company name] is not representing Medicare, the federal government, or any state government.

5. **LONG-TERM CARE COVERAGE.** Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

6. **BENEFITS PROVIDED BY THIS POLICY.**

a. [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]

b. [Institutional benefits, by skill level.]

c. [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this section. If these screens differ for different benefits, explanation of the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long-term care, then these qualifying criteria or screens must be explained.]

7. **LIMITATIONS AND EXCLUSIONS.**

[Describe:

a. Preexisting conditions;

b. Noneligible facilities/provider;

c. Noneligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);

d. Exclusions/exceptions;

Proposed Regulations

e. Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.] THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

8. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

- a. That the benefit level will not increase over time;
- b. Any automatic benefit adjustment provisions;
- c. Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;
- d. If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;
- e. And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

9. TERMS UNDER WHICH THE POLICY (OR CERTIFICATE) MAY BE CONTINUED IN FORCE OR DISCONTINUED.

[(i) Describe the policy renewability provisions; (ii) For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy; (iii) Describe waiver of premium provisions or state that there are no such provisions (iv) State whether or not the company has a right to change premium, and if such a right exists, describe clearly and concisely each circumstance under which premium may change.]

10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured. In the event that the policy does not cover such preexisting conditions, that information should be included here also.]

11. PREMIUM.

1. State the total annual premium for the policy;
2. If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

12. ADDITIONAL FEATURES.

1. Indicate if medical underwriting is used;
2. Describe other important features.]

<p>NOTICE: The forms used in administering 14 VAC 5-200-10 et seq., Rules Governing Long-Term Care Insurance, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>

FORMS

- Long-Term Care Personal Worksheet, Form A (eff. 12/01/00).*
- Things You Should Know Before You Buy Long-Term Care Insurance, Form B (eff. 12/01/00).*
- Long-Term Care Insurance Suitability Letter, Form C (eff. 12/01/00).*

Long-Term Care Insurance Personal Worksheet

People buy long-term care insurance for many reasons. Some don't want to use their own assets to pay for long-term care. Some buy insurance to make sure they can choose the type of care they get. Others don't want their family to have to pay for care or don't want to go on Medicaid. But long-term care insurance may be expensive, and may not be right for everyone.

By state law, the insurance company must ask you to fill out this worksheet to help you and the company decide if you should buy this policy.

Premium

The premium for the coverage you are thinking about buying will be \$ _____ per month, or \$ _____ per year, [a one-time single premium of \$ _____].

[The company cannot raise your rates on this policy.] [The company has a right to increase premiums in the future.] The company has sold long-term care insurance since [year] and has sold this policy since [year]. [The last rate increase for this policy in this state was in [year], when premiums went up by an average of _____%.] [The company has not raised its rates for this policy.]

Drafting Note: The issuer shall use the bracketed sentence or sentences applicable to the product offered. If a company includes a statement regarding not having raised rates, it must disclose the reasons for the increase. Under prior policies providing essentially similar coverage, the issuer may include rate information in up to two prior policy forms if the issuer has not changed rates on either policy form or for prior policies providing essentially similar coverage.

Have you considered whether you could afford to keep this policy if the premiums went up, for example, by 20%?

Drafting Note: The issuer shall use the bracketed sentence unless the policy is fully paid up or is a noncancelable policy.

How will you pay each year's premium?
 From my Income From my Savings/Investments My Family will pay

Income
 What is your annual income? (check one)
 Under \$10,000 \$10-20,000 \$20-30,000 \$30-50,000 Over \$50,000

Drafting Note: The issuer may choose the numbers to put in the brackets to fit its suitability standards.

How do you expect your income to change over the next 10 years? (check one)
 No change Increase Decrease

If you will be paying premiums from your own income, a rule of thumb is that you may not be able to afford this policy if the premiums will be more than 7% of your income.

Turn the Page

Form A, Page 1
12-1-00

Savings and Investments

Not counting your home, about how much are all of your assets worth (your savings and investments)? (check one)
 Under \$20,000 \$20,000-\$30,000 \$30,000-\$50,000 Over \$50,000

How do you expect your assets to change over the next ten years? (check one)
 Stay about the same Increase Decrease

If you are buying this policy to protect your assets and your assets are less than \$30,000, you may wish to consider other options for financing your long-term care.

Disclosure Statement

The answers to the questions above describe my financial situation. I choose not to complete this information.

Signed: _____ (Applicant) _____ (Date)

I explained to the applicant the importance of completing this information.

Signed: _____ (Agent) _____ (Date)

Agent's Printed Name: _____

[Note: In order for us to process your application, please return this signed statement to [name of company], along with your application.]

[My agent has advised me that this policy does not seem to be suitable for me. However, I still want the company to consider my application.]

Signed: _____ (Applicant) _____ (Date)

Drafting Note: Choose the appropriate sentences depending on whether this is a direct mail or agent sale.

The company may contact you to verify your answers.

Drafting Note: When the Long-Term Care Insurance Personal Worksheet is furnished to employees and their spouses under employer group policies, the text from the heading "Disclosure Statement" to the end of the page may be removed.

Form A, Page 2

Things You Should Know Before You Buy Long-Term Care Insurance

Long-Term Care Insurance

- A long-term care insurance policy may pay most of the costs for your care in a nursing home. Many policies also pay for care at home or other community settings. Since policies can vary in coverage, you should read this policy and make sure you understand what it covers before you buy it.

- [You should **not** buy this insurance policy unless you can afford to pay the premiums every year.] [Remember that the company can increase premiums in the future.]

Drafting Note: For single premium policies, delete this bullet; for noncancellable policies, delete the second sentence only.

- The personal worksheet includes questions designed to help you and the company determine whether this policy is suitable for your needs.

Medicare

- Medicare does **not** pay for most long-term care.

Medicaid

- Medicaid will generally pay for long-term care if you have very little income and few assets. You probably should **not** buy this policy if you are now eligible for Medicaid.

- Many people become eligible for Medicaid after they have used up their own financial resources by paying for long-term care services.

- When Medicaid pays your spouse's nursing home bills, you are allowed to keep your house and furniture, a living allowance, and some of your joint assets.

- Your choice of long-term care services may be limited if you are receiving Medicaid. To learn more about Medicaid, contact your local or state Medicaid agency.

Shopper's Guide

- Make sure the insurance company or agent gives you a copy of a book called the National Association of Insurance Commissioners' "Shopper's Guide to Long-Term Care Insurance." Read it carefully. If you have decided to apply for long-term care insurance, you have the right to return the policy within 30 days and get back any premium you have paid if you are dissatisfied for any reason or choose not to purchase the policy.

Counseling

- Free counseling and additional information about long-term care insurance are available through your state's insurance counseling program. Contact your state insurance department or department on aging for more information about the senior health insurance counseling program in your state.

Form B
12-1-00

Long-Term Care Insurance Suitability Letter

Dear [Applicant]:

Your recent application for long-term care insurance included a "personal worksheet," which asked questions about your finances and your reasons for buying long-term care insurance. For your protection, state law requires us to consider this information when we review your application, to avoid selling a policy to those who may not need coverage.

[Your answers indicate that long-term care insurance may not meet your financial needs. We suggest that you review the information provided along with your application, including the booklet "Shopper's Guide to Long-Term Care Insurance" and the page titled "Things You Should Know Before Buying Long-Term Care Insurance." Your state insurance department also has information about long-term care insurance and may be able to refer you to a counselor free of charge who can help you decide whether to buy this policy.]

[You chose not to provide any financial information for us to review.]

Drafting Note: Choose the paragraph that applies.

We have suspended our final review of your application. If, after careful consideration, you still believe this policy is what you want, check the appropriate box below and return this letter to us within the next 60 days. We will then continue reviewing your application and issue a policy if you meet our medical standards.

If we do not hear from you within the next 60 days, we will close your file and not issue you a policy. You should understand that you will not have any coverage until we hear back from you, approve your application and issue you a policy.

Please check one box and return in the enclosed envelope.

Yes, [although my worksheet indicates that long-term care insurance may not be a suitable purchase.] I wish to purchase this coverage. Please resume review of my application.

Drafting Note: Delete the phrase in brackets if the applicant did not answer the questions about income.

No. I have decided not to buy a policy at this time.

APPLICANT'S SIGNATURE _____ DATE _____

Please return to [issuer] at [address] by [date].

Form C
12-1-00

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Title of Regulation: 18 VAC 85-20-10 et seq. **Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, and Physician Acupuncture (amending 18 VAC 85-20-140).**

Statutory Authority: §§ 54.1-2400 and 54.1-2913 of the Code of Virginia.

Public Hearing Date: October 12, 2000 – 8 a.m.

Public comments may be submitted until November 10, 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 promulgate regulations, levy fees, administer a licensure and renewal program, and issue an inactive license.

Section 54.1-2913 requires the board to establish examination requirements.

Purpose: The purpose of the proposed amendments is to amend portions of the examination requirement that are now considered problematic or inconsistent with policies of the Federation of State Medical Boards for the United States Medical Licensing Examination. Requirements for examinations to test the minimal competency of applicants for licensure are intended to provide greater protection for the health and safety of the patients in the Commonwealth.

Substance: The board proposes to amend 18 VAC 85-20-140. The requirement that an applicant complete Steps 1, 2, and 3 of the USMLE within a seven-year period would be retained but there could be exceptions made for good cause shown. The provision allowing an applicant to take a combination of the USMLE and the FLEX examination would be deleted since the Federation of State Medical Boards no longer accepts a combination of examinations as a prerequisite to sitting for Step 3 of the USMLE.

Issues:

ISSUE #1: Seven-year rule for completion of examinations.

The issue that has arisen involves the requirement in 18 VAC 85-20-140 E 2, in which applicants for licensure as a medical doctor are required to provide evidence of passing Steps 1, 2, and 3 of the United States Medical Licensing Examination (USMLE) within seven years. Recently, the board has received applications from two highly qualified individuals who passed Steps 1 and 2 prior to 1992 while they were attending medical school but then went on to acquire other advanced degrees (Ph.D.) before they completed their medical education. USMLE does not allow a candidate to take Step 3 until after graduation from medical school. Since the current regulation did not take effect until August of 1998, the Assistant Attorney General who provides counsel has advised

the board that the seven-year rule was not in effect when these two applicants began the examination process, and therefore, it is not applicable for them.

What this situation has pointed out is that the seven-year rule, while well-intended, may not be necessary or advisable. In the future, it may prevent other well-qualified individuals from becoming licensed and practicing medicine in the Commonwealth. The Federation of State Medical Boards, which administers USMLE has recommended that persons complete the examinations within seven years because the medical knowledge becomes stale and outdated. The board has chosen to retain the seven-year rule but provide for an exception to that rule for good cause shown. Any exception to the rule would have to come before the Credentials Committee and would be handled on a case-by-case basis.

Advantages and disadvantages. For those few individuals who interrupt their medical education and passage of the three parts of the licensing examination for more than seven years, an exception to the seven-year rule will be very advantageous. It will allow those individuals to become licensed to practice medicine in Virginia, whereas under the current rule they would not be eligible. There are no disadvantages to applicants or licensees.

There should not be any disadvantages to the public. Typically, if the person is able to pass Step 3, he has demonstrated competency to practice medicine. An exception to the seven-year rule may allow a few clearly-qualified individuals to become licensed and practice, which would be advantageous to the citizens of the Commonwealth.

There are no disadvantages to the agency.

ISSUE #2: Acceptability of a combination of examinations.

The Federation of State Medical Boards has notified the Board of Medicine that, after December 1, 1999, the USMLE program will no longer accept hybrid combinations as a prerequisite to sit for Step 3. While it is the federation that has changed its rules and not the board, 18 VAC 85-20-140 E 3 may be misleading to applicants. It states that applicants for licensure in Virginia are allowed to take a combination of USMLE and the Federation Licensing Examination (FLEX). If applicants are no longer allowed by USMLE to take a combination of examinations, the board should amend its rule to prevent an applicant from being confused and misled.

Advantages and disadvantages. There are no advantages or disadvantages to the public; the USMLE examination is now accepted nationally as the measure of competency for persons seeking medical licensure.

Modification of the board's rule will make it consistent with the current policy of the Federation of State Medical Boards under which the USMLE is offered. The amended rule will be less confusing to applicants.

Clarification of the rule and consistency with national examination requirements will be advantageous to the agency as it provides information to potential applicants for licensure.

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 Medicine proposes to amend the section of its regulations that set forth the examination requirements for licensure as a medical doctor.

Estimated economic impact.

Seven-year Rule for Completion of Examinations. Currently, applicants are required to complete Steps 1, 2, and 3 of the United States Medical Licensing Examination (USMLE) within a seven-year period. This provision would be amended to permit the board to make exceptions for good cause shown.

The seven-year rule was established to prevent applicants from unnecessarily dragging out the process. However, recently the board has become aware of situations in which this rule may deny licensure to some clearly qualified individuals. For example, some individuals may interrupt their medical education and passage of the three parts of the licensing examination for more than seven years in order to acquire other advanced degrees (Ph.D.).

Each exception to the seven-year rule would come before the Credentials Committee and would be handled on a case-by-case basis. According to the Board of Medicine, if a person is able to pass Step 3 of the USMLE, he has typically demonstrated competency to practice medicine. Therefore, an exception to the seven-year rule may allow a few clearly qualified individuals to become licensed and practice without compromising the health and safety of patients in the Commonwealth.

Acceptability of Combination of Examinations. When the USMLE came into existence in 1992, it replaced the Federal Licensing Examination (FLEX) and the National Board examinations. The Federation of State Medical Boards believes that the USMLE addresses current medical knowledge and, therefore, is a more valid examination. During the transition from one examination to the other, the federation allowed a candidate who had earlier taken the FLEX examination to sit for USMLE Step 3. Now that seven years have passed, the federation believes that all candidates should have completed the examination process by December 1, 1999, and will not accept a combination of examinations after that date.

Consequently, the Virginia Board of Medicine proposes to delete the provision in its regulations allowing an applicant to take a combination of the USMLE and FLEX examination. Modification of the board's rule will make it consistent with the current policy of the Federation of State Medical Boards under which the USMLE is offered. The amended rule will be

less confusing to applicants and as such may have some positive economic benefit.

Businesses and entities affected. Each year there are approximately 450 to 500 persons approved to take Step 3 of the USMLE in Virginia. The Board of Medicine reports that, of those that have submitted applications since December 1, 1999, none would be affected by the proposed amendments: all have taken Steps 1 and 2 of the USMLE.

During 1999, there were applications from two persons who did not complete Step 3 within seven years because they had completed another doctorate following medical school. However, since they began the application process before passage of the "seven-year rule" in 1998, it was determined that they could be licensed under the previous regulation.

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

Projected impact on employment. The proposed regulation is not anticipated to have a significant impact on employment.

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

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

Summary:

The proposed amendments (i) permit the board to make exceptions, for good cause shown, to the requirement that an applicant complete Steps 1, 2, and 3 of the United States Medical Licensing Examination (USMLE) within a seven-year period and (ii) eliminate the provision allowing an applicant to take a combination of the USMLE and the FLEX examination since the Federation of State Medical Boards no longer accepts a combination of examinations as a prerequisite to sitting for Step 3 of the USMLE.

18 VAC 85-20-140. Examinations, general.

A. The Executive Director of the Board of Medicine or his designee shall review each application for licensure and in no case shall an applicant be licensed unless there is evidence that the applicant has passed an examination equivalent to the Virginia Board of Medicine examination required at the time he was examined and meets all requirements of Part III (18 VAC 85-20-120 et seq.) of this chapter. If the executive director or his designee is not fully satisfied that the applicant meets all applicable requirements of Part III of this chapter and this part, he shall refer the application to the Credentials Committee for a determination on licensure.

B. A Doctor of Medicine or Osteopathy who has passed the examination of the National Board of Medical Examiners or of the National Board of Osteopathic Medical Examiners, FLEX, or the United States Medical Licensing Examination, or the examination of the Licensing Medical Council of Canada or other such examinations as prescribed in § 54.1-2913.1 of the Code of Virginia may be accepted for licensure.

C. A Doctor of Podiatry who has passed the National Board of Podiatry Examiners examination and has passed a clinical

competence examination equivalent to the Virginia Board of Medicine examination may be accepted for licensure.

D. A Doctor of Chiropractic who has met the requirements of one of the following may be accepted for licensure.

1. An applicant who graduated after January 31, 1996, shall document successful completion of Parts I, II, III, and IV of the National Board of Chiropractic Examiners examination (NBCE).
2. An applicant who graduated from January 31, 1991, to January 31, 1996, shall document successful completion of Parts I, II, and III of the National Board of Chiropractic Examiners examination (NBCE).
3. An applicant who graduated from July 1, 1965, to January 31, 1991, shall document successful completion of Parts I, II, and III of the NBCE, or Parts I and II of the NBCE and the Special Purpose Examination for Chiropractic (SPEC), and document evidence of licensure in another state for at least two years immediately preceding his application.
4. An applicant who graduated prior to July 1, 1965, shall document successful completion of the SPEC, and document evidence of licensure in another state for at least two years immediately preceding his application.

E. The following provisions shall apply for applicants taking Step 3 of the United States Medical Licensing Examination or the Podiatric Medical Licensing Examination:

1. Applicants for licensure in medicine and osteopathy may be eligible to sit for Step 3 of the United States Medical Licensing Examination (USMLE) upon evidence of having passed Steps 1 and 2 of the United States Medical Licensing Examination (USMLE).
2. Applicants who sat for the United States Medical Licensing Examination (USMLE) shall provide evidence of passing Steps 1, 2, and 3 within a seven-year period *except for good cause shown*.
- ~~3. Applicants may take a combination of the United States Medical Licensing Examination (USMLE) and the Federation Licensing Examination (FLEX) which is acceptable to the board.~~
4. Applicants shall have completed the required training or be engaged in their final year of required postgraduate training.
- ~~5.~~ 4. Applicants for licensure in podiatry shall provide evidence of having passed the National Board of Podiatric Medical Examiners Examination to be eligible to sit for the Podiatric Medical Licensing Examination (PMLEXIS) in Virginia.

VA.R. Doc. No. R00-51; Filed August 17, 2000, 11:40 a.m.

BOARD OF PHARMACY

Title of Regulation: 18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-10 and 18 VAC 110-20-20; adding 18 VAC 110-20-425).

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

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

Public comments may be submitted until November 10, 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 power to establish qualifications for licensure and responsibility to promulgate regulations.

Section 54.1-3307 of the Code of Virginia authorizes the board to license and regulate pharmacies engaged in filling and dispensing prescription medications.

Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia establishes the Drug Control Act and authorizes the board to ensure the safety and efficacy of the drugs prescribed and administered in the Commonwealth.

Purpose: The purpose of the proposal is to amend regulations pursuant to a petition for rulemaking that requested a board waiver of its requirement for a final check by the pharmacist if a drug is being dispensed by a robotic pharmacy system. The regulations are proposed to ensure the protection for the health, safety and welfare of patients of hospitals or long-term care facilities who depend on the protection and integrity of prescription drugs consistent with the board's statutory mandate in Chapters 33 and 34 of Title 54.1 of the Code of Virginia.

Substance:

18 VAC 110-20-10. Definitions. The proposed amendments define the terms "quality assurance plan" and "robotic pharmacy system" in order to provide clarity in the interpretation and enforcement of new regulations.

18 VAC 110-20-20. Fees. The board has proposed a new fee of \$150 for board approval of a robotic pharmacy system. It is the minimal amount necessary to process an application and conduct an informal conference proceeding to make a determination on the acceptability of a system as it is being used in a pharmacy providing services to a hospital or long-term care facility. Likewise, a fee of \$150 has been established to cover the minimal expense to the board for an inspection of a new or modified robotic system.

18 VAC 110-20-425. Robotic Pharmacy System. A new section is added to this chapter to provide a process and conditions by which a pharmacy may apply for the use of a robotic pharmacy system.

Subsection A specifies that a waiver of the requirement for a final check by the pharmacist may be granted if the system is utilized by a pharmacy providing services to a hospital or long-term care facility that uses a unit dose dispensing system and provided the accuracy of the final prescription is determined by a quality assurance plan.

Subsection B specifies that the quality assurance plan must be submitted with the application and sets forth the minimum components of such a plan.

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Subsection C specifies the process by which an informal conference committee of the board will review an application and determine approval or denial of a system. It further provides that the board may require an inspection of the system or withdraw approval of a waiver for failure to comply with the quality assurance plan or any other terms and conditions set by the board.

Subsection D provides for notification and board approval of any modification of a system.

Subsection E specifies that the pharmacist must review all data entry of prescription orders into the system for accuracy and appropriateness of therapy and shall check all repackaged medication prior to use in loading the system.

Issues: Necessary safeguards to assure prescription accuracy in a robotic pharmacy system.

The petition for rulemaking that precipitated the adoption of amendments to regulations requested a change or waiver in board regulations that requires the pharmacist to check each prescription dispensed for accuracy at the end of the process prior to it going to the patient (18 VAC 110-20-270 B). With use of the robot, the end of the process is checked by a bar code scanner which provides better accuracy than human checking. The points for inaccuracy in this system come in places other than the end. It could occur with the packaging of drugs in the bar-coded packages. According to information provided by Medical College of Virginia Hospitals, if the correct drug is placed in the packaging and bar coded properly, then the robot will not make a mistake resulting in the incorrect drug being dispensed. MCV and other hospitals asked that the rules be amended to allow for pharmacist checking to occur at other points in the dispensing process where errors can occur and cause the wrong drug to be dispensed, rather than check each and every drug at the end of the process.

To ensure that the robotic system is performing accurately, the board has required the submission of a quality assurance plan that will be reviewed by an informal conference committee prior to approval of a waiver. Only after the board is satisfied that the plan provides the necessary safeguards and checks on the filling of unit dose carts by a robotic system will it approve a waiver of the requirement for the pharmacist to check each prescription before being delivered to the patient. As further protection, the board has required that a pharmacist must review all data entry of prescription orders into the computer operating the system for accuracy and appropriateness of therapy and must also check all repackaged medication prior to loading into the system.

Proposed regulations authorize the board to withdraw approval of a waiver for failure to comply with the quality assurance plans or failure to meet other terms and conditions which were set in the initial approval. Further, the board is authorized to conduct inspections of the systems at any time and is required to do so if modifications are made.

