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CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2002 VAC Supplement includes final regulations published through *Virginia Register* Volume 18, Issue 11, dated February 11, 2002). Emergency regulations, if any, are listed, followed by the designation "emer," and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 2. Agriculture			
2 VAC 5-400-10	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-20	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-30	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-50	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-80	Amended	18:21 VA.R. 2768	8/1/02
2 VAC 5-400-90	Added	18:21 VA.R. 2768	8/1/02
2 VAC 5-610-10 through 2 VAC 5-610-80	Amended	18:21 VA.R. 2768	8/1/02
Title 4. Conservation and Natural Resources			
4 VAC 5-35-10 through 4 VAC 5-35-50	Repealed	18:14 VA.R. 1800	4/25/02
4 VAC 5-36-10 through 4 VAC 5-36-210	Added	18:14 VA.R. 1800-1827	4/25/02
4 VAC 20-252-150	Amended	18:21 VA.R.	5/29/02-6/27/02
4 VAC 20-270-30	Amended	18:14 VA.R. 1827	3/5/02
4 VAC 20-270-40	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-270-55	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-270-56	Added	18:14 VA.R. 1828	3/5/02
4 VAC 20-430-50	Amended	18:18 VA.R. 2287	5/1/02
4 VAC 20-430-60	Amended	18:18 VA.R. 2287	5/1/02
4 VAC 20-560-20	Erratum	18:14 VA.R. 1911	--
4 VAC 20-560-20 emer	Amended	18:14 VA.R. 1904	3/4/02-3/31/02
4 VAC 20-560-20	Amended	18:16 VA.R. 2054	4/1/02
4 VAC 20-560-50 emer	Amended	18:14 VA.R. 1905	3/4/02-3/31/02
4 VAC 20-560-50	Amended	18:16 VA.R. 2055	4/1/02
4 VAC 20-620-20	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-620-40	Amended	18:12 VA.R. 1646	1/31/02
4 VAC 20-620-50	Amended	18:14 VA.R. 1828	3/5/02
4 VAC 20-620-50	Amended	18:21 VA.R.	6/1/02-6/30/02
4 VAC 20-620-60	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-620-60	Erratum	18:21 VA.R. 2846	--
4 VAC 20-620-60	Amended	18:21 VA.R.	6/1/02-6/30/02
4 VAC 20-620-70	Amended	18:14 VA.R. 1829	3/5/02
4 VAC 20-620-70	Amended	18:21 VA.R.	6/1/02-6/30/02
4 VAC 20-720-47 emer	Added	18:12 VA.R. 1697	2/1/02-2/28/02
4 VAC 20-752-10	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-752-20	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-752-30	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-910-45	Amended	18:21 VA.R. 2769	6/1/02
4 VAC 20-910-45	Erratum	18:21 VA.R. 2846	--
4 VAC 20-950-30	Amended	18:14 VA.R. 1829	3/4/02
4 VAC 20-950-40	Amended	18:14 VA.R. 1829	3/4/02
4 VAC 20-950-45	Amended	18:12 VA.R. 1647	1/31/02
4 VAC 20-950-45	Amended	18:14 VA.R. 1830	3/4/02
4 VAC 20-950-45	Amended	18:16 VA.R. 2055	4/1/02
4 VAC 50-20-30	Amended	18:14 VA.R. 1831	7/1/02
4 VAC 50-20-50	Amended	18:14 VA.R. 1832	7/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 50-20-50	Erratum	18:17 VA.R. 2183	--
4 VAC 50-20-70	Amended	18:14 VA.R. 1832	7/1/02
4 VAC 50-20-120	Amended	18:14 VA.R. 1834	7/1/02
4 VAC 50-20-220	Amended	18:14 VA.R. 1834	7/1/02
4 VAC 50-20-320	Amended	18:14 VA.R. 1835	7/1/02
Title 6. Criminal Justice and Corrections			
6 VAC 15-40-10	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-40	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-90 through 6 VAC 15-40-130	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-150	Amended	18:20 VA.R. 2584	7/17/02
6 VAC 15-40-155	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-160	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-280	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-290	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-360 through 6 VAC 15-40-390	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-393	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-395	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-400	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-410	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-450	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-460	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-470	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-490	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-520	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-540 through 6 VAC 15-40-580	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-620	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-640 through 6 VAC 15-40-670	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-690	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-740	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-800 through 6 VAC 15-40-830	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-833	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-835	Added	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-840	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-870	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-900	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-910	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-920	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-940 through 6 VAC 15-40-970	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1020	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1030	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1040	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1070	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1080	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1100	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1110	Repealed	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1130	Repealed	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1190	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1193	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1195	Added	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1200	Amended	18:20 VA.R. 2585	7/17/02
6 VAC 15-40-1330	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 15-40-1350	Amended	18:20 VA.R. 2583	7/17/02
6 VAC 20-171-10	Amended	18:15 VA.R. 1955	5/10/02
6 VAC 20-171-50	Amended	18:15 VA.R. 1957	5/10/02
6 VAC 20-171-120	Amended	18:15 VA.R. 1958	5/10/02
6 VAC 20-171-200	Amended	18:15 VA.R. 1958	5/10/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
6 VAC 20-171-220	Amended	18:15 VA.R. 1959	5/10/02
6 VAC 20-171-230	Amended	18:15 VA.R. 1960	5/10/02
6 VAC 20-171-240	Amended	18:15 VA.R. 1961	5/10/02
6 VAC 20-171-250	Amended	18:15 VA.R. 1961	5/10/02
6 VAC 20-171-260	Amended	18:15 VA.R. 1962	5/10/02
6 VAC 20-171-280	Amended	18:15 VA.R. 1963	5/10/02
6 VAC 20-171-310	Amended	18:15 VA.R. 1964	5/10/02
6 VAC 20-171-320	Amended	18:15 VA.R. 1964	5/10/02
6 VAC 20-171-330	Amended	18:15 VA.R. 1965	5/10/02
6 VAC 20-171-340	Amended	18:15 VA.R. 1965	5/10/02
6 VAC 20-171-350	Amended	18:15 VA.R. 1966	5/10/02
6 VAC 20-171-350	Erratum	18:20 VA.R. 2680	--
6 VAC 20-171-445	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-450	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-480	Amended	18:15 VA.R. 1968	5/10/02
6 VAC 20-171-520	Amended	18:15 VA.R. 1969	5/10/02
6 VAC 20-171-530	Amended	18:15 VA.R. 1969	5/10/02
6 VAC 20-171-540	Amended	18:15 VA.R. 1969	5/10/02
Title 8. Education			
8 VAC 20-21-10	Amended	18:12 VA.R. 1648	3/28/02
8 VAC 20-21-40	Amended	18:12 VA.R. 1649	3/28/02
8 VAC 20-21-50	Amended	18:12 VA.R. 1650	3/28/02
8 VAC 20-21-90	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-100	Amended	18:12 VA.R. 1651	3/28/02
8 VAC 20-21-120	Amended	18:12 VA.R. 1652	3/28/02
8 VAC 20-21-170	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-590	Amended	18:12 VA.R. 1653	3/28/02
8 VAC 20-21-660	Amended	18:12 VA.R. 1655	3/28/02
8 VAC 20-21-680	Amended	18:12 VA.R. 1656	3/28/02
8 VAC 20-80-30	Amended	18:12 VA.R. 1657	3/27/02
8 VAC 20-80-40	Amended	18:12 VA.R. 1660	3/27/02
8 VAC 20-80-54	Amended	18:12 VA.R. 1661	3/27/02
8 VAC 20-80-56	Amended	18:12 VA.R. 1664	3/27/02
8 VAC 20-80-60	Amended	18:12 VA.R. 1666	3/27/02
8 VAC 20-80-66	Amended	18:12 VA.R. 1668	3/27/02
8 VAC 20-80-70	Amended	18:12 VA.R. 1671	3/27/02
8 VAC 20-80-76	Amended	18:12 VA.R. 1676	3/27/02
8 VAC 20-630-10 through 8 VAC 20-630-70	Added	18:12 VA.R. 1683-1684	3/28/02
8 VAC 40-70-10 through 8 VAC 40-70-50	Amended	18:21 VA.R. 2770-2773	7/1/02
8 VAC 40-120-10 through 8 VAC 40-120-50	Amended	18:21 VA.R. 2774-2778	7/31/02
8 VAC 40-120-55	Added	18:21 VA.R. 2778	7/31/02
8 VAC 40-120-60 through 8 VAC 40-120-140	Amended	18:21 VA.R. 2778-2787	7/31/02
8 VAC 40-120-190	Amended	18:21 VA.R. 2787	7/31/02
8 VAC 40-120-210 through 8 VAC 40-120-230	Amended	18:21 VA.R. 2787-2788	7/31/02
8 VAC 40-120-250	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-120-270	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-120-280	Amended	18:21 VA.R. 2788	7/31/02
8 VAC 40-130-10	Amended	18:21 VA.R. 2789	7/1/02
8 VAC 40-130-25	Added	18:21 VA.R. 2790	7/1/02
8 VAC 40-130-30	Amended	18:21 VA.R. 2790	7/1/02
8 VAC 40-130-50	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-70	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-90	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-100	Repealed	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-120	Amended	18:21 VA.R. 2791	7/1/02
8 VAC 40-130-130	Amended	18:21 VA.R. 2791	7/1/02

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 40-130-140	Repealed	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-150 through 8 VAC 40-130-180	Amended	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-200	Amended	18:21 VA.R. 2792	7/1/02
8 VAC 40-130-220	Amended	18:21 VA.R. 2793	7/1/02
Title 9. Environment			
9 VAC 5-10-10	Amended	18:21 VA.R. 2793	8/1/02
9 VAC 5-10-20	Amended	18:21 VA.R. 2794	8/1/02
9 VAC 5-20-180	Amended	18:21 VA.R. 2800	8/1/02
9 VAC 5-40-10	Amended	18:21 VA.R. 2802	8/1/02
9 VAC 5-40-20	Amended	18:21 VA.R. 2803	8/1/02
9 VAC 5-40-30	Amended	18:21 VA.R. 2807	8/1/02
9 VAC 5-40-40	Amended	18:21 VA.R. 2808	8/1/02
9 VAC 5-40-50	Amended	18:21 VA.R. 2809	8/1/02
9 VAC 5-40-160 through 9 VAC 5-40-230	Repealed	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-50-10	Amended	18:21 VA.R. 2810	8/1/02
9 VAC 5-50-20	Amended	18:21 VA.R. 2810	8/1/02
9 VAC 5-50-30	Amended	18:21 VA.R. 2813	8/1/02
9 VAC 5-50-40	Amended	18:21 VA.R. 2814	8/1/02
9 VAC 5-50-50	Amended	18:21 VA.R. 2815	8/1/02
9 VAC 5-50-160 through 9 VAC 5-50-230	Repealed	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-50-240	Amended	18:20 VA.R. 2586	9/1/02
9 VAC 5-50-250	Amended	18:20 VA.R. 2586	9/1/02
9 VAC 5-50-260	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-50-320	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-50-390	Amended	18:20 VA.R. 2587	9/1/02
9 VAC 5-60-10	Amended	18:21 VA.R. 2816	8/1/02
9 VAC 5-60-20	Amended	18:21 VA.R. 2816	8/1/02
9 VAC 5-60-30	Amended	18:21 VA.R. 2817	8/1/02
9 VAC 5-60-200 through 9 VAC 5-60-270	Added	18:14 VA.R. 1836-1840	5/1/02
9 VAC 5-60-200	Erratum	18:17 VA.R. 2183	--
9 VAC 5-60-300 through 9 VAC 5-60-370	Added	18:14 VA.R. 1840-1844	5/1/02
9 VAC 5-60-300	Erratum	18:17 VA.R. 2183	--
9 VAC 5-80-10	Repealed	18:20 VA.R. 2587	9/1/02
9 VAC 5-80-11	Repealed	18:20 VA.R. 2608	9/1/02
9 VAC 5-80-1100 through 9 VAC 5-80-1320	Added	18:20 VA.R. 2587-2612	9/1/02
9 VAC 5-80-2000 through 9 VAC 5-80-2090	Amended	18:14 VA.R. 1845-1852	5/1/02
9 VAC 5-80-2100	Repealed	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2110	Amended	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2120	Amended	18:14 VA.R. 1852	5/1/02
9 VAC 5-80-2150	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2160	Repealed	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2180	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2190	Amended	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2200	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2210	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2220	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2230	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-80-2240	Added	18:14 VA.R. 1853	5/1/02
9 VAC 5-91-20	Amended	18:20 VA.R. 2613	10/1/02
9 VAC 5-91-30	Amended	18:20 VA.R. 2619	10/1/02
9 VAC 5-91-41	Repealed	18:20 VA.R. 2621	10/1/02
9 VAC 5-91-50	Amended	18:20 VA.R. 2621	10/1/02
9 VAC 5-91-70	Amended	18:20 VA.R. 2622	10/1/02
9 VAC 5-91-120	Amended	18:20 VA.R. 2622	10/1/02
9 VAC 5-91-160 through 9 VAC 5-91-230	Amended	18:20 VA.R. 2622-2623	10/1/02
9 VAC 5-91-260	Amended	18:20 VA.R. 2623	10/1/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-91-270	Amended	18:20 VA.R. 2623	10/1/02
9 VAC 5-91-290 through 9 VAC 5-91-340	Amended	18:20 VA.R. 2623-2625	10/1/02
9 VAC 5-91-360	Amended	18:20 VA.R. 2625	10/1/02
9 VAC 5-91-370	Amended	18:20 VA.R. 2625	10/1/02
9 VAC 5-91-380	Amended	18:20 VA.R. 2626	10/1/02
9 VAC 5-91-410 through 9 VAC 5-91-450	Amended	18:20 VA.R. 2626-2636	10/1/02
9 VAC 5-91-460	Repealed	18:20 VA.R. 2636	10/1/02
9 VAC 5-91-470	Repealed	18:20 VA.R. 2636	10/1/02
9 VAC 5-91-480 through 9 VAC 5-91-620	Amended	18:20 VA.R. 2636-2639	10/1/02
9 VAC 5-91-650 through 9 VAC 5-91-720	Amended	18:20 VA.R. 2639-2641	10/1/02
9 VAC 5-91-740	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-750	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-770	Repealed	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-780	Repealed	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-790	Amended	18:20 VA.R. 2641	10/1/02
9 VAC 5-91-800	Amended	18:20 VA.R. 2642	10/1/02
9 VAC 5-140-10 through 9 VAC 5-140-940	Added	18:20 VA.R. 2654-2657	7/17/02
9 VAC 10-20-40	Erratum	18:13 VA.R. 1763	--
9 VAC 10-20-130	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-181	Erratum	18:13 VA.R. 1764	--
9 VAC 10-20-191	Erratum	18:13 VA.R. 1764	--
9 VAC 20-60	Erratum	18:12 VA.R. 1714	--
9 VAC 20-60-1285	Amended	18:21 VA.R.	7/1/02-6/30/03
Appendix 3.1 of 9 VAC 20-90	Amended	18:21 VA.R.	7/1/02-6/30/03
9 VAC 20-120-10	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-20	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-40 through 9 VAC 20-120-100	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-120	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-130	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-150 through 9 VAC 20-120-180	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-200 through 9 VAC 20-120-310	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-330	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-340	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-360	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-370	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-380	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-390	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-410 through 9 VAC 20-120-480	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-500	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-530	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-540	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-560	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-590	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-640	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-680 through 9 VAC 20-120-760	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-770 through 9 VAC 20-120-800	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-810	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-835	Added	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-840	Amended	18:18 VA.R. 2287	6/19/02
9 VAC 20-120-880	Amended	18:18 VA.R. 2287	6/19/02
Appendix 10.1	Repealed	18:18 VA.R. 2287	6/19/02
Appendix 10.4	Repealed	18:18 VA.R. 2287	6/19/02
9 VAC 20-160-10 through 9 VAC 20-160-40	Amended	18:18 VA.R. 2288-2290	7/1/02
9 VAC 20-160-50	Repealed	18:18 VA.R. 2290	7/1/02
9 VAC 20-160-60 through 9 VAC 20-160-120	Amended	18:18 VA.R. 2290-2292	7/1/02
9 VAC 20-160-130	Repealed	18:18 VA.R. 2292	7/1/02

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-20-110	Amended	18:21 VA.R.	7/1/02-6/30/03
9 VAC 25-20-120	Amended	18:21 VA.R.	7/1/02-6/30/03
9 VAC 25-20-130	Amended	18:21 VA.R.	7/1/02-6/30/03
9 VAC 25-60	Repealed	18:20 VA.R. 2657	7/17/02
9 VAC 25-194-10	Amended	18:19 VA.R. 2452	10/15/02
9 VAC 25-194-40 through 9 VAC 25-194-70	Amended	18:19 VA.R. 2452	10/15/02
9 VAC 25-194-80	Repealed	18:19 VA.R. 2452	10/15/02
9 VAC 25-260-5	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-50	Amended	17:16 VA.R. 2381	6/5/02**
9 VAC 25-260-55	Added	17:16 VA.R. 2381	6/5/02**
9 VAC 25-260-160	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-170	Amended	18:20 VA.R. 2658	*
9 VAC 25-260-310	Amended	18:20 VA.R. 2659	*
9 VAC 25-260-390	Amended	18:20 VA.R. 2661	*
Title 10. Gaming			
10 VAC 5-160-50	Added	18:19 VA.R. 2453	5/15/02
Title 11. Gaming			
11 VAC 10-20-260 through 11 VAC 10-20-310	Amended	18:20 VA.R. 2661-2664	5/22/02
11 VAC 10-20-330	Amended	18:20 VA.R. 2664	5/22/02
11 VAC 10-20-340	Amended	18:20 VA.R. 2671	5/22/02
11 VAC 10-130-10	Amended	18:20 VA.R. 2672	5/22/02
11 VAC 10-130-20	Amended	18:20 VA.R. 2673	5/22/02
11 VAC 10-130-51	Amended	18:20 VA.R. 2674	5/22/02
11 VAC 10-130-52	Added	18:20 VA.R. 2674	5/22/02
11 VAC 10-130-60	Amended	18:20 VA.R. 2674	5/22/02
11 VAC 10-180-10	Amended	18:19 VA.R. 2453	5/10/02
11 VAC 10-180-20	Amended	18:19 VA.R. 2454	5/10/02
11 VAC 10-180-40 through 11 VAC 10-180-90	Amended	18:19 VA.R. 2455-2462	5/10/02
11 VAC 10-180-60	Erratum	18:20 VA.R. 2681	--
Title 12. Health			
12 VAC 5-65	Repealed	18:12 VA.R. 1685	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Added	18:12 VA.R. 1685-1688	3/27/02
12 VAC 5-66-10 through 12 VAC 5-66-80	Erratum	18:13 VA.R. 1764	--
12 VAC 5-120-10 through 12 VAC 5-120-90	Added	18:16 VA.R. 2057-2058	5/22/02
12 VAC 5-475-10 through 12 VAC 5-475-90	Added	18:12 VA.R. 1691	3/27/02
12 VAC 5-520-10	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-20	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-30	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-30	Erratum	18:18 VA.R. 2369	--
12 VAC 5-520-40 through 12 VAC 5-520-70	Repealed	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-80	Amended	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-90 through 12 VAC 5-520-120	Repealed	18:15 VA.R. 1969	5/8/02
12 VAC 5-520-130 through 12 VAC 5-520-210	Added	18:15 VA.R. 1969	5/8/02
12 VAC 5-590-10	Amended	18:19 VA.R. 2462	7/3/02
12 VAC 5-590-370	Amended	18:19 VA.R. 2468	7/3/02
12 VAC 5-590-410	Amended	18:19 VA.R. 2474	7/3/02
12 VAC 5-590-420	Amended	18:19 VA.R. 2477	7/3/02
12 VAC 5-590-440	Amended	18:19 VA.R. 2490	7/3/02
12 VAC 5-590-500	Amended	18:19 VA.R. 2496	7/3/02
12 VAC 5-590-530	Amended	18:19 VA.R. 2496	7/3/02
12 VAC 5-590-540	Amended	18:19 VA.R. 2502	7/3/02

* 30 days after notice in the *Virginia Register* of EPA approval.

** Notice of effective date published in 18:17 VA.R. 2174

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-590-550	Amended	18:19 VA.R. 2504	7/3/02
12 VAC 5-590 Appendix B	Amended	18:19 VA.R. 2505	7/3/02
12 VAC 5-590 Appendix F	Amended	18:19 VA.R. 2506	7/3/02
12 VAC 5-615-10 through 12 VAC 5-615-470	Added	18:18 VA.R. 2293-2300	7/1/02
12 VAC 30-40-220	Amended	18:18 VA.R. 2304	7/1/02
12 VAC 30-40-280	Amended	18:18 VA.R. 2307	7/1/02
12 VAC 30-40-290	Amended	18:18 VA.R. 2307	7/1/02
12 VAC 30-40-345	Amended	18:18 VA.R. 2308	7/1/02
12 VAC 30-50-190	Amended	18:18 VA.R. 2309	7/1/02
12 VAC 30-50-210	Amended	18:18 VA.R. 2310	7/1/02
12 VAC 30-60-300	Amended	18:18 VA.R. 2312	6/20/02
12 VAC 30-60-303	Added	18:18 VA.R. 2313	6/20/02
12 VAC 30-60-307	Added	18:18 VA.R. 2315	6/20/02
12 VAC 30-60-312	Added	18:18 VA.R. 2315	6/20/02
12 VAC 30-60-316	Added	18:18 VA.R. 2316	6/20/02
12 VAC 30-60-318	Added	18:18 VA.R. 2316	6/20/02
12 VAC 30-80-20	Amended	18:21 VA.R. 2818	8/1/02
12 VAC 30-80-25	Added	18:21 VA.R. 2820	8/1/02
12 VAC 30-90-10	Amended	18:18 VA.R. 2319	7/1/02
12 VAC 30-90-20	Amended	18:18 VA.R. 2320	7/1/02
12 VAC 30-90-38	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-40	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-41	Amended	18:18 VA.R. 2321	7/1/02
12 VAC 30-90-60	Amended	18:18 VA.R. 2324	7/1/02
12 VAC 30-90-271	Amended	18:18 VA.R. 2324	7/1/02
12 VAC 30-90-272	Amended	18:18 VA.R. 2325	7/1/02
12 VAC 30-90-280	Amended	18:18 VA.R. 2325	7/1/02
12 VAC 30-90-300	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-301	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-302	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-303	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-304	Repealed	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-305	Added	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-306	Added	18:18 VA.R. 2327	7/1/02
12 VAC 30-90-306	Erratum	18:20 VA.R. 2681	--
12 VAC 30-90-307	Added	18:18 VA.R. 2328	7/1/02
12 VAC 30-110-720	Amended	18:21 VA.R. 2821	8/1/02
12 VAC 30-110-741	Amended	18:21 VA.R. 2823	8/1/02
12 VAC 30-110-831	Added	18:21 VA.R. 2823	8/1/02
12 VAC 30-120-10 emer	Amended	18:12 VA.R. 1698	2/1/02-1/31/03
12 VAC 30-120-40 emer	Amended	18:12 VA.R. 1699	2/1/02-1/31/03
12 VAC 30-120-50 emer	Amended	18:12 VA.R. 1701	2/1/02-1/31/03
12 VAC 30-120-55 emer	Added	18:12 VA.R. 1702	2/1/02-1/31/03
12 VAC 30-120-60 emer	Amended	18:12 VA.R. 1704	2/1/02-1/31/03
12 VAC 30-141-90	Erratum	18:18 VA.R. 2369	--
12 VAC 30-150-10 through 12 VAC 30-150-100	Added	18:17 VA.R. 2174	6/6/02
12 VAC 30-150	Erratum	18:18 VA.R. 2370	--
12 VAC 35-20	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-102	Repealed	18:18 VA.R. 2330	9/19/02
12 VAC 35-105-10 through 12 VAC 35-105-1410	Added	18:18 VA.R. 2331-2365	9/19/02
12 VAC 35-140	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-150	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-160	Repealed	18:12 VA.R. 1691	3/27/02
12 VAC 35-170	Repealed	18:18 VA.R. 2330	9/19/02
12 VAC 35-200-10	Amended	18:16 VA.R. 2059	5/22/02
12 VAC 35-200-20	Amended	18:16 VA.R. 2060	5/22/02

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12 VAC 35-200-30	Amended	18:16 VA.R. 2061	5/22/02
Title 14. Insurance			
14 VAC 5-80-160 through 14 VAC 5-80-190	Repealed	18:14 VA.R. 1896	3/31/02
14 VAC 5-140-20 through 14 VAC 5-140-90	Amended	18:21 VA.R. 2824	7/1/02
14 VAC 5-390-20	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-30	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-390-40	Amended	18:12 VA.R. 1692	2/1/02
14 VAC 5-395-20	Amended	18:21 VA.R. 2825	6/3/02
14 VAC 5-395-30 through 14 VAC 5-395-60	Amended	18:21 VA.R. 2825	6/3/02
Title 18. Professional and Occupational Licensing			
18 VAC 45-10-10	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-20	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-30	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-50	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 45-10-90	Amended	18:19 VA.R. 2508	7/8/02
18 VAC 85-50-35	Added	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-56	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-115	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 85-50-170	Repealed	18:21 VA.R. 2826	7/31/02
18 VAC 90-20-200	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 90-20-210	Amended	18:21 VA.R. 2826	7/31/02
18 VAC 90-30-20	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-100	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-105	Added	18:15 VA.R. 1970	5/8/02
18 VAC 90-30-220	Amended	18:15 VA.R. 1970	5/8/02
18 VAC 90-40-20	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-50	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-55	Added	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-60	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 90-40-130	Amended	18:15 VA.R. 1977	5/8/02
18 VAC 110-20-20	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-270	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-280	Amended	18:12 VA.R. 1693	3/27/02
18 VAC 110-20-285	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 110-20-430	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-10	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-20	Amended	18:12 VA.R. 1694	3/27/02
18 VAC 125-10-30	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-40	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-60	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-70	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-80	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-10-100	Amended	18:12 VA.R. 1695	3/27/02
18 VAC 125-30 (Forms)	Amended	18:15 VA.R. 1985	--
18 VAC 125-30-10 through 18 VAC 125-30-50	Amended	18:13 VA.R. 1753-1754	4/10/02
18 VAC 125-30-60	Repealed	18:13 VA.R. 1754	4/10/02
18 VAC 125-30-80	Amended	18:13 VA.R. 1755	4/10/02
18 VAC 125-30-90	Amended	18:13 VA.R. 1755	4/10/02
Title 20. Public Utilities and Telecommunications			
20 VAC 5-300-90	Amended	18:21 VA.R. 2832	6/7/02
20 VAC 5-423-10 through 20 VAC 5-423-90	Added	18:14 VA.R. 1899-1902	3/6/02
Title 22. Social Services			
22 VAC 15-10-10	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-30	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-40	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-50	Amended	18:14 VA.R. 1902	5/1/02

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22 VAC 15-10-60	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 15-10-70	Amended	18:14 VA.R. 1902	5/1/02
22 VAC 40-41-10	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-20	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-40	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-50	Amended	18:12 VA.R. 1696	4/1/02
22 VAC 40-41-55	Added	18:12 VA.R. 1696	4/1/02
22 VAC 40-880-10	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-30	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-60	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-80	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-110	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-120	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-130	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-170	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-190	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-200 through 22 VAC 40-880-300	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-270	Erratum	18:17 VA.R. 2183	--
22 VAC 40-880-290	Erratum	18:17 VA.R. 2183	--
22 VAC 40-880-320	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-330	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-340	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-360	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-380	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-385	Added	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-410	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-430	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-440	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-480 through 22 VAC 40-880-520	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-550	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-560	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-650	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-670	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-680	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-700	Amended	18:14 VA.R. 1903	4/24/02
22 VAC 40-880-720	Added	18:14 VA.R. 1903	4/24/02

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 1. ADMINISTRATION

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Human Resource Management intends to consider amending regulations entitled: **1 VAC 55-20. Commonwealth of Virginia Health Benefits Program.** Section 2.2-2818 B (4) of the Code of Virginia mandates the health benefits program for state employees contract with one or more impartial health entities to review adverse medical claim decisions. The purpose of this proposed action is to set standards to assure that the impartial health entity conducting the reviews has adequate credentials and expertise.

The agency does not intend to hold a public hearing on the proposed action after publication in the *Virginia Register*.

Statutory Authority: §§ 2.2-1204 and 2.2-2818 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on August 14, 2002.

Contact: Charles Reed, Associate Director, Department of Human Resource Management, 101 N. 14th St., Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-0231 or e-mail creed@dhrm.state.va.us.

VA.R. Doc. No. R02-219; Filed June 21, 2002, 11:35 a.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Human Resource Management intends to consider amending regulations entitled: **1 VAC 55-20. Commonwealth of Virginia Health Benefits Program.** The purpose of the proposed action is to comply with the Code of Virginia by (i) incorporating an independent medical review program, (ii) changing the agency name from the Department of Personnel and Training to the Department of Human Resource Management, (iii) extending active coverage for surviving spouses of employees, and (iv) eliminating references to a Health Benefits Advisory Council and a Local Advisory Council. The proposed action will comply with the Health Insurance Portability and Accountability ACT (HIPAA) by amending the way coverage effective dates are set and eliminating any pre-existing condition or evidence of insurability provisions, and will also require the plan participants to make plan election changes on a prospective basis as required by the IRS. Electronic enrollment procedures will be added and the plans administrative procedures will be clarified.

The agency does not intend to hold a public hearing on the proposed action after publication in the *Virginia Register*.

Statutory Authority: §§ 2.2-1204 and 2.2-2818 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on August 14, 2002.

Contact: Charles Reed, Associate Director, Department of Human Resource Management, 101 N. 14th St., Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-0231 or e-mail creed@dhrm.state.va.us.

VA.R. Doc. No. R02-220; Filed June 21, 2002, 11:35 a.m.

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending regulations entitled: **6 VAC 20-171. Regulations Relating to Private Security Services.** While all areas of the regulations will be subject to review, the substance of this review will focus on improving the licensing, registration, certification, and training requirements and procedures. It will also identify possible areas of confusion or weakness that currently may not protect the health, safety, or welfare of the citizens of the Commonwealth. The department will have specific recommendations in the area of the fee schedule and the compulsory minimum training requirements.

The agency intends to hold a public hearing on the proposed regulation after publication in the *Virginia Register*.

Statutory Authority: § 9.1-141 of the Code of Virginia.

Public comments may be submitted until July 17, 2002, to Lisa Hahn, Department of Criminal Justice Services, 805 East Broad Street, Richmond, VA 23219.

Contact: Judith Kirkendall, Job Task Analysis Administrator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410 or e-mail jkirkendall@dcs.state.va.us.

VA.R. Doc. No. R02-182; Filed May 16, 2002, 8:50 a.m.

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-60. Virginia Hazardous Waste Regulations**. The purpose of the proposed action is to increase the permit application fees for transporters, new TSD facilities, permit modifications, minor permit modifications and emergency permits.

Purpose: The Virginia Hazardous Waste Management Regulations, 9 VAC 20-60, establish requirements for the effective monitoring of the generation, transportation, treatment, storage, and disposal of hazardous waste in the Commonwealth. The purpose of this action is to study, in collaboration with the regulated community and the public, appropriate changes to modernize the fee system and the financial assurance requirements. Any general improvements to the regulations, such as further incorporation of federal regulatory text and replacement of analogous Virginia regulations, and any changes to conform to statutory amendments will also be considered during the process. In addition, this action will replace emergency regulations authorized by the 2002 General Assembly.

Need: The Virginia Hazardous Waste Management Regulations protect the public health, safety and welfare from harmful results of the mismanagement of hazardous waste by establishing requirements for the effective monitoring of the generation, transportation, treatment, storage, and disposal of hazardous waste in the Commonwealth. The current regulations require a study of the fee system each year and revisions to correct for economic inflation of costs. However, the fees are unchanged since established in 1984. The structure of the fee system should be made clearer and easier to use to determine the appropriate fees. In addition, requirements for financial assurance may not properly address corrective action or provide sufficient regulatory structure for consistent application. While considering these issues, it is also appropriate to consider the clarity of the regulations as a whole, statutory changes, and appropriate improvements wherever possible.

Substance: The concept of this amendment is to study improvements to the regulations in collaboration with the regulated community and the public, focusing on a few important areas. Using the expertise of a technical advisory committee, several alternate approaches will be reviewed and the solutions that are chosen will be the subject of a public comment period and hearing. Key issues will be highlighted for which the public's opinion is specifically requested.

This action will consider if the fee system in the current regulations continues to be appropriate in its structure and amounts. Fees were last adjusted in 1984. Another area to be studied is the provision for providing financial assurance for closure and post-closure care costs, including provision of such assurance for corrective action units. Statutory changes adopted before the promulgation of proposed regulations will

be studied, and, if needed, appropriate regulatory changes will be considered to coordinate with the amended statutes. Any other general improvements or clarifications of the regulatory text will be considered.

Alternatives: A technical advisory committee will advise the Department of Environmental Quality on what amended regulatory text to recommend to the board as proposed regulations. This panel will advise the department on less intrusive and less burdensome alternatives, where such exists, and during the public participation process, the public will be asked to suggest less intrusive and burdensome alternatives. No action alternatives have been considered or rejected.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so at the public meeting, by mail, or by email to Robert G. Wickline, Department of Environmental Quality, 629 East Main Street, Post Office Box 10009, Richmond, Virginia 23240-0009, (804) 698-4213, rgwickline@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the close of the comment period.

A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory Approach: The board is using the participatory approach to develop a proposal.

Statutory Authority: §§ 10.1-1402 and 10.1-1426 et seq. of the Code of Virginia.

Public comments may be submitted until 5 p.m., August 2, 2002.

Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213 or e-mail rgwickline@deq.state.va.us.

VA.R. Doc. No. R02-206; Filed June 10, 2002, 10:38 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **9 VAC 20-90. Solid Waste Management Facility Permit Application Fees**. The purpose of the proposed action is to increase fees for solid waste management facilities.

Purpose: The Virginia Waste Management Board's Solid Waste Management Facility Permit Application Fee Regulation, 9 VAC 20-90, establishes procedures pertaining to the payment and collection of and the amount of fees from any applicant seeking a new permit or seeking a modification to an existing permit for the construction and operation of a solid or regulated medical waste management facility. The purpose of this action is to study, in collaboration with the

Notices of Intended Regulatory Action

regulated community and the public, appropriate changes to provide clarification to the regulations, to consolidate the regulations and to update the permit fee system. In addition, this action will replace emergency regulations authorized by the 2002 General Assembly.

Need: The current permit fee schedule has not been updated since June 8, 1992. In accordance with the requirements of the regulations, the fee schedule is to be evaluated annually (9 VAC 20-90-70 B) and results of the evaluations provided to the Waste Management Board, with recommendations for adjustments to the fee.

The percentage of the permit program supported by fees has steadily decreased since the program's inception. Modification of the fee schedule is needed to restore consistency in the percentage of funds from permit fees supporting the solid waste program thereby ensuring appropriate funding for the program.

While considering these issues it is appropriate to also consider the clarity of the regulations as a whole, statutory changes, and appropriate improvements wherever possible.

Substance: The concept of the amendment is to study appropriate changes to provide clarification to the regulation, to consolidate the regulations and to update the permit fee system. Developing the amendment in collaboration with the regulated community and the public through a technical advisory committee will provide the opportunity to draw on the expertise of these groups. Alternative approaches will be discussed during the development of the regulation, and the alternative chosen will be subject to public comment during the public comment period and public hearings. Key issues will be highlighted and the public's opinion is specifically requested.

This action will consider if the fee system in the regulations continues to be appropriate in its structure and amounts. Fees were last adjusted in 1992.

Alternatives: A technical advisory committee will advise the Department of Environmental Quality on what amended regulatory text to recommend to the board as proposed regulations. This panel will advise the department on less intrusive and less burdensome alternatives, where such exists, and during the public participation process the public will be asked to suggest less intrusive and burdensome alternatives. No action alternatives have been considered or rejected.

Public Participation: The board is seeking comments on the intended regulatory action, including (i) ideas to assist in the development of a proposal, (ii) the costs and benefits of the alternatives stated in this notice or other alternatives, and (iii) impacts of the regulation on farm or forest lands. Anyone wishing to submit written comments for the public comment file may do so at the public meeting, by mail, or by email to Michael J. Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240, mjdieter@deq.state.va.us. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the close of the comment period.

A public meeting will be held and notice of the meeting can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory Approach: The board is using the participatory approach to develop a proposal.

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

Public comments may be submitted until 5 p.m., August 2, 2002.

Contact: Michael Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146 or e-mail mjdieter@deq.state.va.us.

VA.R. Doc. No. R02-207; Filed June 10, 2002, 10:38 a.m.

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-20. Fees for Permits and Certificates**. The purpose of the proposed action is to increase the fees charged for processing applications for permits and certificates issued by the State Water Control Board.

Purpose: Section 62.1-44.15:6 of the Code of Virginia requires the promulgation of regulations establishing a fee assessment and collection system to recover a portion of the direct and indirect costs incurred by the State Water Control Board, Department of Game and Inland Fisheries and Department of Conservation and Recreation that are associated with the processing of an application to issue, reissue, or modify any permit or certificate that the State Water Control Board has the authority to issue from the applicant for such permit or certificate. These regulations establish the required fee assessment and collection system. The General Assembly of Virginia amended and enacted revisions to § 62.1-44.15:6 of the Code of Virginia increasing the maximum allowable amounts for processing each type of permit/certificate category. The proposed amendment will revise the fee schedules in 9 VAC 25-20 to reflect the revisions in § 62.1-44.15:6 of the Code of Virginia.

Need: Fees for permits and certificates are authorized to recover, up to the maximums specified in statute, the direct and indirect costs associated with application review and permit or certificate issuance. The required January 2002 Permit Fee Program Evaluation Report to the General Assembly indicates that in fiscal year 2001 actual water permit program costs exceeded \$10.6 million, whereas permit fee revenues were only slightly above \$1 million.

One issue that will need to be addressed as the regulation is developed is that the Acts of Assembly include a clause that the provisions of the act shall expire on July 1, 2004.

Substance: The regulation would be revised to reflect the changes in maximum amounts as specified in § 62.1-44.15:6 of the Code of Virginia. In addition, changes may be

Notices of Intended Regulatory Action

considered based on public comment in response to this NOIRA.

Alternatives: The fee structure recovers a portion of the agencies' costs associated with the permit programs. The board has not identified alternative regulations that would accomplish the mandate. Because the legislation specified only the maximum allowable fees, alternatives that the agency will consider in developing the regulation will focus on the specific amount that existing fees should be increased.

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 the Virginia Register of Regulations.

Participatory Approach: The board is using the participatory approach to develop the proposed amendments to the regulation. Anyone interested in assisting the board during development of a proposal should notify the contact person.

Statutory Authority: § 62.1-44.15:6 of the Code of Virginia.

Public comments may be submitted until 5 p.m., August 2, 2002.

Contact: Jon G. Van Soestbergen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4117 or e-mail jvansoest@deq.state.va.us.

VA.R. Doc. No. R02-208; Filed June 10, 2002, 10:38 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled: **9 VAC 25-193. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants.** The purpose of the proposed action is to reissue the existing general permit that expires on September 30, 2003. The general permit will establish limitations and monitoring requirements for point source discharge of storm water and process wastewater from ready-mixed concrete plants.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the federal Clean Water Act; 40 CFR Parts 122, 123 and 124.

Public comments may be submitted until July 17, 2002.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23219, telephone (804) 698-4054, FAX (804) 698-4032 or e-mail ychoi@deq.state.va.us.

VA.R. Doc. No. R02-183; Filed May 17, 2002, 1:56 p.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider promulgating regulations entitled: **12 VAC 30-135. Demonstration Waivers.** The purpose of this regulatory action is to provide family planning (only) services for 24 months post-delivery for women who were Medicaid eligible for their prenatal care and deliveries. Currently, DMAS is permitted by federal law to only extend Medicaid eligibility (for all covered services) for only 60 days postpartum for these women.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Public comments may be submitted until August 14, 2002.

Contact: Deborah Sprang, Analyst, Policy Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2364, FAX (804) 786-1680 or e-mail dsprang@dmass.state.va.us.

VA.R. Doc. No. R02-216; Filed June 18, 2002, 2:22 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

DEPARTMENT OF HEALTH PROFESSIONS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health Professions intends to consider adopting regulations entitled: **18 VAC 76-20. Regulations Governing the Prescription Monitoring Program.** The purpose of the proposed action is to promulgate regulations for implementation of the prescription monitoring program as mandated in Chapter 25.2 of Title 54.1 of the Code of Virginia. The proposed regulatory action will establish rules for granting waivers of the reporting requirements and additional exemptions for dispensing of covered substances, for reporting of additional nonclinical information, and for setting the format and schedule for reporting. Rules are also necessary for the director's disclosure of reported information to ensure that confidentiality is maintained and that any disclosure is in accordance with the restrictions set forth in law.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Notices of Intended Regulatory Action

Statutory Authority: Chapter 25.2 of Title 54.1 of the Code of Virginia.

Public comments may be submitted until August 14, 2002.

Contact: Robert Nebiker, Director, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9919, FAX (804) 662-9114 or e-mail robert.nebiker@dhp.state.va.us.

VA.R. Doc. No. R02-226; Filed June 26, 2002, 9:26 a.m.

BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Medicine intends to consider amending regulations entitled: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic.** The purpose of the proposed action is to amend the regulations to comply with a statutory mandate in § 54.1-2910.1 of the Code of Virginia as amended by Chapter 38 of the 2002 Session of the General Assembly. The statute requires changes to the practitioner profile system for doctors of medicine, osteopathy and podiatry to include the addition of telephone numbers, e-mail and fax for dissemination of emergency information and information on felony convictions. The amended regulations would replace emergency regulations required by the second enactment clause of the bill.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: Chapter 29 of Title 54.1 of the Code of Virginia.

Public comments may be submitted until 5 p.m., August 14, 2002.

Contact: Dr. William Harp, Executive Director, Board of Medicine, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9908, FAX (804) 662-9943 or e-mail william.harp@dhp.state.va.us.

VA.R. Doc. No. R02-215; Filed June 19, 2002, 2:20 p.m.

BOARD OF SOCIAL WORK

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled: **18 VAC 140-20. Regulations Governing the Practice of Social Work.** The purpose of the proposed action is to eliminate inconsistencies in the ethnical standards among behavior science boards and clarify certain language in the regulation.

The agency intends to hold a public hearing on the proposed action after publication in the Virginia Register.

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

Public comments may be submitted until July 17, 2002.

Contact: Ben Foster, Deputy Executive Director, Board of Social Work, 6606 W. Broad St., Richmond, VA 23230-1717, telephone (804) 662-9914, FAX (804) 662-9943 or e-mail ben.foster@dhp.state.va.us.

VA.R. Doc. No. R02-184; Filed May 16, 2002, 3:36 p.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-250. Agency Placement Adoptions - AREVA.** The purpose of the proposed action is to make the criteria of children to be registered with AREVA consistent with that for adoption assistance eligibility. Amendments are also necessary to delete obsolete language, and include reference to the automated, web-based adoption exchange.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 63.1-25 and 63.1-56 of the Code of Virginia.

Public comments may be submitted until August 14, 2002.

Contact: Karin S. Clark, Adoption Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1251, FAX (804) 692-1284 or e-mail kac900@email1.dss.state.va.us.

VA.R. Doc. No. R02-223; Filed June 25, 2002, 12:04 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled: **22 VAC 40-260. Agency Placement Adoptions - Subsidy.** The purpose of the proposed action is to revise the special needs eligibility criteria for adoption assistance. Amendments are also necessary to delete obsolete language and improve overall clarity.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 63.1-25 and 63.1-238.5 of the Code of Virginia.

Public comments may be submitted until August 14, 2002.

Contact: Karin S. Clark, Adoption Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1251, FAX (804) 692-1284 or e-mail kac900@email1.dss.state.va.us.

VA.R. Doc. No. R02-224; Filed June 25, 2002, 12:04 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider repealing regulations entitled: **22 VAC 40-270. Agency Placement Adoptions - Appeals**. The purpose of the proposed action is repeal this regulation which addresses appeal rights of adoptive parents and applicants. Appeal provisions will be incorporated into another regulation, 22 VAC 40-260, Agency Placement Adoptions - Subsidy, which is also currently under review and recommended for amendments.

The agency does not intend to hold a public hearing on the proposed action after publication in the Virginia Register.

Statutory Authority: §§ 63.1-25 and 63.1-238.5 of the Code of Virginia.

Public comments may be submitted until August 14, 2002.

Contact: Karin S. Clark, Adoption Program Consultant, Department of Social Services, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1251, FAX (804) 692-1284 or e-mail kac900@email1.dss.state.va.us.

VA.R. Doc. No. R02-225; Filed June 25, 2002, 12:04 p.m.



PROPOSED REGULATIONS

For information concerning Proposed Regulations, see Information Page.

Symbol Key

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

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

Title of Regulation: **18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene (amending 18 VAC 60-20-20 and 18 VAC 60-20-30).**

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public Hearing Date: August 2, 2002 - 1:30 p.m.

Public comments may be submitted until September 13, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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 and levy fees.

The specific statutory mandate for an increase in fees is found in § 54.1-113 of the Code of Virginia.

Purpose: Section 54.1-113 of the Code of Virginia requires that, at the end of each biennium, an analysis of revenues and expenditures of each regulatory board shall be performed to ensure that each board has sufficient revenue to cover its expenditures. At the conclusion of fiscal year 2000, the deficit of the board was \$135,517; it is projected that by the close of the 2000-2002 biennium, the Board of Dentistry will incur a deficit of \$268,947 and will continue to have a deficit through the next biennium. Since the fees from licensees will no longer generate sufficient funds to pay operating expenses for the board, a fee increase is essential.

The purpose of the proposed amendments is to establish fees sufficient to cover the administrative and disciplinary activities of the Board of Dentistry. Without adequate funding, the licensing of practitioners could be delayed, and dental care in the Commonwealth would be less accessible. In addition, sufficient funding is essential to carry out the investigative and disciplinary activities of the board in order to protect the public health, safety and welfare.

Substance: 18 VAC 60-20-20 is being amended to comply with a statutory mandate for the board to provide sufficient funding to cover expenses related to licensing, investigations and disciplinary proceedings. Renewal fees for dentists will increase from \$100 to \$150 per year; renewal fees for dental

hygienists will increase from \$40 to \$50 per year. While most of the fees are being increased correspondingly, the dental hygienist application fees for licensure by examination or by endorsement are being decreased. Miscellaneous fees for a returned check and for an inspection are added consistent with other boards within the department.

Issues: The primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions: Fee increases proposed by the Board of Dentistry should have no disadvantage to the consuming public. There is no projection of a reduction in the number of applicants for licensure or the number of licensed persons available to provide dental services to the public. For example, an increase in the renewal fee will result in an additional \$50 per year for a dental license and \$10 per year for a dental hygienist. It is not anticipated that the proposed fee increases will have any effect on prices for consumers.

There would be considerable disadvantages to the public if the board took no action to address its deficit by increasing its fees to cover expenses. The only alternative currently available under the Code of Virginia would be a reduction in services and staff, which would result in delays in licensing applicants who would be unable to work and delays in approval or disapproval of candidates to sit for examinations. Potentially, the most serious consequence would be a reduction in or reprioritization of investigation of complaints against dentists and dental hygienists. There may be delays in adjudicating cases of substandard practice, resulting in potential danger to the patients in the Commonwealth.

Practitioners licensed by the Board of Dentistry will experience increased renewal fees under the proposed regulations. While that is a disadvantage to the licensees, the alternative of reduced services for the board would be unacceptable to applicants, licensees and the general public. As a special-fund agency, renewal fees pay the vast majority of the expenses of board operations, which include inspections, investigation of complaints, adjudication of disciplinary cases, review and approval of applicants, verification of licensure and education to other jurisdictions and entities, and communications with licensees about current practice and regulation.

The primary advantages and disadvantages to the agency or the Commonwealth: As is stated above, the consequence of not increasing fees of the board would be a reduction in services and staff, resulting in delays in licensing, reductions or delays in the cases investigated and brought through administrative proceedings to a hearing before the board. The board and the Department of Health Professions are solely funded by the fees charged to applicants and licensees. If higher fees are not adopted, the agency would have to cut its staff, both within the Board of Dentistry and within other divisions of the Department of Health Professions since the

agency is dependent on revenues from the board for approximately 5.19% of its costs.

Other pertinent matters of interest to the regulated community, government officials, and the public: During the development of the NOIRA and proposed regulations, representatives of Virginia Dental Association and the Virginia Dental Hygienist Association have been present. There was no comment from dentists or from the VDA but there were seven comments from dental hygienists during the 30-day comment period on the NOIRA.

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 § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation increases various fees paid by dentists and dental hygienists to the Board of Dentistry. The purpose of these fee increases is to bring the board into compliance with the board's interpretation of § 54.1-113 of the Code of Virginia. Section 54.1-113 requires all regulatory boards under the Department of Health Professions to revise their fee schedules if, after the close of any biennium, there is more than a 10% difference between revenues and expenditures. The proposed fee changes are as follows:

Dentists

- Annual renewal of an active license will increase from \$100 to \$150; annual renewal of an inactive license will increase from \$65 to \$75;
- The fee for a restricted license issued in accordance with § 54.1-2714 of the Code of Virginia will increase from \$100 to \$150;
- Reinstatement of a lapsed license (a license not renewed within one year after expiration) will require payment of the renewal fee (\$150) and a reinstatement fee of \$225; current regulations require paying accumulated penalty fees that could total up to \$600;

Dental Hygienists

- Application for licensure by examination will decrease from \$160 to \$135;
- Application for licensure by endorsement will decrease from \$225 to \$135;
- Annual renewal of an active license will increase from \$40 to \$50;

- The penalty for late renewal of a license is reduced from \$35 to \$20;
- Reinstatement of a lapsed license (a license not renewed within one year after expiration) will require payment of the renewal fee (\$50) and a reinstatement fee of \$135; current regulations require paying accumulated penalty fees that could total up to \$420;

Miscellaneous fees

- The cost of obtaining a duplicate wall certificate will be raised from \$15 to \$25;
- A returned check charge of \$25 is established.

Estimated economic impact. The agency reports that it last raised fees in 1998, and states that its expenditures have risen and will continue to rise. Under the current fee structure, the Board of Dentistry projects a \$269,000 deficit for the 2000-2002 biennium. The agency cites an increase in staff salaries and benefits and the general cost of doing business, as well as increased expenses associated with the health practitioner intervention program as contributing to the unexpected increase in costs. The proposed fee increases would substantially reduce the projected deficits during the 2000-2002 and 2002-2004 bienniums and thereafter would begin to generate a modest surplus, thereby bringing the board into compliance with the Code.

The level of the proposed fee increases is based on revenue and expenditure projections prepared by DHP for the Board of Dentistry. The proposed amounts were selected such that projected revenues would be sufficient to cover projected expenditures but would not result in anything more than a modest surplus.

While the proposed regulation does reduce some fees charged by the Board of Dentistry, the net effect of the new fees will be an increase in licensure costs for dentists and dental hygienists licensed in Virginia. Specifically, renewal fees paid by licensed dental practitioners will increase by approximately \$280,000 per year. According to DHP, the proposed fee increases are necessary to prevent a delay in the performance of or the elimination of investigations and disciplinary proceedings, application processing, and license renewals, a delay that could negatively affect public health and safety and reduce the supply of dental services in Virginia.

Although the total increase in compliance costs is substantial, from an individual perspective, these fees represent a very small portion of the total cost of entry into the dental profession (e.g., the *total* cost of entry includes all education and training expenses). The proposed fee changes, therefore, are unlikely to have a significant effect on the decision of individuals to enter or exit this profession. For this reason, the proposed regulatory changes should have no economic consequences beyond the anticipated increase in licensing costs.

Businesses and entities affected. There are currently approximately 8,500 dentists and dental hygienists licensed by the Board of Dentistry in Virginia.

Proposed Regulations

Localities particularly affected. The proposed fee changes will not affect any particular localities since they apply statewide.

Projected impact on employment. Since the application and licensure renewal fees represent a very small portion of the total cost of entry into the dental profession, no significant impact on employment in Virginia is expected.

Effects on the use and value of private property. The proposed fee changes 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 Board of Dentistry concurs with the analysis of the Department of Planning and Budget for the fee increases in proposed regulation, 18 VAC 60-20.

Summary:

The proposed amendments revise the fee schedule for the regulants of the Board of Dentistry. For example, the annual renewal fee for a dentist would be increased from \$100 to \$150 and for a dental hygienist from \$40 to \$50. Although most other fees would be increased correspondingly, some fees would be reduced, for example, the application fee for licensure as a dental hygienist is reduced from \$160 to \$135 and the maximum reinstatement fees are reduced for dentists and dental hygienists. As required by law, the proposed fee revisions are necessary to provide sufficient funding for the licensing, inspection, and disciplinary functions of the board.

18 VAC 60-20-20. License renewal and reinstatement.

A. Renewal fees. Every person holding an active or inactive license, a full-time faculty license, or a restricted volunteer license to practice dentistry or dental hygiene shall, on or before March 31, renew his license. Every person holding a teacher's license or a temporary permit to practice dentistry or dental hygiene shall, on or before June 30, renew his license.

1. The fee for renewal of an active license or permit to practice or teach dentistry shall be ~~\$400 for dentists~~ \$150, and ~~\$40 for dental hygienists~~ the fee for renewal of an active license or permit to practice or teach dental hygiene shall be \$50.

2. The fee for renewal of an inactive license shall be ~~\$65~~ \$75 for dentists and \$25 for dental hygienists.

3. The fee for renewal of a restricted volunteer license shall be \$15.

B. Penalty fees. Any person who does not return the completed form and fee by the deadline required in subsection A of this section shall be required to pay an additional penalty fee of \$50 for dentists and ~~\$35~~ \$20 for dental hygienists. The board shall renew a license if the renewal form, renewal fee, and penalty fee are received within ~~30 days~~ one year of the deadline required in subsection A of this section.

C. Reinstatement fees and procedures. The license of any person who does not return the completed renewal form and fees ~~within 30 days of~~ by the deadline required in subsection A of this section shall automatically expire and become invalid

and his practice of dentistry/dental hygiene shall be illegal. ~~Upon such expiration, the board shall immediately notify the affected person of the expiration and the reinstatement procedures.~~

1. Any person whose license has expired who wishes to reinstate such license shall submit to the board a reinstatement application, the renewal fee and the ~~penalty~~ *reinstatement* fee of ~~\$50~~ \$225 for dentists and ~~\$35~~ \$135 for dental hygienists ~~per month for each month or part of a month the license has been expired for a maximum amount of \$600 for dentists and \$420 for dental hygienists.~~

2. Practicing in Virginia with an expired license may subject the licensee to disciplinary action and additional fines by the board.

3. The executive director ~~shall~~ *may* reinstate such expired license provided that the applicant can demonstrate continuing competence, that no grounds exist pursuant to § 54.1-2706 of the Code of Virginia and 18 VAC 60-20-170 to deny said reinstatement, and that the applicant has paid ~~all~~ the unpaid renewal fees fee, the reinstatement fee and any fines or assessments.