Advantages and disadvantages to regulated entities. Some entities (hospital pharmacies) that requested amendments to regulations have already purchased a robotic pharmacy system. For them, these amendments would permit more efficient, less costly utilization of their systems if the board is

authorized to waive a time-consuming function that may only be performed by a licensed pharmacist. Through quality assurance plans adopted by the hospital or long-term care facility, the safety of the drug being dispensed may be protected without a final check of each prescription before it leaves the pharmacy.

With the adoption of these regulations, other entities (pharmacies serving hospitals or long-term care facilities) may determine that it is more cost effective to purchase some form of robotic system than it is to employ another pharmacist, a profession in high demand and short supply. The long-term savings and efficiency with the purchase of such a system would expect to offset some of the initial cost.

Advantages and disadvantages to the public. The incorporation of new technology into hospital pharmacies should improve services to the consumers through greater accuracy and speed. Since robotic systems are less labor intensive, there should be increased efficiencies in the filling of unit dose carts for use on patient floors.

Advantages or disadvantages to the agency. There should be no particular advantage or disadvantage to the agency. Approval of robotic pharmacy systems will necessitate some additional work for staff and board members but in most cases costs will be covered by fees charged to the applicants or to the pharmacy modifying a robotic system.

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

Summary of the proposed regulation. The Board of Pharmacy proposes to add a provision to the Regulations Governing the Practice of Pharmacy that allows for a waiver of the requirement for a final check by the pharmacist if a drug is being dispensed by a robotic pharmacy system. The proposed regulations require approval of such a system by an informal conference committee of the board based on a quality assurance plan adopted by the pharmacy and an optional inspection of the system.

Estimated economic impact. Current regulations require that the pharmacist "inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of dispensing as a certification of the accuracy of, and the responsibility for, the entire transaction" (18 VAC 110-20-270 B). The proposed provision would allow a waiver of this requirement for prescriptions dispensed by a robotic pharmacy system. With the use of a robot, the end of the process is checked by a bar code scanner, which, according

to the Board of Pharmacy, provides better accuracy than human checking. The potential for mistakes with a robotic system occurs at stages other than the end. For example, the drugs must be repackaged into bar-coded packages and loaded into the system and each prescription order must be manually entered into the computer operating system.

The Board of Pharmacy proposes to amend the rules to require pharmacist checking at other points in the robotic dispensing process where errors can occur and cause the wrong drug to be dispensed, rather than check each and every prescription at the end of the process. Specifically, the proposed regulation would require that a pharmacist review all data entry of prescription orders into the computer system for accuracy and appropriateness of therapy and also check all repackaged medication prior to loading into the system. In addition, the board has required the submission of a quality assurance plan that will be reviewed by an informal conference committee prior to approval of a waiver. According to the board, the safety of the drug being dispensed by a robotic system may be protected without a final check of each prescription before it leaves the pharmacy. Through the quality assurance plans and other proposed requirements, the accuracy and safety of patient prescriptions remains the responsibility of, and under the control of, the licensed pharmacist.

The cost of obtaining the proposed waiver includes the time spent developing the quality assurance plan and a \$150 application fee. The board may also charge an additional \$150 fee for the inspection of a new or modified robotic system. The benefits of proposed regulation include moving safety measures to areas where they may be more effective and allowing pharmacies to choose the least costly means of providing pharmacy services. By waiving a time-consuming function that may only be performed by a licensed pharmacist, this provision may allow the pharmacist to spend more time on other activities that can enhance patient care quality.

Businesses and entities affected. The Board of Pharmacy is aware of four hospital pharmacies that have already purchased robotic pharmacy systems. It is not known how many other pharmacies may purchase robotic systems in the future, but those most likely to do so are pharmacies that handle a high volume of prescriptions, such as large hospitals, medical centers, or long-term care facilities.

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

Projected impact on employment. The proposed regulation may reduce the demand for licensed pharmacists if some pharmacies determine it is more cost effective to purchase a robotic system than to employ another pharmacist.

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

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

Summary:

The proposed amendments allow for a waiver of the requirement for a final check by the pharmacist if a drug is being dispensed by a robotic pharmacy system. The regulations require approval of such a system by an informal conference committee of the board based on a quality assurance plan adopted by the pharmacy. The committee may require an inspection of the system. Application and inspection fees are proposed to offset the costs of initial approval or review of a modified system.

18 VAC 110-20-10. Definitions.

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

"ACPE" means the American Council on Pharmaceutical Education.

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

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

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

"Board" means the Virginia Board of Pharmacy.

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

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

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

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

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"Compliance packaging" means packaging for dispensed drugs which is comprised of a series of containers for solid oral dosage forms and which is designed to assist the user in administering or self-administering the drugs in accordance with directions for use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Nuclear pharmacy" means a pharmacy providing radiopharmaceutical services.

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

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

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

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

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

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

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

"Quality assurance plan" means a plan approved by the board for continuous monitoring, measuring, evaluating, and, if necessary, improving the performance of a pharmacy function or system.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

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

"Robotic pharmacy system" means a mechanical system controlled by a computer that performs operations or activities relative to the storage, packaging, labeling, dispensing, or distribution of medications, and collects, controls, and maintains all transaction information.

"Safety closure container" means a container which meets the requirements of the federal Poison Prevention Packaging Act of 1970 (15 USC §§ 1471-1476), i.e., in testing such containers, that 85% of a test group of 200 children of ages 41-52 months are unable to open the container in a five-minute period and that 80% fail in another five minutes after a demonstration of how to open it and that 90% of a test group of 100 adults must be able to open and close the container.

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

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

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

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

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

1. *"Cold"* means any temperature not exceeding 8°C (46°F). A refrigerator is a cold place in which temperature is maintained thermostatically between 2° and 8°C (36° and 46°F). A freezer is a cold place in which the temperature is maintained thermostatically between -20° and -10°C (-4° and 14°F).

2. *"Room temperature"* means the temperature prevailing in a working area.

3. *"Controlled room temperature"* is a temperature maintained thermostatically that encompasses the usual and customary working environment of 20° to 25°C (68° to 77°F); that results in a mean kinetic temperature calculated to be not more than 25°C; and that allows for excursions between 15° and 30°C (59° and 86°F) that are experienced in pharmacies, hospitals, and warehouses.

4. *"Warm"* means any temperature between 30° and 40°C (86° and 104°F).

5. *"Excessive heat"* means any temperature above 40°C (104°F).

6. *"Protection from freezing"* means where, in addition to the risk of breakage of the container, freezing subjects a product to loss of strength or potency, or to the destructive alteration of its characteristics, the container label bears an appropriate instruction to protect the product from freezing.

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

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

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

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

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

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

"USP-NF" means the United States Pharmacopeia-National Formulary.

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

18 VAC 110-20-20. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Fee for initial pharmacist licensure.

1. The application fee for a pharmacist license shall be \$50.

2. The fees for taking all required examinations shall be paid directly to the examination service as specified by the board.

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3. The application fee for a person whose license has been revoked or suspended indefinitely shall be \$300.

C. Renewal of pharmacist license.

1. The annual fee for renewal of a pharmacist license shall be \$50.

2. The annual fee for renewal of an inactive pharmacist license shall be \$35.

3. If a pharmacist fails to renew his license within the Commonwealth by the renewal date, he must pay the back renewal fee and a \$25 late fee within 60 days of expiration.

4. Failure to renew a pharmacist license within 60 days following expiration shall cause the license to lapse and shall require the submission of a reinstatement application, payment of all unpaid renewal fees, and a delinquent fee of \$50.

D. Other licenses or permits.

1. The following fees shall be required upon submission of a new facility application, change of ownership of an existing facility, or annual renewal:

a. Pharmacy permit	\$200
b. Permitted physician to dispense drugs	\$200
c. Nonrestricted manufacturing permit	\$200
d. Restricted manufacturing permit	\$150
e. Wholesale distributor license	\$200
f. Warehouser permit	\$200
g. Medical equipment supplier permit	\$150
h. Licensed humane society permit	\$10

2. The following fees shall be required for facility changes:

a. Application for a change of the pharmacist-in-charge	\$25
b. Application for a change of location or a remodeling which requires an inspection	\$100

3. The following fees shall be required for late renewals or reinstatement.

- If a licensee fails to renew a required license or permit prior to the expiration date, a \$25 late fee shall be assessed.
- If a required license or permit is not renewed within 60 days after its expiration, the license or permit shall lapse, and continued practice or operation of business with a lapsed license or permit shall be illegal. Thereafter, reinstatement shall be at the discretion of the board upon submission of an application accompanied by all unpaid renewal fees and a delinquent fee of \$50.

E. Controlled substances registration.

1. The annual fee for a controlled substances registration as required by § 54.1-3422 of the Code of Virginia shall be \$20.

2. If a registration is not renewed within 60 days of the expiration date, the back renewal fee and a \$10 late fee shall be paid prior to renewal.

3. If a controlled substance registration has been allowed to lapse for more than 60 days, all back renewal fees and a \$25 delinquent fee must be paid before a current registration will be issued. Engaging in activities requiring a controlled substance registration without holding a current registration is illegal and may subject the registrant to disciplinary action by the board. Reinstatement of a lapsed registration is at the discretion of the board and may be granted by the executive director of the board upon completion of an application and payment of all fees.

F. Other fees.

1. A request for a duplicate wall certificate shall be accompanied by a fee of \$25.

2. The fee for a returned check shall be \$15.

3. The fee for board approval of an individual CE program is \$100.

4. *The fee for board approval of a robotic pharmacy system shall be \$150.*

5. *The fee for a board-required inspection of a robotic pharmacy system shall be \$150.*

18 VAC 110-20-425. Robotic Pharmacy Systems.

A. A pharmacy providing services to a hospital or a long-term care facility using a unit dose dispensing system may apply for approval of a robotic pharmacy system and a waiver of 18 VAC 110-20-270 B, provided the accuracy of the final dispensed prescription product is determined by a quality assurance plan. An applicant shall apply using a form provided by the board and shall pay a fee as set forth in 18 VAC 110-20-20.

B. A copy of the quality assurance plan shall be submitted as a part of the application and shall include at a minimum the following:

- Method of ensuring accurate packaging and loading of the robotic pharmacy system.*
- Procedures for conducting quality control checks of final dispensing for accuracy.*
- Manufacturer's schedules and recommendations for maintenance of the device.*
- Plan for maintenance of all related documentation for a minimum of two years.*

C. The application shall be reviewed by an informal conference committee of the board, consisting of no less than two members of the board.

1. *The informal conference committee may approve or deny the application, or may approve the application upon terms and conditions.*

2. *The committee may require an inspection of a new or modified robotic pharmacy system prior to approval.*

3. *The committee may require that periodic reports be submitted detailing frequency and types of errors determined by the continuous quality assurance checks.*

4. *The board may withdraw the approval of a waiver for failure to comply with the quality assurance plan or with other terms and conditions which have been established by the board.*

D. The board shall be notified prior to implementing any modification to the approved application and no modification may be implemented until approved by the board.

E. If a robotic pharmacy system is used, a pharmacist shall review all data entry of prescription orders into the computer operating the system for accuracy and appropriateness of therapy and shall check all repackaged medication prior to use in loading the system.

<p>NOTICE: The forms used in administering 18 VAC 110-20-10 et seq., Regulations Governing the Practice of Pharmacy, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>
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Application for a Non-Resident Wholesale Distributor Registration (rev. 3/99).

Application for a Controlled Substances Registration Certificate (rev. 1/99).

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

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

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

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

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

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

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

Closing of a Pharmacy (rev. 3/99).

Application for Approval of a Robotic Pharmacy System (8/00).

Notice of Inspection Fee Due for Approval of Robotic Pharmacy System (8/00).

FORMS

Application for Registration as a Pharmacy Intern (rev. 12/98).

Affidavit of Practical Experience, Pharmacy Intern (rev. 12/98).

Application for Licensure as a Pharmacist by Examination (rev. 12/98).

Application to Reactivate Pharmacist License (rev. 12/98).

Application for Approval of a Continuing Education Program (rev. 3/99).

Application for Approval of ACPE Pharmacy School Course(s) for Continuing Education Credit (eff. 3/99).

Application for License to Dispense Drugs (permitted physician) (rev. 11/98).

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

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

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

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

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

Application for a Permit as a Warehouseman (rev. 3/99).

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



COMMONWEALTH OF VIRGINIA
Board of Pharmacy

6606 W. Broad Street, 4th Floor
 Richmond, Virginia 23230
 (804) 662-9911 (Tel)
 (804) 662-9313 (Fax)

APPLICATION FOR APPROVAL OF A ROBOTIC PHARMACY SYSTEM

Application Fee (non-refundable): \$150.00

The required fee must accompany the application. Make check payable to "Treasurer of Virginia".

Applicant—Please provide the information requested below. (Print or Type) Use full name not initials
 Name of Pharmacy whose robot is to be used _____ Pharmacy Permit Number _____

Street Address	Area Code and Telephone Number	
City	State	Zip Code
Name of Pharmacist-in-Charge (PIC)	Virginia Pharmacy License Number of PIC	

Please attach the following additional information and label as indicated. Please write this in lay terms which can be easily understood by non-pharmacists and persons not familiar with computers or other technology to be used in the practice of pharmacy:

LABEL	DESCRIPTION
Attachment 1:	Name and manufacturer of the robotic system, any supporting information such as technical or other descriptive literature describing the equipment, and any other pertinent manufacturer's or other relevant information concerning the operation and performance of the system.
Attachment 2:	A general overview of the operation of the robot to include the functions the robot performs, a brief description of the operation of the robotic system from the beginning of the process to the end.
Attachment 3:	A quality assurance plan which includes at least the following information: 1. method of ensuring accurate packaging and loading of the robotic pharmacy system 2. procedures for conducting quality control checks of final dispensing for accuracy 3. plan for maintenance of all related documentation for a minimum of two years 4. manufacturer's schedules and recommendations for maintenance of the device
Attachment 4:	An explanation as to the rationale for the use of the robot, i.e. benefit to the consumer or industry.

I attest that the information furnished on this application is true and correct to the best of my knowledge.

Signature of Pharmacist-in-Charge _____

Date _____

Date Received	Date of PIC	Inspection Required <input type="checkbox"/> Yes <input type="checkbox"/> No	Inspection Date Assigned	Date Approved
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COMMONWEALTH OF VIRGINIA
Board of Pharmacy

6606 W. Broad Street, 4th Floor
 Richmond, Virginia 23230
 (804) 662-9911 (Tel)
 (804) 662-9313 (Fax)

INSPECTION REQUIRED FOR APPROVAL OF A ROBOTIC PHARMACY SYSTEM

Inspection Fee (non-refundable): \$150.00

The required fee must be submitted prior to scheduling an inspection. Make check payable to "Treasurer of Virginia".

The Board is in receipt of your application for approval of a robotic pharmacy system. Upon preliminary review of your application, it has been determined that an inspection will be necessary prior to consideration of your application for approval to use a robotic pharmacy system. Please return this form and remit the inspection fee of \$150.00, made payable to the Treasurer of Virginia. Upon receipt of this fee, an inspection will be scheduled. Please indicate your requested inspection date. We will make every effort to accommodate your requested date. When requesting a date, please remember that a 14-day notice is normally required for the inspector to schedule the inspection.

Name of Pharmacy	Pharmacy Permit Number
Inspection Date Assigned	Date Received

Title of Regulation: 18 VAC 110-30-10 et seq. **Regulations for Practitioners of the Healing Arts To Sell Controlled Substances (amending 18 VAC 110-30-10, 18 VAC 110-30-20, 18 VAC 110-30-30, 18 VAC 110-30-50, 18 VAC 110-30-80, 18 VAC 110-30-90, 18 VAC 110-30-100, 18 VAC 110-30-110, 18 VAC 110-30-160, 18 VAC 110-30-170, 18 VAC 110-30-190, 18 VAC 110-30-200, 18 VAC 110-30-210, 18 VAC 110-30-220, 18 VAC 110-30-240, 18 VAC 110-30-260, and 18 VAC 110-30-270; adding 18 VAC 110-30-15, 18 VAC 110-30-35, and 18 VAC 110-30-255; repealing 18 VAC 110-30-60).**

Statutory Authority: §§ 54.1-2400 and 54.1-3304 of the Code of Virginia.

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

Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: Chapters 24 (§ 54.1-2400 et seq.), 33 (§ 54.1-3300 et seq.), and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia provide the basis for these regulations.

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

Chapter 33 establishes the Board of Pharmacy and § 54.1-3304 authorizes the board to license physicians to dispense prescription medications when such pharmacy services are not readily available.

Chapter 34 establishes the Drug Control Act and authorizes the board to ensure the safety of the drugs prescribed and administered in the Commonwealth.

Purpose: The purpose of the proposed is to amend regulations pursuant to changes in a review of the regulations governing physicians selling who sell prescription drugs in their practice. The regulations are proposed to ensure the protection for the health, safety and welfare of the consumer who purchases prescriptions from a physician and for the protection and integrity of prescription drugs consistent with the board's statutory mandate in Chapters 33 and 34 of Title 54.1 of the Code of Virginia.

Substance:

18 VAC 110-30-10. Definitions. The proposed amendments define the terms "board," "controlled substance" and "sale" in order to provide clarity in the interpretation and enforcement of the regulations. The definition of "practitioner" is modified because the Board of Medicine now issues an inactive license, the holder of which would not be qualified to sell prescription drugs.

18 VAC 110-30-15. Fees. The board has proposed a new section to consolidate all fee requirements which are currently listed in sections 20 and 30. The \$300 fee for reinstatement of a license that has been revoked or suspended indefinitely is consistent with a similar fee for pharmacists.

18 VAC 110-30-20. Application for licensure. Amendments are added to clarify the eligibility of a licensed practitioner to apply for licensure to sell drugs. Since the Board of Medicine is now authorized to issue inactive licenses, it is necessary to specify that an applicant must hold a current, active license to practice and that any disciplinary action taken by the Board of Medicine will constitute grounds for denial, restriction or other disciplinary action by the Board of Pharmacy.

18 VAC 110-30-30. Renewal of license. Changes are proposed for editing and removal of references to specific fees now included in 18 VAC 110-30-15.

18 VAC 110-30-35. Inactive status. Amendments (previously in 18 VAC 110-30-60) set forth the conditions for election of an inactive license and the requirements by which it may be reactivated.

18 VAC 110-30-50. Licensees ceasing to sell controlled substances; inventory required prior to disposal. An amendment allows the licensee who no longer desires to sell controlled substances to take an inactive status or surrender his license. Also, an amendment is added to clarify that the term "practitioner" means, in this case, a person "authorized by law to possess such drugs."

18 VAC 110-30-80. Inspection and notice required. An amendment is proposed to specify that an inspection is only required prior to issuance of the first license to any one location. Subsequent licenses may be issued without an inspection at the discretion of the board.

18 VAC 110-30-90. Physical standards. An amendment to this section is proposed to conform these regulations to the physical standards established by regulation for a pharmacy. For example, drugs maintained for administration or samples (not for sale) may be stored in the pharmacy provided they are clearly separate from the rest of the stock.

18 VAC 110-30-100. Access to selling area. The amended language addresses a question that often arises about whether the selling and storage area could be within a physician's office; it would be allowed provided certain criteria set forth in the regulation are met.

18 VAC 110-30-110. Minimum equipment. The amendments are consistent with amendments to pharmacy regulations and eliminate or modify requirements according to more current standards.

18 VAC 110-30-160. Disposal of Schedule II through VI controlled substances. Amendments are proposed to make regulations consistent with current DEA requirements and with those currently in effect for licensed pharmacies.

18 VAC 110-30-170. Sign and written prescription requirements. An amendment modifying the disclosure sign is proposed to make the requirement clearer.

18 VAC 110-30-190. Manner of maintaining records for Schedule II through VI controlled substances sold. An amendment is proposed to allow the maintenance of records in an automated data processing system; it is consistent with such requirements for a licensed pharmacy.

Proposed Regulations

18 VAC 110-30-200. Automated data processing records of sale. An amendment clarifies that the signature of a licensee on the printout or logbook only verifies the accuracy of data entered under his initials. If there are multiple licensees creating dispensing records in the database, each must sign daily.

18 VAC 110-30-210. Repackaging of controlled substances; records required; labeling requirements. An editorial amendment in the title of the section has been proposed.

18 VAC 110-30-220. Labeling of prescription as to content and quantity. Amendments to this section conform the labeling requirements to those specified in the general pharmacy regulations and currently required by state and federal law.

18 VAC 110-30-240. Special packaging. Amendments to this section conform the special packaging requirements to those specified in the general pharmacy regulations and currently required by state and federal law.

18 VAC 110-30-255. Purchase of drugs. An amendment is proposed to specify that a licensee may only purchase drugs from a wholesale distributor licensed or registered by the board. An identical provision was recently added to regulations for pharmacies.

18 VAC 110-30-260. Returning of controlled substances. An amendment clarifies that any return of controlled substances must be consistent with federal law and regulations.

18 VAC 110-30-270. Grounds for disciplinary action. Grounds for disciplinary action currently set forth in 18 VAC 110-30-270 are also found in § 54.1-3316 of the Code of Virginia and are, therefore, unnecessary in regulation. An amendment specifies that a licensee who has had disciplinary action by a board of medicine or who no longer holds an active, current license may have an application for renewal or initial issuance denied.

Issues:

ISSUE: Need to update regulations for greater consistency with laws and regulations governing the practice of pharmacy.

18 VAC 110-30-10 et seq. has not been amended since November 3, 1993. When the board conducted its last regulatory review pursuant to Executive Order 15 (94), there were several "housekeeping" amendments recommended, but regulatory action was not initiated. Since that time, the general regulations for the practice of pharmacy have been amended a number of times to conform requirements in current practice and procedures that have changed with the advent of newer technology. For example, the rules for Physician Selling Drugs do not provide for the maintenance of records in a data system with the ability to produce a hard copy of the record. Likewise, rules of the DEA on the return and disposal of unwanted drugs have changed and need to be amended in these regulations accordingly.

The amended rules also allow for more flexibility in the utilization of space within the doctor's office and in the storage of controlled substances maintained for other purposes, such as administration and sample distribution. Amendments would also remove unnecessary requirements such as

maintaining a copy of the USPDI reference book and allow the use of an electronic scale rather than prescription balances and weights. The specific grounds for disciplinary action listed in section 270 are unnecessary because they are already provided in § 54.1-3316 of the Code of Virginia, which has now been cited in regulation.

During its current review of regulations, the board determined that it was necessary to address the issue of providing greater utilization of technology. The board considered and recommended several revisions in the manner of maintaining records, in the provisions for disposal of Schedule II through V controlled substances and in other areas where physicians may employ better technology while continuing to protect the public and the safety of the drug supply.

In addition, regulations for physicians selling drugs are not consistent with the law and rules for pharmacists in such areas as the labeling of prescriptions and the requirements for counseling of patients prior to dispensing and delivering a prescription to a patient. In addressing the issue of inconsistency with the law and regulations for the practice of pharmacy, the board considered revisions that are necessary to protect the public. For example, the current rule for making an exception to providing child-proof packaging is for the pharmacist to have a signed release by the patient. That protection for both the consumer and the person filling the prescription has been more clearly spelled out in this regulation. The statutory requirements for information that is to be included on a prescription label have changed and need to be reflected in amendments to this regulation. The statute requires that any entity that engages in the wholesale distribution of drugs in the Commonwealth be licensed as a wholesale distributor. Regulations for pharmacies require that they purchase only from a licensed distributor; regulations for physicians who sell drugs need to be consistent.

Effective in 2000, physicians may elect to take an inactive status at the time of their biennial renewal. Therefore, the Board of Pharmacy had to consider an amendment to specify that a license to sell and dispense prescription drugs could only be issued to a physician who holds an active license. It was also necessary to clarify that any disciplinary action taken by the Board of Medicine or any other medical board could constitute grounds for denial or restrictions on the license to sell.

Advantages and disadvantages. There are no disadvantages of amended regulations to the public or the regulated entities. Patients are better served and protected by consistency with law and regulation governing the practice of pharmacy. Greater utilization of technology and more flexibility in the selling area and storage of prescription drugs may enhance the ability of practitioners to serve their patients. Amended regulations should provide more clarity which is beneficial to practitioners seeking to comply with rules of the board. Likewise, there are no disadvantages to the agency. Amendments to regulations will make the rules governing physicians selling drugs more clear and in conformity with current law and, therefore, more enforceable.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in

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

Summary of the proposed regulation. The Board of Pharmacy proposes to update the Regulations for Practitioners of the Healing Arts to Sell Controlled Substances to provide consistency with current law, current practices in pharmacy, and with the board's regulations for licensed pharmacists. In addition, some provisions are amended to provide clarity in the interpretation and enforcement of the regulations and unnecessary requirements are eliminated. Specific changes include the following:

- Consolidation of all fee requirements and addition of a \$300 fee for reinstatement of a license that has been revoked or suspended indefinitely;
- Clarification that applicants must hold a current, active license to practice medicine since the Board of Medicine is now authorized to issue inactive licenses;
- Clarification that an inspection is only required prior to issuance of the first license to any one location;
- Clarification that the selling and dispensing area may be located within the doctor's personal office and that drugs maintained for administration or samples may be stored in the pharmacy provided they are clearly separate from the rest of the stock;
- Modification of the minimum equipment standards to allow electronic or hard copies of any dispensing information reference source (the current rules specify licensees must have a hard copy of the United States Pharmacopeia Dispensing Information Reference Book);
- Updating labeling requirements and provisions regarding the disposal of Schedule II through VI controlled substances to conform with the general pharmacy regulations and current state and federal laws; and
- Addition of language allowing the maintenance of records in an automated data processing system.

Estimated economic impact. The proposed changes will not increase compliance costs for physicians licensed to sell drugs. For some licensees, there may even be modest savings since the recordkeeping requirements have been made less burdensome, a required reference volume has been eliminated, and the new rules allow for more flexibility in the utilization of space within the doctor's office.

The proposed changes are not expected to change practitioner behavior or to have any safety implications for

patients served by these licensees. Therefore, the proposed changes can be expected to have a positive, even if small, economic impact.

Businesses and entities affected. There are currently 243 physicians licensed to dispense drugs in the Commonwealth.

Localities particularly affected. Given that many physicians who sell prescription drugs in their practice do so because those services are not readily available from pharmacies in the marketplace due to geographic isolation, any impact from these proposed changes might particularly affect rural areas of the Commonwealth.

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

Effects on the use and value of private property. The proposed changes to this regulation are not expected to have any significant 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 regulations are amended to provide consistency with current practices in pharmacy and with the board's regulations for licensed pharmacies. The proposed amendments modify requirements for inspections, storage of drugs, access to selling areas, disposal of unwanted drugs, and electronic maintenance of records to conform them to pharmacy regulations and reduce the regulatory burden. Other requirements, such as those for labeling and special packaging, have been amended for consistency with current law.

18 VAC 110-30-10. Definitions.

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

"Board" means the Virginia Board of Pharmacy.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act.

"Licensee" ~~as used in this chapter shall mean~~ means a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

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

"Practitioner" ~~as used in this chapter shall mean~~ means a doctor of medicine, osteopathy or podiatry who possesses a current ~~unrestricted~~ active license issued by the Board of Medicine.

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"Sale" means barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as an individual, proprietor, agent, servant or employee. It does not include the gift of manufacturer's samples to a patient.

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

"U.S.P.-N.F." means the United States Pharmacopeia-National Formulary.

18 VAC 110-30-15. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Fee for initial license for a practitioner of the healing arts to sell controlled substances.

1. The application fee for initial licensure shall be \$200.
2. The application fee for reinstatement of a license that has been revoked or suspended indefinitely shall be \$300.

C. Renewal of license for a practitioner of the healing arts to sell controlled substances.

1. The annual fee for renewal of a license shall be \$50.
2. The annual fee for renewal of an inactive license shall be \$35.
3. The late fee for renewal of a license within 60 days after the expiration date is \$25 in addition to the annual renewal fee.
4. The delinquent fee for reinstatement of a lapsed license is \$50 in addition to all unpaid renewal fees.

18 VAC 110-30-20. Application for licensure.

A. ~~In order to engage in the sale of controlled substances as defined in § 54.1-3401 of the Code of Virginia and as provided for in § 54.1-2914 B of the Code of Virginia, a practitioner who possesses a current unrestricted license issued by the Board of Medicine shall make application to the Board of Pharmacy on a form provided by the board. A fee of \$200 shall be remitted with the application for licensure. Prior to engaging in the sale of controlled substances a practitioner shall make application on a form provided by the board and be issued a license.~~

B. In order to be eligible for a license to sell controlled substances, a practitioner shall possess a current, active license to practice medicine issued by the Virginia Board of Medicine. Any disciplinary action taken by the Board of Medicine against the practitioner's license to practice medicine shall constitute grounds for the board to deny, restrict, or place terms on the license to sell.

B.—C. For good cause shown, the board may issue a limited-use license, when the scope, degree or type of services provided to the patient is of a limited nature. The license to be issued shall be based on conditions of use requested by the applicant or imposed by the board in cases where certain requirements of regulations may be waived. The following conditions shall apply:

1. A policy and procedure manual detailing the type and volume of controlled substances to be sold, and safeguards against diversion must accompany the application. The application shall list the regulatory requirements for which a waiver is requested and a brief explanation as to why each requirement should not apply to that practice;
2. The issuance and continuation of such license shall be subject to continuing compliance with the conditions set forth by the board; and
3. Application for a limited-use license is contingent on the practitioner selling only controlled substances which have been received prepackaged in ready-to-dispense quantities and containers needing only the addition of required labeling.

18 VAC 110-30-30. Renewal of license.

A. A license so issued shall be valid until December 31 of the year of issue. A Renewal of the license shall be made on or before December 31 of each year. ~~The annual renewal fee shall be \$50.~~

~~Between January 1, 1994, and January 1, 1995, the annual renewal fee shall be \$25.~~

B. If a practitioner fails to renew his license to sell within the Commonwealth by the renewal date, he must pay the ~~back~~ renewal fee ~~and a \$25 plus the late fee within 60 days of expiration. He may renew his license by payment of these fees for 60 days from the date of expiration.~~

C. Failure to renew the license to sell within 60 days following expiration shall cause the license to lapse. The selling of controlled substances with a lapsed license shall be illegal and may subject the practitioner to disciplinary action by the board. Reinstatement is at the discretion of the board and may be granted by the executive director *on the board's behalf* upon submission of a reinstatement application, payment of all unpaid renewal fees, and ~~a the delinquent fee of \$50.~~

D. ~~The annual fee for renewal of an inactive license to sell shall be \$35.~~

18 VAC 110-30-35. Inactive status.

A. A licensee who intends to cease selling controlled substances may take inactive status. An inactive license may be reactivated by applying to the board for reactivation and paying any unpaid portion of the current renewal fee for an active license.

B. A licensee with inactive status shall not engage in the sale of controlled substances. Engaging in the sale of controlled substances with an inactive license shall constitute grounds for disciplinary action by the board.

18 VAC 110-30-50. Licensees ceasing to sell controlled substances; inventory required prior to disposal.

A. Any licensee who ~~desires~~ *intends* to cease selling controlled substances shall notify the board 10 days prior to cessation and his license will be placed on an inactive status or may be surrendered.

B. Any Schedule II through V controlled substances shall be inventoried and may be disposed of by transferring the controlled substance stock to another licensee or other ~~practitioner~~ *person authorized by law to possess such drugs* or by destruction as set forth in this chapter.

C. The licensee or other responsible person shall inform the board of the name and address of the licensee to whom the controlled substances are transferred.

18 VAC 110-30-60. Inactive status. (Repealed.)

~~Any licensee who elects to take an inactive status shall not engage in the sale of controlled substances. To reactivate his license, he shall apply to the board and shall pay the fee charged for license renewal. Engaging in the sale of controlled substances with an inactive license may subject the licensee to disciplinary action by the board.~~

18 VAC 110-30-80. Inspection and notice required.

A. The area designated for the storage and selling of controlled substances shall be inspected by an agent of the board prior to the issuance of a *the first* license to sell controlled substances from that site. *Inspection prior to issuance of subsequent licenses at the same location shall be conducted at the discretion of the board.*

B. Applications for licenses which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice to the board is allowed prior to the requested inspection date.

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

D. At the time of the inspection, the controlled substance selling and storage area shall comply with 18 VAC 110-30-90, 18 VAC 110-30-100, 18 VAC 110-30-110, 18 VAC 110-30-120 and 18 VAC 110-30-130 ~~of this chapter.~~

E. No license shall be issued to sell controlled substances until adequate safeguards against diversion have been provided for the controlled substance storage and selling area and approved by the board or its authorized agent.

18 VAC 110-30-90. Physical standards.

Physical standards for the controlled substance selling and storage area:

1. The building in which the controlled substances selling and storage area is located shall be constructed of permanent and secure materials. Trailers and other movable facilities shall not be permitted;

2. There shall be an enclosed area of not less than 60 square feet that is designated as the controlled substances selling and storage area, which shall be used

exclusively for the storage, preparation, dispensing, and record-keeping related to the sale of controlled substances. The work space used in preparation of the drugs shall be contained within the enclosed area. A controlled substance selling and storage area inspected and approved prior to ~~the effective date of this chapter~~ *November 3, 1993*, shall not be required to meet the size requirement of this chapter;

3. Controlled substances maintained for ultimate sale shall be maintained separately from any other controlled substances maintained for other purposes. *Controlled substances maintained for other purposes such as administration or samples may be stored within the selling and storage area provided they are clearly separated from the stock maintained for sale;*

4. The selling and storage area, work counter space and equipment in the area shall be maintained in a clean and orderly manner;

5. A sink with hot and cold running water shall be available within the immediate vicinity of the selling and storage area; and

6. The entire area described in this chapter shall be well lighted and ventilated; the proper storage temperature shall be maintained to meet official specifications for controlled substance storage.

18 VAC 110-30-100. Access to selling area.

Access to stock rooms, rest rooms, and other areas other than an office that is exclusively used by the licensee shall not be through the selling and storage area. *The selling and storage area may be in an office that is exclusively used by the licensee and to which only the licensee has access provided the portion of the office used exclusively for controlled substances storage and preparation is at least 60 square feet, provided the drugs are stored in a cabinet, closet or other lockable area which can be locked when the practitioner is using the office for purposes other than dispensing, and provided the office meets all other requirements of 18 VAC 110-30-90, 18 VAC 110-30-120, and 18 VAC 110-30-130.*

18 VAC 110-30-110. Minimum equipment.

The licensee shall be responsible for maintaining the following equipment in the designated area:

1. A current ~~copy of the United States Pharmacopeia Dispensing Information Reference Book~~ *dispensing information reference source, either hard copy or electronic;*

2. A refrigerator with a monitoring ~~thermometer~~ *thermometer*, located in the selling area, if any controlled substances requiring refrigeration are maintained;

3. A current copy of the Virginia Drug Control Act and board regulations;

4. A current copy of the Virginia Voluntary Formulary;

5. A laminar flow hood if sterile products are to be prepared; and

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6. Prescription balances, *sensitive to 15 milligrams*, and weights *or an electronic scale*, if the licensee is engaged in extemporaneous compounding.

18 VAC 110-30-160. Disposal of Schedule II through ~~V~~ VI controlled substances.

A. If a licensee wishes to dispose of unwanted Schedule II through ~~V~~ VI controlled substances, he shall use one of the following procedures:

~~1. Return the drugs to the Drug Enforcement Administration (DEA) by delivery to the nearest DEA office;~~

~~2. 1. Transfer the drugs to another person or entity authorized to possess Schedule II through ~~V~~ VI drugs; or~~

~~3. 2. Destroy the drugs according to the following procedures by burning in an incinerator in compliance with all applicable local, state, and federal laws and regulations.~~

B. If Schedule II through V drugs are to be destroyed, the following additional procedures shall apply:

~~a. 1. At least 14 days prior to the destruction date, the licensee shall provide a written notice to the board office; the notice shall state the following:~~

~~(1) a. Date, time, manner, and place of destruction;~~

~~(2) b. The names of the licensees who will witness the destruction process.~~

~~b. 2. If the destruction date is to be changed or the destruction does not occur, a new notice stating the information required in subdivision 1 of this subsection shall be provided to the board office as set forth above in this subsection;~~

~~c. The DEA Drug Destruction Form No. 41 shall be used to make a record of all controlled substances to be destroyed;~~

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

~~e. 3. The actual destruction shall be witnessed by the licensee conducting the destruction and another licensee of the board who is not employed by the practitioner licensee conducting the destruction;~~

~~f. Each form shall show the following information:~~

~~(1) Legible signatures of the licensee and the witnessing person.~~

~~(2) The license number of the licensee and other licensed person destroying the controlled substances.~~

~~(3) The date of destruction;~~

~~g. 4. At the conclusion of the destruction of the controlled substance stock, the DEA drug destruction form shall be fully completed and used as the record of all drugs to be destroyed. A copy of the destruction form shall be~~

retained at the practitioner's office with other inventory records.

~~(1) Three copies of the completed destruction form shall be sent to: Drug Enforcement Administration, Washington Field Division, Room 2558, 400 6th Street, SW, Washington, DC 20024, Attn: Diversion Control Group.~~

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

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

18 VAC 110-30-170. Sign and written prescription requirements.

A. The licensee shall provide the patient with a written prescription whether or not he intends to sell the controlled substance to the patient.

B. The licensee shall ~~provide~~ *conspicuously display* a sign in the public area of the office. ~~The sign must be legible to the public with normal vision and must advise the public that the controlled substances may be obtained from him or from a pharmacy advising patients of their right to choose where they have their prescriptions filled.~~

C. The licensee after delivery of the written prescription to the patient shall, in each case, advise the patient of their right to obtain the controlled substance from him or from a pharmacy.

D. If the patient chooses to purchase the controlled substance from the licensee, the written prescription shall be returned to the licensee and signed by the patient. If the licensee chooses to use the hard copy prescription as his record of sale, he shall record all information and file as required by 18 VAC 110-30-190. If the licensee chooses to record the sale in book form or maintain it in an automated data system, he shall mark the prescription void, file chronologically, and maintain for a period of two years.

18 VAC 110-30-190. Manner of maintaining records for Schedule II through VI controlled substances sold.

A. The hard copy prescription or records of sale for Schedule II controlled substances shall be maintained as follows:

1. They shall be maintained separately from other records; and

2. They shall be maintained in chronological order and shall show the selling date, a number which identifies the sale, the name and address of the patient, the name and strength of the controlled substance, the initials of the licensee, and the quantity sold.

B. The hard copy prescription or records of sale for Schedule III through V controlled substances shall be maintained as follows:

1. They shall be maintained in the manner set forth in subsection A of this section; and

2. The hard copy prescription or records of sale for Schedule III through V controlled substances may be maintained separately from other selling records or may be maintained with selling records for Schedule VI controlled substances provided the Schedule III through V controlled substance records are readily retrievable from the selling records for Schedule VI controlled substances. The records shall be deemed readily retrievable if a red "C" is placed uniformly on the record entry line for each Schedule III through V controlled substance sold. *However, if the licensee employs an automated data processing system or other electronic recordkeeping system for prescriptions that permits identification by prescription number and retrieval of original documents by prescriber's name, patient's name, drug dispensed, and date filled, then the requirement to mark the hard copy record with a red "C" is waived.*

18 VAC 110-30-200. Automated data processing records of sale.

A. An automated data processing system may be used for the storage and retrieval of the sale of controlled substances instead of manual record keeping requirements, subject to the following conditions:

1. Any computerized system shall also provide retrieval via computer monitor display or printout of the sale of all controlled substances during the past two years, the listing to be in chronological order and shall include all information required by the manual method;

2. If the system provides a printout of each day's selling activity, the printout shall be verified, dated and signed by the licensee. The licensee shall verify that the data indicated is correct and then sign the document in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). In place of such printout, the licensee shall maintain a bound log book, or separate file, in which the licensee shall sign a statement each day, in the manner previously described, attesting to the fact that the selling information entered into the computer that day *under his initials* has been reviewed by him and is correct as shown; and

3. A hard copy prescription shall be placed on file chronologically and maintained for a period of two years.

B. Any computerized system shall have the capability of producing a printout of any selling data which the practitioner is responsible for maintaining under the Drug Control Act.

18 VAC 110-30-210. Repacking Repackaging of controlled substances; records required; labeling requirements.

A. A licensee repackaging controlled substances shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the controlled substances repackaged, strength, if any, quantity prepared, initials of the licensee supervising the process, the assigned control number, or the manufacturer's or distributor's name and control number, and an expiration date.

B. The controlled substance name, strength, if any, the assigned control number, or the manufacturer's or distributor's name and control number, and an appropriate expiration date shall appear on any subsequently repackaged units as follows:

1. If U.S.P.-N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk containers, whichever is less, shall appear on the repackaged units;

2. If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned; and

3. If U.S.P.-N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged units.

18 VAC 110-30-220. Labeling of prescription as to content and quantity.

A. Any controlled substances sold by a licensee shall bear on the label of the container, in addition to other requirements, the following information:

1. The name and address of the practitioner and the name of the patient;

2. The date of the dispensing; and

~~3. The controlled substance name and strength, when applicable.~~

~~a. If a trade name controlled substance is sold, the trade name of the controlled substance or the generic name of the controlled substance.~~

~~b. If a generic controlled substance is sold in place of a trade name controlled substance, in addition to the requirements of § 32.1-87 A of the Code of Virginia, one of the following methods shall be used:~~

~~(1) The generic name; or~~

~~(2) A name for the product sold which appears on the generic manufacturer's label; or~~

~~(3) The generic name followed by the word "generic for" followed by the trade name of the controlled substance for which the generic controlled substance is substituted.~~

3. The drug name and strength, when strength is applicable:

a. For any drug product possessing a single active ingredient, the generic name of the drug shall be included on the label.

b. If a generic drug is dispensed when a prescription is written for a brand name drug the label shall contain the generic name followed by the words "generic for" followed by the brand name of the drug prescribed, and in accordance with § 32.1-87 A of the Code of Virginia, the label shall also contain the generic's brand

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name or the manufacturer or distributor of the drug dispensed; and

4. The number of dosage units, or if liquid, the number of millimeters dispensed.

18 VAC 110-30-240. Special packaging.

A. Each controlled substance sold to a person in a household shall be sold in special packaging, except when otherwise requested by the purchaser, or when such controlled substance is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970, 15 USC §§ 1471-1476.

B. Each licensee may have a sign posted near the compounding and selling area advising the patients that nonspecial packaging may be requested.

C. If nonspecial packaging is requested, ~~documentation a signed release~~ of such request shall be *obtained pursuant to § 54.1-3427 of the Code of Virginia and maintained for two years from the date of dispensing.*

18 VAC 110-30-255. Purchase of drugs.

Except for an emergency purchase from another licensee or pharmacy, a licensee may only purchase Schedule II through VI drugs from a wholesale distributor licensed or registered by the board.

18 VAC 110-30-260. Returning of controlled substances.

Controlled substances shall not be accepted for return or exchange by any licensee for resale after such controlled substances have been taken from the premises where sold, unless such controlled substances are in the manufacturer's original sealed container or in a unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement ~~and~~, have not been stored under conditions whereby ~~it~~ *they* may have become contaminated, *and provided such return or exchange is consistent with federal law and regulation.*

18 VAC 110-30-270. Grounds for ~~revocation or suspension~~ disciplinary action.

In addition to those grounds listed in § 54.1-3316 of the Code of Virginia, the board of ~~Pharmacy~~ may revoke, suspend, refuse to issue or renew a license to sell controlled substances or may deny any application if it finds that the licensee or applicant: ~~has had his license to practice medicine, osteopathy or podiatry suspended or revoked in Virginia or in any other state or no longer holds a current active license to practice medicine in the Commonwealth of Virginia.~~

- ~~1. Has been negligent in the sale of controlled substances;~~
- ~~2. Has become incompetent to sell controlled substances because of his mental or physical condition;~~
- ~~3. Uses drugs or alcohol to the extent that he is rendered unsafe to sell controlled substances;~~

~~4. Has engaged in or attempted any fraud or deceit upon the patient or the board in connection with the sale of controlled substances;~~

~~5. Has assisted or allowed unlicensed persons to engage in the sale of controlled substances;~~

~~6. Has violated or cooperated with others in violating any state or federal law or any regulation of the board relating to the sale, distribution, dispensing or administration of controlled substances;~~

~~7. Has had his federal registration to dispense controlled substances revoked or suspended; or~~

~~8. Has been convicted of violating any federal drug law or any drug law of Virginia or of another state or has had his license to practice medicine, osteopathy or podiatry suspended or revoked in Virginia or in any other state.~~

NOTICE: The forms used in administering 18 VAC 110-30-10 et seq., Regulations for Practitioners of the Healing Arts To Sell Controlled Substances, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

~~Application for Registration as an Externe/Interne (eff. 5/93).~~

~~Application for Licensure as a Pharmacist by Examination (eff. 5/93).~~

~~Application for Re-examination (eff. 5/93).~~

~~Application for Pharmacist License to be Reactivated.~~

~~Application for Approval of a Continuing Education Program.~~

~~Verification of Licensure/Registration (eff. 8/94).~~

~~Application for License to Dispense Drugs (Permitted Physician) (eff. 5/93).~~

~~Application for a Pharmacy Permit.~~

~~Application for a Non-Resident Pharmacy Registration.~~

~~Application for a Permit as a Medical Equipment Supplier.~~

~~Application for a Restricted Manufacturer's Permit.~~

~~Application for a Non-Restricted Manufacturer's Permit.~~

~~Application for a Permit as a Warehouser (eff. 5/93).~~

~~Application for a License as a Wholesale Distributor.~~

~~Application for a Non-Resident Wholesale Distributor Registration.~~

~~Application for a Controlled Substances Registration.~~

~~Application for Reinstatement of Controlled Substance Registration.~~

~~Application for a License to Sell Controlled Substances by a Practitioner of the Healing Arts (rev. 3/99).~~

~~Renewal Notice and Application (rev. 1999).~~

Application for Practitioner's License to Sell Controlled Substances (eff. 5/93).