D. Reinstatement of a license previously revoked or indefinitely suspended. Any person whose license has been revoked shall submit to the board for its approval a reinstatement application and fee of \$750 for dentists and \$500 for dental hygienists. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement application and fee of \$350 for dentists and \$250 for dental hygienists.

18 VAC 60-20-30. Other fees.

A. Dental licensure application fees. The application fee for a dental license, a license to teach dentistry, a *full-time faculty license*, or a temporary permit as a dentist shall be \$225.

B. Dental hygiene licensure application fees. The application fee for a dental hygiene license by examination, a license to teach dental hygiene, or a temporary permit as a dental hygienist shall be ~~\$460~~ \$135.

C. Duplicate wall certificate. Licensees desiring a duplicate wall certificate shall submit a request in writing stating the necessity for such duplicate wall certificate, accompanied by a fee of ~~\$45~~ \$25.

D. Duplicate license. Licensees desiring a duplicate license shall submit a request in writing stating the necessity for such duplicate license, accompanied by a fee of \$10. If a licensee maintains more than one office, a notarized photocopy of a license may be used.

E. Licensure certification. Licensees requesting endorsement or certification by this board shall pay a fee of \$25 for each endorsement or certification.

F. Restricted license. Restricted license issued in accordance with § 54.1-2714 of the Code of Virginia shall be at a fee of ~~\$400~~ \$150.

G. Endorsement license. License by endorsement issued in accordance with 18 VAC 60-20-80 for dental hygienists shall be at a fee of ~~\$225~~ \$135.

H. Restricted volunteer license. The application fee for licensure as a restricted volunteer dentist or dental hygienist issued in accordance with § 54.1-2712.1 or § 54.1-2726.1 of the Code of Virginia shall be \$25.

I. Returned check. The fee for a returned check shall be \$25.

NOTICE: The forms used in administering 18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Outline and Explanation of Documentation Required for Dental Licensure by Exam, Teacher's License, Restricted License, Full Time Faculty License, and Temporary Permit (eff. ~~11/98~~ rev. 6/02).

Application for Licensure to Practice Dentistry (eff. 3/98).

Outline and Explanation of Documentation Required for Volunteer Dental License (rev. 6/02).

Application for Restricted Volunteer Licensure to Practice Dentistry and Dental Hygiene (eff. 7/98).

Form A, Certification of Dental/Dental Hygiene School (rev. 3/98).

Form AA, Sponsor Certification for Dental/Dental Hygiene Volunteer License (eff. 7/98).

Form B, Chronology (rev. 3/98).

Form C, Certification of Dental/Dental Hygiene Boards (rev. 3/98).

Outline and Explanation of Documentation Required for Dental Hygiene Licensure by Exam, Teacher's License, Dental Hygiene by Endorsement, and Dental Hygiene Temporary Permit (rev. ~~11/98~~ 6/02).

Application for Licensure to Practice Dental Hygiene (rev. 3/98).

Instructions for Reinstatement (rev. 6/02).

Reinstatement Application for Dental/Dental Hygiene Licensure (rev. 3/98).

Expiration letter to licensee (rev. 7/98).

Radiology Information for Dental Assistants (rev. 7/97).

Renewal Notice and Application (Active licensure) (rev. 3/00).

Renewal Notice and Application (Inactive licensure) (rev. 3/00).

COMMONWEALTH OF VIRGINIA

BOARD OF DENTISTRY
Virginia Board of Dentistry
6606 West Broad Street, 4th Floor
Richmond, VA 23230-1717
(804) 662-9906

Outline and Explanation of Documentation Required

Dental Licensure by Exam

Teacher's License *

Restricted License*** (see §54.1-2714 of the Code of Virginia)

Full Time Faculty License *

Temporary Permit **

ALL REQUIRED DOCUMENTATION IS TO BE SENT TO THE BOARD IN A SINGLE PACKET WITH THE APPLICATION UNLESS OTHERWISE STATED BELOW. AN INCOMPLETE APPLICATION OR ANY SINGLE PART OF AN APPLICATION OR DOCUMENTATION MAY DELAY THE LICENSING PROCESS. **PLEASE NOTE: FEES ARE NOT REFUNDABLE, REGULATION 18 VAC 60-20-40.**
IF NO FEE IS RECEIVED WITH YOUR APPLICATION, THE APPLICATION WILL BE RETURNED.

In order to forward a completed application, the applicant must submit:

1. Application for licensure.
2. Passport-type photograph must be full face and current (no older than 6 months). If not acceptable to the Board, it will be returned.
3. Form A: To be completed by the dental school which granted the degree.
4. Form B: Chronology, please follow instructions on the form.
5. Form C: Certification of good standing from **each** state in which you currently, or have **ever held**, a License to practice dentistry.
6. An **original** grade card issued by the Joint Commission on National Dental Examinations, documenting a passing score. Scorecards marked "Candidates Copy" will not be accepted. The Board will retain the scorecards sent by the Department of the Testing Services of the ADA **for one year**. If the National Boards were taken prior to a year ago, then an original scorecard may be obtained by calling the A.D.A.'s number: (312) 440-2500 and asking for National Boards. The original grade card will be mailed **directly to the Board Office**.
7. Verification of graduation, or having been issued a certificate from an accredited dental school recognized by the Commission on Dental Accreditation of the A.D.A. These schools are located in the U.S., Canada and Puerto Rico. To provide verification applicants must submit a final certified transcript of grades, showing date degree received, stamped with the school seal and bearing the registrar's signature from the college from which the applicant received the dental degree.
8. **A passing score on the Jurisprudence Exam. Contact the PSI Examination Services at 1-800- 733-9267 for an application, dates and locations. Applicants for teacher's and restricted licenses are not required to take the Jurisprudence Exam.**
9. A passing score on the Southern Regional Clinical Dental Exam. For exam application and dates contact:

Southern Regional Testing Agency
Ocean Plaza Corporate Centre
303 34th Street Suite 7
Virginia Beach, VA 23451
(757) 428-1003
FAX (757) 437-4507
10. A certified check, cashier's check or money order, made payable to the Treasurer of Virginia amount of \$225.00 except the *restricted license which is a \$150.00 total and is only for foreign graduates to teach dentistry for one year (see §54.1-2714 of the Code of Virginia). **The fee for a returned check is \$25.**

Proposed Regulations

COMMONWEALTH OF VIRGINIA
BOARD OF DENTISTRY
Virginia Board of Dentistry
6606 West Broad Street, 4th Floor
Richmond, VA 23230-1717
(804) 662-9906

Outline and Explanation of Documentation Required

Volunteer Dental Practice

ALL REQUIRED DOCUMENTATION IS TO BE SENT TO THE BOARD IN A SINGLE PACKET WITH THE APPLICATION UNLESS OTHERWISE STATED BELOW. AN INCOMPLETE APPLICATION OR ANY SINGLE PART OF AN APPLICATION OR DOCUMENTATION MAY DELAY THE LICENSING PROCESS. Fees are not refundable pursuant to Regulation 18 VAC 60-20-40.

In order to forward a completed application, the applicant must submit:

1. Application for licensure submitted to the board at least 30 days prior to engaging in such practice.
2. A certified check, cashier's check or money order, made payable to the Treasurer of Virginia in the amount of \$10. The fee for a returned check is \$25.
3. Passport-type photograph must be full face and current.
4. Provide a list of professional licensure in each state in which applicant has held a license.
5. Provide the name of the nonprofit organization, dates and location of the voluntary provision of services.
6. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with
7. **Dental applicants only** must submit an Information Disclosure Request from the National Practitioner Data Bank in order for the Board to determine if any adverse action has been taken by other jurisdictions. In order to receive information on the procedure for obtaining this documentation contact:

National Practitioner Data Bank
P.O. Box 10832
Chantilly, VA 20151
1-800 767-6732 – FAX (703) 802-4109

To obtain immediate notice that the application has been received by the Board, it is suggested that the applicant mail the complete packet by "Certified Mail-Return Receipt Requested."

June 2002

COMMONWEALTH OF VIRGINIA
BOARD OF DENTISTRY
Virginia Board of Dentistry
6606 West Broad Street, 4th Floor
Richmond, VA 23230-1717
(804) 662-9906

Outline and Explanation of Documentation Required For
Dental Hygiene Licensure by Exam Dental Hygiene by Endorsement
Teacher's License Dental Hygiene Temporary Permit

ALL REQUIRED DOCUMENTATION IS TO BE SENT TO THE BOARD IN A SINGLE PACKET WITH THE APPLICATION UNLESS OTHERWISE STATED BELOW. AN INCOMPLETE APPLICATION OR ANY SINGLE PART OF AN APPLICATION OR DOCUMENTATION MAY DELAY THE LICENSING PROCESS. Please note: Fees are Not Refundable, Regulation 18 VAC 60-20-40. IF NO FEE IS RECEIVED WITH YOUR APPLICATION, THE APPLICATION WILL BE RETURNED.

In order to forward a completed application, all applicants must submit:

1. Application for licensure.
2. Passport-type photograph must be full face and current (no older than 6 months). If not acceptable to the Board, it will be returned.
3. Form A: To be completed by the dental hygiene school which granted the degree or certificate.
4. Form B: Chronology, please follow instructions on the form.
5. Form C: Certification of good standing from **each** state in which you currently, or have **ever held**, a licensure to practice dental hygiene.
6. An **original** grade card issued by the Joint Commission on National Dental Examinations, documenting a passing score. Scorecards marked "Candidates Copy" will not be accepted. The Board will retain the scorecards sent by the Department of Testing Service of the ADA **for one year**. If the National Boards were taken prior to a year ago, then an original scorecard may be obtained by calling the A.D.A.'s number: (312) 440-2500 and asking for National Boards. **The original grade card will be mailed directly to the Board office.**
7. **Verification** of graduation or having been issued a certificate from, an accredited dental hygiene school recognized by the Commission on Dental Accreditation of the A.D.A. These schools are located in the U.S., Canada and Puerto Rico. To provide verification applicants must submit a final certified transcript of grades, showing date degree received, stamped with the school seal and bearing the registrar's signature from the college from which the applicant received the dental degree.
8. **A passing score on the Jurisprudence Exam. Contact the PSI Examination Services at 1-800-733-9267 for an application, dates and locations. Applicants for a teacher's license are not required to take the Jurisprudence Exam.**
9. A passing score on the Southern Regional Clinical Dental Hygiene Exam. For exam application and dates contact:
Southern Regional Testing Agency, Inc.
Ocean Plaza Corporate Centre,
303 34th Street, Suite 7,
Virginia Beach, VA 23451
Phone (757) 428-1003 FAX (757) 437-4507.
10. A certified check, cashier's check or money order, made payable to the Treasurer of Virginia in the Amount of \$135.00 by exam and \$135.00 by endorsement. **The fee for a returned check is \$25.**
11. Provide proof of not having committed any act which would constitute a violation of §54.2706 of the Code of Virginia by means of the application form itself, and Forms B, C, and supporting documentation.

Proposed Regulations

APPLICATION BY ENDORSEMENT ONLY:

A CURRENT LICENSE FROM ANOTHER STATE IS REQUIRED AT THE TIME OF LICENSURE IN VIRGINIA.

If applying by endorsement only, the applicant must provide verification that they have had "clinical, ethical and legal practice for **(24 months)** out of the past **(48 months)** immediately preceding application for licensure." *To appropriately document this, dental hygienists to be licensed by endorsement are required to submit:*

A notarized statement from each dentist who has employed you in the four years immediately preceding the date of your application, using the format detailed below and appearing on the dentist's letterhead:

"I, _____, D.D.S./D.M.D., certify that
_____, R.D.H., was employed by me from
_____, 19_____, to _____, 19_____, in the clinical, ethical and
month/day year month/day year
legal practice of dental hygiene."

dentist's signature date

NOTE: It is imperative that the month, day and year be listed in the letter or it will not be accepted.

Dental hygienists applying by endorsement must also have an active license in another jurisdiction which was obtained by successfully passing an examination comparable to the exam required by the State of Virginia. **Submission of a scorecard from the comparable exam or a letter from the testing agency reflecting successful completion of the exam is required.**

The Endorsement Committee of the Board reviews only completed applications. If further information is needed prior to forwarding it to the Committee, the applicant will be notified within 3 days and after the application is complete it will be sent to the Committee. This process can take anywhere from 3 to 6 weeks or more depending on what stage the application is in when it is received.

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To obtain immediate notice that your application has been received by the Board, it is suggested that the applicant mail the complete packet by "Certified Mail-Return Receipt Requested."

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TO ALL APPLICANTS:

In accordance with § 54.1-116 of the *Code of Virginia*, you are required to submit your Social Security Number or your control number* issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities.

Please indicate your Social Security or Virginia DMV control number in the box marked "Social Security Number or DMV Number" on your application.

No license, certificate or registration will be issued to any individual who has failed to disclose one of these numbers.

**In order to obtain a Virginia drivers license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure of your Social Security number will be required.*

REVISED June 2002

COMMONWEALTH OF VIRGINIA

VIRGINIA BOARD OF DENTISTRY
6606 WEST BROAD STREET, 4TH FLOOR
RICHMOND, VA 23230 1717
804-662-9906

All required documentation is to be sent to the Board in a single packet with the application.

Please note: Fees are not refundable, regulation 18 VAC 60-20-40.

INSTRUCTIONS FOR REINSTATEMENT:

1. Completed Reinstatement Application
2. Fee for applicant due to lapse of license (Regulation 18 VAC 60-20-20C.1): Any person whose license has expired who wishes to reinstate such license shall submit to the board a reinstatement application, the renewal fee and the reinstatement fee of \$225 for dentists and \$135 for dental hygienist. The fee for a returned check is \$25.

Fee for license previously revoked or indefinitely suspended(Regulation 18 VAC-20-20.D). Any person whose license has been revoked shall submit to the board for its approval a reinstatement application and fee of \$750 for dentists and dental hygienists. Any person whose license has been indefinitely suspended shall submit to the board for its approval a reinstatement application and fee of \$350 and dentists and \$250 for dental hygienists.
3. Form B. Chronology Form
4. Form C. Certification of licensure from other states.
5. Continuing Education. (Regulation 18 VAC 60-20-50.H) A licensee who has allowed his license to lapse, or who has had his license suspended or revoked must submit evidence of completion of continuing education equal to the requirements for the number of years in which his license has not been active.

Revised June 2002

VA.R. Doc. No. R02-24; Filed June 21, 2002, 11:39 a.m.

Proposed Regulations

BOARD OF PHARMACY

Title of Regulation: 18 VAC 110-20. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-20).

Title of Regulation: 18 VAC 110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (amending 18 VAC 110-30-15).

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public Hearing Date: August 19, 2002 - 9 a.m.

Public comments may be submitted until September 13, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

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 and levy fees.

The specific statutory mandate for an increase in fees is found in § 54.1-113 of the Code of Virginia.

Purpose: Section 54.1-113 of the Code of Virginia requires that at the end of each biennium, an analysis of revenues and expenditures of each regulatory board shall be performed. It is necessary that each board have sufficient revenue to cover its expenditures. It is projected that by the close of the 2000-2002 biennium, the Board of Pharmacy will incur a deficit and that the board will continue to have a deficit through the next biennium. Since the fees from licensees will no longer generate sufficient funds to pay operating expenses for the board, a fee increase is essential.

The purpose of the proposed amendments is to establish fees sufficient to cover the administrative and disciplinary activities of the Board of Pharmacy. Without adequate funding, the licensing of practitioners and pharmacies by the board and the inspections required for opening or remodeling a pharmacy could be delayed. In addition, sufficient funding is essential to carry out the inspections, investigative and disciplinary activities of the board in order to protect the public health, safety and welfare.

Substance: The amendments comply with a statutory mandate for the board to provide sufficient funding to cover expenses related to licensing, inspections, investigations and disciplinary proceedings. Renewal fees for pharmacists and for physicians selling drugs will increase from \$50 to \$100 per year; renewal fees for pharmacies will increase from \$200 to \$300 per year. Most of the fees charged to applicants, licensed pharmacists and pharmacy facilities are being increased accordingly.

Issues:

1. The primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions:

Fee increases proposed by the Board of Pharmacy should have no disadvantage to the consuming public. There is no projection of a reduction in the number of applicants for licensure or the number of licensed persons available to provide pharmaceutical services to the public. For example, an increase in the biennial renewal fee will result in an additional \$50 per year for a pharmacist license and \$100 per year for a pharmacy permit. It is not anticipated that the proposed fee increases will have any effect on prescription drug prices for consumers.

There would be considerable disadvantages to the public if the board took no action to address its deficit by increasing its fees to cover expenses. The only alternative currently available under the Code of Virginia would be a reduction in services and staff, which would result in delays in licensing applicants who would be unable to work and delays in approval or disapproval of candidates to sit for examinations. Since a pharmacist earns an average of \$300 for an eight-hour day of work, even a one-day delay in RPH licensing could result in a loss of income greater than the increase in the application fee. Likewise, the cost of a delay in issuing a pharmacy permit would far exceed the additional application cost of \$100. If an opening is delayed, the pharmacy would lose revenue from the sale of prescription and over-the-counter drugs but would still incur costs for leasing, personnel and promotional advertising.

Potentially, the most serious consequence would be a reduction in or reprioritization of inspections intended to detect diversion from or irregularities in the inventories of controlled substances and of investigation of complaints against pharmacists and pharmacy permit holders. In addition, there may be delays in adjudicating cases of substandard practice, resulting in potential danger to the patients in the Commonwealth.

Practitioners and facilities licensed by the Board of Pharmacy will experience increased renewal fees under the proposed regulations. While that is a disadvantage to the licensees, the alternative of reduced services for the board would be unacceptable to applicants, licensees and the general public. As a special-fund agency, renewal fees pay the vast majority of the expenses of board operations, which include inspections, investigation of complaints, adjudication of disciplinary cases, review and approval of applicants, verification of licensure and education to other jurisdictions and entities, and communications with licensees about current practice and regulation.

2. The primary advantages and disadvantages to the agency or the Commonwealth:

As is stated above, the consequence of not increasing fees of the Board of Pharmacy would be a reduction in services and staff, resulting in delays in licensing, reductions or delays in the cases investigated and brought through administrative proceedings to a hearing before the board and fewer inspections of pharmacies by the department. The board and

the Department of Health Professions are solely funded by the fees charged to applicants and licensees. If higher fees are not adopted, the agency would have to cut its staff, both within the Board of Pharmacy and within other divisions of the Department of Health Professions since the agency is dependent on revenues from the board for approximately 7.3% of its costs.

3. Other pertinent matters of interest to the regulated community, government officials, and the public:

During the development of the NOIRA and proposed regulations, representatives of various pharmacy groups and the Virginia Pharmacist Association have been present; yet there was no comment from interested parties during the 30-day comment period on the NOIRA. While the regulated community will not welcome a significant increase in fees, the board believes that it will recognize that there has not been an increase in fees for 12 years, during which time the consumer price index has risen approximately 37.4%. For the past several years, expenditures of the board have exceeded revenue, but surpluses of previous years have delayed the need for a fee increase. By the conclusion of FY02, the carry-over income will be exhausted and the board will experience a deficit that will carry over to FY03 and beyond.

Other government entities and officials could be affected by any potential staff reductions at the board because the executive director and pharmacy inspectors currently participate as members of numerous committees and task forces. Any reduction in staff resulting from insufficient funding would mean a reduction in the board's ability to provide expertise in these types of operations and exercises.

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 § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. The proposed regulation increases various fees paid to the Board of Pharmacy by pharmacists, pharmacies, and physicians licensed to sell controlled substances. The purpose of these fee increases is to bring the board into compliance with the board's interpretation of § 54.1-113 of the Code of Virginia. Section 54.1-113 requires all regulatory boards under the Department of Health Professions to revise their fee schedules if, after the close of any biennium, there is more than a 10 percent difference between revenues and expenditures. The proposed fee changes are as follows:

Pharmacists.

1. Application for licensure as a pharmacist will increase from \$50 to \$200 but will now include a wall certificate and up to 15 months of licensure prior to the first renewal;
2. Annual renewal of an active license will increase from \$50 to \$100; annual renewal of an inactive license will increase from \$35 to \$50;
3. The penalty for late renewal of a license is raised from \$25 to \$35;
4. The delinquent fee associated with reinstatement of a lapsed license (a license not renewed within 60 days following expiration) will increase from \$50 to \$70;
5. Reinstatement of a suspended or revoked license will increase from \$300 to \$500;

Other licenses, permits, or facility registrations.

1. The fee for application, change of ownership, or annual renewal of a permit for a pharmacy, a nonresident pharmacy, a permitted physician, a nonrestricted manufacturer, a wholesale distributor, a nonresident wholesale distributor, or a warehouse, will increase from \$200 to \$300;
2. The fee for application, change of ownership, or annual renewal of a permit for a restricted manufacturer or a medical equipment supplier will increase from \$150 to \$200;
3. The fee for a human society will increase from \$10 to \$20 per year;
4. The application fee required to change the pharmacist-in-charge will increase from \$25 to \$50;
5. The application fee for a change in location or a remodeling which requires an inspection will increase from \$150 to \$200;
6. The penalty for late renewal of a permit or license is raised from \$25 to \$100 for a resident or nonresident pharmacy, a permitted physician, a nonrestricted manufacturer, a resident or nonresident wholesale distributor, or a warehouse;
7. The penalty for late renewal of a permit or license is raised from \$25 to \$65 for a restricted manufacturer or a medical equipment supplier; and
8. The delinquent fee associated with reinstatement of a lapsed permit or license (a permit or license not renewed within 60 days following expiration) will increase from \$50 to \$150.

Controlled substances registration.

1. Application and annual renewal of a controlled substance registration will increase from \$20 to \$100;
2. The penalty for late renewal of a registration is raised from \$10 to \$35;
3. The delinquent fee associated with reinstatement of a lapsed controlled substances registration (a registration not

Proposed Regulations

renewed within 60 days following expiration) will increase from \$25 to \$35.

Physicians licensed to sell controlled substances.

1. Reinstatement of a suspended or revoked license will increase from \$300 to \$500;
2. Annual renewal of an active license will increase from \$50 to \$100; annual renewal of an inactive license will increase from \$35 to \$50;
3. The penalty for late renewal of a license is raised from \$25 to \$35; and
4. The delinquent fee associated with reinstatement of a lapsed license (a license not renewed within 60 days following expiration) will increase from \$50 to \$70.

Miscellaneous fees.

The returned check charge will increase from \$15 to \$25.

Estimated economic impact. For the past several years, expenditures of the Board of Pharmacy have exceeded revenue, but surpluses of previous years have delayed the need for a fee increase. By the conclusion of FY02, the carry-over income will be exhausted and, under the current fee structure, the Board of Pharmacy projects a deficit of \$1,618,616 for the 2002-2004 biennium. There has not been a fee increase for licensees under the Board of Pharmacy for 12 years. The level of the proposed fee increases is based on revenue and expenditure projections prepared by DHP for the Board of Pharmacy. The proposed amounts were selected such that projected revenues would be sufficient to cover projected expenditures but would not result in anything more than a modest surplus.

The effect of the new fee schedule will be an increase in application and licensure costs for all for pharmacies and pharmacists licensed in Virginia. Specifically, application and renewal fees paid by licensed pharmacists will increase by approximately \$432,000 per year. According to DHP, the proposed fee increases are necessary to prevent a delay in the performance of or the elimination of investigations and disciplinary proceedings, application processing, and license renewals, a delay that could negatively affect public health and safety and reduce the supply of pharmaceutical services in Virginia.

Although the total increase in compliance costs is substantial, from an individual perspective, these fees represent a very small portion of the total cost of entry into the pharmaceutical profession (e.g., the total cost of entry includes all education and training expenses). The proposed fee changes, therefore, are unlikely to have a significant effect on the decision of individuals to enter or exit this profession. For this reason, the proposed regulatory changes should have no economic consequences beyond the anticipated increase in licensing costs.

Businesses and entities affected. There are currently approximately 9,000 pharmacists, pharmacy interns, and physicians selling controlled substances in their practice licensed by the Board of Pharmacy in Virginia. There are approximately 2,000 pharmacies licensed in Virginia.

Localities particularly affected. The proposed fee changes will not affect any particular localities since they apply statewide.

Projected impact on employment. Since the application and licensure renewal fees represent a very small portion of the total cost of entry into the pharmaceutical profession, no significant impact on employment in Virginia is expected.

Effects on the use and value of private property. The proposed fee changes 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 Board of Pharmacy concurs with the analysis of the Department of Planning and Budget for the fee increases on 18 VAC 110-20 and 18 VAC 110-30.

Summary:

The proposed amendments increase fees for the resultants of the Board of Pharmacy, including pharmacists, pharmacies, physicians permitted to dispense drugs, manufacturers, and wholesalers, etc. For example, an annual renewal fee for a pharmacist or for a physician dispensing drugs would be increased from \$50 to \$100 and for a pharmacy from \$200 to \$300. Other fees are increased correspondingly. As required by law, the proposed fee increases are necessary to provide sufficient funding for the licensing, inspection, and disciplinary functions of the board.

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~~ \$200.
2. The fees for taking all required examinations shall be paid directly to the examination service as specified by the board.
3. The application fee for a person whose license has been revoked or suspended indefinitely shall be ~~\$300~~ \$500.

C. Renewal of pharmacist license.

1. The annual fee for renewal of a *an active* pharmacist license shall be ~~\$50~~ \$100.
2. The annual fee for renewal of an inactive pharmacist license shall be ~~\$35~~ \$50.
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~~ \$35 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~~ \$70.

D. Other licenses ~~or~~, permits *or facility registrations*.

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 \$300 |
| b. Permitted physician to dispense drugs | \$200 \$300 |
| c. Nonrestricted manufacturing permit | \$200 \$300 |
| d. Restricted manufacturing permit | \$150 \$200 |
| e. Wholesale distributor license | \$200 \$300 |
| f. Warehouse permit | \$200 \$300 |
| g. Medical equipment supplier permit | \$150 \$200 |
| h. Licensed humane society permit | \$40 \$20 |
| i. <i>Nonresident pharmacy</i> | \$300 |
| j. <i>Nonresident wholesale distributor</i> | \$300 |

2. The following fees shall be required for facility changes:

- | | |
|--|------------------------|
| a. Application for a change of the pharmacist-in-charge | \$25 \$50 |
| b. Application for a change of location or a remodeling which requires an inspection | \$100 \$150 |

3. The following fees shall be required for late renewals or reinstatement.

- a. If a ~~licensee~~ *facility* fails to renew a required license or permit or registration prior to the expiration date, a ~~\$25~~ late fee shall be assessed. *as follows:*

(1) For a resident or nonresident pharmacy, permitted physician, nonrestricted manufacturer, resident or nonresident wholesale distributor, or warehouse, the late fee shall be \$100.

(2) For a restricted manufacturer or medical equipment supplier, the late fee shall be \$65.

- b. If a required license or permit or facility registration 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~~ \$150.

E. Controlled substances registration.

1. The application and annual fee for a controlled substances registration as required by § 54.1-3422 of the Code of Virginia shall be ~~\$20~~ \$100.

2. If a registration is not renewed within 60 days of the expiration date, the back renewal fee and a ~~\$40~~ \$35 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~~ \$35 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 ~~\$45~~ \$25.

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.

NOTICE: The forms used in administering 18 VAC 110-20, Regulations Governing the Practice of Pharmacy, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Board of Pharmacy, 6606 W. Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

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. ~~4/98~~ 6/02).

Application to Reactivate Pharmacist License (rev. ~~12/98~~ 6/02).

Application for Approval of a Continuing Education Program (rev. 3/99).

Application for Approval of ACPE Pharmacy School Course(s) for Continuing Education Credit (rev. 10/00).