Application for Reinstatement of a Practitioner's License to Sell Controlled Substances.

DEA Drug Destruction Form #41.

Application for Reinstatement of License.

COMMONWEALTH OF VIRGINIA
Board of Pharmacy

6600 W. Broad Street, 4th Floor
Richmond, Virginia 23230

(804) 662-9911 (Tel)
(804) 662-9313 (Fax)

**APPLICATION FOR A LICENSE TO SELL CONTROLLED SUBSTANCES
BY A PRACTITIONER OF THE HEALING ARTS**

Check Appropriate Box(es):
 New
 Reinstatement/revival
 Change of location of selling area? Yes No
 Change in designated practitioners? Yes No
 If reinstatement, due to: Lapses of License or Suspension or Revocation of a License
 The required fees must accompany the application. Make check payable to "Treasurer of Virginia".
 Applicant—Please provide the information requested below. (Print or Type) Use full name, not initials

Name of Medical Practitioner Applicant		Medical License Number
Street Address Where Applicant Intends to Sell Controlled Substances		Area Code and Telephone Number
City	State	Zip Code
Social Security Number for Virginia DMV records?		
Name of Facility (if applicable)		Has this drug selling and storage area already passed inspection? <input type="checkbox"/> YES <input type="checkbox"/> NO
Print Name of the Responsible Designated Practitioner if Current Stock of Drugs Held *		License Number of the Designated Practitioner
Signature of the Practitioner Applicant		Date
Expected Hours of Operation		*Effective Date of Change
Expected Opening, Moving, or Completion Date		Requested Inspection Date

Please read and complete page 2 of this application.

Practitioner Selling Drugs Application, Page 2

Please respond to the following questions:

1. Has your federal registration with the Drug Enforcement Administration been revoked or suspended?
 Yes No If yes, attach a detailed explanation and have a certified copy of the order sent to the Board office.

2. Has your medical license ever been voluntarily surrendered to a licensing authority in any jurisdiction, placed on probation, suspended, revoked, or have your prescribing privileges been restricted?
 Yes No If yes, attach a detailed explanation and provide a copy of the order or other document of the licensing authority.

3. Is your medical license in all jurisdictions where licensed current and unrestricted?
 Yes No If no, attach explanation.

4. Have you ever been convicted, pled guilty to or pled not guilty to a violation of any federal, state, or other drug related law?
 Yes No If yes, attach a detailed explanation and have a certified copy of the court order sent to the Board office.

REINSTATEMENT ONLY:

1. Have you engaged in the selling of prescription drugs in Virginia during the time that your license was lapsed?
 Yes No If yes, attach explanation.

*A 14-day notice is required for scheduling a new or change of location inspection. Drugs may not be stocked prior to inspection and approval of the drug selling and storage area.
 *B VAC 180-30-70 requires that when two or more licenses maintain a common stock of controlled substances for dispensing, one licensee shall be designated as the primary responsible party for assuring security against diversion and compliance with all recordkeeping requirements.
 *C accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. **NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.** In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure to DMV of your Social Security Number will be required to obtain this number.

Revised March 1999

Revised March 1999

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Presorted
First-Class Mail
US Postage Paid
Richmond, VA
Permit No. 1902

«License_No»

«License_Name»
«L_Address_Line_1»
«L_Address_Line_2»
«L_Address_Line_3»



Place Postage
Stamp Here

Department of Health Professions
P.O. Box 26566
Richmond, VA 23261-6566



Current Expiration Date:
«L_Expiration_Date»

INSTRUCTIONS:

1. Detach "renewal form" portion, and return with your check in attached response envelope.
2. Make checks payable to "Treasurer of Virginia." Do not staple check to application for renewal.
3. Do not make any changes to printed information on this form. Contact Board for an application for any name, address or other changes.

When making the return envelope, please cross out your name and address, leaving only the Department's name and address on one side of the envelope.

Renewal Form for:	«License_Type»	Amount Due:
«License_No»	Renewal Period: «begin_period» to «end_period»	«renewal_fee»
«First_Name» «Middle_Name» «Last_Name»		
«L_Address_Line_1», «L_Address_Line_2», «L_Address_Line_3»		
If Received After «L_Expiration_Date», Amount Due «combined_late_fee»		
<input type="checkbox"/> I wish to renew and have enclosed the appropriate fee. <input type="checkbox"/> I wish to take inactive status and enclose the fee of «inactive_fee». <input type="checkbox"/> I do not wish to renew.		
Signature: _____		

«Scan_Line»

***** Please fold and tear on perforated line. *****
Receipt: Keep this portion for your records—Do not return

«First_Name» «Last_Name»	Renewal Fee—Amount Paid:	«renewal_fee»
«License_Type»	«License_No»	Renewal Period: «begin_period» to «end_period»

VA.R. Doc. No. R00-4; Filed August 17, 2000, 11:40 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-35-10 et seq. Virginia Independence Program (amending 22 VAC 40-35-10 and 22 VAC 40-35-90).**

Statutory Authority: §§ 63.1-25 and 63.1-133.46 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until November 10, 2000.

(See Calendar of Events section for additional information)

Basis: Pursuant to § 63.1-25 of the Code of Virginia, the State Board of Social Services has authority to promulgate rules and regulations necessary for operation of all assistance programs. These regulations are necessary for the Commonwealth to regulate its state TANF program.

The 1999 Virginia Acts of Assembly gives the authority to provide up to one year of transitional employment and training services, if needed, to former VIEW clients that were not sanctioned under VIEW at the time their TANF case closed. These regulations are needed for the purpose of implementing the law in those areas.

Purpose: The proposed regulation is essential in order to provide one year of transitional employment and training services to VIEW participants if needed and if participants qualify for services. These participants will be former VIEW clients that were not sanctioned under VIEW at the time their TANF case closed.

Local agencies have reported that VIEW participants, who have left at the end of 24 months, though employed, are employed in low-wage employment. These participants still need further assistance to maintain employment and also to obtain employment at higher wages that will allow self-sufficiency. The transitional employment and training services that this regulation provides will enable localities to provide these services to the participant who has left the VIEW program after 24 months. The transitional employment and training services are essential to protect the welfare of the participant and, especially, the participant's children.

Substance: The VIP regulation will require that transitional employment and training services will be accessible, if needed, to VIEW participants whose 24 months have ended and VIEW participants whose cases were not sanctioned at case closure (22 VAC 40-35-90). The regulation will define Transitional Supportive Services (22 VAC 40-35-10).

Also, the regulation will list time frames of the program for participants. All activities in transitional employment and training services will be approved by a caseworker. Individuals will not be enrolled in an activity which cannot be completed within 12 months. The caseworker will supervise to ensure satisfactory progress in the activity (22 VAC 40-35-90).

Issues: This regulation is designed to allow agencies to extend supportive employment and training services to VIEW

participants who have come to the end of their 24 months of cash assistance. Even though they may be employed, their employment may be in low-wage jobs. The extension of supportive employment services can result in employment with higher wages that will lead to self-sufficiency.

Fiscal Impact: This proposed regulation will result in no additional cost to the state or localities. The increased benefit costs of \$1,135,083 will be funded from federal funds (TANF Block Grant).

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. Under the current regulations, once an individual stops receiving TANF benefits, he is no longer eligible to receive employment and training services. The Department of Social Services (DSS) proposes to extend eligibility for those services to certain qualified individuals for 12 months beyond the closure of their TANF case.

Estimated economic impact. The proposed transitional employment and training services would include, for example, the following: advice on proper conduct to keep a job and potentially to gain a better job, subsidies for work clothes, and help in applying for federally funded job-training programs (Workforce Investment Act, etc.). All of these services would likely provide some positive value. DSS estimates that the proposed extension of the program would cost \$1,135,083 per year, all of which would be paid for with federal funds (TANF Block Grant). There would be no additional cost to the Commonwealth or localities. No other program would have to be cut in order to implement this proposal. Since the proposal would likely produce some benefit for Virginians and would not create an additional cost, it would most likely produce a net benefit for the Commonwealth.

Businesses and entities affected. According to DSS, in 1999 there were 11,569 people who were both participating in the VIEW program and had their TANF case closed. Of those individuals, 345 possessed either an associate degree or a four-year college degree, which would make them ineligible for the proposed 12-month extension of employment and training services. Thus, if the proposed extension were in effect last year, 11,224 individuals would have been eligible to use the proposed services. Firms that hire recent TANF recipients or provide job training may also be affected by the proposed amendment.

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Localities particularly affected. All localities in Virginia are potentially affected by the proposed amendment.

Projected impact on employment. The proposal to extend employment and training services for qualified individuals may help recent TANF recipients avoid losing their jobs and possibly help them obtain better jobs. The extended employment and training services may also make it more likely that service recipients apply for federally funded job-training programs. This may increase employment for providers of job training.

Effects on the use and value of private property. The proposal to extend employment and training services may make it somewhat more likely that recent TANF recipients will work as responsible, productive employees. To the extent that this actually occurs, the value of firms that hire these individuals may become slightly higher. If the proposed extension of employment and training services makes it more likely that service recipients apply for federally funded job-training programs, then the value of some private providers of job training may increase due to increased demand for their services.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services concurs with the findings of the Department of Planning and Budget's Economic Impact Analysis.

Summary:

The amendments provide for qualifying participants of VIEW (Virginia Initiative for Employment not Welfare) to receive transitional employment and training services after they have come to the end of their 24 months' assistance or for participants whose cases were not in sanction at case closure. The amendments clarify qualifying criteria, time frames and the services to be provided.

22 VAC 40-35-10. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Department" means the Virginia Department of Social Services.

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

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

"Family" means a TANF assistance unit.

"Food Stamp Program" means the program administered through the Virginia Department of Social Services through

which a household can receive food stamps with which to purchase food products.

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

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

"*Grant*" means the monthly TANF benefit payment.

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

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

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

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

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

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

"*Job finding*" means identification of available jobs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"*Temporary Assistance for Needy Families-Unemployed Parent*" or "*TANF-UP*" means the program authorized in § 63.1-105 of the Code of Virginia and administered by the Virginia Department of Social Services, which provides aid to two-parent families with dependent children who are in financial need.

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

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

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

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

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

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

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

"Virginia Targeted Jobs Grant Program" or "VTJG" means the program established in § 63.1-25.3 of the Code of Virginia which pays a grant to employers who hire qualified participants in the Virginia Initiative for Employment not Welfare Program.

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

22 VAC 40-35-90. Services.

A. The participant shall have the primary responsibility to arrange transportation to be employed or participate in activities required by the Agreement of Personal Responsibility. Transportation shall be provided only when the participant is unable to make the necessary arrangements.

B. The local department shall provide transitional medical assistance in accordance with the Department of Medical Assistance Services State Plan and regulations.

C. The local departments may provide those services itemized in § 63.1-133.46 C of the Code of Virginia.

D. *Transitional employment and training services shall be through the VIEW program to certain individuals.*

1. *Transitional employment and training services can be provided if the following criteria are met:*

a. *The individual is already employed or the provisions of the employment and training services would allow the individual to become reemployed within 60 days.*

b. *The activities are designed to maintain employment income, increase employment income or prevent the loss of employment income by the participant.*

c. *The individual had been enrolled in the VIEW program.*

d. *The TANF case of which the individual was a member is closed.*

e. *The case had not been in a VIEW sanction at the time of closure.*

f. *The individual has not completed an associate degree or four-year degree.*

2. *The individual can only receive up to 12 months of transitional employment and training services available through the VIEW program.*

3. *The individual shall enroll in an activity which can be completed within the 12-month time period.*

4. *An individual can only be enrolled in an activity if approved by a VIEW employment services worker.*

5. *Individuals may be enrolled only in education and training activities for which there are jobs in the community or jobs are projected to become available in the community.*

6. *Continued enrollment in education and skills training activities is dependent upon meeting the satisfactory progress requirements for participation in these activities.*

a. *For education below the post-secondary level (Adult Basic Education and General Equivalency Diploma), the individual must obtain one grade level increase every three months.*

b. *For certificate and job skills training activities, the participant must meet the satisfactory progress requirements of the institution providing the training.*

7. *Participants shall not be assigned to FEP (Full Employment Program).*

VA.R. Doc. No. R00-61; Filed August 23, 2000, 10:33 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 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 10-120-10 et seq. **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Claiming Races (amending 11 VAC 10-120-50, 11 VAC 10-120-80, and 11 VAC 10-120-90).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: August 14, 2000.

Summary:

The amendments change the term "standardbred" to "harness" and clarify the conditions for claiming a racehorse programmed to start in a harness race. In addition, the term "jump" is changed to "steeplechase."

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 10-120-50. Claiming procedure.

A claim may be filed on a horse programmed to race by properly completing a claim slip, sealing the claim slip in an envelope and depositing the envelope in a locked claims box. The following provisions shall apply to the claiming of a horse:

1. The licensee shall provide claim slips, claim envelopes and a locked claim box to secure filed claims;
2. The claim slip, enclosed in a sealed envelope, must be deposited in a locked claim box at least 15 minutes before post time of the race for which the claim is filed;
3. The licensee shall provide a clock, and before the sealed envelope is deposited in the locked claim box, the time of day shall be stamped upon the envelope;
4. No money or its equivalent shall be put in the claim box;
5. The person filing the claim must have sufficient funds on deposit with the horsemen's bookkeeper or licensee in not less than the amount of the designated price and applicable sales taxes;
6. The claims clerk shall open the claim box when the horses enter the racing surface on their way from the paddock to the post;

7. The claims clerk shall inform the stewards of a claim filed for a horse and of multiple claims on a horse;

8. The claims clerk shall ascertain that the claim slip and envelope are properly complete;

9. The claims clerk shall ascertain that the person is eligible to claim a horse and inform the stewards immediately of any doubts of the person's eligibility;

10. The claims clerk shall ascertain that there are sufficient funds on deposit with the horsemen's bookkeeper or licensee of not less than the amount of the claim and applicable sales taxes;

11. If more than one valid claim is filed for a horse, then title to the horse shall be determined by lot under the supervision of the stewards;

12. A claimed horse shall race in the interest of and for the account of the owner from whom the horse was claimed;

13. The original trainer shall remain the absolute insurer of the condition of the horse until any post-race testing is completed;

14. Title to a claimed horse shall be transferred to the new owner at the time the horse is deemed a starter whether the horse is dead or alive, sound or unsound, or injured in the race or after the race;

15. A horse is deemed a starter when it obtains a fair start;

16. ~~For Standardbreds, a claim may be filed for a horse that is programmed to race but is scratched~~ *In harness racing, the successful claimant of a horse programmed to start may, at his option, acquire ownership of a claimed horse even though such claimed horse was scratched and did not start in the claiming race from which it was scratched. The successful claimant must exercise his option by 9 a.m. of the day following the claiming race to which the horse programmed and scratched. No horse may be claimed from a claiming race unless the race is contested;*

17. A horse that has been claimed shall be delivered to the new owner, with its halter, at the conclusion of the race either at the paddock or at the detention barn, after the completion of any post-race testing;

18. The claimant shall present the former owner with written authorization of the claim from the racing secretary;

19. A positive test result for any prohibited drug is grounds for voiding the claim;

20. The new owner may request that the horse be tested for equine infectious anemia, by taking the horse

immediately following the race to the detention barn where a blood sample will be drawn;

21. A positive test result for equine infectious anemia is grounds for voiding a claim;

22. The certificate of registration, eligibility certificate or registration document shall be retained by the racing secretary until the results of the post-race testing are known;

23. The funds for the claim shall be retained by the horsemen's bookkeeper or licensee until the results of the post-race testing are known;

24. When it is determined that the claim is valid and that there are no grounds for voiding the claim, the certificate of registration shall be delivered by the racing secretary to the claimant and the funds for the claim shall be paid to the former owner;

25. The new owner shall be responsible for filing the change of ownership with the appropriate breed registry; and

26. Despite any designation of sex or age of a horse appearing in the daily program or other publication, the person making the claim shall be solely responsible for determining the sex or age of the horse before filing a claim for the horse.

NOTICE: The forms used in administering 11 VAC 10-120-10 et seq., Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Claiming Races, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

Claiming Certificate, 8/00.

11 VAC 10-120-80. Restrictions on a claimed horse.

When a horse is claimed out of a claiming race, the following restrictions shall apply to the horse for 30 calendar days after the day that the horse was claimed:

1. The horse may only start in claiming races for a designated price of 25% more than the amount for which the horse was claimed, except for ~~Standardbred~~ *Standardbred harness* racing, a horse may start in claiming races for a designated price equal to or less than the amount for which the horse was claimed;

2. The horse may not be sold or transferred wholly or in part to another person, except in another claiming race;

3. The horse may not remain in the same stable or under the control or supervision of its former owner or trainer, unless reclaimed; and

4. The horse may not race elsewhere until after the close of the meeting at which it was claimed or 30 calendar days, whichever occurs first, except with the ~~discretion~~ *permission* of the stewards.

11 VAC 10-120-90. ~~Jump~~ Steeplechase races.

For the purposes of races sanctioned by the National Steeplechase Association (NSHA), any racing conducted from January 1 through June 30 shall be considered "one meeting" and any racing conducted from July 1 through December 31 shall be considered "one meeting." Any horse claimed may only race at meetings sanctioned by the ~~NSHA~~ *NSA* until the close of the meeting during which it was claimed or for 30 days, whichever comes first.

CLAIMING CERTIFICATE

DATE : _____

_____ IS HEREBY
AUTHORIZED TO CLAIM ANY HORSE ENTERED IN A CLAIMING RACE AT A RACE
MEETING LICENSED BY THE VIRGINIA RACING COMMISSION IN ACCORDANCE
WITH THE REGULATIONS OF THE COMMISSION.

THIS FORM SHALL BE FILED TOGETHER WITH ANY CLAIM AND SHALL BE RETURNED
TO THE HOLDER HEREOF IF SUCH CLAIM IS NOT SUCCESSFUL.

THIS AUTHORIZATION SHALL EXPIRE ON _____ OR UPON
ISSUANCE OF AN OWNER'S PERMIT BY THE COMMISSION. OR UPON THE SUCCESS-
FUL CLAIM OF A HORSE. WHICHEVER FIRST OCCURS.

THE TRAINER, LISTED BELOW, WILL ASSUME CARE AND RESPONSIBILITY FOR THE
HORSE CLAIMED:

TRAINER : _____

OWNER OR AUTHORIZED AGENTS S.S. # _____

PERMIT NUMBER : _____

U.S.T.A. # _____

THE CLAIM AUTHORIZATION MUST BE APPROVED BY STEWARDS :

8/00

(STEWARDS)

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 10-150-10 et seq. **Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering: Harness Racing (amending 11 VAC 10-150-10, 11 VAC 10-150-20, 11 VAC 10-150-30, 11 VAC 10-150-40, 11 VAC 10-150-80, 11 VAC 10-150-90, 11 VAC 10-150-120, 11 VAC 10-150-130, and 11 VAC 10-150-170).**

Statutory Authority: § 59.1-369 of the Code of Virginia.

Effective Date: August 14, 2000.

Summary:

The amendments (i) remove the definition of "hopples" and change the term "standardbred" to "harness", (ii) allow trainers the option of not taking a warmup trip with the horse prior to racing, (iii) allow harness racing to be conducted under saddle, (iv) remove the requirement for the horse to wear head numbers, (v) clarify the specifications and allowed uses of a whip, (vi) add that a horse that gains an unfair advantage out of its assigned post position may be disqualified, (vii) provide that loud shouting or other improper conduct on the part of the driver are subject to disciplinary action, and (viii) define the process of kicking a horse. The amendments incorporate into the regulation the latest procedures utilized by the United States Trotting Association regarding the conduct of harness racing.

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 10-150-10. Definitions.

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

"Hopples" means equipment including straps with loops at each end, each loop encircling a leg on the same side of the a horse's body which tend to steady the horse and help it to maintain its gait.

"Standardbred Harness racing" means races whereby registered Standardbred horses compete in harness and hitched to sulkies or under saddle.

"Starter" means a horse that obtains a fair start when the starter dispatches the horses.

"Starting point" means a point, no less than 200 feet from the first turn, where the starter gives the word, "Go."

"Sulky" means a United States Trotting Association-approved dual-shaft, dual-wheel racing vehicle on which the driver is seated.

"Warmup trip" means a horse being exercised prior to racing.

11 VAC 10-150-20. Paddock procedures.

The trainer shall be responsible for the arrival in the paddock at the time prescribed by the stewards for each horse entered by the trainer. The following provisions shall apply to the procedures to be followed in the paddock:

1. The paddock time shall not be less than one hour prior to post time;
2. Except for warmup trip, no horse shall leave the paddock until the post parade;
3. No driver, trainer or groom, once admitted to the paddock shall leave the paddock unless to attend a horse during a warmup trip;
4. Once leaving the paddock no person, except an owner who has another horse entered in a later race, shall be permitted to return;
5. Any horse that falls to the racing surface during a warmup trip shall be automatically excused by the stewards;
6. The licensee shall provide the services of a farrier during hours when horses are racing or taking warmup trips; and
7. The licensee shall provide equipment so that racing will not be unnecessarily delayed due to broken equipment.
8. A trainer may exercise his option not to take warmup trips with his horse prior to racing; however, such horse shall be satisfactorily paraded before the commission veterinarian or his assistant prior to starting in a race to determine the horse's fitness for racing.

11 VAC 10-150-30. Sulky.

All Standardbred Harness racing shall be conducted with each horse hitched to a United States Trotting Association-approved sulky. Each sulky shall have dual shafts and shall be equipped with wheel discs on the inside and outside of each wheel. During inclement weather, the wheels may be covered with mud guards. With the permission of the stewards, harness racing may be conducted under saddle.

11 VAC 10-150-40. Identifying equipment.

The licensee shall supply to each horse entered a numbered saddle pad and head number which corresponds to the number of the horse as listed in the daily racing program. The horse shall wear the designated saddle pad and head number during all warmup trips.

11 VAC 10-150-80. Hopples.

A pacer horse habitually wearing hopples shall not be permitted to start in a race without them unless permission is granted by the stewards. A free-legged pacer shall not be permitted to race with hopples unless permission is granted by the stewards. Any person altering a horse's hopples for a fraudulent purpose shall be subject to disciplinary action.

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11 VAC 10-150-90. Indiscriminate Excessive use of the whip.

~~Any permit holder using a whip in a brutal, excessive or indiscriminate manner shall be subject to disciplinary action.~~ Drivers will be allowed whips not exceeding three feet, nine inches, plus a snapper not longer than six inches. The following actions shall be considered as excessive use of the whip:

1. Causing visible injury;
2. Whipping a horse after a race; and
3. Whipping under the arch or shafts of the sulky.

The use of the whip shall be confined to an area above and between the sulky shafts, to include the sulky shafts and the outside wheel dics. Drivers shall keep a line in each hand from the start of the race until the head of the stretch finishing the race.

The commission veterinarian or his designee shall make a mandatory visual inspection of each horse following each race for evidence of excessive use of the whip.

11 VAC 10-150-120. Start.

A driver shall obey the starter's instructions. The starter may make recommendations to the stewards that disciplinary action be taken against a driver for:

1. Delaying the start;
2. Failing to obey the starter's instructions;
3. Rushing ahead of the inside or outside wing of the starting gate;
4. Coming to the starting gate out of position.
5. Crossing over before reaching the starting post;
6. Interfering with another driver or horse during the start; and
7. Failing to come up into the correct post position; ; and
8. When a horse comes to the starting gate out of its assigned post position and gains an unfair advantage by moving either to the left or right of its assigned post position before the starter give the word "go," the horse may be disqualified and placed by the stewards.

11 VAC 10-150-130. Racing.

Although a leading horse is entitled to any part of the racing surface, except after selecting his position in the home stretch, the driver of the leading horse and any other driver committing any of the following acts shall be subject to disciplinary action:

1. Changing either to the right or left during any part of the race when another horse is so near him that it causes the other horse to shorten its stride or make a break;
2. Jostling, striking, hooking wheels or interfering with another horse or driver;

3. Crossing sharply in front of a horse or crossing over in front of a field of horses in a reckless manner, endangering other drivers;
4. Swerving in and out or pulling up quickly;
5. Crowding a horse or driver;
6. Carrying a horse out;
7. Causing confusion or interference among trailing horses;
8. Letting a horse pass inside needlessly or otherwise helping another horse to improve his position in the race;
9. Committing any act which shall impede the progress of another horse or causing him to break;
10. Changing course after selecting a position in the home stretch;
11. Swerving in and out, or bearing in and out, in a manner so as to interfere with another horse, cause another driver to change course or take back;
12. Driving in a careless or reckless manner;
13. Whipping under the arch of the sulky Loud shouting or other improper conduct, and
14. Kicking a horse, which shall be defined as a blow or thrust with the foot against any part of the horse's body or to impel by striking with the foot. Removal of a foot from the stirrups in and of itself shall not constitute the offense of kicking. The disciplinary action for kicking a horse shall not be less than a nine-day suspension.

11 VAC 10-150-170. Breaking.

A. Driver's responsibility. When a horse breaks from its gait, the driver shall at once, where clearance exists, take the horse to the outside and pull it to its gait. The stewards may set any horse back one or more places if a driver of a breaking horse does not:

1. Properly attempt to pull the horse to its gait;
2. Take the horse to the outside where clearance exists; or
3. Lose ground by the break.

B. Lapped-on break. The stewards shall set back a breaking horse when the nose of a contending horse, which is on gait, is at least even with the hind quarter of the breaking horse at the finish.

C. Fraudulent intent. A driver allowing his horse to break, or causing his horse to make a break, for a fraudulent purpose shall be subject to disciplinary action.

D. Notation. One of the stewards shall call out a break made during the course of a race so that the clerk of the course may make a notation on the horse's eligibility certificate.

E. Any horse making a break that causes interference to other contending horses may be placed behind all offended horses; if there has been no failure on the part of the driver of

the breaking horse in complying with this section, the driver may not be subject to disciplinary action by the stewards.

VA.R. Doc. No. R00-277; Filed August 14, 2000, 2:17 p.m.

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

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

Title of Regulation: 13 VAC 10-160-10 et seq. Rules and Regulations for Administration of Rent Reduction Tax Credits (amending 13 VAC 10-160-10, 13 VAC 10-160-30, and 13 VAC 10-160-55 through 13 VAC 10-160-90; repealing 13 VAC 10-160-41 and 13 VAC 10-160-51).

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

Effective Date: September 1, 2000.

Summary:

The amendments (i) continue the rent reduction tax credit program through December 31, 2005, for units for which tax credits were validly claimed for all or part of December 1999; (ii) reduce the maximum annual amount of tax credits which the authority may approve in any fiscal year from \$250,000 to \$50,000; and (iii) make certain other amendments related to the foregoing proposed changes in the rent reduction tax credit program.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, or e-mail judson.mckellar@vhda.com.

13 VAC 10-160-10. Definitions.

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

"Authority" means the Virginia Housing Development Authority.

"Board" means the Board of Commissioners of the authority.

"Disability" means (i) a physical or mental impairment which substantially limits one or more of the major life activities of such individual and includes any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities (the term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus (HIV) infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance, and alcoholism) or (ii) a record of such an impairment; or being regarded as having such an impairment which includes a history of or being misclassified as having a mental or physical impairment that substantially limits one or more major life activities; or a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation; or a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or none of the impairments defined above but the individual is treated by another person as having such an impairment; provided, however, that any physical or mental impairment described in (i) or (ii) shall be expected to result in death or shall have lasted continuously during the immediately preceding 12-month period or shall be expected to last continuously during the next succeeding 12-month period.

"Elderly person" means a person who exceeds, by any period of time, 62 years of age.

"Elderly tenant" means (i) an elderly person or (ii) a household in which any member is an elderly person.

"Eligible owner" means any person meeting the criteria for an eligible owner as set forth in the state code and these rules and regulations.

"Eligible tenant" means an elderly tenant, a tenant with a disability or a previously homeless tenant whose income does not exceed the limit described in these rules and regulations.

"Executive director" means the executive director of the authority or any other officer or employee of the authority who is authorized to act on his behalf or on behalf of the authority pursuant to a resolution of the board.

"HUD fair market rent" means the rent published by the U.S. Department of Housing and Urban Development for the Section 8 Rental Certificate Program.

"Income" means gross income (including but not limited to all salary, wages, bonuses, commissions, income from self-employment, interest, dividends, alimony, rental income, pensions, business income, annuities, social security payments, cash public assistance, support payments, retirement income and any other sources of cash income) which is being received by the elderly tenant, a tenant with a disability or a previously homeless tenant or is regularly paid to or on behalf of such tenant by a third party as of the application date. The income of any person who is living with an elderly person or person with a disability for the primary purpose of providing care to such person shall be excluded. All such income, provided it is not temporary, shall be

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computed on an annual basis to determine income for the purpose of program eligibility.

"*Market rent*" means the amount of rent, as determined by the authority pursuant to these rules and regulations, charged to other tenants for comparable units (other than tax credit units) in the same property or, if there are no such comparable units in the same property, for comparable units in the same market area.

"*Owner*" means an applicant for tax credits under these rules and regulations and, upon and subsequent to an allocation of such credits, means the owner of the tax credit unit to whom the tax credits are allocated.

"*Person with a disability*" means a person having a disability as defined in these rules and regulations.

"*Previously homeless*" means having, at any time within the 12 months preceding the commencement of the lease term, resided in a domestic violence shelter or homeless shelter.

"*Previously homeless tenant*" means (i) a previously homeless person or (ii) a household in which any adult member is previously homeless.

"*Program*" means the low-income housing tax credit program for rent reductions described in these rules and regulations.

"*State code*" means Article 3 (§ 58.1-331 et seq.) of Chapter 3 of Title 58.1 of the Code of Virginia.

"*Tax credit rent*" means the reduced amount of rent charged for the tax credit unit to the eligible tenant. As provided in 13 VAC 10-160-30, the tax credit rent shall be at least 15% less than the market rent.

"*Tax credits*" means the tax credits as described in §§ 58.1-339 and 58.1-339.8 of the Code of Virginia, as applicable.

"*Tax credit unit*" means a unit occupied or to be occupied by eligible tenants at reduced rents in order for the owner to be entitled to receive tax credits hereunder.

"*Tenant*" means a person or household who is applying for occupancy of, or is occupying, a tax credit unit.

"*Tenant with a disability*" means (i) a person with a disability or (ii) a household in which any member is a person with a disability.

13 VAC 10-160-30. General description.

The state code was amended by adding ~~a section~~ sections numbered 58.1-339 and 58.1-339.8 relating to a tax credit for owners providing rent reduction for eligible tenants.

For taxable years beginning on or after January 1, 1991, through December 31, ~~1999~~ 2005, any individual or corporation receiving an allocation of tax credits pursuant to § 58.1-339 or § 58.1-339.8, as applicable, of the Code of Virginia shall, subject to the provisions of the state code and these rules and regulations, be entitled to a credit against the tax levied pursuant to § 58.1-320 or § 58.1-400 of the Code of Virginia, provided that the following requirements are satisfied:

1. The individual or corporation is engaged in the business of the rental of dwelling units (as hereinafter specified) and is subject to the Virginia Residential Landlord and Tenant Act, § 55-248.2 et seq. of the Code of Virginia, either by virtue of the provisions thereof or by virtue of the owner's providing for the applicability thereof pursuant to § 55-248.5 B of the Code of Virginia;

2. The owner provides a reduced rent to eligible tenants;

3. The rent charged to the eligible tenants is at least 15% less than the market rent; ~~and~~

4. To claim a credit under § 58.1-339 of the Code of Virginia for reduction of rents charged to a tenant on or after July 1, 1996, and before January 1, 2000: (i) a credit for rental reductions must have been validly claimed on the tax credit unit for all or part of the month of June 1996 and such tenant must have been an occupant of such tax credit unit on June 30, 1996, or (ii) the tenant must have been previously homeless; and

5. To claim a credit under § 58.1-339.8 of the Code of Virginia for reduction of rents charged to a tenant on or after January 1, 2000, on a dwelling unit, a credit for rental reductions must have been validly claimed on such dwelling pursuant to § 58.1-339 of the Code of Virginia for all or part of the month of December 1999.

The allowable tax credit amount shall be 50% of the total rent reductions allowed during the taxable year to the eligible tenants occupying the tax credit units. The amount of the rent reduction shall be equal to the market rent minus the tax credit rent. For this purpose, the tax credit rent shall include any rental subsidy payable on behalf of the eligible tenant under any governmental or private program.

If there are comparable units (other than tax credit units) in the same property, the market rent shall be determined by the authority to be the rent charged to other tenants for such comparable units. For the purpose of determining the amount of rent charged to other tenants for comparable units in the same property, the authority shall assume that the other tenants commenced and, if applicable, renewed their leases as of the same date or dates, and for the same term or terms as the eligible tenants and at the rents in effect on such date or dates.

If there are no other such comparable units in the same property, then the market rent shall be determined by the authority to be the rent charged for comparable units in the same market area. Such rent shall be (i) the rent most recently charged for the tax credit unit to a person (who may be the eligible tenant to be assisted) unrelated to the owner within the one-year period prior to the date of filing of the application, plus a rental increase in an amount determined by the authority to reflect increases in rents in the market area of such tax credit unit since the date such rent was last charged, or (ii) if no rental history as described in (i) exists, the HUD fair market rent allowed for a comparable unit in the same market area (as reduced, to the extent determined by the authority, for any utilities which are not to be included in the tax credit rent under the terms of the lease); provided, however, that the owner may demonstrate to the authority

that the rent for a comparable unit in the same market area is higher than (i) or (ii) above, as applicable, and to the extent so demonstrated to the satisfaction of the authority, such higher rent shall be used.

Notwithstanding anything to the contrary herein, the market rent shall in no event exceed 150% of the HUD fair market rent allowed for comparable units in the same market area (as reduced, to the extent determined by the authority, for any utilities which are not to be included in the tax credit rent under the terms of the lease).

If the tax credit unit is subsidized or assisted under any governmental or private program, the comparable units in the same property or market area, as applicable, shall include only those units similarly subsidized or assisted.

Because the intent of the state code is to provide tax credits for the rental of dwelling units only, tax credits shall not be allocated or claimed for the leasing of land only, including without limitation mobile home lots. Tax credits may be allocated and claimed for the leasing of both a mobile home lot and the mobile home located thereon.

To be eligible for the program, a dwelling unit must contain separate and complete facilities for living, sleeping, eating, cooking and sanitation. Such accommodations may be served by centrally located equipment such as air conditioning or heating. Thus, for example, an apartment containing a living area, a sleeping area, bathing and sanitation facilities and cooking facilities equipped with a cooking range, refrigerator and sink, all of which are separate and distinct from other apartments, would constitute a unit.

In order to satisfy the requirement in § 58.1-339 or § 58.1-339.8, as applicable, of the state code that the owner be an individual or corporation engaged in the business of the rental of dwelling units, the owner must intend or have intended at the time of application and must intend at all times thereafter to report, for federal income tax purposes, all rental and other income and any related expenses of the tax credit unit with respect to each tax year for which the tax credits are to be claimed for such tax credit unit.

The amount of credit for each individual or corporation for each taxable year shall not exceed \$10,000 or the total amount of tax imposed by Chapter 3 (§ 58.1-300 et seq.) of Title 58.1 of the Code of Virginia, whichever is less. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against income taxes of such individual or corporation in the next five taxable years until the total amount of the tax credit has been taken.

Credits granted to a partnership or an electing small business corporation (S corporation) shall be passed through to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

The total amount of tax credits which may be approved by the authority in any fiscal year prior to fiscal year 1996-1997 shall not exceed \$1,000,000. Commencing in fiscal year 1996-1997, the total amount of tax credits which may be approved by the authority in any fiscal year shall not exceed \$250,000. *Commencing in fiscal year 2000-2001, the total*

amount of tax credits which may be approved by the authority in any fiscal year shall not exceed \$50,000. With the exception of tax credits claimed for units occupied by previously homeless tenants, no tax credits will be approved for a unit for any period after June 30, 1996, *and before January 1, 2000*, unless a tax credit was validly claimed for such unit for all or part of the month of June 1996. *No tax credits will be approved for a unit for any period on or after January 1, 2000, unless a tax credit was validly claimed for such unit for all or part of the month of December 1999.* No tax credits may be claimed for taxable years after December 31, ~~1999~~ 2005.

The authority may charge to each owner fees in such amount as the executive director shall determine to be necessary to cover the administrative costs to the authority. Such fees shall be payable at such time or times as the executive director shall require.

13 VAC 10-160-41. Solicitations of applications for previously homeless tenants. (Repealed.)

~~The executive director may from time to time take such action as he may deem necessary or proper in order to solicit applications for allocation of tax credits for units occupied or to be occupied by previously homeless tenants. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of such applications and the selection thereof as he shall consider necessary or appropriate.~~

13 VAC 10-160-51. Applications for units occupied or to be occupied by previously homeless tenants. (Repealed.)

~~Application for an allocation of tax credits for units occupied or to be occupied by previously homeless tenants shall be commenced by filing with the authority an application on such form or forms as the executive director may from time to time prescribe or approve, together with such documents and additional information as may be requested by the authority in order to comply with the state code and to make the allocation of the tax credits in accordance with these rules and regulations.~~

~~The executive director may establish criteria and assumptions to be used by the owner in the calculation of amounts in the application, and any such criteria and assumptions shall be indicated on the application form or instructions.~~

~~The executive director may prescribe such deadlines for submission of applications for allocation of tax credits for units occupied or to be occupied by previously homeless tenants for any calendar year as he shall deem necessary or desirable to allow sufficient processing time for the authority to make such allocations.~~

~~The tax credit unit for which an application is submitted may be, but shall not be required to be, financed by the authority. If any such tax credit unit is to be financed by the~~

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authority, the application for such financing shall be submitted to and reviewed by the authority in accordance with its applicable rules and regulations.

13 VAC 10-160-55. Review and selection of application; allocation of tax credits.

~~Tax credits shall be allocated to eligible owners for units occupied or to be occupied by previously homeless tenants on a "first come, first served" basis. In the event that the amount of tax credits available for such units is sufficient for some but not all of eligible applications received by the authority on the same day, then the authority shall select one or more of such applications by lot. After July 1, 1996 January 1, 2000, no tax credits shall be allocated to owners of units occupied or to be occupied by elderly tenants or tenants with disabilities by the authority, except allocations made prior to January 1, 2000, may be increased as provided in 13 VAC 10-160-120.~~

~~The executive director may exclude and disregard any application which he determines is not submitted in good faith.~~

~~The amount of tax credits which may be allocated for tax credit units in any single development shall not exceed \$10,000; provided, however, that the executive director may from time to time terminate or suspend such \$10,000 limit for such period of time as he shall deem appropriate to assure full utilization and proper distribution of the tax credits. For the purpose of compliance with such \$10,000 limit, the executive director may determine that developments in one or more applications constitute a single development based upon such factors as he may deem relevant, including without limitation the ownership, proximity, age, management, financing and physical characteristics of the developments.~~

~~The executive director shall allocate tax credits, in the manner described above, to eligible owners of units occupied or to be occupied by previously homeless tenants until either all available tax credits are so allocated or all such eligible owners have received allocations. The amount allocated to each such eligible owner shall be equal to the lesser of (i) the amount requested in the application or (ii) the amount, determined by the executive director, to which the eligible owner is entitled under the state code and these rules and regulations as of the date of application.~~

~~The executive director determines whether the owner and the tax credit units are entitled to tax credits under the state code and these rules and regulations. If the executive director determines that the owner or the tax credit units are not so entitled to tax credits, the owner shall be so informed and his application shall be terminated. If the authority determines that the owner and the tax credit units are so entitled to tax credits, then the executive director shall issue to the owner, on behalf of the authority, a commitment for allocation of tax credits with respect to the applicable tax credit units. The allocation shall be subject to the approval or ratification thereof by the authority's board as described below.~~

~~The board shall review and consider the analysis and recommendation of the executive director for the allocation of~~

~~tax credits, and, if it concurs with such recommendation, it shall by resolution approve or ratify the allocation by the executive director of the tax credits to the eligible owner, subject to such terms and conditions as the board or the executive director shall deem necessary or appropriate to assure compliance with the state code and these rules and regulations. If the board determines not to approve or ratify an allocation of tax credits, the executive director shall so notify the owner.~~

Upon compliance with the state code and these rules and regulations, the owner to whom an allocation ~~is~~ *has been made hereunder prior to January 1, 2000*, shall be entitled to tax credits annually, in such amount as is determined by the authority pursuant to these rules and regulations, for each year beginning in the year for which such allocation is made and ending December 31, ~~1999~~ *2005*, unless sooner terminated or reduced pursuant to these rules and regulations.

13 VAC 10-160-60. Eligibility of tenants and verification.

The occupancy of units entitled to tax credits is limited to elderly tenants, tenants with disabilities or previously homeless tenants whose incomes, as of initial occupancy of the tax credit unit by such tenants (or, if any such tax credit unit was occupied by such a tenant on January 1 of the first calendar year for which the tax credits were claimed for such tax credit unit, as of such January 1), did not exceed 80% of the median income for the area. Preference in occupancy of tax credit units must have been given to eligible tenants whose incomes were less than or equal to 50% of the median income for the area. The United States Department of Housing and Urban Development income limits for subsidized programs, as adjusted by family size, must have been used in determining such 80% and 50% of median income for the area.

In the case of tax credits to be claimed for any period after June 30, 1996, *and before January 1, 2000*, in order to be eligible an elderly tenant or a tenant with a disability must have been an occupant of the tax credit unit on June 30, 1996. *In the case of tax credits to be claimed for any period on and after January 1, 2000, in order to be eligible the tenant must occupy a unit for which a tax credit was validly claimed for such unit for all or a part of the month of December 1999.*

Owners must obtain written income verification for eligible tenants who occupy a tax credit unit. The verification of income must be sent by the owner to each employer or the agency providing benefits along with a stamped, self-addressed return envelope. Such verification must be retained by the owner and a copy submitted to the authority (together with an executed confirmation of resident eligibility form and the verification of age, disability or previous homelessness) at the time that the eligible tenant was determined by the owner to be income eligible. Verification of income must be current as of a date no earlier than 90 days prior to the date (see first paragraph in this section) as of which the income of the eligible tenant was determined for eligibility purposes.

With respect to tax credits claimed for rental of tax credit units to tenants with disabilities, owners must have obtained a

written verification of disability. Verification of said disability must have been obtained from a physician, diagnostic or vocational rehabilitation service center or the Social Security Administration.

With respect to tax credits claimed for rental of tax credit units to elderly tenants, owners must have verified the age of all persons claiming to exceed 62 years of age. Verification of Social Security benefits paid on the person's behalf is acceptable if a birth certificate could not have been obtained; provided, however, that any person receiving survivor Social Security benefits who did not exceed 62 years of age or did not have a disability is not eligible for occupancy of a tax credit unit.

With respect to tax credits claimed for rental of tax credit units to previously homeless tenants, owners must obtain a written verification that such tenant resided in a domestic violence shelter or homeless shelter during the 12 months preceding commencement of the lease term for the tax credit unit. Such written verification must be obtained from the homeless shelter or domestic violence shelter in which the previously homeless tenant resided.

The initial lease term for all eligible tenants occupying a tax credit unit must not be less than a 12-month period.