Application for License to Dispense Drugs (permitted physician) (rev. ~~11/98~~ 6/02).

Application for a Pharmacy Permit (rev. ~~4/00~~ 6/02).

Application for a Nonresident Pharmacy Registration (rev. ~~12/98~~ 6/02).

Application for a Permit as a Medical Equipment Supplier (rev. ~~3/99~~ 6/02).

Application for a Permit as a Restricted Manufacturer (rev. ~~3/99~~ 6/02).

Application for a Permit as a Nonrestricted Manufacturer (rev. ~~3/99~~ 6/02).

Application for a Permit as a Warehouse (rev. ~~3/99~~ 6/02).

Application for a License as a Wholesale Distributor (rev. ~~4/00~~ 6/02).

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Application for a Nonresident Wholesale Distributor Registration (rev. ~~3/99~~ 6/02).

Application for a Controlled Substances Registration Certificate (rev. ~~4/99~~ 6/02).

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

License Renewal Notice and Application for Pharmacists (rev. 11/00).

License Renewal Notice and Application for Facilities (rev. 11/00).

Application to Reinstate a Pharmacist License (rev. ~~3/99~~ 6/02).

Application for a Permit as a Humane Society (rev. ~~3/99~~ 6/02).

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).

Application for Approval of an Innovative (Pilot) Program (eff. 1/01).

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~~ \$500.

C. Renewal of license for a practitioner of the healing arts to sell controlled substances.

1. The annual fee for renewal of a *an active* license shall be ~~\$50~~ \$100.
2. The annual fee for renewal of an inactive license shall be ~~\$35~~ \$50.
3. The late fee for renewal of a license within 60 days after the expiration date is ~~\$25~~ \$35 in addition to the annual renewal fee.
4. The delinquent fee for reinstatement of a lapsed license is ~~\$50~~ \$70 in addition to all unpaid renewal fees.

VA.R. Doc. No. R02-22; Filed June 18, 2002, 10:10 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Title of Regulation: **22 VAC 40-675. Personnel Policies for Local Departments of Social Services (adding 22 VAC 40-675-10 through 22 VAC 40-675-460).**

Statutory Authority: §§ 63.1-25 and 63.1-26 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until September 13, 2002.

(See Calendar of Events section for additional information)

Agency Contact: Lori A. Kam, Human Resources Manager II, Department of Social Services, Division of Human Resources Management, 730 East Broad Street, Richmond, Virginia 23219, telephone (804) 692-1520, FAX (804) 692-1560 or e-mail lak900@dss.state.va.us.

Basis: Section 63.1-26 of the Code of Virginia requires the State Board of Social Services to establish minimum entrance and performance standards for the personnel employed by local boards and superintendents in the administration of social services, and to advance necessary regulations to maintain such entrance and performance standards. This includes regulations that may be needed in the development of a system of personnel that meets the requirements of the federal Department of Health and Human Services and for programs governed by regulations promulgated by the State Board of Social Services. The proposed regulation addresses policies relating to hiring and performance, including screening, interviewing, performance standards and appraisal, equal employment opportunity, and standards of conduct.

The federal Standards for a Merit System of Personnel Administration (5 CFR § 900.601 (b) (2002)) states that certain federal grant programs require, as a condition of eligibility, that state and local agencies receiving grants establish merit systems for personnel engaged in administration of the grant-aided program. The proposed regulation addresses policies that fulfill the merit principles that apply to all personnel administration systems required to comply with the standards.

Purpose: The proposed regulation would provide a uniform set of personnel policies to guide operations in local departments of social services in Virginia. Many of the policies already are used by local departments. Regulatory action is being advanced at the advice of legal counsel for the department. The goal of this proposed action is to provide and formalize a consistent, appropriate, and uniform policy structure that ensures the welfare of employees and potential employees in local departments of social services.

Substance: The proposed regulation provides a legal basis for many policies and practices that local social service agencies already have adopted. Many of the policies are required as a condition for the continued receipt of federal grants. Legal counsel for the department has cited these policies and practices as appropriate for regulatory action. The proposed regulation includes the following topics: recruitment,

screening, and selection of employees; position classification and compensation; employee status and benefits; performance standards and appraisal; equal employment opportunity; standards of conduct; grievance policies; employee political activity; and outside employment. In addition, flexibility is honored by the provision of a process for the local agency to adopt some or all of the personnel policies in force in its local jurisdiction.

Issues: Regulating certain of the policies and procedures would help to ensure uniform and equitable practices in the 121 local agencies in the Commonwealth, providing measurable advantages for the Commonwealth, the State Department of Social Services and the 121 local departments of social services who serve every city and county in the Commonwealth. Much of the proposed regulation addresses practices that support a qualified, representative workforce, factors strongly associated with effective provision of services to local citizens. There are no known disadvantages to this regulation.

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 § 2.2-4007 G of the Administrative Process Act and Executive Order Number 25 (98). Section 2.2-4007 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 Department of Social Services (DSS) proposes to promulgate a new regulation governing personnel policies in local departments of social services. A policy manual issued by the State Board of Social Services regarding personnel policies in local DSS agencies exists; however, this manual was last updated in the early 1980s and preceded the current version of the Administrative Process Act (APA) and was never published as a regulation. At the advice of legal counsel to the department, the agency now seeks to publish these policies as regulation. The proposed regulation addresses the following issues: recruitment, screening, and selection of employees; position classification and compensation; employee status and benefits; performance standards and appraisal; equal employment opportunity; standards of conduct; grievance policies; employee political activity; and outside employment.

Estimated economic impact. By providing a legal basis for personnel policies and practices and formalizing a consistent, appropriate, and uniform policy structure for local personnel operations, the proposed regulation is likely to help ensure uniform and equitable practices in the 121 local agencies across the Commonwealth. Many of the policies are required as a condition for the continued receipt of federal grants. In addition, according to DSS, the proposed regulation promotes practices that support a qualified, representative workforce,

factors strongly associated with effective provision of services to local citizens.

According to DSS, the proposed regulation represents the current personnel policies that have been in effect since the early 1980s. Local departments will continue to have the flexibility to opt out of the DSS statewide plan by developing a local jurisdiction-wide personnel plan approved by the State Board of Social Services. Since the proposed regulation reflects current practice, it is not likely to have any fiscal impact or economic consequences.

Businesses and entities affected. The proposed regulation will affect each of the 121 local departments of social services in the Commonwealth.

Localities particularly affected. The proposed regulation will not uniquely affect any particular localities as it applies statewide.

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

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

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Social Services concurs with the economic impact analysis prepared by the Department of Planning and Budget.

Summary:

This proposed regulation formalizes a consistent, appropriate, and uniform policy structure for personnel operations in local departments of social services in Virginia. Local departments already use many of the policies. Regulatory action is being advanced at the advice of legal counsel for the department.

CHAPTER 675. PERSONNEL POLICIES FOR LOCAL DEPARTMENTS OF SOCIAL SERVICES.

PART I. GENERAL PROVISIONS.

22 VAC 40-675-10. Definitions.

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

"Administrative manual" means the Administrative Manual for Local Departments of Social Services Human Resource Management.

"Classification" means the systematic grouping of positions based on shared characteristics.

"Class specifications" means a detailed statement that defines the characteristic elements of each classification title and identifies the factors that relate to that particular classification.

"Commission" means the Workers' Compensation Commission.

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"Commissioner" means the Commissioner of the Virginia Department of Social Services.

"Compensation" means rate of pay, based upon level of work performed and supervision given or received.

"Compensation schedule and plan" means DSS' classification and pay plan for local jurisdictions. This classification and pay plan has salary grades and pay steps of intervening increments from the minimum to maximum established for each grade. Classification titles are linked to a salary grade on the schedule by use of factors for ranking and comparing positions.

"Department" means the Virginia Department of Social Services.

"DSS' DHRM" means the department's Division of Human Resources Management.

"Exempt" means not subject to the overtime provisions of the Fair Labor Standards Act.

"Jurisdiction" means the city, county, or town under which the local department is a governmental unit.

"KSA" means a knowledge, skill, or ability needed to perform a position.

"Local board" means the local board of public welfare or social services in each county and city, as provided in Article 1 (§ 63.1-38 et seq.) of Chapter 3 of Title 63.1 of the Code of Virginia.

"Local department" or "local agency" means any one of the local departments of social services or public welfare throughout the Commonwealth, as provided in Article 1 (§ 63.1-38 et seq.) of Chapter 3 of Title 63.1 of the Code of Virginia.

"Local director" means the director or superintendent of any of the local departments of social services or public welfare.

"Local hiring authority" means the local director, local board, or a designee with authorization to employ staff.

"Local jurisdiction" means any of the local cities or counties with which the local department and local board are affiliated.

"Merit system plan" means those rules and regulations promulgated by the state board in the development and operation of a system of personnel administration meeting requirements of the federal Department of Health and Human Services.

"On call" means constantly accessible to receive and respond to child protective service complaints on an emergency basis outside of the local department.

"Recruitment announcement" means the job vacancy posting that contains the position title and number along with other pertinent information, including type of position; salary; position expiration date, if applicable; special requirements or preferences, if any; a brief duties and responsibilities paragraph; entry-level knowledge, skill, and ability statements (KSAs); announcement period closing date; and mailing address.

"Recruitment announcement period" means the period of time, usually 10 workdays, during which applicants may apply for a position.

"Referral list" means the list prepared by DSS' DHRM that contains the names of applicants whom the local department may further consider in order to determine which applicants will be offered an interview.

"State board" means the Virginia Board of Social Services.

"Statewide classification plan" means DSS' statewide plan that consists of an approved number of positions. The plan lists class specifications according to class code, occupational group, effective date, salary grade, and EEO code. Local departments select applicable classes based upon need and in conjunction with prescribed standards for allocating positions.

"WCA" means the Virginia Workers' Compensation Act.

22 VAC 40-675-20. Local agency designation.

Local agencies are designated as Levels I through VI. The level assigned is determined by the number of authorized positions, which, in turn, is based upon the caseload of the local agency and the number and types of programs offered. The designations are:

LEVEL	NUMBER OF POSITIONS
I	Up to 10
II	11-20
III	21-80
IV	81-160
V	161-360
VI	361 or more

22 VAC 40-675-30. Inclusion in local jurisdiction-wide personnel plans.

A. It is the policy of the state board to allow local agency employees to be included in approved local jurisdiction-wide personnel plans instead of utilizing a local agency personnel plan.

B. Comprehensive jurisdiction-wide plans shall include classification; compensation; applicant recruitment, screening and selection; employee procedures; benefits; affirmative action; grievance procedures; standards of conduct; and employee performance evaluation.

C. Such plans must be thoroughly documented to the satisfaction of DHRM.

D. The state board must approve a jurisdiction-wide personnel plan prior to the inclusion of local agency employees in the plan.

22 VAC 40-675-40. Process for approval of local jurisdiction-wide personnel plans.

A. The following criteria are used by the state board to approve local jurisdiction-wide personnel plans:

1. The plan must be applicable to all employees of the jurisdiction with the exception of those specifically exempted.

2. The plan must provide standards, policies and rules to effectuate a merit system in accordance with federal merit system standards (5 CFR Part 900) and state policies and procedures set forth in the Local Agency Compensation Plan, revised December 1, 2000.

3. Personnel practices must be administered in accordance with these standards, policies and rules.

4. A copy of the personnel plan, including the merit system plan, the compensation and classification plans, employee relations materials, leave and attendance policies, and all other local personnel policies must be submitted to the commissioner for review prior to state board consideration.

5. The local jurisdiction's personnel plan must be in substantial conformity with the personnel standards established by the state board as applicable to local departments.

6. The commissioner and appropriate jurisdictional official must establish and agree to a periodic review of the operation of the personnel plan to assure that the plan continues to be consistent with federal and state standards.

7. The cost of administering the recruitment and selection process under the jurisdictional merit system plan must not exceed the department's cost of providing that service.

8. Proposed changes in the original documentation of the plans must be submitted for approval by the state board through DSS' DHRM prior to implementation.

9. DSS' DHRM will periodically review the approved plans. Continued authorization of a local jurisdiction-wide personnel plan will be contingent upon compliance with the self-analysis audit document.

10. The state-developed KSAs shall be used until local KSAs are fully developed.

B. A copy of the certification document, signed by the chief executive of the local jurisdiction, must be submitted along with the other documentation. The certification document signifies agreement to maintain a system of personnel administration in conformance with federal merit system standards. Such certification is required in 5 CFR 900.604, Standards for a Merit System of Personnel Administration.

22 VAC 40-675-50. Adoption of specific policies of the local jurisdiction.

A. Local boards may adopt specific local jurisdictional policies instead of using the state policies. The following local policy options may be requested on the Local Policy Request form:

1. Performance evaluation;
2. Standards of conduct;
3. Leave policies;
4. Holiday schedule;
5. Inclement weather;

6. Probationary period; or

7. Layoff.

B. Local policy options also exist for classification and compensation, affirmative action, and the grievance procedure. Requests for deviation from state policies shall be submitted consistent with the requirements of this section.

C. When the local board wants to exercise one of the allowable options, it must submit the Local Policy Request Form to the Employee Relations Manager of DSS' DHRM. DHRM will provide its analysis to the state board.

22 VAC 40-675-60. Preparation and explanation of the review process.

A. The local director shall submit an updated copy of the human resource policy record no later than October 31 of each odd-numbered year. The local director shall:

1. Indicate the city or county.
2. Check each item to indicate whether the local department follows the policy contained in the administrative manual or the local policy of the jurisdiction.
3. Date and sign the form.
4. Prepare the form in triplicate and reproduce locally using the format in the administrative manual.

B. The local department shall retain one copy and send the other two copies to the employee relations manager in DSS' DHRM.

1. DSS' DHRM will review the policy record to ensure that each local policy has been properly approved at a previous time on the Local Policy Request Form.
2. The policy record will be signed and returned to the local department as official notification of the human resource policies currently in effect.

C. When policy changes occur between normal reporting periods, they must be reported to DSS' DHRM. If the change is to request adoption of a local policy instead of a state policy, then the Local Policy Request Form must be submitted to the state board through DSS' DHRM. If a state policy is requested instead of a previously-approved local policy, state board approval must be obtained by submissions through DSS' DHRM.

PART II.

POSITION CLASSIFICATION AND COMPENSATION.

22 VAC 40-675-70. Overview of DSS' statewide classification plan.

A. The purpose of the statewide classification plan is to identify the specific job tasks that need to be performed in order to provide social services to the citizens of the Commonwealth. The statewide classification plan is organized for use throughout all local departments.

B. The statewide classification plan shall include class specifications that assign the classification title; determine the parameters of each classification, including the level and scope of responsibility; and record characteristic duties of the

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classification. All class specifications listed in the plan represent the duties and responsibilities inherent to effective local department performance.

C. The statewide classification plan shall provide for fair and equitable treatment of employees with regard to original appointment, transfer, reemployment, promotion, and demotion.

22 VAC 40-675-80. Commissioner's responsibilities.

A. The commissioner shall establish DSS' statewide classification plan, applicable to all local department positions, and shall be submitted to the state board for approval.

B. The commissioner shall maintain the statewide classification plan to ensure that it has the appropriate numbers and types of classifications to meet the divergent personnel needs of local departments.

C. The commissioner shall establish new positions and reallocate existing positions based on demonstrated needs. The commissioner may utilize a system of caseload measurement as a guide for approving and reallocating positions.

D. The state board shall approve all requests of local departments for exceptions to the statewide classification plan.

22 VAC 40-675-90. Development of DSS' statewide classification plan.

A. DSS' DHRM shall develop the statewide classification plan, which includes approved class specifications with the class code, occupational group, effective date, salary grade, and EEO code assigned to each specification.

B. DSS' DHRM shall use the position classification method to establish the statewide classification plan. DHRM shall group position descriptions that have similar kinds and levels of duties, responsibilities, and other characteristics into a class. These groupings then shall become the basis for allocating positions. Through a comparison of the position description to the class specifications, DHRM will determine the level of job function and the resulting salary.

C. DSS' DHRM shall provide written class specifications of the job classes available for local departments' classification plans. The definitions shall describe the essential nature of the work characteristics of positions of the class, and also shall contain qualification guidelines.

22 VAC 40-675-100. Maintenance of DSS' statewide classification plan.

A. DSS' DHRM shall conduct periodic reviews or statewide classification studies as part of the maintenance of the statewide classification plan. Whenever a class revision is needed, DHRM shall submit a proposal to the state board for approval.

B. DSS' DHRM shall revise an existing local department classification plan based upon the local department's needs, and shall ensure that all position allocations are made in conformance with prescribed standards for determining the

number and level of positions required in each local department.

22 VAC 40-675-110. Deviations to DSS' statewide classification plan.

Upon review and approval by the state board, exceptions to the statewide classification plan shall be permitted. A local department may be a part of an overall local jurisdictional classification system, provided minimum standards for comparable classifications are met.

22 VAC 40-675-120. Sanctions.

If a local agency does not comply with the principles and practices of the statewide classification plan, the department may withhold reimbursement to the local agency. After DSS' DHRM has notified the local agency of a misclassified position, DHRM shall report to the department's Division of Finance any findings of local positions continuing to be improperly classified.

22 VAC 40-675-130. Establishment, abolishment or allocation of positions.

A. DSS' DHRM shall allocate all positions to their appropriate classes based on assigned duties and responsibilities.

1. Whenever there is a need to establish a new position, abolish an existing position, or reallocate a position because its duties have changed substantially, the local director shall submit a Local Position Classification Request to DHRM for determination of appropriate action.

2. If DSS' DHRM staff disapprove the request, an appeal may be submitted to the department's Human Resource Director, who will review the request and either support or reverse the disapproval.

B. Types of local position classification actions.

1. Position establishment. When a local department finds it necessary to create a new position due to an increase in the workload or the implementation of a new program, a request for the establishment of one or more additional positions may be submitted for approval to DSS' DHRM. Each approval must be in accordance with program standards, workload measurement methods, and within funding and other administrative guidelines.

2. Position abolishment. When the local department no longer needs an established position, it may submit a request for the abolishment of the position to DSS' DHRM.

3. Position abolishment and establishment. When the local department's organizational requirements dictate the need for immediate changes in the duties and responsibilities of a position and there is no vacant position, the local department may submit a request to abolish a position and establish a new one in its place. After the new position is established and filled, the position vacated by the employee selected for the new position shall be abolished.

4. Position reallocation.

a. The local agency may request upward reallocation when significant changes in a position occur gradually

over time that result in higher level duties and responsibilities being performed.

b. The local agency may request a downward reallocation when changes in a position occur that result in diminished duties and responsibilities.

c. The local agency may request a lateral reallocation when changes in a position occur that result in the need for the position to be placed in another classification at the same grade level.

22 VAC 40-675-140. Organizational charts.

A. Organizational charts provide a "picture" of the local department's structure. The local agency should group occupational areas and designate each manager, supervisor, and worker within a particular area. Each class title and position number must be noted, and reporting relationships accurately indicated.

B. It is important for local departments to maintain up-to-date organizational charts.

An organizational chart must accompany every local position classification request submitted to DSS' DHRM.

22 VAC 40-675-150. Compensation.

A. With prior approval by the state board, local boards shall have flexibility in selecting rates of pay that are suitable to local situations. The range for each class shall provide a local minimum and maximum rate and intervening steps.

B. No employee may receive less than the minimum nor more than the maximum of the range applicable to the class of position held. In local agencies that deviate from the approved compensation plan, no employee may receive less than the minimum. However, an employee may receive more than the maximum.

22 VAC 40-675-160. Changes to the state compensation plan.

A. The state board shall review the state compensation plan annually.

B. Amendments to the state compensation plan shall be presented to the state board for approval. DSS' DHRM shall advise local agencies of all changes to the compensation plan and any mandates that require revision of local salaries

C. All requested position classifications must be approved prior to implementation by local agencies.

22 VAC 40-675-170. Development of the local department's schedule and compensation plan.

A. Each local department shall develop its own schedule and compensation plan annually and submit to DSS' DHRM by May 31.

1. Development generally shall occur during the budget planning cycle to become effective July 1 of each year. However, when a revision is needed during other times of the year, the local department may submit a request for the change to DSS' DHRM for analysis and for state board approval.

2. The request for a revision must be submitted at least 60 days before the meeting of the state board.

3. DSS' DHRM annually develops and provides to each local department instructions for completing the local compensation plan form. Changes to DSS' classification and pay plan for local jurisdictions are included. DHRM will notify local departments of specific time frames for the submission of the annual local compensation plan.

B. Classification titles are linked to a salary grade on the basic state compensation schedule by use of an established ranking and comparative process called the factor method.

C. The selection of salary ranges for each local classification also shall be based on consideration of a survey of salaries paid for similar or related work; the availability of qualified applicants; sources of competition from other employers in the locality; and turnover rate. The salary ranges selected must maintain the hierarchical integrity of classes within the series and the local department.

D. The local department's schedule and compensation plan shall include a listing of all classification titles and complete salary ranges and grades. Development of the local compensation schedule shall ensure internal equity in terms of starting steps. The salary ranges shall contain sufficient length to ensure that the steps are relevant, and consider initial, intermediate, and maximum steps that maintain competitiveness.

E. Each local department's annual compensation plan shall include a procedure for awarding salary increments, conversions, merit increases, special compensation for child protective service work, and any other type of approved increases. Salary determinations shall be rendered in a fair and consistent manner to ensure equal pay for equal work.

F. Types of salary actions.

1. Appointment. All employees must be paid at least the minimum basic state compensation rate for their classification. With approval from DSS' DHRM, rate flexibility is permitted. The following two options apply uniformly to probationary, transfer, reemployment, and temporary employees:

a. Related field. A candidate who possesses KSAs in a field related to the position to which he is being appointed may be offered a salary that is at or below the midpoint of the salary range.

b. Same field. A candidate who possesses exceptional KSAs in the same field as the position to which he is being appointed may be offered a salary that is at any step of the local salary range.

2. Completion of the probationary period. A salary increase may be awarded upon successful completion of the probationary period. The local department establishes the length of the probationary period, which may be either six or 12 months. Probationary increases must be documented in the local compensation plan.

3. Promotion. A promotional increase may be awarded as a result of competitive attainment of a position or an upward

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reallocation. The local agency must pay a promoted employee at a step that provides a pay increase to at least the minimum step of the local range for the classification. The local department may use a range of 3.0% to 10% for the promotional increase. The exact percentage must be included in the local compensation plan. Each promotional increase must be applied consistently throughout the fiscal year to ensure equitable treatment of all employees.

4. Merit increase. A plan for awarding a merit increase must define the criteria for approving the salary increase and the interval of time between each award period. All merit increases shall be based upon a predetermined schedule as part of the local compensation plan. A merit increase shall not be automatically awarded, but shall be granted in recognition of meritorious performance. No other increase given on the same day may take the place of a merit increase.

a. Local departments may award a merit increase under one of the two following options: one merit increase date applies to all employees; or the merit increase is awarded in recognition of the anniversary date of either the date of initial employment, the date of the most recent promotion, the date of attainment of permanent status, or the date six months from the date of promotion.

b. The effective date of a merit increase may be either the first day of the month following the anniversary date, the first day of the month when the anniversary date falls on the first through the 14th day of the month, and the 15th day of the month when the anniversary date falls on the 15th through the 31st day of the month; or the 15th day of the month when the anniversary date falls on the first through the 15th day of the month, and the first day of the next month when the anniversary date falls on the 16th through the 31st day of the month.

c. The local compensation plan must describe in full detail any other variations and agency-unique methods for setting anniversary and merit increase dates uniformly in the local department. DHRM will consider exceptions, provided reasons are submitted in a written request by the local department.

5. Cost-of-living increase. When conditions warrant a salary increase in order to correlate the salary with cost-of-living changes, the local department must grant the increase to all its employees. If the cost-of-living option is selected, it must be clearly stated in the compensation schedule. A cost-of-living increase is separate and apart from any other salary increase.

G. Range revisions. When warranted, a local department may adjust salary ranges upward or downward. Methods include:

1. Step-for-step increase. This method places the salary at the same step of the new range as the employee's step on the former range. For every step increase in the range minimum, there is a corresponding step increase in the employee's salary.

2. No increase. This method changes the salary range. However, the salary of the employee remains the same, except that an employee's salary may not fall below the

minimum step of the new salary range. A salary below the minimum of the new salary grade must be adjusted to the new minimum step.

3. Downward revision. This method results in a new range where the revised first step is below the first step of the former range. In no case may a salary range maximum drop below an employee's current salary.

H. Demotion salary rates. The three types of demotion salary rates are:

1. Demotion in lieu of layoff due to a reduction in force. When an employee is moved to a lower classification and grade within the agency due to a reduction in force because of economic reasons, his salary rate shall remain the same, if feasible. If not, the salary shall be adjusted to the closest comparable rate of pay.

2. Demotion due to redefinition. When an employee is in a position that is redefined to a lower classification and grade, the employee's salary rate shall remain the same. If the employee's salary is above the maximum for the new classification, the salary shall be frozen until the range is revised and the salary steps allow for increases in accordance with local department policy.

3. Other types of demotion. If an employee elects a voluntary demotion within the same agency, or if the employee's performance is not acceptable, the new salary shall not be higher than the rate of pay prior to the demotion.

I. Title change salary rate. When an employee's title changes, his salary shall remain the same unless the employee's rate of pay is above or below the local department's approved range for the new classification. An employee must receive at least the minimum rate of the new salary range. If the employee's salary prior to the title change is above the new salary range, it must be reduced to the highest step of the local department's approved range for the new classification.

22 VAC 40-675-180. Compensation for child protective service workers.

A. The state compensation plan shall provide compensation for employees performing duties associated with child protective services after normal work hours. Such compensation shall provide for on-call duty, direct door-to-door services, and back-up duty.

B. Employees who perform child protective services must be knowledgeable about child protective services policy and they shall have completed appropriate training.

C. Covered employees shall include those with the following classifications:

1. Administrative support classes, including directors, assistant directors, and chief social work supervisors.

2. Service program supervision classes, including social work supervisors and senior social work supervisors.

3. Service program staff classes, including principal social workers, senior social workers, child protective services workers I and II, and generic intake workers.

D. Child protective services compensation plan.

1. Each local department must file, edit, and revise its plan for compensating child protective services workers after normal work hours. This plan shall be a part of the annual compensation plan submitted to DHRM for review and approval. The department's reimbursements shall be limited to the applicable maximums allowed. However, the local department payment may be made from 100% local-only funds above the state maximum.

2. When an employee is compensated in the form of compensatory time or overtime compensatory time, a maximum of 240 hours may be accrued. Any compensatory leave earned under this plan must be used within a 12-month period.

3. Compensation for on-call duty. At all times, 24 hours a day, seven days a week, each local department must assign staff to provide coverage outside of normal work hours. One staff member must be on-call. The local department's board shall determine the type of compensation to be given to an employee for on-call duty served in addition to the employee's regular work week. To ensure that the on-call employee is compensated appropriately, each local department must include an on-call policy in the local compensation policies submitted to DHRM. The local department must select one of three options:

a. Option 1. An on-call employee shall receive compensation of up to a maximum of one hour of compensatory time per each eight-hour shift of on-call duty.

b. Option 2. An on-call employee shall receive compensation of up to a maximum of \$7.00 per each eight-hour shift of on-call duty.

c. Option 3. At the discretion of the local director, an on-call employee shall receive compensation of either up to a maximum of one hour of compensatory time per each eight-hour shift of on-call duty or up to a maximum of \$7.00 per each eight-hour shift of on-call duty. The amount of time and money must be designated in local compensation policies.

4. Compensation for door-to-door direct service.

a. The local board shall determine how to compensate employees who provide door-to-door direct service for the protection of children.

b. To ensure that employees are compensated appropriately, each local department must include a door-to-door direct service policy in the local compensation plan submitted to DSS' DHRM.