13 VAC 10-160-70. Administration of allocation of tax credits.

Except for increases in allocation as provided in 13 VAC 10-160-120, ~~and except for the allocation of tax credits for units occupied or to be occupied by previously homeless tenants pursuant to 13 VAC 10-160-55,~~ tax credits shall not be allocated by the authority after ~~June 30, 1996~~ *January 1, 2000*. Allocations of tax credits made by the authority prior to June 30, 1996, for units occupied by elderly and disabled tenants *or prior to January 1, 2000, for units occupied by previously homeless tenants* shall remain in effect, subject to the provisions of these rules and regulations.

The amount of tax credits claimed by an owner in any taxable year for tax credit units shall not exceed the amount of tax credits allocated to such owner for such tax credit units. The executive director may require that owners to whom tax credits have been allocated shall submit from time to time or at such specified times as he shall require, written confirmation and documentation as to the status of each tax credit unit and its compliance with the application and these rules and regulations. If on the basis of such written confirmation and documentation and other available information the executive director determines that any tax credit unit does not or will not qualify or will not continue to qualify for such tax credits, then the executive director may terminate or reduce the allocation of such tax credits. Without limiting the foregoing, the owner of any tax credit units ~~to be occupied by previously homeless tenants~~ shall lease the tax credit units to eligible ~~previously homeless~~ tenants at reduced rents such that the aggregate of such rent reductions shall be no less than the aggregate of the rent reductions set forth in the application for tax credits for such units. In the event that the owner shall fail to so lease such tax credit units, the authority may, upon its determination that the owner is unable or unwilling to utilize fully its allocation of tax credits for such

tax credit units, terminate or reduce such allocation, as it shall deem appropriate.

Commencing with fiscal year 2000-2001, the executive director may terminate or reduce any allocations of tax credits as he shall determine to be necessary or appropriate to satisfy the requirement in the state code that the total amount of tax credits approved by the authority in any fiscal year after June 30, 2000, not exceed \$50,000 and to maximize the utilization and geographic distribution of the tax credits.

The authority shall have the right to inspect the tax credit units and related property and improvements from time to time, and the tax credit units and related property and improvements shall be in a state of repair and condition satisfactory to the authority. The authority may require the owner to make necessary repairs or improvements, in a manner acceptable to the authority, as a condition for receiving an allocation of tax credits or for qualifying for certification to the Department of Taxation as described hereinbelow.

The executive director may establish such deadlines for the owner of units ~~for occupancy by previously homeless tenants~~ to qualify for the tax credits and to comply with the application and these rules and regulations as he shall deem necessary or desirable to allow the authority sufficient time, in the event of a reduction or termination of such owner's allocation, to allocate such tax credits to other eligible owners *pursuant to 13 VAC 10-160-120*.

Any material changes to the condition, use or occupancy of the tax credit unit or in any other representations, facts or information, as contained or proposed in the application, occurring subsequent to the submission of the application for the tax credits therefor shall be subject to the prior written approval of the executive director. As a condition to any such approval, the executive director may, as necessary to comply with these rules and regulations and the state code, reduce the amount of tax credits allocated or impose additional terms and conditions with respect thereto. If such changes are made without the prior written approval of the executive director, he may terminate or reduce the allocation of such tax credits or impose additional terms and conditions with respect thereto.

In the event that any allocation of tax credits is terminated or reduced by the executive director under this section, he may allocate such tax credits (in the amount of such termination or reduction) to eligible owners (other than the owners whose tax credit allocation was so terminated or reduced) ~~in the first come first served manner described in 13 VAC 10-160-55,~~ in the manner described in 13 VAC 10-160-120, or in such other manner as he shall determine consistent with the requirements of the state code.

If an owner shall transfer any of the tax credit units to a transferee which is eligible for such tax credits under the state code and these rules and regulations, such transferee shall thereupon be entitled to the allocation of tax credits for such tax credit units and shall, for the purposes of these rules and regulations, be thereafter deemed the owner for such tax credits.

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13 VAC 10-160-80. Tax credit period.

Each period for which an owner may claim tax credits for any tax credit unit shall commence upon the date that the tax credit unit is occupied by an eligible tenant pursuant to a lease providing for a 12-month term and for the payment of rent in the amount of the tax credit rent. Such period shall not commence prior to the allocation of the tax credits by the authority to the owner, except that if the tax credit unit is so occupied from the first day of the month in which the allocation of tax credits is made, such period shall commence on such first day of the month. Such period shall continue until termination of occupancy as described in 13 VAC 10-160-90 or until December 31, ~~1999~~ 2005, whichever occurs first. However, in no event shall any such period commence and continue unless the tax credit unit is and remains in a state of repair and condition satisfactory to the authority, all documentation required by 13 VAC 10-160-60 has been and is submitted to the authority in accordance herewith, and all other applicable requirements of the state code and these rules and regulations have been and are satisfied. If the owner shall be entitled to claim tax credits on any tax credit unit for a portion of a month during such period, the rent reduction shall be calculated pro rata based upon the number of days in such month that the owner is so entitled to claim tax credits or, with respect to the termination of occupancy, shall be calculated as provided in 13 VAC 10-160-90.

13 VAC 10-160-90. Maintenance of records; submission requirements; termination of occupancy.

Owners shall be responsible for obtaining and maintaining all documentation required by the authority to evidence that the tax credit units qualify for tax credits under the program. Owners will be responsible for providing this documentation to the authority for review within 30 days following the end of each calendar year; provided, however, that the documents listed in subdivisions 2 a, b, c and g of this section must be submitted at the time that the eligible tenant was determined by the owner to be eligible. The tax credit unit will not qualify for tax credits if all required documents, in the form required by the authority, are not so provided. Required documentation to be submitted to the authority includes, but is not limited to, the following:

1. A listing (including dates of occupancy) of all tenants who occupy or occupied a tax credit unit entitled to a tax credit for that year.
2. A complete certification package for each eligible tenant receiving the reduced rent. The certification must include:
 - a. A completed and executed confirmation of resident eligibility form.
 - b. Verification of income.
 - c. Verification of age, disability or previous homelessness.
 - d. A certification from the tenant verifying:
 - (1) What unit type/size was occupied,

- (2) Number of months said unit was occupied,
- (3) The amount of rent paid,
- (4) How many months that amount of rent was paid, and
- (5) In the case of the tax credits claimed for any period after June 30, 1996, *and before January 1, 2000* (except for tax credits claimed for units occupied by previously homeless tenants), occupancy of the tax credit unit by the tenant on June 30, 1996.

e. A certification of the owner that preference in occupancy of the tax credit units was given to eligible tenants whose incomes were less than or equal to 50% of the median income for the area (the waiting list for tax credit units during the calendar year identifying the persons applying for such units and their incomes shall be maintained by the owner and shall be available for inspection by the authority).

f. Rent rolls for the comparable units in the same property as the tax credit units setting forth the rents charged to other tenants, if rents for such comparable units are to be used to determine the amount of the rent reduction pursuant to 13 VAC 10-160-30.

g. Copies of leases for each tax credit unit.

h. In the case of the tax credits claimed for any period after June 30, 1996, *and before January 1, 2000*, other than tax credits claimed for units occupied by previously homeless persons, a certification of the owner that a tax credit for rental reductions was validly claimed on the tax credit unit for all or part of the month of June 1996, and that the tenant receiving such rental reductions was an occupant of such tax credit unit on June 30, 1996.

i. In the case of the tax credits claimed for any period on and after January 1, 2000, a certification of the owner that a tax credit was validly claimed for the unit for all or part of the month of December 1999.

In the event of termination of occupancy, the rent reduction shall be calculated pro rata based upon the number of days determined in the following manner. In the event of death of the only elderly person, person with a disability or previously homeless person occupying a tax credit unit, the owner must obtain a copy of the death certificate or must provide other acceptable documentation of death; and the number of days for which an owner is entitled to tax credits on such deceased person's tax credit unit shall be determined by the date of death. If the eligible tenant abandons the tax credit unit, the earliest of the date the owner discovers the tax credit unit is vacant, the date any utility company terminates service on the tax credit unit, or the date 30 days after abandonment will be used to determine the number of days for which the tax credit unit is entitled to the tax credit. If the tax credit unit shall not be so abandoned but the eligible tenant shall not occupy the tax credit unit for a period of 30 days (or such longer period of time as the executive director may approve), the end of such period shall be used to determine the number of days for

which the tax credit unit is entitled to the tax credit. If the lease is terminated for any reason other than those set forth above in this paragraph, the effective date of termination shall be used to determine the number of days for which the tax credit unit is entitled to the tax credit.

VA.R. Doc. No. R00-227; Filed August 18, 2000, 10:26 a.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

REGISTRAR'S NOTICE: The following regulation filed by the Commonwealth Transportation Board is exempt from the Administrative Process Act in accordance with § 9-6.14:4.1 B 3 of the Code of Virginia, which exempts regulations relating to the location, design, specifications or construction of public buildings or other facilities.

Title of Regulation: 24 VAC 30-380-10. Public Hearings for Location and Design of Highway Construction Projects.

Statutory Authority: §§ 33.1-12 and 33.1-18 of the Code of Virginia.

Effective Date: August 23, 2000.

Summary:

The amendments eliminate subjectivity (e.g., words like "extensive," "rural," or "urban or suburban"), update the statutory references to the Code of Virginia to include § 51.5-40 (nondiscrimination to the disabled in providing public comment to the hearings covered by the regulation) and add an issue date for the VDOT Public Involvement Policy and Procedure Manual.

Agency Contact: Copies of the regulation may be obtained from David L. Roberts, Management Services Division,

Department of Transportation, 1401 East Broad Street, Richmond, VA 23219, telephone (804) 786-3620.

24 VAC 30-380-10. Policy, rules, and exclusions from the public hearing process.

A. A public hearing held pursuant to § 33.1-18 of the Code of Virginia is a well-publicized opportunity for VDOT to present its studies and policies while receiving and documenting comments from affected citizens. Such hearings will be held in compliance with § 51.5-40 of the Code of Virginia relating to participation by the disabled in state programs or activities.

B. In the development of any project, VDOT shall consider a wide range of factors, and shall allow full opportunity for consideration and participation by public and private interests before final approval of highway locations and designs.

C. These are the rules that apply to the implementation of the policy.

1. A notice to hold a public hearing or the willingness to hold a public hearing must be stated in public advertisement.
2. All public hearings should be scheduled approximately 60 days in advance. Advertisements must appear 30 days prior to the hearing.
3. The public involvement process must be held in accordance with applicable federal and state statutes, including 23 USC § 128, 23 CFR Part 771, and 40 CFR Parts 1500-1508, and the provisions of the VDOT Public Involvement Policy and Procedure Manual, issued 1999.
4. The publication of a willingness to hold a location public hearing, design public hearing, or a combined public hearing will satisfy any public hearing requirements.

D. ~~Below is a listing of projects and the type of public hearing usually held.~~ The following table lists project categories and the type of public hearing usually held for interstate, primary, urban, and secondary systems:

If the system is . . .	and it concerns . . .	then use this process . . .
Interstate	bypasses of cities or towns projects having substantially different social, economic or environmental effect	a location public hearing followed by a design public hearing.
	projects in rural areas where there is not an unusual amount of public interest projects in urban or suburban areas of an unusual amount of public interest Example 4: (such as development of an all multi-lane highway requiring additional right-of-way) all other projects	a combined location and design public hearing.

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Primary	bypasses of cities or towns projects involving extensive route relocation projects having substantially different social, economic, or environmental effect	a location public hearing followed by a design public hearing.
	projects in rural areas where there is not an unusual amount of public interest projects in rural areas where there is not an unusual amount of public interest <i>projects in areas of an unusual amount of public interest—Example 1: (such as development of an all multi-lane highway requiring additional right-of-way)</i> all other projects	a combined location and design public hearing.
Urban	projects involving extensive relocation projects having substantially different social, economic, or environmental effect	a location public hearing followed by a design public hearing.
	all other projects	a combined location and design public hearing.
Secondary	projects in urban or suburban areas or areas of an unusual amount of public interest	a location public hearing followed by a design public hearing or a combined location and design public hearing.
	all other projects	a combined location and design public hearing.

E. Exclusions from the Public Hearing Process.

1. Hearing processes are not required for those projects that are solely for such improvements as: resurfacing; widening existing lanes *within existing right of way*; adding auxiliary lanes *within existing right of way*; replacing existing grade separation structures *within existing right of way*; installing traffic control devices; Hazard Elimination Safety (HES) funded projects; and State Traffic Operations Safety Improvement Projects (STOSIP).

2. Public hearings on certain projects may be waived, unless the project: requires the acquisition of additional right-of-way; would have an adverse effect upon abutting real property; or would change the layout or function of connecting roads or streets of the facility being improved. The appropriate district administrator must recommend the waiver, and the State Location and Design Engineer must approve it.

3. Concurrence by the Federal Highway Administration (FHWA) must be secured on projects receiving federal participation for any phase, except emergency situations.

DOCUMENTS INCORPORATED BY REFERENCE

Policy Manual for Public Participation in Transportation Projects, 1999, Virginia Department of Transportation.

VA.R. Doc. No. R00-292; Filed August 23, 2000, 10:52 a.m.



GOVERNOR

EXECUTIVE ORDER NUMBER SIXTY-NINE (00)

CONTINUING CERTAIN EMERGENCY DECLARATIONS DUE TO NATURAL DISASTERS IN THE COMMONWEALTH

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 44-146.17 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby continue the states of emergency declared in the following executive orders for the purposes of continuing recovery operations:

Executive Order Number Sixty (1996), Declaration of a State of Emergency Throughout the Commonwealth Arising From Massive Snow Storm With Blizzard Conditions, During the Period January 6 Through January 10, 1996, Which Resulted in Melted Snow, Associated Run-Off, and Severe Flooding in Portions of the Commonwealth During the Period January 18-19, 1996, as continued in Executive Orders Sixty-Eight (1996), Seventy-Seven (1997), Sixteen (1998), and Forty-Nine (1999);

Executive Order Number Sixty-Six (1996), Declaration of a State of Emergency Throughout the Commonwealth of Virginia Arising From Hurricane Fran Which Resulted in Widespread Devastation and Property Losses Due to Heavy Rains, Flooding, and High Winds During the Period of September 5 through September 7, 1996, as continued in Executive Orders Seventy-Seven (1997), Sixteen (1998), and Forty-Nine (1999);

Executive Order Number Twenty-Seven (1998), Declaration of a State of Emergency Throughout the Commonwealth of Virginia Arising From Hurricane Bonnie During the Period of August 25 through September 16, 1998, as continued in Executive Order Forty-Nine (1999);

Executive Order Number Thirty-Six (1998), Declaration of a State of Emergency Arising From Drought and Forest Fire or the Potential Thereof Throughout the Commonwealth of Virginia, as continued in Executive Order Forty-Nine (1999);

Executive Order Number Fifty-Nine (1999), Declaration of a state of emergency throughout portions of the Commonwealth arising from Tropical Storm Dennis;

Executive Order Number Sixty (1999), Declaration of a state of emergency for the entire Commonwealth due to Hurricane Floyd; and

Executive Order Number Sixty-Three (2000), Declaration of a state of emergency for the entire Commonwealth due to winter storm;

This Executive Order shall be retroactively effective to July 1, 2000, upon its signing, and shall remain in full force and effect until June 30, 2002, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 11th day of August, 2000.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R00-283; Filed August 22, 2000, 3:01 p.m.

EXECUTIVE ORDER NUMBER SEVENTY (00)

TRANSFER OF THE TRUCK WEIGH STATION PROGRAM FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION TO THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby transfer responsibility for the truck weigh station program to include personnel, appropriations, functions and resources from the Maintenance Division of the Department of Transportation (VDOT) to the Motor Carrier and Tax Services Department of the Department of Motor Vehicles (DMV) within the Transportation Secretariat.

The truck weigh station program includes 13 permanent truck weigh stations and 11 mobile crews, a technical services group, and program management. This operation monitors trucks and other vehicles utilizing roadways in the Commonwealth, to determine compliance with state and federal statutes pertaining to size, weight, registration and licensing. DMV is well-equipped to manage this vehicle monitoring activity, and the transfer will allow VDOT to focus on its primary mission of highway construction and maintenance. No responsibilities assigned to VDOT in the *Code of Virginia* are to be transferred. VDOT will continue to establish policy, procedures, and guidelines for vehicle size and weight standards, issue single-hauling permits, and perform engineering analyses of routes.

This alignment of responsibilities will enable the Commonwealth to capitalize on valuable opportunities to enhance truck safety, to promote technological advancement in driver and vehicle monitoring, and to further the goal of one-stop shopping for motor carriers, which are all key missions of DMV. This transfer will facilitate more efficient management of transportation related programs in the Commonwealth.

I hereby direct the Secretary of Transportation to work with the Commissioners of DMV and VDOT to coordinate an orderly and effective transfer of the truck weigh station program.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of August, 2000.

/s/ James S. Gilmore, III
Governor

VA.R. Doc. No. R00-284; Filed August 22, 2000, 3:01 p.m.

GOVERNOR'S COMMENTS ON PROPOSED REGULATIONS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Title of Regulation: **9 VAC 25-640-10 et seq. Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: July 12, 2000

VA.R. Doc. No. R00-233; Filed August 16, 2000, noon.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **Residential and Psychiatric Treatment for Children and Adolescents. 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: July 10, 2000

VA.R. Doc. No. R00-81; Filed August 11, 2000, 11:35 a.m.

Title of Regulation: **School Health Services: 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: July 10, 2000

VA.R. Doc. No. R00-89; Filed August 11, 2000, 11:35 a.m.

Title of Regulation: **Transportation as an Administrative Expense. 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: August 1, 2000

VA.R. Doc. No. R00-102; Filed August 16, 2000, noon.

Title of Regulation: **Case Management for Treatment Foster Care: 12 VAC 30-50-10 et seq. Amount, Duration, and Scope of Medical and Remedial Care Services.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: July 10, 2000

VA.R. Doc. No. R00-84; Filed August 11, 2000, 11:35 a.m.



TITLE 17. LIBRARIES AND CULTURAL RESOURCES

LIBRARY BOARD

Title of Regulation: **17 VAC 15-20-10 et seq. Standards for Microfilming Public Records.**

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

Governor

/s/ James S. Gilmore, III
Governor
Date: May 4, 2000

VA.R. Doc. No. R99-255; Filed August 16, 2000, noon.

* * * * *

Title of Regulation: 17 VAC 15-30-10 et seq. Archival Standards for Recording Deeds and Other Writings by a Procedural Microphotographic Process (REPEALING).

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: May 4, 2000

VA.R. Doc. No. R99-256; Filed August 16, 2000, noon.

* * * * *

Title of Regulation: 17 VAC 15-40-10 et seq. Standards for the Microfilming of Ended Law Chancery and Criminal Cases of the Clerks of the Circuit Courts Prior to Disposition (REPEALING).

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: May 4, 2000

VA.R. Doc. No. R99-257; Filed August 16, 2000, noon.

* * * * *

Title of Regulation: 17 VAC 15-50-10 et seq. Standards for Computer Output Microfilm (COM) for Public Records.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: May 4, 2000

VA.R. Doc. No. R99-258; Filed August 16, 2000, noon.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR OPTICIANS

Title of Regulation: 18 VAC 100-20-5 et seq. Board for Opticians Regulations.

Governor's Comment:

I have reviewed the proposed regulation on a preliminary basis. While I reserve the right to take action under the Administrative Process Act during the final adoption period, I have no objection to this regulation on the information and public comment currently available.

/s/ James S. Gilmore, III
Governor
Date: June 30, 2000

VA.R. Doc. No. R00-30; Filed August 11, 2000, 11:35 a.m.



THE LEGISLATIVE RECORD

The Legislative Record is available on the Internet at <http://dls.state.va.us/pubs/legisrec/>

GENERAL NOTICES/ERRATA

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Department of Agriculture and Consumer Services invites comment from the public on certain of its existing regulations, listed below, as a part of a review of its regulations being conducted under Executive Order Number 25 (98), Development and Review of Regulations Proposed by State Agencies. Comments should be addressed to the person identified below as the contact person for the regulation. The deadline for receipt of comment is 10 a.m., October 3, 2000.

2 VAC 5-70, Health Requirements Governing the Control of Equine Infectious Anemia in Virginia—Contact Marian J. Kimball

2 VAC 5-110, Rules and Regulations Pertaining to a Pound or Enclosure to be Maintained by Each County or City—Contact Marian J. Kimball

2 VAC 5-160, Rules and Regulations Governing the Transportation of Horses—Contact Marian J. Kimball

2 VAC 5-210, Rules and Regulations Pertaining to Meat and Poultry Inspection under the Virginia Meat and Poultry Products Inspection Act—Contact David E. Cardin

2 VAC 5-250, Rules and Regulations Relating to Grain Dealers Licensing and Bonding Law—Contact W. R. Sanford

2 VAC 5-290, Breeder Sheep Grade Standards—Contact H. Frank Graves

2 VAC 5-330, Rules and Regulations for Enforcement of the Virginia Pest Law—Virginia Gypsy Moth Quarantine—Contact Frank M. Fulgham

2 VAC 5-360, Rules and Regulations for the Enforcement of the Virginia Commercial Feed Law—Contact Alan Rogers

2 VAC 5-430, Rules and Regulations for the Enforcement of the Virginia Industrial Ethanol Act—Contact Alan Rogers

2 VAC 5-440, Rules and Regulations for Enforcement of the Virginia Pest Law—Cotton Boll Weevil Quarantine—Contact Frank M. Fulgham

2 VAC 5-500, Rules and Regulations Governing the Cooling, Storing, Sampling, and Transporting of Milk or Milk Samples from the Farm to the Processing Plant or Laboratory—Contact John A. Beers

2 VAC 5-580, Rules and Regulations Pertaining to the Sanitary and Operating Requirements in Retail Food Stores—Contact James A. Morano

2 VAC 20-20, Rules and Regulations for Enforcement of the Virginia Pesticide Law—Contact Marvin A. Lawson

2 VAC 20-51, Regulations Governing Pesticide Applicator Certification under Authority of Virginia Pesticide Control Act—Contact Marvin A. Lawson

CONTACTS

John A. Beers, Program Supervisor
1100 Bank St.
Room 505
Richmond, VA 23219
Telephone #: (804) 786-1453
Fax #: (804) 371-7792
TTY: (800) 828-1120
Email Address: jbeers@vdacs.state.va.us

David E. Cardin, DVM, Program Manager
1100 Bank St.
Room 614
Richmond, VA 23219
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Fax #: (804) 371-2380
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1100 Bank St.
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1100 Bank St.
Room 602
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James A. Morano, Review and Compliance Officer
1100 Bank St.
Room 502
Richmond, VA 23219

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W. R. Sanford, Grain Law Supervisor
1100 Bank St.
Room 806
Richmond, VA 23219
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Fax #: (804) 371-7785
TTY: (800) 828-1120
Email Address: wsanford@vdacs.state.va.us

REAL ESTATE APPRAISER BOARD

Notice of Periodic Review

The Real Estate Appraiser Board invites public comment on 18 VAC 130-10-10 et seq., Public Participation Guidelines. This review is being conducted under Executive Order 25 (98). The board welcomes written comments on the performance and effectiveness of these regulations in achieving the following goal:

To meet the notification requirements contained in the Administrative Process Act and to increase input into the regulatory process in the most cost-efficient manner possible.

Copies of the regulation may be obtained from the board. Written or faxed comments may be submitted through 5 p.m. on October 2, 2000. Comments or questions should be addressed to Karen W. O'Neal, Assistant Director, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537.

STATE WATER CONTROL BOARD

Proposed Consent Special Order JSC Concrete Construction, Inc. Manassas Park Facility

The State Water Control Board, the Virginia Waste Management Board (boards), and the State Air Pollution Control Board propose to issue a consent special order (order) to JSC Concrete Construction, Inc., (facility) regarding the JSC Concrete Construction, Inc., Manassas Park Facility located in Manassas Park, Virginia.

The order requires, among other things, that the facility clean the storm sewer and submit a Hazardous Waste Determination Plan. The facility has agreed to pay a civil charge.

On behalf of the State Water Control Board and the Virginia Waste Management Board, the Department of Environmental Quality's Northern Virginia Regional Office will receive written comments relating to the order through October 10, 2000. Please address comments to Susan A. Oakes, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia, 22193. Please address comments sent via e-mail to saokes@deq.state.va.us. In order to be considered, comments provided by e-mail must include the commenter's name, address, and telephone number. Please write or visit the Woodbridge address, or call (703) 583-3863, in order to examine or to obtain a copy of the order.

Proposed Consent Special Order Wampler Foods, Inc.

The State Water Control Board proposes to enter into a consent special order with Wampler Foods, Inc., to address violations of the State Water Control Law and regulations at its Timberville plant in Rockingham County, Virginia. Wampler Foods is subject to a VPDES permit issued by the board authorizing the company to discharge treated wastewater to the North Fork of the Shenandoah River. During the summer of 1999, Wampler experienced a high level of ammonia in its discharge due to the large number of birds being processed in its rendering plant, coupled with a failure of two aerators in the treatment plant. The high level of ammonia resulted in a fish kill in the receiving stream. Wampler is taking action to prevent recurrence of the problem and will be going off-line and connecting to the Sheaffer wastewater reclamation and reuse project this fall. The company has agreed to pay a civil charge, fish replacement costs, and staff investigative costs.

The board will receive written comments relating to the proposed consent special order for 30 days from the date of publication of this notice. Comments should be addressed to Elizabeth V. Scott, Department of Environmental Quality, Post Office Box 3000, Harrisonburg, Virginia, 22801, and should refer to the consent special order. Comments may also be submitted via electronic mail to evscott@deq.state.va.us. In order to be considered, electronic comments must be received prior to the close of the comment period and must include the name, address, and telephone number of the person making the comment.

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 this office.

General Notices/Errata

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 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

Calendar of Events


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.

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 Colburn 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.

† October 31, 2000 - 11 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-10-10 et seq. Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations.** The purpose of the proposed amendment is to require that notices of initial decisions of the board's hearing officers be sent by both certified mail and regular mail and to extend the present 10-day appeal period to 30 days.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY 


† October 31, 2000 - 11 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.

November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The purpose of the proposed amendment is to allow for the acceptance of

credit or debit cards from licensees for the purchase of alcoholic beverages at government stores.

Statutory Authority: §§ 4.1-103, 4.1-111 and 4.1-119 of the Code of Virginia.


Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY 

† October 31, 2000 - 11 a.m. -- Public Hearing
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia.


November 10, 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 Alcoholic Beverage Control Board intends to amend regulations entitled: **3 VAC 5-70-10 et seq. Other Provisions.** The proposed amendment adds a new section that lists a number of administrative violations for which a licensee may waive administrative hearing and accept a predetermined penalty in lieu of license suspension for a first violation within three years.


Statutory Authority: §§ 4.1-103 and 4.1-227 of the Code of Virginia.

Contact: W. Curtis Colburn, III, Secretary to the Board, P.O. Box 27491, Richmond, VA 23261, telephone (804) 213-4409, FAX (804) 213-4411 or (804) 213-4687/TTY 

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


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

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.

CEMETERY BOARD

† **October 11, 2000 - 8:30 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general meeting of the Recovery Fund Committee.


Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-2039, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail cemetery@dpor.state.va.us.

† **October 11, 2000 - 9:30 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA, telephone (804) 367-2039, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail cemetery@dpor.state.va.us.

CHARITABLE GAMING COMMISSION


† **September 19, 2000 - 10 a.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. 

A regular commission meeting.


Contact: Frances C. Jones, Administrative Staff Assistant, Charitable Gaming Commission, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-3014, FAX (804) 786-1079, e-mail jones@cgc.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.


Calendar of Events


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, James Monroe Bldg., 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
† October 24, 2000 - 11 a.m. -- Open Meeting
Compensation Board, Ninth Street Office Building, 202 North
9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy Waddell, Administrative Staff 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


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


Virginia Cave Board

† September 16, 2000 - 1 p.m. -- Open Meeting
Department of Conservation and Recreation, Watershed Office, Staunton, Virginia.  (Interpreter for the deaf provided upon request)

A regular business meeting.

Contact: Lawrence R. Smith, Natural Area Protection, Manager, Virginia Cave Board, 217 Governor St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-7951, e-mail lsmith@drc.state.va.us.

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.


Lake Anna State Park Master Plan

† **September 21, 2000 - 7 p.m.** -- Open Meeting
North Anna Nuclear Information Center, 1022 Haley Drive, Mineral, Virginia. 
(Interpreter for the deaf provided upon request)

A public meeting regarding the development of a Master Plan for Lake Anna State Park. Public comment will be received.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.


Virginia Outdoors Plan Technical Advisory Committee

† **September 20, 2000 - 10 a.m.** -- Open Meeting
Ashlawn, 100 James Monroe Parkway, Charlottesville, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to continue providing information and comments on the development of the 2001 Virginia Outdoors Plan.

Contact: Derral Jones, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-9042, FAX (804) 371-7899, e-mail djones@dcr.state.va.us.


Rappahannock Scenic River Advisory Board

† **September 15, 2000 - 10 a.m.** -- Open Meeting
Clore Brothers Outfitters, 5927 River Road, Fredericksburg, Virginia. 
(Interpreter for the deaf provided upon request)

The board will float the Rappahannock River to assess alternative sites being considered by the Virginia Department of Transportation for the proposed outer connector river crossing. After the float, the board will discuss the sites they have viewed.

Contact: Richard Gibbons, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 783-4132, 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.


Trevilian Station Battlefield State Park Feasibility Study

† **September 19, 2000 - 6 p.m.** -- Open Meeting
Louisa County Office Building, Woolfolk Avenue, Public Meeting Room 1, Louisa, Virginia. 
(Interpreter for the deaf provided upon request)

† **September 26, 2000 - 6 p.m.** -- Open Meeting
Louisa County Office Building, Woolfolk Avenue, Emergency Center Operation Center 1, Louisa, Virginia. 
(Interpreter for the deaf provided upon request)

A public meeting regarding the Trevilian Station Battlefield State Park Feasibility Study. Public comment will be heard by the committee.

Contact: Stephen Donahue, Architect Senior, Department of Conservation and Recreation, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804) 371-2570, FAX (804) 371-8500, e-mail svdonahue@dcr.state.va.us.

† **September 26, 2000 - 6 p.m.** -- Open Meeting
Louisa County Office Building, Woolfolk Avenue, Emergency Center Operation Center 1, Louisa, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting of the Steering Committee to continue work on the Trevilian Station Battlefield State Park Feasibility Plan.

Contact: Stephen Donahue, Architect Senior, Department of Conservation and Recreation, James Monroe Bldg., 101 N. 14th St., 11th Floor, Richmond, VA 23219, telephone (804)

Calendar of Events

371-2570, FAX (804) 371-8500, e-mail svdonanue@dcr.state.va.us.

BOARD FOR CONTRACTORS

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/.

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.

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 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>.

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>.

DEPARTMENT OF ENVIRONMENTAL QUALITY

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.

† **September 18, 2000 - 7 p.m.** -- Public Hearing
Courtyard Marriott, 470 McLaws Circle, Williamsburg, Virginia.

A public hearing to receive comments on a draft permit amendment for the closed Camp Peary sanitary landfill located within the confines of the military base.

Contact: Mark Campbell, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4125, e-mail macampbell@deq.state.va.us.

† **October 17, 2000 - 9 a.m.** -- Public Hearing
Main Street Centre, 600 East Main Street, Lower Level, Conference Room, Richmond, Virginia.

A public hearing to receive comments and testimony on the proposed plan to control emissions of designated pollutants to the atmosphere from municipal waste combustors.

Contact: Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, toll-free (804) 698-4021, e-mail kgsabastea@deq.state.va.us.

Ground Water Protection Steering Committee

† **September 19, 2000 - 9 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia

A regular meeting.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, e-mail mamassie@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.

Calendar of Events

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 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 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)

September 11, 2000 - 6:30 p.m. -- Open Meeting
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)

September 13, 2000 - 6:30 p.m. -- Open Meeting
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.

STATE BOARD OF HEALTH

November 15, 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 Health is adopting regulations entitled: **12 VAC 5-185-10 et seq.**

Policies and Procedures for Administering the Commonwealth Neurotrauma Initiative Trust Fund.

These regulations will establish (i) policies and procedures for handling applications for funding received by the Commonwealth Neurotrauma Initiative (CNI) Advisory Board, (ii) criteria for reviewing applications, and (iii) procedures for distributing moneys from the CNI Trust Fund.

Statutory Authority: § 32.1-73.1 of the Code of Virginia.

Contact: Douglas R. Harris, Adjudication Officer, State Board of Health, 1500 E. Main St., Room 308, Richmond, VA 23218, telephone (804) 786-3561, FAX (804) 786-4616 or toll-free 1-800-828-1120/TTY ☎

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 - 8 a.m.** -- Open Meeting
Cultural Arts Center, 2880 Mountain Road, Glen Allen, Virginia.

Yearly retreat of the council.

Contact: Lee Ann Rung, Executive Assistant, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.

September 18, 2000 - 1 p.m. -- Open Meeting
Cultural Arts Center, 2880 Mountain Road, Glen Allen, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **October 17, 2000 - 9 a.m.** -- Open Meeting
Virginia State University, Petersburg, Virginia.

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.

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

† **October 3, 2000 - 9 a.m.** -- Open Meeting

† **November 7, 2000 - 9 a.m.** -- Open Meeting

† **December 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.

Calendar of Events


VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **September 19, 2000 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

A regular meeting of the Board of Commissioners to review and, if appropriate, (i) approve the minutes from the prior monthly meeting; (ii) consider for approval and ratification mortgage loan commitments under its various programs; (iii) review the authority's operations for the prior month; and (iv) consider such other matters and take such other actions deemed appropriate. Various committees of the board may also meet no earlier than 1 p.m. on Monday, September 18, 2000, and before or after the regular meeting and consider matters within its purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY 


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.


INNOVATIVE TECHNOLOGY AUTHORITY

† **October 11, 2000 - 10 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia

A meeting of the Board of Directors to elect officers.

Contact: June Portch, Executive Assistant, Innovative Technology Authority, 2215 Rock Hill Road, Herndon, VA 20170, telephone (703) 689-3049, FAX (703) 464-1708.

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.

VIRGINIA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

† **September 18, 2000 - 9 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, Virginia. 

A follow-up to the July 12 work session on the future of Virginia's urban areas. There will not be an opportunity for public comment. Due to security requirements at VHDA, please R.S.V.P. our office at (804) 786-6508 if you plan to attend the meeting.

Contact: Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 900 E. Main St., Suite 103, Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7999, (804) 828-1120/TTY , e-mail amaclean@clg.state.va.us.

† **September 18, 2000 - 2:30 p.m.** -- Open Meeting
Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Visual Quality Committee to continue planning the ACIR's Fall 2000 conference, "Quality of Life: The Future of Virginia's Cities and Landscapes," to be held at Mary Washington College in Fredericksburg on October 16. The meeting will be open to the public. To comply with VHDA security requirements, please R.S.V.P. to the ACIR office at (804) 786-6508 if you plan to attend. There will also be an opportunity for public comment.

Contact: Adele MacLean, Secretary, Virginia Advisory Commission on Intergovernmental Relations, 900 E. Main St.,

Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (804) 828-1120/TTY ☎, e-mail amaclean@clg.state.va.us.

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.

Virginia Migrant and Seasonal Farmworkers Board

† **October 11, 2000 - 10 a.m.** -- Open Meeting
 State Capitol, House Room 1, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting.

Contact: Patti C. Bell, Board Staff Director, Department of Labor and Industry, 13 S. 13th St., Richmond, VA 23219, telephone (804) 225-3083, FAX (804) 371-6524, (804) 786-2376/TTY ☎, e-mail pcb@doli.state.va.us.

LIBRARY BOARD

September 18, 2000 - 8:15 a.m. -- Open Meeting
November 13, 2000 - 8:15 a.m. -- Open Meeting
 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.

Calendar of Events

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 ☎

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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 ☎

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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 ☎

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.

LONGWOOD COLLEGE

† **September 15, 2000 - 9 a.m.** -- Open Meeting
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ☎

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

Contact: Jeanne Hayden, Administrative Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, e-mail jhayden@longwood.lwc.edu.

† **September 15, 2000 - 11 a.m.** -- Open Meeting
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ☎

A meeting to conduct routine business of the Board of Visitors' Facilities and Services Committee.

Contact: Jeanne Hayden, Administrative Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, e-mail jhayden@longwood.lwc.edu.

† **September 15, 2000 - 1 p.m.** -- Open Meeting
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ☎

A meeting to conduct business of the Academic Affairs Committee of the Board of Visitors.

Contact: Jeanne Hayden, Administrative Assistant, Longwood College, 201 High St., Farmville, VA 23909,

telephone (804) 395-2004, FAX (804) 395-2821, e-mail jhayden@longwood.lwc.edu.

† **September 15, 2000 - 2:45 p.m.** -- Open Meeting
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ♿

A meeting to conduct routine business of the Student Affairs Committee of the Board of Visitors.

Contact: Jeanne Hayden, Administrative Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, e-mail jhayden@longwood.lwc.edu.

† **September 16, 2000 - 9 a.m.** -- Open Meeting
Longwood College, Lancaster Building, Room 215, Farmville, Virginia. ♿

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

Contact: Jeanne Hayden, Administrative Assistant, Longwood College, 201 High St., Farmville, VA 23909, telephone (804) 395-2004, FAX (804) 395-2821, e-mail jhayden@longwood.lwc.edu.

VIRGINIA MANUFACTURED HOUSING BOARD

† **September 21, 2000 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North Second Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting to (i) make case decisions regarding complaints involving manufactured home dealers and manufacturers, (ii) handle issues with licenses of dealers and manufacturers, (iii) process claims to the Manufactured Housing Transaction Recovery Fund, and (iv) generally carry out the requirements of the Virginia Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: C. L. McIver, Associate Director, Department of Housing and Community Development, 501 N. Second St., Richmond VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ♿, e-mail cmciver@dhcd.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.

Calendar of Events

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.

November 10, 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 of Care; and 12 VAC 30-70-10 et seq. Methods and Standards for Establishing Payment--Inpatient Hospital Services.** The proposed regulations incorporate the agency's restrictions for covering Medicaid services in out-of-state facilities.

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

Public comments may be submitted until November 10, 2000, to Jim Cohen, Director, Division of Program Operations, 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.

November 10, 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 and 12 VAC 30-80-10 et seq. Methods and Standards for Establishing Payment Rates--Other Types of Care: Pharmacy Services: Pharmacy Intravenous Infusion Therapy Services.** The purpose of the proposed amendments is to provide a consistent payment methodology for all pharmacy intravenous infusion therapy services provided in a fee-for-service program regardless of the patient's place of residence. By simplifying their billing and documentation procedures, this consistent payment methodology will benefit pharmacists who are asked to render specialized and highly technical pharmacological services to patients who require medicinal and nutritional intravenous therapies.

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

Public comments may be submitted until November 10, 2000, to Marianne Rollings, Program Operations, 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.

BOARD OF MEDICINE

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.

Calendar of Events


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

November 10, 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 Medicine intends to amend regulations entitled: **18 VAC 85-20-10 et seq. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic and Physician Acupuncture.** The purpose of the proposed amendments is to modify the seven-year rule for completion of Steps 1, 2 and 3 of the USMLE examination and delete the provision permitting an applicant to take combination USMLE and FLEX examinations.


Statutory Authority: §§ 54.1-2400 and 54.1-2913 of the Code of Virginia.

Contact: Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9918 or FAX (804) 662-9114.


† **October 12, 2000 - 8 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia 


The board will receive comment on the proposed regulation to modify examination requirements.

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 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
† **October 26, 2000 - 9:30 a.m.** -- Open Meeting
Wyndham Roanoke Hotel, 2801 Hershberger Road, Roanoke, Virginia.

† **October 20, 2000 - 9 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

† **November 2, 2000 - 9 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia.

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine and other healing arts in Virginia. 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 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

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.

DEPARTMENT OF MINES, MINERALS AND ENERGY

Division of Mineral Mining


† **September 14, 2000 - 7 p.m.** -- Open Meeting
Virginia Highlands Community College, Abingdon, Virginia. ♿
(Interpreter for the deaf provided upon request)

The purpose of the informal hearing is to receive comments and information regarding the mineral mining permit application of John G. Holmes. The proposed limestone mine is in Washington County, approximately 3 miles south of Glade Spring on Route 91. The permit application is available for review at the DMME office in Charlottesville, Virginia.


Contact: Conrad Spangler, Division Director, Department of Mines, Minerals and Energy, P.O. Box 3727, Charlottesville, VA, VA 22903, telephone (804) 951-6310, FAX (804) 951-6325, (800) 828-1120/TTY ☎, e-mail cts@mme.state.va.us.

Calendar of Events


Virginia Gas and Oil Board

† **September 19, 2000 - 9 a.m.** -- Open Meeting
Virginia Highlands Community College, Southwest Virginia
Higher Education Center, Abingdon, Virginia. 

A regular meeting to consider petitions filed by applicants for pooling of coalbed methane units. The board, on its own motion, will reconvene docket items relative to existing coalbed methane field rules to receive evidence to change spacing and for inclusion/exclusion of specific areas. The public may address the board on individual items as they are called for hearing by the board.

Contact: Bob Wilson, Director, Division of Gas and Oil, Department of Mines, Minerals and Energy, P.O. Box 1416, Abingdon, VA 24212, telephone (540) 676-5423, FAX (540) 676-5459, (800) 828-1120/TTY , e-mail bxw@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, VA, 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 21, 2000 - Noon** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 


A quarterly meeting of the Board of Trustees to hear reports from the President, Director, Museum Foundation, and Committees. Approval of acquisition of art works. Portions of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us, homepage <http://vmfa.state.va.us>.


Architect Search Committee

† **September 20, 2000 - 10 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor Meeting Room, Richmond, Virginia. 


A meeting to discuss progress of architect search.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


Buildings and Grounds Committee

† **September 21, 2000 - 8:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor Meeting Room, Richmond, Virginia. 


A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


Collections Committee

† **September 21, 2000 - 9:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue,
Auditorium, Richmond, Virginia. 

A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


Communications and Marketing Committee

† **September 20, 2000 - 3:15 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 2nd Floor Meeting Room, Richmond, Virginia. 


A quarterly meeting.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us, homepage <http://vmfa.state.va.us>.


Education and Programs Committee

† **September 20, 2000 - 2 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 1st Floor Meeting Room, Richmond, Virginia. 


A quarterly meeting.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


Exhibitions Committee

† **September 20, 2000 - 4:30 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building, 2800 Grove Avenue, 1st Floor Meeting Room, Richmond, Virginia. 


A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


Finance Committee

† **September 21, 2000 - 11 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 


A quarterly meeting. Public comment will not be received.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


Legislative Committee

† **September 20, 2000 - 11:30 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Main Lobby Conference Room, Richmond, Virginia. 


A quarterly meeting.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.


Planning Committee

† **September 20, 2000 - 12:30 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, 2800 Grove Avenue, Auditorium, Richmond, Virginia. 


A quarterly meeting.

Contact: Suzanne Broyles, Executive Secretary, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221-2466, telephone (804) 340-1500, FAX (804) 340-1502, (804) 340-1401/TTY , 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 


Calendar of Events

BOARD OF NURSING

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)


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 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 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
† December 4, 2000 - 8:30 a.m. -- Open Meeting
† December 5, 2000 - 8:30 a.m. -- Open Meeting
† December 11, 2000 - 8:30 a.m. -- Open Meeting
† December 14, 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. 

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.

OLD DOMINION UNIVERSITY

September 14, 2000 - 2:30 p.m. -- Open Meeting
† December 7, 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.

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.

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.

BOARD OF OPTOMETRY

† September 18, 2000 - 3 p.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Informal hearings. Public comment will not be received.

Contact: Carol Stamey, Administrative Assistant, Board of Optometry, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail cstamey@dhp.state.va.us.

VIRGINIA OUTDOORS FOUNDATION

September 25, 2000 - 10 a.m. -- Open Meeting
September 26, 2000 - 10 a.m. -- Open Meeting
† December 5, 2000 - 10 a.m. -- Open Meeting
† December 6, 2000 - 9 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 23219, telephone (804) 225-2147.

Preservation Trust Fund Advisory Board-Region II

November 15, 2000 - 10 a.m. -- Open Meeting
Virginia Outdoors Foundation, 1010 Harris Street, Charlottesville, 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

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.

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

† September 13, 2000 - 9 a.m. -- Open Meeting
† September 28, 2000 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A Special Conference Committee to discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail www.dhp.state.va.us.

† September 20, 2000 - 10 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel of the board will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9913, e-mail pharmdb@dhp.state.va.us.

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, R.Ph, 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.

† October 10, 2000 - 9 a.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

November 10, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-20-10 et seq. Regulations Governing the Practice of Pharmacy.** The proposed amendments provide for approval of robotic technology in hospital pharmacies through application to an informal conference committee.