(1) For employees who are exempt from the Fair Labor Standards Act, or nonexempt employees who work less than 40 hours per week, the local department must select either Option 1, 2 or 3.

(a) Option 1. An employee providing door-to-door direct service shall receive compensation of the regular salary rate for each hour worked in the field.

(b) Option 2. An employee providing door-to-door direct service shall receive compensation of one hour of compensatory time for each hour worked in the field.

(c) Option 3. At the discretion of the local director, an employee who provides door-to-door direct service shall receive compensation of either the employee's regular hourly rate of pay or one hour of compensatory time for each hour worked in the field. When determining which form of compensation is appropriate, factors such as funding constraints, staff coverage needs, and leave balances may be taken into consideration by the local director.

(2) For nonexempt employees who work more than 40 hours per week, either Option 4, 5, or 6 must be selected.

(a) Option 4. The employee shall be paid the overtime salary rate (one and one-half times the employee's regular hourly rate) for each hour worked more than 40 hours.

(b) Option 5. The employee shall receive overtime compensatory time (one and one-half hours of leave time) for each hour worked more than 40 hours.

(c) Option 6. At the discretion of the local director, an employee shall receive compensation of either the overtime salary rate (one and one-half times the employee's regular hourly rate) or overtime compensatory time (one and one-half hours of leave time) for each hour worked more than 40 hours.

(3) In order to offer overtime compensatory time instead of overtime pay, the local department and the employee must agree on the option selected before the actual assignment is performed. If the local department decides to pay off compensatory leave or overtime compensatory leave balances, the payment must be calculated using the employee's current regular hourly rate of pay on the date that the payoff occurs. When an employee leaves the local department, these balances must be paid off.

c. Compensation for back-up duty.

(1) Back-up duty is defined as those times when an employee receives calls only because the on-call employee is unavailable.

(2) Employees serving back-up duty are not eligible for payment while assigned such duty. However, if a back-up worker is required to perform door-to-door service as a back-up to an on-call worker, then the back-up worker shall be entitled to compensation. Payment shall be made or compensatory time granted in accordance with the same procedure for compensating an employee who provides door-to-door direct service.

d. Compensation for provision of 24-hour child protective services by the local director and supervisory staff.

(1) The local board shall determine if the local director will be one of the employees designated to provide 24-

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hour direct child protective services. If designated, the local director shall be entitled to the same compensation provided to other employees who provide the service.

(2) Compensation for the provision of on-call and door-to-door direct services provided by the local director and supervisory staff in the capacity of assisting social workers in the delivery of door-to-door direct services shall be in accordance with the local compensation plan.

22 VAC 40-675-190. Other local compensation issues.

A. Local-only reimbursement when the local director serves as the local board. In localities where the governing body has elected to have a director of social services instead of a local board and has vested the duties and responsibilities of a local board in the director position, the amount that would otherwise be paid to board members for their services shall be a nonreimbursable portion of the director's annual salary.

B. Reimbursement for overtime. Provisions shall be made by the commissioner for overtime and compensatory time. Reimbursement shall be made for overtime worked in accordance with the Fair Labor Standards Act (29 USC §§ 201-219) and the local department designation of nonexempt employees. The reimbursement shall be up to the reimbursable maximum of the applicable position classification. Local departments with approved deviating compensation plans also will be reimbursed up to the maximum of the applicable position classification. When the local deviating maximum exceeds the state reimbursable maximum, local-only funds shall be used to compensate for overtime.

C. The commissioner shall make provisions for paying employees acting in the capacity of a higher level position (see 22 VAC 40-675-300).

D. As specified in 22 VAC 40-675-290, reimbursements shall be made for absences that result from the closing of local departments' operations because of inclement weather conditions.

22 VAC 40-675-200. Maintenance of the local compensation schedule and plan.

Maintenance of the local compensation plan is the shared responsibility of the local board, the local director, the department, and DSS' DHRM.

1. The local board shall be responsible for approval and adoption of the local compensation schedule and plan.
2. The local director shall be responsible for granting salary increases in accordance with the local plan.
3. The state board shall be responsible for the overall approval of the statewide compensation plan.
4. DHRM shall be responsible for analysis of local compensation plans.

22 VAC 40-675-210. Sanctions.

Actions taken by the local department are subject to review and audit through payroll records to determine conformity to

compensation plans and schedules. When the department finds that noncompliance or inappropriate actions have occurred, sanctions may be imposed or reimbursement of funds withheld until such time as deemed necessary for the proper administration of the local compensation plan.

22 VAC 40-675-220. Deviation from the basic state classification or compensation plan.

A. As specified in 22 VAC 40-675-50, the state board may approve local department classification and compensation plans that apply to all governmental employees within a particular jurisdiction.

B. Such state board-approved plans, known as "deviations," may include classification and compensation, or compensation only.

C. The state board may allow an exception to the classification policy, which provides that all local social services positions fall under DSS' statewide classification plan.

1. An exception will be approved only when the local department's plan is part of a comprehensive classification plan applicable to all employees in the local jurisdiction.
2. The local jurisdiction-wide plan must be approved by the state board as being in substantial conformity with the policies and procedures of the statewide classification plan.
3. The local departments will be required to use the validation procedures set forth under the policy section for certification of applicants to establish the KSAs for each classification that differs from the state class equivalent.

D. Process for requesting approval to deviate from the basic plan.

1. While the state board encourages localities to use DSS' basic state classification and compensation plans, exceptions may be approved. When it is beneficial to a jurisdiction for a local department to deviate from those plans, a written request for deviation may be submitted. As part of this process, the following conditions must exist:

- a. DSS' basic state classification or basic compensation plan does not meet the needs of the local department. The unmet needs must be identified.
- b. Other circumstances make use of the basic state classification or compensation plan impractical. Reasons for the impracticality must be provided.

2. When submitting a deviation request, the local jurisdiction must provide the following documentation, depending upon the type of request:

- a. Initial classification and compensation deviation request or classification-only deviation request.

(1) A written request must be submitted to DSS' DHRM 60 days before the meeting of the state board. A plan for implementing the change must be provided.

(2) The plan must explain how employees' class specifications and salaries will be used to convert

positions and employees from the current plan to the proposed new one.

(3) All applicable class specifications must be provided. If any class specifications contain requirements beyond the specifications comparable to the basic state classification plan, then the title, class concept, distinguishing features, and duties or responsibilities must be included.

(4) A list of all locality classifications and their salary grades and ranges must be submitted to DSS' DHRM.

(5) All present and proposed salary ranges, a plan for implementing the new salary ranges, and an estimate of the cost of making the changes must be submitted to DSS' DHRM. The new schedule must be submitted at least 45 days before the implementation date. All salary minimums must be as high as those in the basic state compensation plan. Any other rules pertaining to how salaries are to be set and revised should be included.

(6) Applicable portions of Parts A and B of the Self-Analysis Audit Questionnaire must be completed and submitted.

(7) Any study documents or reports indicating how conclusions were reached must be submitted. Also, a statement as to how the locality designates equivalent job classes must be provided.

(8) Other items to be submitted included promotion and demotion policies and the plan for compensating employees whose class specification falls in the child protective services series.

b. Initial compensation-only deviation request.

(1) Local departments must submit a written request to DSS' DHRM 60 days before the meeting of the state board. A plan for implementing the change must be provided. The plan must explain how employees' class specifications and salaries will be used to convert positions and employees from the current plan to the proposed new one.

(2) All present and proposed salary ranges, a plan for implementing the new salary ranges, and an estimate of the cost of making the changes must be submitted to DSS' DHRM. The new schedule must be submitted at least 45 days before the implementation date. All salary minimums must be as high as those in the basic state compensation plan.

(3) Applicable portions of Part B of the Self-Analysis Audit Questionnaire must be completed and submitted.

(4) Other items to be submitted included promotion and demotion policies and the plan for compensating employees whose class specification fall in the child protective services series.

c. Subsequent classification and compensation deviation request and jurisdiction-wide deviation request.

(1) A written request must be submitted to DSS' DHRM 60 days before the meeting of the state board. A plan

for implementing the change must be provided. The plan must explain how employees' class specifications and salaries will be used to convert positions and employees from the current plan to the proposed new one.

(2) All applicable class specifications must be provided. If any class specifications contain requirements beyond the specifications comparable to DSS' basic state classification plan, then the title, class concept, distinguishing features, and duties and responsibilities must be included.

(3) A list of all locality classifications and their salary grades and ranges must be included.

(4) All present and proposed salary ranges, a plan for implementing the revised salary ranges, and an estimate of the cost of making the changes also must be submitted to DSS' DHRM. The revised schedule must be submitted at least 45 days before the implementation date. All salary minimums must be as high as those in DSS' basic state compensation plan.

(5) Any study documents or reports indicating how conclusions were reached must be submitted. Also, a statement as to how the locality designates equivalent job classes must be provided.

d. Subsequent classification-only deviation request.

(1) A written request must be submitted to DSS' DHRM 60 days before the meeting of the state board. A plan for implementing the change must be provided. The plan must explain how employees' class specifications and salaries will be used to convert positions and employees from the current plan to the proposed new one.

(2) All applicable class specifications must be provided. If any class specifications contain requirements beyond the specifications comparable to the basic state classification plan, then the title, class concept, distinguishing features, and duties and responsibilities must be included.

(3) A list of all locality classifications and their salary grades and ranges must be included.

(4) Any study documents or reports indicating how conclusions were reached also must be submitted. In addition, a statement as to how the locality designates equivalent job classes must be provided.

e. Subsequent compensation-only deviation request.

(1) A written request must be submitted 60 days before the meeting of the state board. A plan for implementing the change must be provided. The plan must explain how employees' class specifications and salaries will be used to convert positions and employees from the current plan to the proposed new one.

(2) All present and proposed salary ranges, a plan for implementing the revised salary ranges, and an estimate of the cost of making the changes must be submitted to DSS' DHRM. The revised schedule must

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be submitted at least 45 days prior to the implementation date. All salary minimums must be as high as those in the basic state compensation plan.

(3) Other items to be submitted included promotion and demotion policies and the plan for compensating employees whose class specification falls in the child protective services series.

3. Validation of KSAs. The locality is responsible for validating the entry-level and full-performance KSAs for all deviating class specifications. Entry-level KSAs are the desired or required qualifications for entry into a position. An applicant for employment may acquire entry-level KSAs through education, experience, or training. Entry-level KSAs are used in recruitment advertisements. Full performance KSAs provide a clear indication of what is needed in order to function fully in a position.

C. Evaluation and approval of deviation requests.

1. Upon receipt of all required documentation, DSS' DHRM staff will review and evaluate the deviation request. The local department shall not implement a new deviation or make changes to an existing deviation plan with prior approval of DHRM.

a. As part of the evaluation process, DHRM will compare the proposed class specifications to existing state classifications.

b. DHRM also will determine equivalent salary ranges on which reimbursements will be based. Any decision about salary range placement shall rest with DHRM.

c. When necessary, DHRM staff will meet with the jurisdictional employee responsible for coordinating information with DHRM. Meetings also may be held with consultants, human resource officers, local directors, and independent contractors.

2. One of the primary factors considered by DSS' DHRM when deciding whether or not to approve the local department's deviation request is the local jurisdiction's ability to provide support services. There should be a designated human resource office with the capability of reviewing, revising, and maintaining adequate systems that will enable operations to function smoothly and equitably and to be responsive to the needs of the local jurisdiction.

3. If the evaluation is favorable, then DHRM shall submit a recommendation for approval to DSS' state board, who shall render a decision.

a. The state board reserves the right to disapprove any proposed actions that are incongruent with the policies and procedures that protect all local employees for whom the Commonwealth has responsibility.

b. If a deviation request is approved, all salary ranges for reimbursement purposes shall be limited to the maximum of the state applicable range for the comparable classification. In no case shall a local department be allowed to compensate any employee below the minimum salary rate for any class of position. However, the locality

may use local-only funds to compensate employees above the maximum range.

D. Financial responsibility. The locality must absorb all costs associated with a compensation-related deviation. Additional state funds will not be available for these purposes. Requests for the allocation of additional funding during the budget cycle will not be approved.

PART III.

RECRUITMENT, SCREENING AND SELECTION OF LOCAL AGENCY EMPLOYEES.

22 VAC 40-675-230. General hiring provisions.

A. The commissioner shall determine the application process and employment forms to be used by all applicants for original appointment, promotion, demotion, transfer, and reemployment.

B. The state board places the responsibility of the final selection process with the local director and local board.

1. Selection decisions made by the local agency shall be objective, consistent with agency Equal Employment and Affirmative Action Plans, and directly based on the applicants' possession of job-related KSAs.

2. Selection decisions shall be thoroughly documented. Such documentation shall be retained by the local agency for a period of 36 months. All original applications will be returned to DSS' DHRM.

C. Appointments to fill positions in local departments shall be made on the basis of merit and fitness in accordance with merit principles. Original, temporary, seasonal, and reemployment appointments shall be made from a list of eligible candidates developed according to the federal Merit System Standards.

22 VAC 40-675-240. Applicant recruitment.

Local agencies may conduct open, intra-agency, inter-agency, jurisdictional, and limited recruitment.

1. Open recruitment means recruitment is open to all applicants. The local department or DSS' DHRM may prepare open recruitment announcements. When underutilization of minorities and females exists in the EEO-4 category of the position to be filled, DHRM must prepare the open recruitment announcement.

2. Intra-agency recruitment means recruitment is limited to current permanent, probationary, restricted, and temporary employees of the local department where the vacancy exists. Intra-agency recruitment may be used only if underutilization of minorities and females does not exist in the EEO-4 category of the position to be filled. The local department must prepare intra-agency recruitment announcements.

3. Inter-agency recruitment means recruitment is limited to current permanent, probationary, restricted, and temporary employees of the department and local departments in Virginia. Inter-agency recruitment may be used only if underutilization of minorities and females does not exist in the EEO-4 category of the position to be filled. Inter-agency

recruitment announcements must be prepared by DSS' DHRM.

4. Jurisdictional recruitment means recruitment is limited to current permanent or probationary employees of the city, town, or county government of which the local department is a governmental unit. Jurisdictional recruitment may be used only if underutilization of minorities and females does not exist in the EEO-4 category of the position to be filled. The local department must prepare jurisdictional recruitment announcements.

5. Limited recruitment means recruitment is limited to permanent or probationary employees of either a specific unit or a classification of the local department to prevent lay-off of an employee due to the abolishment and establishment of a position. Limited recruitment announcements must be prepared by the local department.

22 VAC 40-675-250. Preliminary screening and selection.

DSS' DHRM provides preferential processing when the local hiring authority selects the preliminary screening option over the complete screening option. If preliminary screening is selected:

1. DHRM shall screen all applications received in response to the recruitment announcement.
2. DHRM shall send a list of the names of all applicants who meet or exceed the minimum required or desired qualifications for the position and their applications to the local hiring authority for further evaluation.
3. Using the same criteria that the DHRM evaluator used, the local hiring authority shall determine which applicants will be offered an interview.
4. As a safeguard, DHRM reserves the right to monitor the local hiring authority's evaluation of applications. If it is determined that a local hiring authority's actions are not in compliance with acceptable evaluation practices, DHRM may withdraw the preliminary screening option.
5. An interview panel or the local hiring authority or both shall conduct the interviews.
6. After concluding the interviews and selecting an individual for the position, the local hiring authority shall send written notification of application status to all applicants whose names were on the referral list.
7. The local hiring authority shall indicate the disposition by each applicant's name on the referral list, and shall return the list and all applications to DHRM.

22 VAC 40-675-260. Evaluation guidelines for employment applications.

The following guidelines are to be applied by local hiring authorities who elect to use the preliminary screening option:

1. DSS' DHRM staff will first review all applications for employment received by the closing date of the recruitment announcement period. Criteria for the review are the duties and responsibilities paragraph of the recruitment announcement, entry-level KSAs, and special or preferred qualifications information. Upon completion of the review, a

referral list containing the name of all applicants whose qualifications meet or exceed the minimum requirements for the position and their applications are sent to the local hiring authority.

2. Next, the local hiring authority evaluates the applications of all applicants listed on the referral list to determine which applicants to interview for the position. To conduct this review with consistency, the evaluator should follow these steps:

- a. Prepare an evaluation work sheet containing the names of all applicants and a place for the evaluation rating and notes.
- b. Carefully review the duties and responsibilities paragraph, the KSAs, and special requirements or preferences, if any, listed on the recruitment announcement. Review the current position description, if additional information is desired.
- c. Keeping in mind the information on the recruitment announcement read each application and all attachments. Although it is natural for some subjectivity to occur, strive to evaluate each applicant's qualifications in an objective manner. Using the information posted on the recruitment announcement, determine which applicants' overall qualifications most closely match the duties, responsibilities, KSAs, and special requirements or preferences. Consider the type, level, recency, duration, and relatedness to the position of all experience, education, and training. On the work sheet, circle "1" if qualifications are average, "2" if qualifications are above average, and "3" if qualifications are excellent.
- d. Upon completion of the initial evaluation, determine if there is a sufficient number of applicants who received a "3" rating to form an interview group. Whenever possible, no fewer than five or more than 20 applicants should be interviewed for a position. When two or more positions are announced together, 20 applicants should be a sufficient number from which to make hiring selections.
- e. If the number of applicants assigned a "3" rating is small, then conduct a second review of the applicants who received a "2" rating. The strongest of those applicants may be merged with the applicants rated "3" to form the interview groups. Place a plus sign (+) by those applicants' "2" rating to indicate this action. If the number of applicants to be interviewed is still small, then all applicants who received a "2" or "3" rating may be interviewed. If there are few applicants who received a "2" or "3" rating, then a second review of the applicants rated "1" may be conducted to determine if any of the strongest of that group should be added to the interview group. Place a plus sign (+) by those applicants' "1" rating to indicate this action.
- f. The hiring authority will be held accountable for ensuring that a fair evaluation is afforded each referred applicant.

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PART IV. EMPLOYMENT STATUS AND BENEFITS.

22 VAC 40-675-270. Employee status in the merit system plan.

Merit status defines the employee's permanency in the system as it relates to benefits and the use of grievance policies. The types of employee status included in the merit system plan are probationary, permanent, restricted, temporary, emergency, and exempt.

1. Employees who fill a permanent or restricted position serve a probationary period. This includes new employees, employees who transfer to a new local agency to fill a permanent or restricted position, and those re-employed to fill a permanent or restricted position following more than a 30-day break in service.

a. Probationary employees are eligible for agency benefits such as leave, holidays and insurance. They usually may not use the grievance procedure. Likewise, standards of conduct normally are not used to deal with disciplinary problems.

b. The failure of a probationary employee to meet conduct and performance standards is grounds for immediate removal.

2. A permanent position has an indefinite duration with no expiration date. Depending upon circumstances, the permanent position may be filled by an employee whose status is probationary, permanent, temporary, or emergency.

3. A restricted position is set up for a specific time period. Due to funding or other requirements, the position shall expire on a specified date. As with a permanent position, a restricted position may be filled by an employee whose status is probationary, permanent, temporary, or emergency.

4. A temporary position is established to meet a special need of the local department. The duration of a temporary position may not exceed twelve months. Only an employee whose status is temporary or emergency may fill this type of position.

a. A seasonal position is a special category of temporary position.

b. A seasonal position is utilized to provide additional staffing for predictable periods or cycles during the year when there is a need for extra employees.

5. An emergency position is set up without regard to standard policy for the purpose of meeting special, immediate needs of the local department. An emergency position shall be filled only by an employee whose status is emergency.

6. An exempt position is one that is not subject to the provisions of the Fair Labor Standards Act (29 USC §§ 201-219). Exempt positions may be filled by employees of all the statuses described in this section.

22 VAC 40-675-280. Categories of employment.

The state board has established categories of employment and the terms and conditions of each. Employment categories include permanent employees, temporary employees, and emergency employees.

1. Permanent employees are those who fill positions listed in the local compensation plan. They have successfully passed the probationary period.

a. Tenure of employment. Any employee covered by the administrative manual has no guarantee of employment for a particular term and may be terminated in accordance with policy.

b. Compensation. Compensation must be at one of the pay steps of the salary grade to which an employee's position is assigned. Compensation is determined by the approved local compensation plan.

c. Benefits. A permanent employee is entitled to:

(1) Accumulate and use paid leave and to take unpaid leave as specified in the administrative manual;

(2) If full-time, participate in the local department's benefits plans and receive benefits accorded by the Virginia Workers' Compensation Act (Chapter 1 (§ 65.2-100 et seq.) of Title 65.2 of the Code of Virginia).

d. Grievance procedure. Permanent employees are entitled to use the employee grievance procedure as outlined in the administrative manual.

e. Human resource management policies. The human resource management policies promulgated by the state board apply.

2. Temporary employees are those who fit the description in 22 VAC 40-675-270.

a. Tenure of employment. A temporary employee has no guarantee of employment or a particular term, and may be terminated in accordance with policy.

b. Compensation. Compensation must be at one of the pay steps of the salary grade to which an employee's position is assigned, and is determined by the approved local compensation plan.

c. Benefits are determined by the approved local compensation plan.

d. The grievance procedure is typically not available to a temporary employee.

e. The human resource management policies promulgated by the state board apply.

3. Emergency employees are those who meet the description in 22 VAC 40-675-270.

a. Tenure of employment.

(1) An emergency employee has no guarantee of employment for a particular term, serves at the

pleasure of the appointing authority, and may be terminated at any time.

(2) A wage employee is limited to working 180 days per 365-day time frame from the first day of employment. Once an employee has reached the 180-day maximum, the employee may not be permitted to work again in the local department until the 365-day period has expired.

(3) Any exceptions to the 180-day limit must be approved by DSS' Human Resource Director Senior.

(4) Rehiring an emergency employee during the same 365-day period in which he already worked the maximum 180 days is expressly prohibited unless an exception has been granted.

(5) Once an emergency employee has completed 180 days within the 365-day period, the next 365-day period shall be calculated beginning with the employee's subsequent date of rehire.

(6) Local departments shall maintain accurate documentation of the hours worked by emergency employees.

b. Compensation.

(1) An emergency employee shall be paid only for the actual hours worked; therefore, a record of the hours worked must be maintained on each emergency employee.

(2) Compensation must be at one of the pay steps of the salary grade to which an employee's position is assigned.

(3) Compensation is determined by the approved local compensation plan.

(4) An emergency employee shall be considered nonexempt for the purpose of application of the Fair Labor Standards Act (29 USC §§ 201-219).

c. Benefits. An emergency employee is not entitled to the same benefits listed for a classified or temporary worker, except that an emergency employee:

(1) Is covered by the WCA;

(2) Shall be allowed family and medical leave without pay for family and medical reasons; and

(3) Shall be allowed military leave without pay for service in reserve components. When an emergency employee enters active military service, reemployment will be granted under the terms provided for in the Veterans' Reemployment Rights Act.

d. The grievance procedure typically is not available to an emergency employee.

e. Human resource management policies. The human resource management policies promulgated by the state board apply.

f. Application for full- or part-time employment. An emergency employee may apply for full- or part-time positions. If hired into a classified or temporary position,

the employee shall not receive service credit for any period of emergency employment.

22 VAC 40-675-290. Reimbursement to local departments for benefits paid to employees.

A. The state board provides reimbursement for the following benefits: retirement; group life, accidental death and dismemberment insurance; health insurance; unemployment compensation; worker's compensation and OASDI contributions as defined in the applicable rules for this policy.

B. The state board also reimburses local agencies for time not worked due to authorized sick, vacation, and holiday leave, as well as the closing of local departments' operations because of inclement weather conditions.

C. Reimbursement for the local jurisdiction's attendance and leave policies, as well as any other policies that affect the employee's salary, shall be limited to the amounts covered by applicable federal and state policies.

22 VAC 40-675-300. Status changes.

Employees can be moved to different positions through promotion, demotion, lateral transfer or title change or the position they occupy can be redefined to another classification. The objective of the state board is to have all employee changes of status documented through system transactions. This section applies to full-time and part-time classified (permanent), restricted, and temporary employees.

1. Promotion.

a. Status change. An employee may move from a position in one salary grade into a higher salary grade only after being selected for the higher position through the competitive process.

b. Compensation. Upon promotion, the employee will receive salary increases to the minimum of the new salary grade or according to the approved local compensation plan for the locality.

2. Demotion.

a. Status change. Demotion is the reassignment of an employee to a new position in a lower salary grade than the grade of the current or former position.

b. Compensation. An employee may not receive an increase upon demotion and the salary will be determined according to the approved local compensation plan for the locality.

3. Lateral transfer.

a. Status change. This status change occurs when an employee is placed in a position in the same salary grade as his former position. Lateral transfers do not apply to employees transferring into the local agency from other local departments.

b. Compensation. The employee's compensation may not change as the result of a lateral transfer.

4. In-charge assignments.

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a. *Status change.* An in-charge assignment is used for brief absences of individuals occupying upper management level positions. The employee in-charge still maintains responsibility for his current job.

b. *Compensation.* An employee who is designated as in-charge shall receive a 10-step increase above the current rate of pay.

5. Temporary acting assignment.

a. Status change.

(1) A temporary acting assignment is used for an extended period of absence or for the beginning of a new program. The employee must be deemed qualified to perform the duties of the temporary acting position by DSS' DHRM.

(2) During a temporary acting assignment, the employee stops current job duties to function full- or part-time in the other position and classification for a specified period of time.

(3) At the conclusion of the temporary acting assignment, the employee shall be returned to the rate of pay that would have been earned, had the assignment not been taken.

b. *Compensation.* An employee assigned to an acting position may receive acting pay in accordance with the approved local compensation plan.

6. Redefinition.

a. *Status change.* The change in the classification assignment of a position as a result of a gradual change in the duties of the position is termed a redefinition. The employee in a redefined position shall not be required to compete with other applicants for the new classification.

b. *Compensation.* The employee's salary will be determined according to the approved local compensation plan.

7. Title change.

a. *Status change.* A title change is the change of an employee from one position classification to another classification having the same salary grade on the state compensation schedule. The employee shall compete with other applicants for the new position, or may be changed as the result of a disciplinary action or application of the layoff policy.

b. *Compensation.* The employee's current rate of pay will remain the same unless:

(1) The rate is below the local minimum, in which case it must be increased to the new minimum and no higher; or

(2) The rate is above the locally approved range, in which case it will be reduced to the highest step of the appropriate local range.

22 VAC 40-675-310. Termination or separation from local service.

A. It is the objective of the state board to identify the types of separation from local service and their related procedures, and to advise terminating employees of benefits to which they may be entitled. This section applies to classified and temporary positions, including both full-time and part-time employees.

B. The local board or other appointing authority subject to the merit system plan shall ensure that employees are separated in accordance with established procedures. Employees who have acquired permanent status shall not be separated except for cause, curtailment of work or lack of funding for the position. Kinds of separation include resignation, retirement, dismissal, reduction in force, and death.

1. Resignation.

a. *Advance notice of voluntary resignation.* An employee who plans to resign from local service should give reasonable notice to the agency along with a written explanation for the resignation. An employee's failure to give the agency reasonable notice of resignation may be documented on the employee's termination report.

(1) *Withdrawal of voluntary resignation.* An employee who wishes to withdraw a resignation must submit a written request to withdraw the resignation no later than one month after the effective date of the proposed resignation and the position must still be vacant.

(2) The local board or designee must approve the continuation of the employee in the position as though the resignation had not been filed.

b. *Involuntary resignation.* A separation that is reported as a resignation but then is found to have been involuntary shall be treated as a dismissal.