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

Calendar of Events

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.

† **October 10, 2000 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

November 10, 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 Pharmacy intends to amend regulations entitled: **18 VAC 110-30-10 et seq. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The proposed amendments would update and clarify sections of the regulation to provide consistency with current law, current practices in pharmacy, and the board's regulations for licensed pharmacists.

Statutory Authority: §§ 54.1-2400 and 54.1-3304.1 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) 662-9313.

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 PHYSICAL THERAPY

† **September 22, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, Fifth Floor, Conference Room 3, Richmond, Virginia 


A meeting of the Board of Physical Therapy to consider regulatory, legislative and disciplinary matters as may be

presented. Public comment will be received at the beginning of the meeting.


Contact: Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, Southern States Bldg. 4th Floor, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.

† **September 22, 2000 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia 
(Interpreter for the deaf provided upon request)


The board will conduct a disciplinary hearing. The meeting is open to the public, but only comment presented in the course of the proceedings will be accepted.

Contact: Elizabeth Young Tisdale, Executive Director, Board of Physical Therapy, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail etisdale@dhp.state.va.us.


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 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 23230-1717, telephone (804) 662-9913, FAX (804) 662-7250, (804) 662-7197/TTY , e-mail acovington@dhp.state.va.us.

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 jdellorme@dhp.state.va.us.

† **September 20, 2000 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

The board will consider recommendations from an ad-hoc committee regarding the need to amend the Regulations Governing the Certification of Sex Offender Treatment Providers.

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 jdellorme@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 ♿

The board will receive public comment on proposed regulations for the licensure of school psychologists-limited and for the establishment of temporary licensure for residents.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail ebrown@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 APPRAISER BOARD

† **October 17, 2000 - 10 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2039, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail reappraiser@dpor.state.va.us.

REAL ESTATE BOARD

† **September 13, 2000 - 2 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

Training.

Contact: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

September 13, 2000 - 4 p.m. -- Open Meeting
† **October 25, 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 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail reboard@dpor.state.va.us.

Calendar of Events

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 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.


September 14, 2000 - 9 a.m. -- Open Meeting
† October 26, 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, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8552, FAX (804) 367-2475, e-mail reboard@dpor.state.va.us.

† September 27, 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 meeting to conduct informal fact-finding conferences pursuant to § 9-6.14:11 of the Administrative Process Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the board at least two weeks prior to the meeting. The department fully complies with the Americans with Disabilities Act.

Contact: Debbie A. Amaker, Legal Assistant, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8582, FAX (804) 367-2179, (804) 367-9753/TTY .


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 25, 2000 - 9 a.m.** -- Open Meeting
Department of Social Services, 730 East Broad Street, Lower Level, Richmond, Virginia. 

A meeting of the Finance Subcommittee.

Contact: Pat Rengnerth, State Board Liaison, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-1962.

† **October 18, 2000 - 9 a.m.** -- Open Meeting
† **October 19, 2000 - 9 a.m.** -- Open Meeting
Department of Social Services, Western Regional Office, 190 Patton Street, Abingdon, Virginia. 

A work session and formal business meeting.

Contact: Pat Rengnerth, State Board Liaison, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1826, FAX (804) 692-1962.

November 10, 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 amend regulations entitled: **22 VAC 40-35-10 et seq. Virginia Independence Program.**

The purpose of the proposed amendment is to provide one year of supportive transitional employment and training services to VIEW (Virginia Initiative for Employment not Welfare) participants.

Statutory Authority: §§ 63.1-25 and 63.1-133.46 of the Code of Virginia.

Contact: Chris Raines, Human Services Program Consultant, Department of Social Services, 730 E. Broad St., 7th Floor, Richmond, VA 23219, telephone (804) 692-1323 or FAX (804) 692-1704.

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)

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.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

Board of Trustees

† **September 13, 2000 - 1:30 p.m.** -- Open Meeting
State Capitol, Capitol Square, House Room 4, Richmond, Virginia.

The purpose of the foundation is to utilize 10% of the funds the Commonwealth of Virginia will receive through the Master Settlement Agreement. The focus of the foundation is youth tobacco use prevention.

Contact: Karen B. Harris, Administrative Staff Specialist, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., 10th Floor, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail kharris.getd@state.va.us.

Calendar of Events

VIRGINIA TOURISM AUTHORITY

† **September 21, 2000 - 9 a.m.** -- Open Meeting

† **September 22, 2000 - 9 a.m.** -- Open Meeting

The Homestead, Hot Springs, Virginia.

The Virginia Tourism Corporation Board of Directors will meet for the board's annual meeting. The purpose of the meeting is to discuss strategic planning. Public comment will be taken at the beginning of the meeting on Thursday, September 21, 2000.

Contact: Winston Evans, Administrative Assistant to the President, Virginia Tourism Authority, 901 East Byrd St., 19th Floor, Richmond, VA 23219, telephone (804) 371-8174, FAX (804) 786-1919, (800) 828-1120/TTY ☎, e-mail wevans@virginia.org.

Motion Picture Development Committee

† **October 10, 2000 - 11 a.m.** -- Open Meeting

Virginia Tourism Authority, 901 E. Byrd Street, 20th Floor, Presentation Room, Richmond, Virginia.

A meeting to establish criteria for the incentive program that will result in producing up to two Civil War film projects in Virginia.

Contact: Nanette Maguire, Administrative Staff Assistant - Film Office, Virginia Tourism Authority, 901 E. Byrd St. Richmond, VA 23219, telephone (804) 371-8204, FAX (804) 371-8177, toll-free (800) 854-6233, e-mail nmaguire@virginia.org.

COMMONWEALTH TRANSPORTATION BOARD

September 20, 2000 - 2 p.m. -- Open Meeting

Department of Transportation, 1401 East Broad Street, Board Room, Richmond, Virginia. ♿

† **October 18, 2000 - 1 p.m.** -- Open Meeting

Hampton Inn-Col Alto, 401 East Nelson Street, Lexington, 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. ♿

† **October 18, 2000 - 2 p.m.** -- Open Meeting

Hampton Inn-Col Alto, 401 East Nelson Street, Lexington, 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

† **October 9, 2000 - 10 a.m.** -- Open Meeting

Indian River Baptist Church, 1700 Laurel Avenue, Chesapeake, Virginia. ♿ (Interpreter for the deaf provided upon request)

† **October 11, 2000 - 1 p.m.** -- Open Meeting

Department for the Visually Handicapped; 111 Commonwealth Avenue, Bristol, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to invite comments from the public regarding vocational rehabilitation services for persons with visual disabilities. All comments will be considered in developing the state plan for this program.

Contact: James G. Taylor, Vocational Rehabilitation Program Director, Department for the Visually Handicapped, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3111, FAX (804) 371-3351, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail taylorjg@dvh.state.va.us.

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 VOLUNTARY FORMULARY BOARD

† **October 20, 2000 - 10 a.m.** -- Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. ♿

A public hearing to consider the adoption and issuance of revisions to the Virginia Voluntary Formulary. The proposed revisions to the formulary add and delete drugs and drug products to/from the formulary that became effective July 27, 1998 and the most recent supplement to that revision. Copies of the proposed revisions to the Virginia Voluntary Formulary are available for inspection at the Bureau of Pharmacy Services, Virginia Department of Health, Monroe Building, 101 North 14th Street, Room S-45, Richmond, Virginia 23219. Written comments sent to the above address and received prior to 5 p.m. on October 20, 2000, will be made a part of the hearing record and considered by the Formulary Board.

Contact: James K. Thomson, Director - Bureau of Pharmacy Services, State Board of Health, James Monroe Bldg., 101 N. 14th St., Room S-45, P.O. Box 2448, Richmond, Virginia 23218, telephone (804) 786-4326.

VIRGINIA WAR MEMORIAL FOUNDATION

Board of Trustees

† **September 15, 2000 - Noon** -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting to elect officers for the upcoming year.

Contact: Sandra H. Williams, Associate Director, Virginia War Memorial Foundation, 621 S. Belvidere St., Richmond, VA 23220-6504, telephone (804) 786-2060, FAX (804) 786-6652, (804) 786-6152/TTY ☎.

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.

Calendar of Events

Contact: Melissa Porterfield, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4238, e-mail mporterfi@deq.state.va.us.

† **October 18, 2000 - 7 p.m.** -- Public Hearing
James City County Government Center, 101-C Mounts Bay Road, Building C, 1st Floor, Board of Supervisors Room, Williamsburg, Virginia.

November 10, 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 adopt regulations entitled: **9 VAC 20-170-10 et seq. Transportation of Solid Medical Wastes on State Waters.** The proposed regulation sets forth guidelines for the permitting of facilities and establishes a permit-by-rule requirement for facilities receiving solid and regulated medical wastes from a ship, barge or other vessel transporting such wastes upon navigable waters of the Commonwealth and includes provisions governing the commercial transport, loading and off-loading of solid and regulated medical wastes by ship, etc. The board is requesting comments from the public on:


1. The costs and benefits of the proposal;
2. Alternatives to the requirements of the proposal, including the advantages and disadvantages of the alternatives;
3. The social costs of the proposal, including a description of the types of costs (i.e., increased paperwork, duplicative reporting requirements, etc.), potential nondollar impacts of the proposal (i.e., increased volume of waste transported by trucks due to increased regulation of water transport) and the possible health and environmental consequences associated with such impacts;
4. Quantitative information, if possible, regarding incremental benefits of the proposed regulation over existing federal and state regulations and current industry practices;
5. The relationship of the proposed regulation to federal regulations regarding nonhazardous and medical waste transport, including the identification of redundancy or conflict; and
6. Whether the board should make further distinctions between solid wastes and medical wastes which are regulated under the Resource Conservation and Recovery Act and covered by this rulemaking and hazardous wastes which are covered by the Resource Conservation and Recovery Act and not addressed in this rulemaking.

Statutory Authority: §§ 10.1-1402 and 10.1-1454.1 of the Code of Virginia.

Contact: Daniel S. Gwinner, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

(804) 698-4218, FAX (804) 698-4327 or e-mail dsgwinner@deq.state.va.us.

STATE WATER CONTROL BOARD

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.

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 lbeckwith@deq.state.va.us.

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 27, 2000 - 7 p.m.** -- Public Hearing
Charles City County Government, School Board
Administration Building, 10900 Courthouse Road, Auditorium,
Charles City, Virginia. ♿

A public hearing to receive comments on the proposed
issuance of a VPA permit to Weanack LLP for Potomac
River dredge spoils to be used for the reclamation of land
that has previously been mined for gravel.

Contact: Allan Brockenbrough, Department of Environmental
Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone
(804) 527-5027, e-mail abrockenb@deq.state.va.us.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

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 ♿

JOINT COMMISSION ON BEHAVIORAL HEALTH CARE

† **September 27, 2000 - 1:30 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate
Room B, Richmond, Virginia. ♿ (Interpreter for the deaf
provided upon request)

The initial meeting of the committee. Questions
regarding the agenda should be directed to Nancy
Roberts, Division of Legislative Services, (804) 786-3591.
Individuals requiring interpreter services or other
accommodations should call or write 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 ♿

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.

Calendar of Events

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

HOUSE COMMITTEE ON EDUCATION

† **October 1, 2000 - 6 p.m.** -- Open Meeting
† **October 2, 2000 - 9 a.m.** -- Open Meeting
† **October 3, 2000 - 9 a.m.** -- Open Meeting
Westmoreland State Park, Route 1, Montross, Virginia.

The House Committee on Education will meet jointly with the Senate Committee on Education and Health and the State Board of Education at Westmoreland State Park on the Potomac River in Westmoreland County. The retreat will begin with dinner on Sunday evening at 6 p.m. and will conclude with lunch on Tuesday. Questions regarding the retreat or the agenda should be directed to Kathy Harris or Brenda Edwards, Division of Legislative Services, (804) 786-3591.

Contact: 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

SPECIAL TASK FORCE STUDYING FAITH-BASED COMMUNITY SERVICE GROUPS WHO MAY PROVIDE ASSISTANCE TO MEET SOCIAL NEEDS (HJR 291, 2000/HJR 764, 1999)

† **September 27, 2000 - 10:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting. Questions regarding the meeting should be addressed to Gayle Vergara, 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: Hudaidah Bhimdi, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY


JOINT COMMISSION ON HEALTH CARE

† **September 13, 2000 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular meeting of the Certificate of Public Need Subcommittee. 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 seven working days prior to the meeting.

Contact: Patty Lung, Senate Committee Operations, P.O. Box 396, Richmond, VA 23218, telephone (804) 698-7450 or (804) 698-7419/TTY


VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

† **September 20, 2000 - 10 a.m.** -- Open Meeting
† **November 29, 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 general meeting.


Contact: Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail meverett@leg.state.va.us.

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 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.


Calendar of Events

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

Advisory Committee 5 (UCITA)

† **September 12, 2000 - 1 p.m.** -- Open Meeting
Lynchburg College, 1501 Lakeside Drive, Ball Room
Lynchburg, Virginia.  (Interpreter for the deaf provided upon request)


† **October 17, 2000 - 1 p.m.** -- Open Meeting
George W. Johnson Center, George Mason University, 4400
University Drive, Multipurpose Room, Fairfax, Virginia.  (Interpreter for the deaf provided upon request)

† **November 9, 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. Please refer to the commission's website for details (<http://jcots.state.va.us>).


Contact: John Jung, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

Advisory Committee 6 (Criminal Law)

† **October 19, 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. Please refer to the commission's website for details (<http://jcots.state.va.us>).


Contact: John Jung, Staff Attorney, Joint Commission on Technology and Science, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

† **November 16, 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. Please refer to the commission's website for details (<http://jcots.state.va.us>).

Contact: John S. Jung, Staff Attorney, Joint Commission on Technology and Science, 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 371-0169, e-mail JJung@leg.state.va.us.

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)

NOTE: CHANGE IN MEETING DATE

† **September 19, 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

September 11

Conservation and Recreation, Department of
- Board on Conservation and Development of Public
Beaches
Environmental Quality, Department of
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

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, Virginia
Resources Authority, Virginia
- Board of Directors
† Technology and Science, Joint Commission on
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
† Health Care, Joint Commission on
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
† Pharmacy, Board of
† Real Estate Board
- Education Committee
† Tobacco Settlement Foundation, Virginia
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
† Mines, Minerals and Energy, Department of
Old Dominion University
- Board of Visitors
Real Estate Board
- Fair Housing Committee
Rehabilitative Services, Department of
- Statewide Independent Living Council Executive
Committee

September 15

† Conservation and Recreation, Department of
- Rappahannock Scenic River Advisory Board
Criminal Justice Services Board
- Committee on Training
Dentistry, Board of
† Longwood College
- Academic Affairs Committee
- Facilities and Services Committee
- Finance and Audit Committees
- Student Affairs Committee

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
† War Memorial Foundation, Virginia

September 16

† Conservation and Recreation, Department of
- Virginia Cave Board
† Longwood College
- Board of Visitors
Visually Handicapped, Department for the
- Statewide Rehabilitation Council for the Blind

September 18

African-American Males in Virginia, Joint Commission
Studying the Status and Needs of
Chesapeake Bay Local Assistance Board
† Environmental Quality, Department of
Higher Education for Virginia, State Council of
† Intergovernmental Regulations, Virginia Advisory
Committee on
- Visual Quality Committee
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
† Optometry, Board of
- Informal Conference Committee
Public Guardian and Conservator Advisory Board,
Virginia

September 19

† Charitable Gaming Commission
† Conservation and Recreation, Department of
- Trevilian Station Battlefield State Park Feasibility
Study
† Environmental Quality, Department of
- Groundwater Protection Steering Committee
Funeral Directors and Embalmers, Board of
† Housing Development Authority, Virginia
- Board of Commissioners
† Mines, Minerals and Energy, Department of
- Virginia Gas and Oil Board
Psychology, Board of
† Underground Utility Damage Prevention Act, Joint
Subcommittee Studying the Status and Implementation
of

September 20

Community Colleges, State Board for
- Facilities Committee
- Personnel Committee
† Conservation and Recreation, Department of
- Virginia Outdoors Plan Technical Advisory Committee

Calendar of Events

† Freedom of Information Advisory Council, Virginia
Funeral Directors and Embalmers, Board of
† Museum of Fine Arts, Virginia
- Architect Search Committee
- Communications and Marketing Committee
- Education and Programs Committee
- Exhibitions Committee
- Legislative Committee
- Planning Committee
† Pharmacy, Board of
† Psychology, Board of
Racing Commission, Virginia
Transportation Board, Commonwealth
Water Control Board, State

September 21

Community Colleges, State Board for
† Conservation and Recreation, Department of
- Lake Anna State Park Master Plan
Environmental Quality, Department of
Labor and Industry, Department of
- Virginia Apprenticeship Council
† Manufactured Housing Board, Virginia
Medicine, Board of
- Informal Conference Committee
Milk Commission, State
† Museum of Fine Arts, Virginia
- Buildings and Grounds Committee
- Collections Committee
- Finance Committee
† Psychology, Board of
Soil and Water Conservation Board, Virginia
† Tourism Authority, Virginia
- Board of Directors
Transportation Board, Commonwealth
Waterworks and Wastewater Works Operators, Board for

September 22

Chesapeake Bay Local Assistance Board
- Policy Committee
† Physical Therapy, Board of
† Virginia Tourism Authority

September 25

Local Government, Commission on
Nursing, Board of
- Special Conference Committee
Outdoors Foundation, Virginia
- Board of Trustees
Professional and Occupational Regulation, Board of
† Social Services, State Board of

September 26

Compensation Board
† Conservation and Recreation, Department of
- Trevilian Station Battlefield State Park Feasibility
Study
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

September 27

Agriculture and Consumer Services, Department of
- Virginia Horse Industry Board
At-Risk Youth and Their Families, Comprehensive
Services for
- State Executive Council
† Behavioral Health Care, Joint Commission on
Code Commission, Virginia
Contractors, Board for
† Faith-Based Community Service Groups Who May
Provide Assistance to Meet Social Needs, Special Task
Force Studying
Funeral Directors and Embalmers, Board of
- Special Conference Committee
Human Resource Management, Department of
Nursing, Board of
- Special Conference Committee
† Real Estate Board

September 28

Code Commission, Virginia
Education, State Board of
Nursing, Board of
- Special Conference Committee
† Pharmacy, Board of
- Special Conference Committee
Rehabilitative Services, Board of
Waste Management Board, Virginia

September 29

Medicine, Board of
- Informal Conference Committee
- Legislative Committee

October 1

† Education, House Committee on

October 2

† Education, House Committee on
Tax Structure for the 21st Century, Commission on
Virginia's State and Local

October 3

† Education, House Committee on
† Hopewell Industrial Safety Council
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
† Visually Handicapped, Department for the

October 10

Nursing, Board of
- Special Conference Committee
† Tourism Authority, Virginia
- Motion Picture Development Committee

October 11

† Cemetery Board
- Recovery Fund Committee
† Innovative Technology Authority
- Board of Directors
† Labor and Industry, Department of
- Virginia Migrant and Seasonal Farmworkers Board
Northern Virginia Regional Transportation Authority, Joint
Subcommittee to Study Creation of a
† Visually Handicapped, Department for the

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

College Building Authority, Virginia
Health Professions, Department of
- Health Practitioners Intervention Program
Medicine, Board of
- Credentials Committee
Treasury, Department of the
- Virginia College Building Authority

October 14

Medicine, Board of

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
† Higher Education for Virginia, State Council on
Nursing, Board of
- Special Conference Committee
People with Disabilities, Board for
- Disability Commission
† Real Estate Appraiser Board
† Technology and Science, Joint Commission on
Visually Handicapped, Board for the

October 18

Code Commission, Virginia
† Social Services, State Board of
† Transportation Board, Commonwealth
Water Control Board, State

October 19

Code Commission, Virginia
Education, State Board of
† Social Services, State Board of
† Technology and Science, Joint Commission on

October 20

† Medicine, Board of
- Informal Conference Committee

October 24

† Compensation Board

October 25

At-Risk Youth and Their Families, Comprehensive
Services for
- State Executive Council
† Real Estate Board
- Education Committee

October 26

† Medicine, Board of
- Informal Conference Committee
Nursing, Board of
- Special Conference Committee
† Real Estate Board

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
† Medicine, Board of
- Informal Conference Committee

November 3

Jamestown-Yorktown Foundation
- Board of Trustees

November 6

Education, Board of

November 7

† Hopewell Industrial Safety Council

November 8

Northern Virginia Regional Transportation Authority, Joint
Subcommittee to Study Creation of a
Outdoors Foundation, Virginia

November 9

Education, Board of
† Technology and Science, Joint Commission on

November 13

Library Board
- Archival and Information Services Committee
- Collection Management Services Committee
- Legislative and Finance Committee
- Publications and Educational Services Committee

Calendar of Events

- Public Library Development Committee
 - Records Management Committee
- Old Dominion University
- Board of Visitors' Executive Committee

November 15

- † Outdoors Foundation, Virginia

November 16

- † Technology and Science, Joint Commission on

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
- † Freedom of Information Advisory Council, Virginia

November 30

- Nursing, Board of
- Special Conference Committee

December 1

- Medicine, Board of
- Credentials Committee
 - Executive Committee

December 4

- † Nursing, Board of
- Special Conference Committee

December 5

- † Hopewell Industrial Safety Council
 - † Nursing, Board of
 - Special Conference Committee
- † Outdoors Foundation, Virginia
 - Board of Trustees

December 6

- General Laws, Senate Committee on
- † Outdoors Foundation, Virginia
 - Board of Trustees

December 7

- † Old Dominion University
- Board of Visitors

December 11

- † Nursing, Board of
- Special Conference Committee

December 13

- Northern Virginia Regional Transportation Authority, Joint Subcommittee to Study Creation of a

December 14

- † Nursing, Board of
- Special Conference Committee

PUBLIC HEARINGS

September 18

- † Environmental Quality, Department of 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
- † Water Control Board, State

September 28

- Education, Board of Waste Management Board, Virginia

October 2

- Corporation Commission, State

October 4

- Accountancy, Board of

October 5

- Waste Management Board, Virginia

October 10

- Pharmacy, Board of Pharmacy and Medicine, Boards of

October 12

- † Medicine, Board of

October 17

- † Environmental Quality, Department of

October 18

- † Waste Management Board, Virginia

October 20

- † Voluntary Formulary Board, Virginia

October 31

- † Alcoholic Beverage Control Board