2. Retirement.

a. There is no mandatory retirement age for employees.

b. *Disability retirement.* Local department employees may retire on disability under the provisions of their local retirement system.

c. *Early retirement.* Local department employees may elect early retirement under the provisions of their local retirement system.

d. *Retirement as an alternative when an employee is unable to perform the duties and responsibilities of the position.*

(1) If an employee becomes mentally or physically incapable of performing the job, and there is no reasonable accommodation, including transfer or demotion to another position that will enable the employee to perform the job, the agency may require the employee to apply for disability or early retirement.

(2) If an employee declines disability or early retirement, the agency may apply disciplinary measures to address unsatisfactory performance.

3. *Dismissal.* Dismissal is an employee's involuntary termination from local service, but does not include termination as a result of layoff.

4. *Reduction-in-force.* When an employee is removed from his position as a result of reduction-in-force or agency reorganization, the established layoff policy will apply.

5. *Death in service.* The death of an employee shall be indicated as "deceased" on all documentation of separation from service.

C. *Payment for accrued leave upon termination or separation.* Covered employees separating from local service may be entitled to receive payments for accrued annual, sick, compensatory, and overtime leave, in accordance with approved leave policies.

D. *Recording the date of termination or separation.*

1. *Employee not on leave.* The termination report of an active employee shall state the separation date as the last day the employee worked and shall include any amounts to be paid for accrued leave.

2. *Employee on leave.* The termination report of an employee on leave shall state the separation date as the last day that the employee was at work, except that, for an employee on leave due to illness or disability, the separation date shall be stated as the last day of paid leave.

22 VAC 40-675-320. Workers' compensation.

A. All local employees receive benefits provided by the WCA if they suffer a work-related injury or disease. Covered employees who are entitled to benefits under the WCA also are eligible for supplemental benefits provided by the locality.

B. This section's provisions regarding benefits required by the WCA applies to all employees. The provisions regarding supplemental benefits apply only to full- and part-time classified and temporary employees.

C. This section does not describe the benefits to which all employees are entitled under the WCA, but is limited to describing the supplemental benefits provided to classified and temporary employees.

D. *Types of injuries under the WCA:*

1. *Accidents.* In order to be covered, an "accident" must:

- a. Occur at work or during a work-related function;
- b. Be caused by a specific work activity; and
- c. Happen suddenly at a specific time. (Injuries incurred gradually or from repetitive trauma are not covered, although diseases caused by repetitive trauma are covered.)

2. *Diseases.* In order to be covered, a "disease" must:

- a. Be caused by work; and
- b. Not be a disease of the back, neck, or spinal column.

E. The local department must pay the following benefits under the WCA:

1. *Wage replacement (temporary total or partial).*

a. While temporarily unable to perform any work, an employee is entitled to 2/3 of the gross average weekly wage up to a set maximum weekly limit.

b. Seven days of disability must transpire before benefits are payable. However, if disabled for more than three weeks, the employee will receive payment for the first seven days.

c. Benefits cannot exceed five hundred weeks unless the employee is totally and permanently disabled.

d. If the injured employee cannot return to regular work and is given a light duty job at a lower wage, benefits are two-thirds of the difference between the preinjury wage and the current pay, up to the maximum weekly limit.

2. *Lifetime medical benefits.*

a. Medical expenses for conditions caused by the accident or occupational disease are payable for as long as necessary, provided a claim was filed by the employee within the required time period.

b. The employee must select a doctor from a panel of three physicians provided by the employer or carrier. If a panel is not offered after notice of the accident, the employee may seek treatment from any physician. The treating physician may refer the employee to other doctors. Once treatment begins, the physician cannot be changed without approval of the employer or carrier or after a hearing by the commission.

c. The employee must cooperate with medical treatment or the weekly benefits may be suspended.

d. Medical bills should be sent to the insurance carrier for payment.

3. *Benefits for permanent partial impairment.*

a. Separate benefits are payable for the permanent loss of use of a body part, such as an arm, leg, finger, or eye. Vision and hearing loss, as well as disfigurement also may be compensated. This does not include the back, neck, or body as a whole.

b. Benefits are for a specific number of weeks, depending on the percentage of loss.

c. The employee can receive these benefits while working if maximum medical improvement has been reached.

4. *Permanent and total disability.* Lifetime wage benefits may be payable if an individual loses both hands, arms, feet, legs, eyes, or any two in the same accident, or is paralyzed or disabled from a severe brain injury.

5. *Other benefits.*

a. A surviving spouse, children under 18, children under 23 enrolled full-time in an accredited education institution, parents in destitute circumstances or other qualifying dependents may be entitled to wage benefits.

b. Death benefits include funeral expenses not to exceed \$5,000 and transportation costs of \$500.

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F. An injured employee is responsible for:

1. Giving notice to the employer as soon as possible.
2. Filing a claim with the commission within two years from:
 - a. The date of the accident; or
 - b. The date of the doctor's diagnosis of an occupational disease.
3. Selecting a doctor from a panel of three provided by the employer or carrier.
4. Seeking and accepting employment if released to light duty, and cooperating with rehabilitation counselors. An employee who is released to light duty work must prove that he is actively looking for a light duty job, even if he expects to return to the regular job. The employee must accept all suitable positions offered or risk suspension of benefits.

G. The employee must specifically request cost-of-living increases. Cost-of-living supplements are not paid on temporary partial benefits.

PART V. EMPLOYEE PERFORMANCE.

22 VAC 40-675-330. Performance standards for local directors.

The performance standards for local directors specified in this section are to be used as the basis for the local director's performance evaluation.

1. Strategic planning and partnerships.
 - a. Develops or coordinates a strategic plan for the local departments.
 - b. Involves major stakeholder groups in the planning process.
 - c. Develops short- and medium-range objectives for implementation of the plan in the local department.
2. Program execution.
 - a. Organizes and coordinates all operation activities.
 - b. Develops and implements policies and procedures.
 - c. Develops performance measures that relate process outputs and outcomes to progress toward departmental goals and objectives.
 - d. Accomplishes goals, timeliness, accuracy, depth of analysis, and quality of presentation.
3. County or city representation and public relations.
 - a. Attends meeting to represent city or county participation in job-related organizations.
 - b. Serves as a representative for the locality on committees and boards.
 - c. Provides informational opportunities for public awareness of social services programs.
4. Budget control.

- a. Prepares the local department's annual budget to obtain funding.
- b. Monitors and controls funds within the budget.
- c. Forecasts the need for budgetary changes.

5. Human resources development.

- a. Supervises, develops, and directs all personnel in the local department.
- b. Ensures commitment to equal employment in personnel management.

6. Staff development.

- a. Reviews employees' performance ratings.
- b. Reviews and supports training, career development, and management development programs.

7. Department knowledge.

- a. Advises other agencies, the city manager or county administrator, and boards of departmental activities.
- b. Reports to boards on policies.
- c. Recommends changes to ensure proper administration of the department.

8. Communication skills.

- a. Expresses ideas or viewpoints with the public and other business representatives.
- b. Negotiates or mediates with various constituents and parties.
- c. Maintains open communication with the department.
- d. Serves as liaison between organizations and the locality.

9. Leadership.

- a. Conducts business in a manner that encourages and fosters efficiency.
- b. Provides direction for local programs.
- c. Follows all associated state and federal policies.

22 VAC 40-675-340. Performance evaluation of local directors.

A. The local board shall complete the performance evaluation of the local director. A single copy of all evaluations shall be forwarded to the department's regional director for further evaluation and signing prior to submission to the employee relations manager of DSS' DHRM.

B. When it is determined that the local director's performance is unsatisfactory, the board may dismiss the local director. Instead of immediate dismissal, the board may apply the procedures established for performance that is less than satisfactory.

C. Procedures for completing the local director's service rating form:

1. Local directors receiving an original appointment serve a probationary period of twelve months. At the end of the twelfth month, the local board chairperson or board must rate the local director's performance on the form entitled "Service Rating of Director/Superintendent by Local Board and Regional Director." The local board subsequently rates the performance of local directors after two additional years and thereafter at intervals of three years on the month and day of permanent status.

2. Local directors receiving a promotion to the director level as permanent employees will have a service rating done by the local board chairperson or board 12 months from the date of promotion. Subsequent ratings are made annually for two more years and thereafter at intervals of three years on the month and day of promotion.

3. The elements of the local director's work are set forth in the service rating form and are evaluated separately. The individual elements are then translated into one of three levels of performance: exceeds expectations, meets expectations, or does not meet expectations. The rating may be supplemented by a narrative statement that elaborates on any phases of the local director's work, substantiates the individual or overall ratings or supplies any information not previously covered.

4. The local board chairperson or board must discuss the evaluation with the local director. The evaluation must be signed by all participating parties prior to becoming part of the employee's permanent file.

22 VAC 40-675-350. Performance evaluation of other local department employees.

A. All employees who receive an original appointment serve a six- or 12-month probationary period, except local directors and approved probationary period deviations. Although the employee's performance should be monitored continually, the supervisor must complete a performance evaluation at the end of the first five months of a six-month probationary period, or at the end of the first 11 months of a 12-month probationary period.

1. If the evaluation is satisfactory, the employee shall attain permanent or restricted status. An unsatisfactory performance evaluation may result in the termination of the employee.

2. For employees with satisfactory evaluations, subsequent performance evaluations are conducted annually by the supervisor, one month prior to the anniversary of the employee's date of permanent status.

B. Employees receiving a promotion, title change or demotion must have a performance evaluation conducted by the supervisor five months after the date of promotion, title change or demotion.

1. Thereafter, performance shall be evaluated annually one month prior to the month and day of the promotion, title change or demotion.

2. Employees promoted to director must be evaluated according to the rules for the director evaluation.

C. For probationary employees, the evaluation form must indicate whether permanent employment is recommended. For employees with permanent status, the form must state whether retention, dismissal, or other recommendations are made.

D. Procedure for administering the performance evaluation.

1. Part I of the form shall list the five major goals, objectives or elements upon which the actual productivity of the employee will be evaluated. The supervisor shall use the scale provided to derive a numerical score indicating the quality and quantity of performance for each goal or element. The scores for all five elements are then added to give a total quality score and a total quantity score.

2. In Part II of the form, the employee's conduct in each area listed is evaluated, using the numerical scale provided for each question. The scores are then added to give a total score.

3. In Part III, the numerical evaluation score for the quality of work is determined by dividing the quality of work total by five. The numerical score for quantity of work is determined by dividing the quantity of work total by five. The conduct numerical score is determined by dividing the conduct total by four. The quality, quantity and conduct numerical scores are then added together and divided by three to determine the overall evaluation numerical score.

4. The final numerical score is then compared to the scale provided on the form to determine the level of the employee's performance. Any numerical score of less than 4.0 is unsatisfactory. The maximum achievable score is 9.0.

E. Signing and dating the evaluation.

1. After determining whether the employee's performance is satisfactory, the supervisor should make appropriate recommendations and sign and date the evaluation.

2. The next level supervisor will act as reviewer and will sign and date the evaluation and make any appropriate comments. The reviewer shall not make any changes on the evaluation. Any comments should be shared with the evaluator and the employee.

3. The employee should sign and date the evaluation and make any comments desired. The employee's signature does not necessarily indicate agreement with the evaluation; however, it does indicate that the evaluation has been seen.

a. If the employee refuses to sign the evaluation, the evaluator should enter the comment "refused to sign" on the appropriate line.

b. Failure to sign does not negate the evaluation.

F. Less than satisfactory performance. When an employee's performance is determined to be less than satisfactory, the employee's supervisor, the appointing authority and the local agency personnel officer (if any) shall review the performance. From this review, the appointing authority shall determine whether the unsatisfactory performance should be classified as Category One or Category Two.

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1. *Category One. This category includes performance difficulty resulting from an inability to adapt to job requirements. If a determination is made that the employee lacks the ability, the following steps should be taken:*

a. A plan of action should be outlined identifying any options that might reasonably exist at that time or in the near future, such as reassignment to an opening elsewhere in the local agency that would be compatible with the employee's ability. Such an opening may be an equal or lower rated position. The lateral or downward placement of such employees within a local agency will take precedence over the hiring of new employees into the agency.

b. In some cases in this category, an employee may possess highly satisfactory skills for other occupational classes. In such instances, the employee may elect to apply for openings at a higher level, in which case the employee will be considered along with other applicants.

c. The employee should be advised that if a solution fails to materialize during the next three months, the employee will be asked to resign. If the employee does not elect to resign, the employee will be removed. The removal should be identified as "unadapted for assigned work."

2. *Category Two. Unsatisfactory job performance as a result of insufficient job application or self-discipline regarding job performance will constitute Category Two.*

a. Performance difficulty resulting from insufficient job application or self-discipline regarding job performance may constitute inadequate or unsatisfactory job performance as identified in the Employee Standards of Conduct Policy, discussed in 22 VAC 40-675-380 et seq.

b. A supervisor confronted with a Category Two performance situation should discuss the seriousness of the performance problem with the employee. The employee should be advised that unless the performance is corrected, corrective action as outlined in the Standards of Conduct will apply.

c. There is no specified time period for the corrective action process. In some cases, no written notices will need to be issued because of the employee's responsiveness to the situation. In other cases, the employee may ultimately be terminated as the result of the accumulation of written notices. The time between the written notices will vary with the nature of the assigned work and the employee's particular problem. In a case where accuracy is the problem, repetition or error may be noticed very quickly, and the written notice would be issued accordingly. In other instances, where job cycles are longer or the performance problem is more difficult to measure, the time between written notices may be several months.

d. If the performance is corrected and such correction is evident on a sustained basis, the supervisor should conduct a new performance evaluation. If the new evaluation is satisfactory, and the employee is not at the maximum pay rate, a performance increase should be processed. A performance increase may not be delayed

more than 12 months following the issuance of the last written notice for corrective action purposes.

G. *Other requirements in the evaluation process.*

1. *When an employee performance evaluation has been completed, the employee service rating date must be changed.*

2. *Only one evaluation form is completed and it shall become part of the permanent employee file maintained in the local agency. The evaluation must be discussed with the employee before becoming part of the permanent file.*

3. *The information in the evaluation form shall not be shared with persons other than those authorized access to the file, unless the employee provides written and signed permission.*

4. *A single copy of the evaluation shall be forwarded to the regional director for further evaluation and signing prior to submission to the employee relations manager of DSS' DHRM.*

22 VAC 40-675-360. Deviation in performance evaluation plan.

In local jurisdictions with a performance evaluation plan that applies uniformly to all local governmental employees, the local plan may be used, provided it is approved by the state board as being in substantial conformity with Merit System Standards and requirements established in this section.

PART VI.

EQUAL EMPLOYMENT OPPORTUNITY.

22 VAC 40-675-370. Equal employment opportunity.

A. *The state board promotes equal employment opportunity in the recruitment and selection process by ensuring that qualification requirements are job-related and that such requirements do not limit or restrict employment opportunities because of race, color, religion, sex, age, disability, national origin or political affiliation (except where sex or age is a bona fide occupational qualification).*

1. *Local departments shall follow this policy in all actions pertaining to recruitment, selection, promotions, demotions, transfers, layoffs, terminations, compensation and benefits, training, leave, and use of facilities.*

2. *Recruitment and job advertisement efforts over and above those enumerated in this policy, and consistent with the department plan (such as special recruiting efforts to attract minorities and females) shall be deemed to be supportive of the department's and local departments' Equal Employment Opportunity/Affirmative Action Plans.*

B. *All local departments shall prepare their own plan, or comply with a written local jurisdiction plan, which provides an aggressive, coherent management program for equal employment opportunity for all employees and applicants for employment.*

1. *Such a plan must require equal employment opportunity on the basis of fitness and merit without regard to race, color, religion, sex, age, disability, national origin or political affiliation (except where sex or age is a bona fide*

occupational qualification). In addition, the plan shall prohibit any form of sexual harassment.

2. The plan shall be tailored specifically to the work force and available skills in the community. The plan will include specific actions with goals, timetables, responsibilities, and resources to meet identified needs.

3. Compliance with the plan requires that all qualified applicants be afforded equal opportunity to compete for employment and promotion within local departments.

C. Avenues of recourse. Employees or applicants for employment who believe that they have been discriminated against may file a complaint with the Virginia Department of Human Resources Management, Office of Equal Employment Services, James Monroe Building, 101 North 14th Street, Richmond, Virginia 23219.

All local departments are required to cooperate fully with the Office of Equal Employment Services when they are conducting official investigations of charges of discrimination. Cooperation includes providing papers, notes, documents, and any other written material, and responding to questions deemed necessary by that office to investigate the charge.

PART VII. STANDARDS OF CONDUCT.

22 VAC 40-675-380. Policy, intent, and purpose.

A. The intent of the Standards of Conduct, as adopted by the state board, is to protect the well-being and rights of all employees, to assure safe, efficient operations, and to ensure compliance with public law.

B. The purpose of the Standards of Conduct is to:

1. Establish a fair and objective process for correcting and treating unacceptable conduct;
2. Distinguish between less serious and more serious actions of misconduct and provide timely corrective action accordingly; and
3. Limit corrective action to employee conduct occurring only when employees are at work or when otherwise representing the local board in an official or work-related capacity, unless otherwise specifically provided for in this procedure.

C. The options of local boards in regard to standards of conduct are to adopt the standards under 22 VAC 40-675-380 et seq. or to adopt local jurisdictional standards of conduct which apply to all local employees except those exempt under the Code of Virginia. Such local standards must be in conformity with state board policy.

1. Local jurisdictional standards of conduct must be submitted to DSS' DHRM and approved by the state board before the date of implementation in the local agency.
2. Any changes in approved jurisdictional standards of conduct must be submitted to DHRM and approved by the state board prior to the effective date of the proposed revision.

22 VAC 40-675-390. Content of standards.

Many of the standards in this section are the kinds that guide employee behavior anywhere in business relationships. Other standards and procedures are more particularly applicable to employees of local government agencies. The following standards are not all-inclusive, but illustrate the minimum expectations for acceptable work performance and workplace behavior.

1. Attendance.

a. Employees should report to work as scheduled.

b. An employee who cannot report as scheduled should:

(1) Arrange planned absences, including reporting to work late or leaving work early, in advance with supervisors; and

(2) Report unexpected absences, including reporting to work late or having to leave early, to supervisors as promptly as possible.

2. Satisfactory work performance.

a. Employees are expected to meet established performance standards.

b. Supervisors should assist employees in understanding the expectations of these Standards of Conduct and those set forth in employees' performance plans.

3. Compliance with policies. Employees are expected to abide by all policies promulgated by the department and their agencies.

4. Reporting circumstances that affect satisfactory work performance.

a. Employees should report to their supervisors any conditions or circumstances that prevent satisfactory work performance.

b. Employees should advise their supervisor of unclear instructions or procedures that may affect satisfactory work performance.

22 VAC 40-675-400. Inability to meet working conditions.

A. An employee unable to meet the working conditions of employment due to circumstances such as the following may be removed under this section. Reasons include:

1. Loss of driver's license required for performance of the job;
2. Incarceration for an extended period; or
3. Loss of license or certification required for the position.

B. Resignation or "removal." If an employee is removed, such removal, if not a resignation, shall be reported as "dismissal" with a description of the circumstances written on the transmittal document.

C. Due process. Prior to such removal, the appointing authority shall gather full documentation supporting such action and shall notify the employee, verbally or in writing, of the reasons for such a removal, giving the employee a

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reasonable opportunity to respond to the charges. Final notification of removal should be through memorandum or letter, not by a Written Notice Form.

22 VAC 40-675-410. Unacceptable conduct.

A. The following offenses are not all-inclusive, but are examples of unacceptable behavior for which specific disciplinary actions may be warranted. Accordingly, any offense that, in the judgment of the local director, undermines the effectiveness of the agency's activities, may be considered unacceptable and treated in a manner consistent with the provisions of this section.

B. The offenses listed in this section are organized into three groups according to severity.

1. Group I offenses include those types of behavior that are least severe in nature, but that requires correction in the interest of maintaining a productive and well-managed workforce. They are:

- a. Unsatisfactory attendance or excessive tardiness;
- b. Abuse of agency time, including unauthorized time away from the work area, use of agency time for personal business, and abuse of sick leave;
- c. Use of obscene or abusive language;
- d. Inadequate or unsatisfactory work performance;
- e. Disruptive behavior; and
- f. Conviction of a moving traffic violation while using a state-owned or other public-use vehicle.

2. Group II offenses include acts and behavior that are more severe in nature. An accumulation of two Group II offenses normally should warrant removal. They are:

- a. Failure to follow a supervisor's instructions, perform assigned work, or otherwise comply with established written policy;
- b. Violating a safety rule where there is no threat of bodily harm;
- c. Leaving the work site during work hours without permission;
- d. Failure to report to work as scheduled without proper notice to supervisor;
- e. Unauthorized use or misuse of local or state property or records; and
- f. Refusal to work overtime hours, as required.

3. Group III offenses include acts and behavior of such a serious nature that a first occurrence normally should warrant removal. They are:

- a. Absence more than three days without proper authorization or a satisfactory reason;
- b. Falsifying any records, including, but not limited to, vouchers, reports, insurance claims, time records, leave records, or official agency documents;

c. Willfully or negligently damaging or defacing agency records, agency property, or property of other persons (including, but not limited to employees, patients, supervisors, inmates, students and visitors);

d. Theft or unauthorized removal of agency records, state property, or property of other persons (including, but not limited to, employees, patients, supervisors, inmates, students and visitors);

e. Gambling on agency property or during work hours;

f. Fighting or other acts of physical violence;

g. Violating safety rules where there is a threat of physical harm;

h. Sleeping during work hours;

i. Participating in any kind of work slowdown or similar concerted interference with agency operations;

j. Unauthorized possession or use of firearms, dangerous weapons, or explosives;

k. Threatening or coercing persons associated with any agency (including, but not limited to, employees, supervisors, and visitors); and

l. Criminal convictions for illegal conduct occurring on or off the job that clearly are related to job performance or are of such a nature that to continue employees in their positions could constitute negligence in regard to the agency's duties to the public or to other local or state employees.

22 VAC 40-675-420. Corrective action.

A. As soon as a supervisor becomes aware of an employee's unsatisfactory behavior or performance, or commission of an offense, the supervisor or other management should take corrective action to address such behavior. Corrective action may include referral to professional assistance, counseling, disciplinary action, or a combination of these alternatives.

1. Whether a supervisor uses informal counseling or formal disciplinary action depends upon the nature of the behavior and attending circumstances.

2. Management should apply corrective actions consistently, while taking into consideration the specifics of each individual case.

B. Correction alternatives. Before the need for, or in addition to, corrective action, supervisors may refer employees to professional counseling services. Referrals shall not be considered a substitute for any disciplinary action imposed for the commission of an offense.

C. Supervisory counseling.

1. Counseling should consist of private discussion between the employee and supervisor regarding the desired course of action to improve the employee's performance or behavior, as well as the supervisor's expectations for the employee.

2. While many performance and behavior problems can be resolved through informal counseling, counseling is not a prerequisite to formal disciplinary action.

3. Counseling may be documented by letter or memorandum, but not on the Written Notice Form. Documentation regarding counseling should be retained in the supervisor's files, not in employee's personnel files, except as necessary to support subsequent formal disciplinary action.

22 VAC 40-675-430. Procedures for implementing disciplinary actions.

Disciplinary action should be used in response to the commission of offenses, and may consist of a written notice and suspension, transfer, demotion, or termination, or a combination of these alternatives.

1. Written notices.

a. Management should issue a written notice as soon as possible after the employee's commission of an offense.

b. The severity of a written notice depends upon the type of offense for which it is issued, and is measured by the period for which it is "active": The active period for a written notice is definite and may not be extended due to an employee's absence.

(1) A written notice for a Group I offense is active for two years from its date of issuance to the employee.

(2) A written notice for a Group II offense is active for three years from its date of issuance to the employee.

(3) A written notice for a Group III offense is active for four years from its date of issuance to the employee.

c. Written notices that are no longer active shall not be considered in an employee's accumulation of written notices, or in determining the appropriate disciplinary action for a new offense.

d. Written notices shall be kept in employees' personnel files.

(1) A written notice may be removed from an employee's personnel file if the agency modifies or vacates its disciplinary action.

(2) If, through the grievance procedure, it is determined that the written notice was not justified, the panel may direct its removal from the employee's personnel file.

(3) A written notice removed from an employee's personnel file shall not be destroyed, but shall be retained in a grievance file or separate confidential file.

(4) Once removed, a written notice shall not be considered in relation to any future disciplinary or other personnel action.

2. Mitigating circumstances.

a. While the disciplinary actions imposed shall not exceed those set forth for specific offenses, agencies may reduce the disciplinary action if there are mitigating circumstances such as:

(1) Conditions that would compel a reduction in the disciplinary action to promote the interests of fairness and objectivity; or

(2) An employee's long service or otherwise satisfactory work performance.

b. Mitigating circumstances may result in an employee's demotion, transfer or suspension, or a combination of these actions, as an alternative to discharge.

c. When the local agency determines suspension to be the appropriate alternative to discharge, suspension shall not exceed 30 workdays for a Group III offense or for an accumulation of four Group I and two Group II offenses.

3. Disciplinary actions for specific offenses.

a. The normal disciplinary action for a Group I offense is the issuance of a written notice. Group I written notices are cumulative.

(1) Upon the accumulation of three active written notices for Group I offenses, the employee normally should be suspended without pay for a period not to exceed five days.

(2) A fourth active written notice for a Group I offense normally should result in discharge, except that mitigating circumstances may justify the transfer or demotion of the employee. Mitigating circumstances also may justify a suspension for up to 30 workdays as an alternative to discharge.

b. The normal disciplinary action for a Group II offense is issuance of a written notice only, or a written notice and up to 10 days of suspension without pay. Group II written notices are cumulative.

(1) A second active Group II written notice normally should result in discharge.

(2) A Group II written notice following three active Group I written notices normally should result in discharge.

(3) Mitigating circumstances related to an employee's commission of a Group II offense may result in the employee's demotion or transfer. The employee also may be suspended for up to 30 workdays as an alternative to discharge.

(4) If an employee is not discharged due to mitigating circumstances, the agency should notify the employee that a subsequent written notice during the active life of the written notice may result in discharge.

c. The normal disciplinary action for a Group III offense is the issuance of a written notice and discharge.

(1) Mitigating circumstances related to an employee's commission of a Group III offense may result in the employee's demotion or transfer. The employee also may be suspended for up to 30 workdays.

(2) If an employee is not discharged due to mitigating circumstances, the agency should notify the employee

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that any subsequent written notice during the active life of the written notice may result in discharge.

4. Procedures related to disciplinary suspension, demotion, transfer, or termination.

a. Prior to any disciplinary suspension, demotion, or transfer, or disciplinary removal action, an employee must be given oral or written notification of the offense, an explanation of the agency's evidence in support of the charge, and a reasonable opportunity to respond.

b. Management may immediately remove an employee, with pay, from the work area without providing advance notification when the employee's continued presence:

(1) May be harmful to the employee, other employees, clients, or patients;

(2) Makes it impossible for the agency to conduct business; or

(3) May constitute negligence in regard to the agency's duties to the public or other employees.

c. As soon as possible after an employee's removal from the work area, management must provide the employee with notification of the intended disciplinary action and evidence of the offense for which the disciplinary action is being contemplated. Management must also provide the employee with a reasonable opportunity to respond before taking any disciplinary action.

d. Management shall report an employee's removal from the work place as "Pre-disciplinary Action Leave." Pre-disciplinary action leave is leave with pay, without charge to an employee's leave balances, for a period normally limited to five workdays.

e. A written notice documenting the cause and nature of the disciplinary action, and stating the employee's right to grieve the disciplinary action, shall be provided to any employee who subsequently is disciplined. A copy of the written notice shall be placed in the employee's personnel file.

5. Procedures related to suspension pending investigations or court actions.

a. A suspension may be imposed pending:

(1) An investigation of an employee's conduct by his agency; or

(2) An investigation involving the employee's conduct by the State Police or other federal, state, or local law enforcement agencies, or a court action.

b. Written notice of suspension pending an investigation or other action should be by memorandum, not by the written notice form.

c. At an employee's request, and at the agency's option, accrued annual leave may be charged to the period of suspension pending an investigation or court action to reduce or eliminate loss of earnings.

d. If, following the conclusion of the investigation, the agency determines that the disciplinary action was not appropriate, accrued leave applied to the period of shall be reinstated.

e. If during, or upon the conclusion of, the period of an employee's suspension pending an investigation or court action, the agency determines that a disciplinary suspension is warranted, the disciplinary suspension shall begin immediately, and the period of suspension that the employee has served pending the investigation or court action shall count towards the period of disciplinary suspension.

f. Suspended employees normally shall not be allowed on the agency's premises, nor shall they be allowed to work, except to fulfill previously scheduled court obligations or to file and process a grievance.

6. Provisions specific to suspension pending agency investigation.

a. Length of suspension. The period of suspension pending the agency's investigation shall be limited to 10 workdays. If the agency does not make a decision regarding disciplinary action within 10 workdays, the employee shall be permitted to return to work pending completion of the investigation. The 10-day limit on the period of suspension pending the agency investigation shall not apply if the court action or investigation by law-enforcement agencies involves alleged criminal misconduct that occurred either on or off the job; or the misconduct under investigation is of such a nature that to retain the employee in his position could constitute negligence in regard to the agency's duties to the public.

b. If the agency investigation clears the employee of any misconduct, the agency shall reinstate the employee with back pay for the period of suspension.

c. Upon the conclusion of an investigation by law enforcement agencies or of the court action, the agency has the discretion to:

(1) Impose disciplinary action, including discharge; or

(2) Not impose discipline, in which case the employee must be reinstated with full back pay.

7. Disciplinary suspensions of exempt employees

a. When it is necessary to impose a suspension for an exempt employee for reasons other than an infraction of a safety rule of major significance, the suspension shall not be less than a full work week of 40 hours. Suspensions of more than a work week will be in multiples of full work weeks. An employee may not be permitted to serve such a suspension period in less than whole work week segments.

b. Suspension of an exempt employee for an infraction of a safety rule of major significance may be applied for less than a full work week. Safety rules of major significance, such as prohibiting smoking in explosive areas, are defined as provisions intended to prevent serious danger to the workplace or to other employees.

c. *Pay and benefits during suspension.* The following provisions regarding compensation and benefits apply to suspension, whether initiated pending an investigation or court action, or imposed for disciplinary reasons.

(1) *Compensation.* All suspensions are without pay, except that employees suspended pending an investigation or court action may be allowed to use accrued annual leave to receive pay. The agency should update records immediately upon suspending employees, and upon subsequent demotions, transfers, discharges, or reinstatements.

(2) *Incentive increases.* An employee's eligibility for incentive increases may be affected by the time on suspension.

(3) *Annual and sick leave accrual.* An employee on suspension shall not accrue annual or sick leave, except that:

(a) *If a suspension extends into a second pay period, accrual of annual and sick leave shall resume in the second pay period, unless the period of suspension exceeds 15 calendar days; and*

(b) *If a suspension extends into a third pay period, accrual of annual and sick leave shall resume in the third pay period, unless the period of suspension exceeds 31 calendar days.*

(4) *Health insurance.*

(a) *A suspended employee's health insurance coverage continues until the end of the month in which the suspension began, except that there shall be no break in coverage if the employee is reinstated in time to work half of the workdays in the following month.*

(b) *If the length of the period of suspension results in a break in health insurance coverage, the suspended employee may retain group insurance coverage for 12 months by paying the monthly insurance premiums (both the employee's and the state's contribution) in advance.*

(c) *Upon reinstatement.*

(i) *If an agency reinstates a suspended employee with back pay for any period of the suspension, the agency shall refund to the employee the state's portion of any health insurance premiums the employee paid to continue coverage during the suspension.*

(ii) *If an agency reinstates a suspended employee without back pay, there shall be no reimbursement for any portion of health insurance premiums paid to continue coverage.*

(5) *Life insurance coverage may continue for up to 24 months, with the agency making the full contribution.*

22 VAC 40-675-440. Employee grievance procedure.

A. *Employees may challenge disciplinary actions through the employee grievance procedure.*

B. *Authority of a grievance panel or hearing officer.*

1. *A grievance panel or hearing officer may uphold, modify, or reverse disciplinary action taken by an agency, so long as the panel's decision is consistent with written policy.*

2. *If a grievance panel or hearing officer orders an employee's reinstatement for suspension, discharge or demotion, the panel or hearing officer may order full, partial or no back pay and/or credit for annual and sick leave that the employee did not accrue during the period of discharge or suspension.*

3. *If a grievance panel or hearing officer reduces an employee's disciplinary record such that termination no longer could take place (i.e., the employee has only three Group I Written Notices or one Group II Written Notice), the panel must reinstate the employee with full back pay (minus an appropriate disciplinary suspension, if it wishes).*

4. *A grievance panel or hearing officer's award of back pay shall be offset by any interim earnings that the employee received during the period of separation, including unemployment compensation received from the Virginia Employment Commission.*

5. *If a grievance panel or hearing officer orders reinstatement with back pay for any period of the separation, the employee shall receive reimbursement for any health insurance premiums paid during the period that would have been paid by the agency if the employee had not been separated.*

6. *If a grievance panel or hearing officer orders reinstatement without back pay, the employee shall not receive reimbursement for any portion of the health insurance premiums paid during the separation.*

PART VIII.

OTHER EMPLOYEE RELATIONS POLICIES.

22 VAC 40-675-450. Political activity.

A. *No local department employee shall make use of his official authority or influence to:*

1. *Interfere with or affect the result of a nomination or election of office;*

2. *Directly or indirectly coerce, command or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or*

3. *Be a candidate for public elective office in a partisan primary, general or special election.*

B. *The department's provisions on political activity are consistent with the federal Hatch Act (5 USC §§ 1501-1509) and facilitate effective control of prohibited political activity by employees.*

C. *Coverage.*

1. *In general, the law covers officers or employees of a state or local agency if their principal employment is in connection with an activity which is financed in whole or in*

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part by loans or grants made by the United States or a federal agency.

2. An employee subject to political activity laws and regulations continues to be covered by these laws and regulations while on annual leave, sick leave, leave without pay, administrative leave, or furlough.

D. Local boards shall adopt these provisions or, instead, adopt the provisions of the local governmental jurisdiction consistent with the federal Hatch Act (5 USC §§ 1501-1509).

22 VAC 40-675-460. Outside employment of local department employees.

A. Employees in local departments shall not engage in any other employment, any private business, or in the conduct of a profession:

1. During the hours that they are employed to work; or
2. Outside their work hours if such employment is deemed by employing agencies to affect employees' work performance, or to be in violation of the Statement of Economic Interests (§§ 2.2-3112 through 2.2-3117 of the Code of Virginia).

B. Employees seeking approval for employment outside their work hours in local departments must ensure that such employment will not affect their usefulness as an employee during normal working hours.

C. If an employee desires to seek or be engaged in additional outside employment or in part-time employment in another local or state agency, the employee must first obtain approval from the local director.

1. The local director is responsible for determining if additional employment is likely to affect the employee's usefulness to the local agency in his regular job, or if a potential conflict of interest may exist in the second job.
2. If the employee receives approval to accept the additional employment and job performance begins to deteriorate, the local director may ask the employee to give up the additional employment.
3. No property belonging to, or under contract by, the agencies may be used for outside employment activities.

D. Unauthorized outside employment.

1. If an employee accepts employment outside the agency without receiving prior approval, the employee will be subject to disciplinary action under the Standards of Conduct (see Part VII).
2. If the employee is injured or becomes ill as a result of unauthorized additional employment, the employee cannot charge the resulting absence from employment with the local agency to accumulated sick leave.

NOTICE: The forms used in administering 22 VAC 40-675, Personnel Policies for Local Departments of Social Services, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Social Services, Division of Human Resources Management, 730 East Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Local Policy Request Form (eff. 9/00).

Self-Analysis Audit for Deviations (eff. 9/00).

Service Rating of Local Director/Superintendent by Local Board and Regional Director (eff. 10/99).

Local Employee Performance Evaluation Form (eff. 10/99).

Sample Written Notice Form (eff. 4/00).

DOCUMENTS INCORPORATED BY REFERENCE

Local Agency Compensation Plan, Virginia Department of Human Resource Management, revised December 1, 2000.

VA.R. Doc. No. R01-196; Filed June 13, 2002, 12:23 p.m.



FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND RECREATION

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulations filed by the Marine Resources Commission are exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-252. Pertaining to the Taking of Striped Bass (amending 4 VAC 20-252-150).

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

Effective Date: June 19, 2002.

Summary:

The amendment establishes a quota of 98,000 pounds of whole striped bass caught by commercial fishermen in coastal areas.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

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

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

B. The commercial harvest quota for the coastal area of Virginia shall be determined annually by the Marine Resources Commission, as specified in this subsection. The total allowable level of all commercial harvest of striped bass from the coastal area for all open seasons and for all legal gear shall be 98,000 pounds of whole fish. At such time as the total commercial harvest of striped bass from the coastal area is projected to reach 98,000 pounds, and announced as such,

it shall be unlawful for any person to land or possess striped bass caught for commercial purposes from the coastal area.

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

VA.R. Doc. No. R02-217; Filed June 19, 2002, 1:25 p.m.

Title of Regulation: 4 VAC 20-620. Pertaining to Summer Flounder (amending 4 VAC 20-620-50, 4 VAC 20-620-60 and 4 VAC 20-620-70).

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

Effective Date: June 19, 2002.

Summary:

The amendment establishes a 17-1/2 inch minimum size limit for recreational Summer Flounder fishing in the Chesapeake Bay and its tributaries and coastal area in order to reduce the recreational harvest by 43.8%.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

4 VAC 20-620-50. Minimum size limits.

A. The minimum size for Summer Flounder harvested by commercial fishing gear shall be 14 inches, total length.

B. The minimum size of Summer Flounder harvested from the Chesapeake Bay and its tributaries by recreational fishing gear, including but not limited to hook and line, rod and reel, spear and gig, shall be 17-1/2 inches, total length. ~~The minimum size of Summer Flounder harvested from the coastal area by recreational fishing gear, including but not limited to hook and line, rod and reel, spear, and gig, shall be 15-1/2 inches, total length.~~

C. Length shall be measured in a straight line from tip of nose to tip of tail.

~~D. It shall be unlawful for any person fishing recreationally in Virginia to possess aboard any vessel or to land or to bring to shore within the Chesapeake Bay and its tributaries or the coastal area any Summer Flounder smaller than the minimum size limit designated for each respective area as described in~~

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~~subsection B of this section. It shall be unlawful for any person to possess any Summer Flounder smaller than the designated minimum size limit.~~

E. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia which were legally harvested in the Potomac River.

4 VAC 20-620-60. Possession limit.

~~A. It shall be unlawful for any person fishing recreationally in Virginia with recreational hook and line, rod and reel, spear, gig or other recreational gear to possess aboard any vessel or to land or to bring to shore within the Chesapeake Bay and its tributaries more than eight Summer Flounder. It shall be unlawful for any person fishing recreationally in Virginia to possess aboard any vessel or to land or to bring to shore within the coastal area more than five Summer Flounder. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by eight. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any Summer Flounder taken after the possession limit has been reached shall be returned to the water immediately.~~

B. Possession of any quantity of Summer Flounder which exceeds the possession limit described in subsection A of this section shall be presumed to be for commercial purposes.

4 VAC 20-620-70. Recreational fishing season.

~~A. The recreational fishing season for the Chesapeake Bay and its tributaries shall be closed from January 1 through March 28 and from July 22 through July 28. The recreational fishing season for the coastal area shall be closed from January 1 through March 28 and from July 22 through August 5.~~

~~B. It shall be unlawful for any person fishing recreationally to take, catch, or possess aboard any vessel or to land or to bring to shore within the Chesapeake Bay and its tributaries or the coastal area any Summer Flounder during any closed recreational fishing seasons for the respective areas designated in subsection A of this section season.~~

C. Nothing in this chapter shall prohibit the landing of Summer Flounder in Virginia that were legally harvested in the Potomac River.

VA.R. Doc. No. R02-218; Filed June 19, 2002, 3:02 p.m.

TITLE 13. HOUSING

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

REGISTRAR'S NOTICE: The agency is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Housing and Community Development will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 13 VAC 5-51. Virginia Statewide Fire Prevention Code (amending 13 VAC 5-51-11, 13 VAC 5-51-180, 13 VAC 5-51-181 and 13 VAC 5-51-182).

Statutory Authority: § 27-97 of the Code of Virginia.

Effective Date: August 15, 2002.

Summary:

Chapter 856 of the 2002 Acts of Assembly requires the Statewide Fire Prevention Code to provide for the establishment of statewide optional standards for the use and sale of fireworks in the Commonwealth. Under current law, the sale of fireworks is prohibited except in certain limited circumstances when localities are authorized to issue permits. The regulation allows localities to issue permits for the display of fireworks by fair associations, amusement parks or other groups. The regulation defines "fireworks" as any firecracker, torpedo, skyrocket, or other substance or objects, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.

Agency Contact: George W. Rickman, Regulatory Coordinator, Department of Housing and Community Development, 501 North 2nd Street, Richmond, VA 23219, telephone (804) 371-7150, FAX (804) 371-7092 or e-mail grickman@dhcd.state.va.us.

13 VAC 5-51-11. Chapter 1, Administration, Section F-101.0. Scope.

A. F-101.1. Title: These regulations shall be known as the Virginia Statewide Fire Prevention Code (SFPC), hereinafter referred to as "this code" or "SFPC." The term "chapter" means a chapter in the SFPC. The SFPC was cooperatively developed by the Virginia Fire Services Board and the Virginia Board of Housing and Community Development.

B. F-101.2. Scope: The SFPC prescribes regulations to be complied with for the protection of life and property from the hazards of fire or explosion and for the handling, storage, sale and use of fireworks, explosives or blasting agents, and provides for the administration and enforcement of such regulations. The SFPC requires manufacturers of fireworks or explosives, as defined in the SFPC, to register and report information concerning their manufacturing facilities and

methods of operation within this Commonwealth in accordance with the SFPC. The SFPC also establishes regulations for obtaining permits for the manufacturing, storage, handling, use, or sales of fireworks or explosives. Inspections under the SFPC are a governmental responsibility.

C. F-101.3. Purpose: The purposes of the SFPC are to provide for statewide standards for optional local enforcement to safeguard life and property from the hazards of fire or explosion arising from the improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices, including fireworks, explosives and blasting agents, wherever located.

D. F-101.4. Validity: To the extent that any provisions of the SFPC or the referenced codes or standards are not within the scope of this chapter, those provisions are considered to be invalid. When any provision of the SFPC is found to be in conflict with the USBC, OSHA, or statute, that provision of the SFPC shall become invalid.

E. F-101.5. Local regulations: Any local governing body may adopt fire prevention regulations that are more restrictive or more extensive in scope than the SFPC provided such regulations are not more restrictive than the USBC and do not affect the manner of construction or materials to be used in the erection, alteration, repair, or use of a building or structure.

F. F-101.6. Exemption: Farm structures not used for residential purposes are exempt from the SFPC.

Exception: Inspections or reinspections of farm buildings, structures, property, or premises under search warrants issued pursuant to § 27-98.2 of the Code of Virginia are not exempt from the SFPC. When they are based upon a demonstration that, for the protection of life and property from the hazards of fire or explosion, the alleged unsafe storage, handling and use of substances, materials and devices, including explosives and blasting agents, are probably occurring on such premises.

13 VAC 5-51-180. BNFP Section F-3101.0. General.

A. Change subsection F-3101.1 to read:

F-3101.1. Scope: The manufacture, display, sale and discharge of fireworks shall comply with the provisions of this chapter and § 59.1-148 of the Code of Virginia.

B. Change subsection F-3101.2 to read:

F-3101.2. Approval required: Approval shall be required for the display, sale or discharge of fireworks. Unless prohibited by a local ordinance, the provisions of this chapter pertaining to fireworks shall not apply to the sale of or to any person using, igniting or exploding permissible fireworks on private property with the consent of the owner of such property.

Exceptions:

1. Any officer or member of the armed forces of this Commonwealth, or of the United States, while acting within the scope of his authority and duties as such, or to any offer of sale or sale of fireworks to any authorized agent of such armed forces.

2. The sale or use of materials or equipment, when such materials or equipment is used or to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

C. Change subsection F-3101.3 to read:

F-3101.3. Approval issuance for fireworks displays: Application for approvals shall be made in writing at least 15 days in advance of the date of the display or discharge of fireworks. The sale, possession, discharge and distribution of fireworks for such display shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any such approval be extended beyond the dates set out therein. Approvals shall not be issued to any person, firm, or corporation from transporting, manufacturing, storing, selling, offering for sale, exposing for sale, or buying, using, igniting, or exploding any fireworks except for those persons, firms, or corporations that manufacture, store, market and distribute fireworks for the sole purpose of fireworks displays permitted by an enforcement agency or by any locality.

D. Add subsection F-3101.4 to read:

F-3101.4. Fireworks manufacturers: Manufacturers of fireworks or explosives shall register and report information concerning their manufacturing facilities and methods of operation within the Commonwealth in accordance with the SFPC.

Exception: The manufacturers of permissible fireworks.

13 VAC 5-51-181. BNFP Section F-3102.0. Definitions.

Change subsection F-3102.1 to read:

F-3102.1. General: The following words and terms shall, for the purpose of this chapter and as stated elsewhere in this code, have the meanings shown herein.

~~Fireworks: Fireworks include any combustible or explosive composition, and any substance and combination of substances and articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. Fireworks shall include any firecracker, torpedo, skyrocket, or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, is intended or commonly known as fireworks and which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than sparks.~~

~~The term "fireworks" shall not include items such as sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels, commonly known as whirligigs or spinning jennies, when used, ignited or exploded on private property with the consent of the owner of such property.~~ *Fireworks: Any firecracker, torpedo, skyrocket, or other substance or object, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended or commonly known as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air.*

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Permissible fireworks: Any sparklers, fountains, Pharaoh's serpents, caps for pistols, or pinwheels commonly known as whirligigs or spinning jennies.

13 VAC 5-51-182. BNFP Section F-3103.0. Sale and discharge.

A. Change subsection F-3103.1 to read:

The rules and regulations for fireworks shall be in accordance with NFPA 1123 and 1124 listed in Chapter 44. The rules and regulations for pyrotechnics shall be in accordance with NFPA 1126 listed in Chapter 44.

B. Change subsection F-3103.2 to read:

F-3103.2. Violations: A person shall not manufacture, store, offer or expose for sale, sell at retail or discharge any fireworks, except for the approved supervised display of fireworks and legal fireworks on private property with the consent of the owner of such property.

C. Change subsection F-3103.5 to read:

F-3103.5. Sale of fireworks: Unless prohibited by a local ordinance, any resident wholesaler, dealer or jobber shall not be prohibited from selling at wholesale such fireworks as are not herein prohibited, or the sale of any fireworks under any one of the following conditions:

1. Fireworks shipped directly out of state.
2. Fireworks utilized by railroads or other transportation agencies for signal purposes or illumination.
3. Blank cartridges utilized for a show or theater.
4. Fireworks utilized for signal or ceremonial purposes at athletic events.
5. Fireworks utilized by the military.

The storage of fireworks by such wholesalers, dealers and jobbers shall comply with Section F-3004.0.

VA.R. Doc. No. R02-213; Filed June 17, 2002, 4:50 p.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Bureau of Insurance

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: 14 VAC 5-70. Rules Governing Accelerated Benefits Provisions (amending 14 VAC 5-70-10 through 14 VAC 5-70-40, 14 VAC 5-70-80, and 14 VAC 5-70-130).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Effective Date: July 1, 2002.

Agency Contact: Bob Wright, Special Projects Coordinator, Life and Health Division, Bureau of Insurance, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, toll-free 1-800-552-7945 or e-mail rwright@scc.state.va.us.

Summary:

This final action amends the definition of "qualifying event" by expanding the conditions under which payment of accelerated benefits can occur. Under the amendments, accelerated benefits can be paid when a qualified health care provider or court of competent jurisdiction determines that the insured (i) is unable to perform certain activities of daily living or (ii) requires direct supervision by another person during the majority of each day to protect the health and safety of the insured or any other person. These amendments result from Chapter 343 of the 2002 Acts of Assembly.

Other amendments clarify that the regulation applies not only to individual and group life insurance policies, but also to riders of such policies and to policy and rider renewals or reissues.

AT RICHMOND, JUNE 21, 2002

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2002-00117

Ex Parte: In the matter of
Adopting Revisions to the Rules
Governing Accelerated Benefits
Provisions

ORDER ADOPTING REVISIONS TO RULES

By order entered herein May 13, 2002, all interested persons were ordered to take notice that the Commission would consider the entry of an order subsequent to June 12, 2002, adopting revisions proposed by the Bureau of Insurance to the Commission's Rules Governing Accelerated Benefits Provisions to reflect the addition of § 38.2-3115.1 of the Code of Virginia enacted by the General Assembly in its 2002 session, unless on or before June 12, 2002, any person objecting to the adoption of the proposed revisions filed a request for a hearing with the Clerk of the Commission.

The May 13, 2002, Order also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before June 12, 2002.

As of the date of this Order, no request for a hearing has been filed with the Clerk of the Commission, and, as of the date of this Order, no comments have been filed with the Clerk of the Commission.

The Bureau has recommended that the proposed revisions be adopted; and

THE COMMISSION, having considered the proposed revisions and the Bureau's recommendation, is of the opinion that the proposed revisions should be adopted.

THEREFORE, IT IS ORDERED THAT:

(1) The revisions to Chapter 70 of Title 14 of the Virginia Administrative Code entitled "Rules Governing Accelerated Benefits Provisions," which amend the rules at 14 VAC 5-70-10, 14 VAC 5-70-20, 14 VAC 5-70-30, 14 VAC 5-70-40, 14 VAC 5-70-80, and 14 VAC 5-70-130, and which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective July 1, 2002.

(2) AN ATTESTED COPY hereof shall 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 adoption of the revisions to the rules by mailing a copy of this Order, together with a clean copy of the revised rules, to all life and health insurers, fraternal benefit societies, cooperative non-profit life benefit companies, and mutual assessment life, accident and sickness insurers licensed by the Commission to write life insurance in the Commonwealth of Virginia; and by forwarding a copy of this Order, including a copy of the attached revised rules, to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(3) On or before July 1, 2002, the Commission's Division of Information Resources shall make available this Order and the attached revised rules on the Commission's website, <http://www.state.va.us/scc/caseinfo/orders.htm>.

(4) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (2) above

14 VAC 5-70-10. Purpose.

The purpose of this chapter (~~14 VAC 5-70-10 et seq.~~), is to regulate accelerated benefit provisions of individual and group life insurance policies *and riders to such policies* and to provide required standards of disclosure. This chapter shall apply to all accelerated benefits provisions of individual and group life insurance policies *and riders to such policies* [,] except those subject to Rules Governing Long-Term Care Insurance (~~Chapter 200 of this title, 14 VAC 5-200-10 et seq.~~), issued or delivered in this Commonwealth, on or after ~~June 1, 1992~~ July 1, 2002.

14 VAC 5-70-20. ~~Effective date; Compliance with the chapter.~~

~~A. This chapter (14 VAC 5-70-10 et seq.) shall be effective on June 1, 1992.~~

~~B. No new policy form shall be approved on or after June 1, 1992 unless it complies with this chapter (14 VAC 5-70-10 et seq.).~~ A. Any policy or rider complying with this chapter and other regulatory requirements may be sold, solicited or negotiated in this Commonwealth, or in the case of group life insurance policies or riders, re-issued or renewed in this

Commonwealth with accelerated benefit provisions as set forth in this chapter.

~~C. B. No policy form or rider shall be delivered or issued for delivery in this Commonwealth on or after September 1, 1992 July 1, 2002, unless it complies with this chapter (14 VAC 5-70-10 et seq.).~~

14 VAC 5-70-30. Applicability and scope.

Except as otherwise specifically provided, this chapter (~~14 VAC 5-70-10 et seq.~~), *applies shall apply* to accelerated benefit provisions [~~on~~ *in*] individual and group life insurance policies or *riders to such policies* delivered or issued for delivery in this Commonwealth, on or after ~~the effective date hereof~~ July 1, 2002, by insurers, fraternal benefit societies, cooperative nonprofit life benefit companies or mutual assessment life, accident and sickness insurers, *and to renewals or reissues of group life insurance policies or riders occurring on or after July 1, 2002.*

14 VAC 5-70-40. Definitions.

For the purposes of this chapter, ~~14 VAC 5-70-10 et seq.~~:

"Accelerated benefits" ~~as used in this chapter (14 VAC 5-70-10 et seq.)~~, means benefits payable under a life insurance contract;

1. To a policyholder or certificateholder, during the lifetime of the insured, in anticipation of death or upon the occurrence of specified life-threatening or catastrophic conditions as defined by the policy or rider; and
2. Which reduce the death benefit otherwise payable under the life insurance contract; and
3. Which are payable upon the occurrence of a single qualifying event which results in the payment of a benefit amount fixed at the time of acceleration.

["*Commission*" means the Virginia State Corporation Commission.]

"Qualifying event" means one or more of the following:

1. A medical condition which would result in a drastically limited life span as specified in the contract, for example, 24 months or less;
2. A medical condition which has required or requires extraordinary medical intervention, such as, but not limited to, major organ transplant or continuous artificial life support, without which the insured would die;
3. Any condition which usually requires continuous confinement in an eligible institution as defined in the contract if the insured is expected to remain there for the rest of his or her life;
4. A medical condition which would, in the absence of extensive or extraordinary medical treatment, result in a drastically limited life span. Such conditions may include, but are not limited to, one or more of the following:
 - a. Coronary artery disease resulting in an acute infarction or requiring surgery;

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- b. Permanent neurological deficit resulting from cerebral vascular accident;
- c. End stage renal failure;
- d. Acquired Immune Deficiency Syndrome; or
- e. Other medical conditions which the commission shall approve for any particular filing; or

5. A condition where a qualified health care provider or court of competent jurisdiction has determined that the insured is no longer able to perform at least two of the following activities of daily living:

- a. Bathing;
- b. Dressing;
- c. Continence;
- d. Eating;
- e. Toileting; or
- f. Transferring;

6. A condition for which a qualified health care provider or court of competent jurisdiction has determined that the insured requires direct supervision by another person during the majority of each day to protect the health and safety of the insured or any other person; or

7. Other qualifying events which the commission shall approve for any particular filing.

14 VAC 5-70-80. Required disclosure provision; descriptive title; tax consequences; solicitations and disclosures; effect of benefit payment.

A. The terminology "accelerated benefit" shall be included in the descriptive title. Products regulated under this chapter (~~14 VAC 5-70-10 et seq.~~), shall not be described or marketed as long-term care insurance or as providing long-term care or other type of illness benefits.

B. 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.

C. 1. A written disclosure including, but not necessarily limited to, a brief description of the accelerated benefit and definitions of the conditions or occurrences triggering payment of the benefits shall be given to the applicant. The description shall include an explanation of any effect of the payment of a benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens.

- a. In the case of agent solicited insurance, the agent shall provide the disclosure form to the applicant prior to or concurrently with the application. Acknowledgment of the disclosure shall be signed by the applicant and writing agent.

b. In the case of a solicitation by direct response methods, the insurer shall provide the disclosure form to the applicant at the time the policy is delivered, with a notice that a full premium refund shall be received if the policy is returned to the company within the free look period.

c. In the case of group insurance policies, the disclosure form shall be contained as part of the certificate of coverage or any related document furnished by the insurer for the *individual* certificateholder.

2. If there is a premium or cost of insurance charge for the accelerated benefit, the insurer shall give the applicant a generic illustration numerically demonstrating any effect of the payment of a benefit on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens.

- a. In the case of agent solicited insurance, the agent shall provide the illustration to the applicant prior to or concurrently with the application.

- b. In the case of a solicitation by direct response methods, the insurer shall provide the illustration to the applicant at the time the policy is delivered.

- c. In the case of group insurance policies, the disclosure form shall be contained as part of the certificate of coverage or any related document furnished by the insurer for the *individual* certificateholder.

3. a. Insurers with financing options other than as described in 14 VAC 5-70-120 A 2 and A 3 shall disclose to the policyowner any premium or cost of insurance charge for the accelerated benefit. These insurers shall make a reasonable effort to assure that the certificateholder is aware of any additional premium or cost of insurance charge if the certificateholder is required to pay such charge.

- b. Insurers shall furnish an actuarial demonstration to the commission when filing the product disclosing the method of arriving at their cost for the accelerated benefit.

4. The insurer shall disclose to the policyowner any administrative expense charge. The insurer shall make a reasonable effort to assure that the certificateholder is aware of any administrative expense charge if the certificateholder is required to pay such charge.

D. When a policyowner or certificateholder requests an acceleration, the insurer shall send a statement to the policyowner or certificateholder and irrevocable beneficiary showing any effect that the payment of the accelerated benefit will have on the policy's cash value, accumulation account, death benefit, premium, policy loans and policy liens. The statement shall disclose that receipt of accelerated benefit payments may adversely affect the recipient's eligibility for Medicaid or other government benefits or entitlements. In addition, receipt of an accelerated benefit payment may be taxable and assistance should be sought from a personal tax advisor. When a previous disclosure statement becomes invalid as a result of an acceleration of the death benefit, the insurer shall send a revised disclosure statement to the policyowner or certificateholder and irrevocable beneficiary.

When the insurer agrees to accelerate death benefits, the insurer shall issue an amended schedule page to the policyholder or notify the certificateholder under a group policy to reflect any new, reduced in-force face amount of the contract.

14 VAC 5-70-130. Actuarial disclosure and reserves.

A. A qualified actuary ~~should~~ *shall be required* to describe the accelerated benefits, the risks, the expected costs and the calculation of statutory reserves in an actuarial memorandum accompanying each filing. The insurer shall maintain in its files descriptions of the bases and procedures used to calculate benefits payable under these provisions. These descriptions shall be made available for examination by the commission upon request.

B. 1. When benefits are provided through the acceleration of benefits under group or individual life policies or riders to such policies, policy reserves shall be determined in accordance with §§ 38.2-3126 through 38.2-3144 of the Code of Virginia. All valuation assumptions used in constructing the reserves shall be determined as appropriate for statutory valuation purposes by a member in good standing of the American Academy of Actuaries. Mortality tables and interest currently recognized for life insurance reserves by the National Association of Insurance Commissioners may be used as well as appropriate assumptions for the other provisions incorporated in the policy form. The actuary must follow both actuarial standards and certification for good and sufficient reserves. Reserves in the aggregate should be sufficient to cover:

- a. Policies upon which no claim has yet arisen.
- b. Policies upon which an accelerated claim has arisen.

2. For policies and certificates which provide actuarially equivalent benefits, no additional reserves need to be established.

3. Policy liens and policy loans, including accrued interest, represent assets of the company for statutory reporting purposes. For any policy on which the policy lien exceeds the policy's statutory reserve liability such excess must be held as a nonadmitted asset.

VA.R. Doc. No. R02-181; Filed June 24, 2002, 2:31 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency which by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: **State Corporation Commission Motor Carrier Regulations.**

24 VAC 15-100. Single State Insurance Registration Program (REPEALED).

24 VAC 15-110. Rules and Regulations Governing the Supervision, Control and Operation of Common Carriers of Passengers by Motor Vehicle (REPEALED).

24 VAC 15-120. Rules and Regulations Governing the Supervision, Control and Operation of Sight-Seeing Carriers by Motor Vehicle (REPEALED).

24 VAC 15-130. Rules and Regulations Governing the Supervision, Control and Operation of Common Carriers of Property by Motor Vehicle (REPEALED).

24 VAC 15-140. Rules and Regulations Governing the Supervision, Control and Operation of Special or Charter Party Carriers by Motor Vehicle (REPEALED).

24 VAC 15-150. Rules and Regulations Governing the Operation of Motor Vehicles under Lease (REPEALED).

24 VAC 15-160. Rules and Regulations Governing the Supervision, Control and Operation of Household Goods Carriers by Motor Vehicle (REPEALED).

24 VAC 15-170. Rules and Regulations Governing the Supervision, Control and Operation of Petroleum Tank Truck Carriers by Motor Vehicle in Intrastate Commerce (REPEALED).

24 VAC 15-180. Insurance Requirements for Taxicabs (REPEALED).

24 VAC 15-190. Increased Insurance Requirements for Motor Carriers of Passengers (REPEALED).

24 VAC 15-200. Increased Insurance Requirements for Motor Carriers of Property (REPEALED).

24 VAC 15-210. Certificate of Insurance (REPEALED).

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

Effective Date: June 26, 2002.

Agency Contact: Kara Hart, Attorney, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9671, FAX (804) 371-9240, toll free 1-800-552-7945 or e-mail khart@scc.state.va.us.

Summary:

The regulatory action repeals the State Corporation Commission's regulations regarding motor carriers. The repealed regulations are incorporated into the Code of Virginia by Chapter 596 of the 2001 Acts of Assembly. Specific repealed regulations addressed single state insurance registration, common carriers of passengers by motor vehicle, sight-seeing carriers by motor vehicles,

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common carriers of property by motor vehicle, insurance requirements, household goods carriers, and related issues.

VA.R. Doc. No. R02-163; Filed June 26, 2002, 9:27 a.m.

AT RICHMOND, JUNE 25, 2002

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. CLK-2002-00004

Ex Parte: In the matter of
repealing certain regulations
relating to the regulation of
motor carriers

FINAL ORDER

On April 17, 2002, the State Corporation Commission ("Commission") issued an Order for Notice and Comment on the proposed repeal of motor carrier regulations promulgated by the Commission prior to the transfer of the Commission's authority relating to the regulation of motor carriers to the Department of Motor Vehicles by Chapter 744 of the 1995 Acts of Assembly ("Chapter 744"). Interested persons were given the opportunity to comment on the repeal on or before June 3, 2002. No comments were filed.

Chapter 744 provided that all rules, regulations, and orders governing the operations, supervision, and control of motor carriers in effect on July 1, 1995, were to remain in effect until "such time as changed in accordance with law." The motor carrier regulations promulgated by the Commission in effect on July 1, 1995 are listed in Attachment 1 hereto [see list of regulations above]. Chapter 596 of the 2001 Acts of Assembly subsequently incorporated all of the requirements of the motor carrier regulations listed in Attachment 1 hereto into the Code of Virginia ("Code"). These regulations, therefore, may be repealed.

NOW UPON CONSIDERATION of the matter, the Commission is of the opinion and finds that the regulations listed in Attachment 1 hereto should be repealed. We will direct that this Order be forwarded to the Registrar of Regulations for publication in the Virginia Register of Regulations.

Accordingly, IT IS ORDERED THAT:

- (1) The repeal of the regulations appended hereto as Attachment 1 is hereby adopted as final.
- (2) A copy of this Order shall be forwarded promptly to the Registrar of Regulations for publication in the Virginia Register of Regulations.
- (3) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.

AN ATTESTED COPY HEREOF shall be served by the Clerk of the Commission to: Asbury W. Quillian, Commissioner, Department of Motor Vehicles, P.O. Box 27412, Richmond, Virginia 27412; Judy Peterson, Department of Motor Vehicles, P.O. Box 27412, Richmond, Virginia 27412; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219.

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: **4 VAC 20-670. Pertaining to Recreational Gear Licenses (amending 4 VAC 20-670-30).**

Statutory Authority: §§ 28.2-201, 28.2-226.1, 28.2-226.2 and 28.2-210 of the Code of Virginia.

Effective Dates: June 20, 2002, through July 20, 2002.

Summary:

The amendment clarifies the daily time limits for recreational crab pots and excludes special provisions pertaining to the commercial crab potting industry.

Agency Contact: Deborah R. Cawthon, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or e-mail dcawthon@mrc.state.va.us.

4 VAC 20-670-30. Gear restrictions.

A. It shall be unlawful for any person to use any gill net greater than 300 feet in length when licensed for recreational purposes under this chapter. Any person licensed to use a recreational gill net shall stay within 100 yards of such net when it is overboard. Failure to attend such net in this fashion is a violation of this chapter.

B. It shall be unlawful for any person to use more than five crab pots or more than two eel pots when licensed for recreational purposes under this chapter.

C. Any law or chapter applying to the setting or fishing of commercial gill nets, cast nets, dip nets, crab pots, crab traps, or crab trot lines shall also apply to ~~these~~ *the gear licensed under this chapter* when set or fished for recreational purposes, except that (i) certain commercial gear used for recreational purposes shall be marked in accordance with the provisions described in 4 VAC 20-670-40 and (ii) *the daily time limits for commercial crab potting and peeler potting established in 4 VAC 20-270-30 shall not apply to the setting and fishing of recreational crab pots licensed under this chapter.*

D. It shall be unlawful for any person to use any recreational gill net, fish cast net, or fish dip net to catch and possess any species of fish whose commercial fishery is regulated by an annual harvest quota.

E. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess more than the recreational possession limit for any species regulated by such a limit. When fishing from any boat, using gear licensed under this chapter, the total possession limit shall be equal to the number of persons on board legally eligible to fish multiplied by the individual possession limit for the regulated species, and the captain or operator of the boat shall be responsible for adherence to the possession limit.

F. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess any fish which is less than the lawful minimum size established for that species. When the taking of any fish is regulated by different size limits for commercial and recreational fishermen, that size limit applicable to recreational fishermen or to hook-and-line fishermen shall apply to the taking of that species by persons licensed under this chapter.

G. It shall be unlawful for any person licensed to use five crab pots under this chapter to fish these crab pots on Sunday.

H. It shall be unlawful for any person to use any ordinary crab trot line greater than 300 feet in length when licensed for recreational purposes under this chapter.

VA.R. Doc. No. R02-221; Filed June 20, 2002, 1:35 p.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (amending 12 VAC 30-70-221, 12 VAC 30-70-281, and 12 VAC 30-70-351).**

12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-20).

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

Effective Dates: July 1, 2002, through June 30, 2003.

Preamble:

This regulatory action qualifies as an emergency, pursuant to § 2.2-4011 of the Code of Virginia, because it is responding to a change in the Virginia Appropriation Act that must be effective within 280 days from the date of enactment of the Appropriation Act (HB 30 Item 325 T and U) and this regulatory action is not otherwise exempt under the provisions of § 2.2-4006 of the Code of Virginia.

This regulatory action proposes two changes in reimbursement methodologies: outpatient hospital services and direct graduate medical education. These issues will be discussed in this order.

Outpatient Hospital reimbursement. Currently, Medicaid reimburses outpatient hospital services at 100% of the reasonable costs less a 10% reduction for capital costs and a 5.8% reduction for operating costs. This is the same payment methodology used by Medicare prior to August 1, 2000.

Effective August 1, 2000, the Medicare program changed its outpatient hospital reimbursement methodology to Ambulatory Patient Categories (APC). The APC methodology for outpatient services parallels the Diagnosis Related Groups methodology developed by Medicare for

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inpatient hospital services. This methodology serves as a way to classify patients, and thereby bill for services rendered, in a systematic, relative manner.

With the implementation of APCs by Medicare, the 10% reduction for capital costs and the 5.8% reduction to operating costs, previously utilized by Medicare and historically relied upon by DMAS, no longer exists. If DMAS were to convert to the new Medicare APC methodology, it would require significant changes to the Medicaid Management Information System. Therefore, since the capital and operating cost reductions are no longer utilized under the Medicare regulations, the department is stating its intention to retain the Medicare payment methodology in effect before August 1, 2000.

Approximately 101 enrolled hospitals will be affected by this change. Because the department is not changing the payment methodology, there will be no fiscal impact.

Direct Graduate Medical Education. Currently, Medicaid reimburses hospitals for direct medical education costs on an allowable cost basis. Payments for direct medical education costs are made in estimated quarterly lump sum amounts and settled at the hospital's fiscal year end. Final payment for direct medical education costs is based retrospectively on the ratio of Medicaid inpatient and outpatient costs to total allowable costs.

Recent revisions to Medicare cost reporting standards require certain teaching hospitals to accumulate and report costs and charges in such a manner that dilutes the ratio of Medicaid charges and costs to total charges and costs. This will result in an inappropriate reduction in the apportionment of Graduate Medical Education (GME) costs related to interns and residents to be reimbursed by Medicaid. The conversion to the proposed prospective method will allow these affected teaching hospitals to retain a more appropriate level of Medicaid reimbursement for GME-related costs.

The hospitals that will be affected by this change are those organizations that operate graduate medical education programs for interns and residents. GME costs will be reimbursed prospectively based on a per-resident amount of Medicaid-reimbursable GME costs determined for the base year ended in State Fiscal Year 1998 (base year).

As proposed, the reimbursement of GME-related costs will be made on a prospective basis, based on the affected hospitals' GME costs incurred in the base year. This amount will be converted to a per-resident amount for the base period. This per-resident amount will be updated annually by the DRI-Virginia moving average values published by DRI-WEFA, Inc. The updated per-resident amount for each hospital will be multiplied by the full-time resident equivalents reported on the most recent cost report to determine the amount of Medicaid-allowable GME costs for that cost reporting period.

Converting the direct Graduate Medical Education reimbursement to the prospective method will allow the affected teaching hospitals to retain their present level of Medicaid reimbursement of GME costs, or approximately \$15.5 million for all affected providers and especially \$2.0

million for the University of Virginia Hospital System. Failure to implement this change will result in either the absorption of the \$2.0 million loss by UVA or payment with 100% general fund dollars. Making this change in the Medicaid State Plan enables the Commonwealth to claim federal matching dollars for this change thereby reducing the state budget impact.

Agency Contact: N. Stanley Fields, Director, Division of Reimbursement and Cost Settlement, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-3590, FAX (804) 786-1680 or e-mail sfields@dmas.state.va.us.

12 VAC 30-70-221. General.

A. Effective July 1, 2000, the prospective (DRG-based) payment system described in this article shall apply to inpatient hospital services provided in enrolled general acute care hospitals, rehabilitation hospitals, and freestanding psychiatric facilities licensed as hospitals, unless otherwise noted.

B. The following methodologies shall apply under the prospective payment system:

1. As stipulated in 12 VAC 30-70-231, operating payments for DRG cases that are not transfer cases shall be determined on the basis of a hospital specific operating rate per case times relative weight of the DRG to which the case is assigned.

2. As stipulated in 12 VAC 30-70-241, operating payments for per diem cases shall be determined on the basis of a hospital specific operating rate per day times the covered days for the case with the exception of payments for per diem cases in freestanding psychiatric facilities. Payments for per diem cases in freestanding psychiatric facilities licensed as hospitals shall be determined on the basis of a hospital specific rate per day that represents an all-inclusive payment for operating and capital costs.

3. As stipulated in 12 VAC 30-70-251, operating payments for transfer cases shall be determined as follows: (i) the transferring hospital shall receive an operating per diem payment, not to exceed the DRG operating payment that would have otherwise been made and (ii) the final discharging hospital shall receive the full DRG operating payment.

4. As stipulated in 12 VAC 30-70-261, additional operating payments shall be made for outlier cases. These additional payments shall be added to the operating payments determined in subdivisions 1 and 3 of this subsection.

5. As stipulated in 12 VAC 30-70-271, payments for capital costs shall be made on an allowable cost basis.

6. As stipulated in 12 VAC 30-70-281, payments for direct medical education costs of nursing schools and paramedical programs shall be made on an allowable cost basis. *Payment for direct Graduate Medical Education (GME) costs for interns and residents shall be made quarterly on a prospective basis, subject to cost settlement based on the number of full time equivalent (FTE) interns and residents as reported on the cost report.*

7. As stipulated in 12 VAC 30-70-291, payments for indirect medical education costs shall be made quarterly on a prospective basis.

8. As stipulated in 12 VAC 30-70-301, payments to hospitals that qualify as disproportionate share hospitals shall be made quarterly on a prospective basis.

C. The terms used in this article shall be defined as provided in this subsection:

"Base year" means the state fiscal year for which data is used to establish the DRG relative weights, the hospital case-mix indices, the base year standardized operating costs per case, and the base year standardized operating costs per day. The base year will change when the DRG payment system is rebased and recalibrated. In subsequent rebasing, the Commonwealth shall notify affected providers of the base year to be used in this calculation. In subsequent rebasings, the Commonwealth shall notify affected providers of the base year to be used in this calculation.

"Base year standardized costs per case" reflects the statewide average hospital costs per discharge for DRG cases in the base year. The standardization process removes the effects of case-mix and regional variations in wages from the claims data and places all hospitals on a comparable basis.

"Base year standardized costs per day" reflects the statewide average hospital costs per day for per diem cases in the base year. The standardization process removes the effects of regional variations in wages from the claims data and places all hospitals on a comparable basis. Base year standardized costs per day were calculated separately, but using the same calculation methodology, for the different types of per diem cases identified in this subsection under the definition of "per diem cases."

"Cost" means allowable cost as defined in Supplement 3 (12 VAC 30-70-10 through 12 VAC 30-70-130) and by Medicare principles of reimbursement.

"Disproportionate share hospital" means a hospital that meets the following criteria:

1. A Medicaid utilization rate in excess of 15%, or a low-income patient utilization rate exceeding 25% (as defined in the Omnibus Budget Reconciliation Act of 1987 and as amended by the Medicare Catastrophic Coverage Act of 1988); and

2. At least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a state Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures.

3. Subdivision 2 of this definition does not apply to a hospital:

a. At which the inpatients are predominantly individuals under 18 years of age; or

b. Which does not offer nonemergency obstetric services as of December 21, 1987.

"DRG cases" means medical/surgical cases subject to payment on the basis of DRGs. DRG cases do not include per diem cases.

"DRG relative weight" means the average standardized costs for cases assigned to that DRG divided by the average standardized costs for cases assigned to all DRGs.

"Groupable cases" means DRG cases having coding data of sufficient quality to support DRG assignment.

"Hospital case-mix index" means the weighted average DRG relative weight for all cases occurring at that hospital.

"Medicaid utilization percentage" is equal to the hospital's total Medicaid inpatient days divided by the hospital's total inpatient days for a given hospital fiscal year. The Medicaid utilization percentage includes days associated with inpatient hospital services provided to Medicaid patients but reimbursed by capitated managed care providers.

"Medicare wage index" and the "Medicare geographic adjustment factor" are published annually in the Federal Register by the Health Care Financing Administration. The indices and factors used in this article shall be those in effect in the base year.

"Operating cost-to-charge ratio" equals the hospital's total operating costs, less any applicable operating costs for a psychiatric DPU, divided by the hospital's total charges, less any applicable charges for a psychiatric DPU. The operating cost-to-charge ratio shall be calculated using data from cost reports from hospital fiscal years ending in the state fiscal year used as the base year.

"Outlier adjustment factor" means a fixed factor published annually in the Federal Register by the Health Care Financing Administration. The factor used in this article shall be the one in effect in the base year.

"Outlier cases" means those DRG cases, including transfer cases, in which the hospital's adjusted operating cost for the case exceeds the hospital's operating outlier threshold for the case.

"Outlier operating fixed loss threshold" means a fixed dollar amount applicable to all hospitals that shall be calculated in the base year so as to result in an expenditure for outliers operating payments equal to 5.1% of total operating payments for DRG cases. The threshold shall be updated in subsequent years using the same inflation values applied to hospital rates.

"Per diem cases" means cases subject to per diem payment and include (i) covered psychiatric cases in general acute care hospitals and distinct part units (DPUs) of general acute care hospitals (hereinafter "acute care psychiatric cases"), (ii) covered psychiatric cases in freestanding psychiatric facilities licensed as hospitals (hereinafter "freestanding psychiatric cases"), and (iii) rehabilitation cases in general acute care hospitals and rehabilitation hospitals (hereinafter "rehabilitation cases").

"Psychiatric cases" means cases with a principal diagnosis that is a mental disorder as specified in the ICD-9-CM. Not all

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mental disorders are covered. For coverage information, see Amount, Duration, and Scope of Services, Supplement 1 to Attachment 3.1 A & B (12 VAC 30-50-95 through 12 VAC 30-50-310). The limit of coverage of 21 days in a 60-day period for the same or similar diagnosis shall continue to apply to adult psychiatric cases.

"*Psychiatric operating cost-to-charge ratio*" for the psychiatric DPU of a general acute care hospital means the hospital's operating costs for a psychiatric DPU divided by the hospital's charges for a psychiatric DPU. In the base year, this ratio shall be calculated as described in the definition of "operating cost-to-charge ratio" in this subsection, using data from psychiatric DPUs.

"*Readmissions*" occur when patients are readmitted to the same hospital for the same or a similar diagnosis within five days of discharge. Such cases shall be considered a continuation of the same stay and shall not be treated as a new case. Similar diagnoses shall be defined as ICD-9-CM diagnosis codes possessing the same first three digits.

"*Rehabilitation operating cost-to-charge ratio*" for a rehabilitation unit or hospital means the provider's operating costs divided by the provider's charges. In the base year, this ratio shall be calculated as described in the definition of "operating cost-to-charge ratio" in this subsection, using data from rehabilitation units or hospitals.

"*Statewide average labor portion of operating costs*" means a fixed percentage applicable to all hospitals. The percentage shall be periodically revised using the most recent reliable data from the Virginia Health Information (VHI), or its successor.

"*Transfer cases*" means DRG cases involving patients (i) who are transferred from one general acute care hospital to another for related care or (ii) who are discharged from one general acute care hospital and admitted to another for the same or a similar diagnosis within five days of that discharge. Similar diagnoses shall be defined as ICD-9-CM diagnosis codes possessing the same first three digits.

"*Type One*" hospitals means those hospitals that were state-owned teaching hospitals on January 1, 1996. "Type Two" hospitals means all other hospitals.

"*Ungroupable cases*" means cases assigned to DRG 469 (principal diagnosis invalid as discharge diagnosis) and DRG 470 (ungroupable) as determined by the AP-DRG Grouper.

D. The All Patient Diagnosis Related Groups (AP-DRG) Grouper shall be used in the DRG payment system. Until notification of a change is given, Version 14.0 of this grouper shall be used. DMAS shall notify hospitals when updating the system to later grouper versions.

E. The primary data sources used in the development of the DRG payment methodology were the department's hospital computerized claims history file and the cost report file. The claims history file captures available claims data from all enrolled, cost-reporting general acute care hospitals, including Type One hospitals. The cost report file captures audited cost and charge data from all enrolled general acute care hospitals, including Type One hospitals. The following table identifies key data elements that were used to develop the

DRG payment methodology and that will be used when the system is recalibrated and rebased.

Data Elements for DRG Payment Methodology

Data Elements	Source
Total charges for each groupable case	Claims history file
Number of groupable cases in each DRG	Claims history file
Total number of groupable cases	Claims history file
Total charges for each DRG case	Claims history file
Total number of DRG cases	Claims history file
Total charges for each acute care psychiatric case	Claims history file
Total number of acute care psychiatric days for each acute care hospital	Claims history file
Total charges for each freestanding psychiatric case	Medicare cost reports
Total number of psychiatric days for each freestanding psychiatric hospital	Medicare cost reports
Total charges for each rehabilitation case	Claims history file
Total number of rehabilitation days for each acute care and freestanding rehabilitation hospital	Claims history file
Operating cost-to-charge ratio for each hospital	Cost report file
Operating cost-to-charge ratio for each freestanding psychiatric facility licensed as a hospital	Medicare cost reports
Psychiatric operating cost-to-charge ratio for the psychiatric DPU of each general acute care hospital	Cost report file
Rehabilitation cost-to-charge ratio for each rehabilitation unit or hospital	Cost report file
Statewide average labor portion of operating costs	VHI
Medicare wage index for each hospital	Federal Register
Medicare geographic adjustment factor for each hospital	Federal Register
Outlier operating fixed loss threshold	Claims history file
Outlier adjustment factor	Federal Register

12 VAC 30-70-281. Payment for direct medical education costs of nursing schools, paramedical programs, and graduate medical education for interns and residents.

A. Direct medical education costs of nursing schools and paramedical programs shall continue to be paid on an allowable cost basis. Payments for these direct medical education costs shall be made in estimated quarterly lump sum amounts and settled at the hospital's fiscal year end.

B. Final payment for these direct medical education (DMedEd) costs shall be the sum of the fee-for-service DMedEd payment and the managed care DMedEd payment. Fee-for-service DMedEd payment is the ratio of Medicaid inpatient costs to total allowable costs, times total DMedEd costs. Managed care DMedEd payment is equal to the managed care days times the ratio of fee-for-service DMedEd payments to fee-for-service days.

C. ~~Direct medical education shall not be a reimbursable cost in freestanding psychiatric facilities licensed as hospitals. Effective with cost reporting periods beginning on or after July 1, 2002, direct Graduate Medical Education (GME) costs for interns and residents shall be reimbursed on a per-resident prospective basis, subject to cost settlement as outlined in subsection E of this section.~~

D. *The new methodology provides for the determination of a hospital-specific base period per-resident amount to initially be calculated from cost reports with fiscal years ending in state fiscal year 1998 or as may be re-based in the future and provided to the public in an agency guidance document. This per-resident amount shall be calculated by dividing a hospital's Medicaid allowable direct GME costs for the base period by its number of interns and residents in the base period yielding the base amount.*

E. *The base amount shall be updated annually by the DRI-Virginia moving average values as compiled and published by DRI-WEFA, Inc. (12 VAC 30-70-351). The updated per-resident base amount will then be multiplied by the weighted number of full-time equivalent (FTE) interns and residents as reported on the annual cost report to determine the total Medicaid direct GME amount allowable for each year. Payments for direct GME costs shall be made in estimated quarterly lump sum amounts and settled at the hospital's fiscal year end based on the actual number of FTEs reported in the cost reporting period. The total Medicaid direct GME allowable amount shall be allocated to inpatient and outpatient services based on Medicaid's share of costs under each part.*

F. *Direct medical education shall not be a reimbursable cost in freestanding psychiatric facilities licensed as hospitals.*

12 VAC 30-70-351. Updating rates for inflation.

Each July, the DRI-Virginia moving average values as compiled and published by ~~DRI-McGraw-Hill~~ *DRI-WEFA, Inc.* under contract with the department shall be used to update the base year standardized operating costs per case, as determined in 12 VAC 30-70-361, and the base year standardized operating costs per day, as determined in 12 VAC 30-70-371, to the midpoint of the upcoming state fiscal year. The most current table available prior to the effective date of the new rates shall be used to inflate base year amounts to the upcoming rate year. Thus, corrections made by ~~DRI-McGraw-Hill~~ *DRI-WEFA, Inc.* in the moving averages that were used to update rates for previous state fiscal years shall be automatically incorporated into the moving averages that are being used to update rates for the upcoming state fiscal year.

12 VAC 30-80-20. Services which are reimbursed on a cost basis.

A. Payments for services listed below shall be on the basis of reasonable cost following the standards and principles applicable to the Title XVIII Program *with the exception provided for in subdivision D 2 c of this section.* The upper limit for reimbursement shall be no higher than payments for Medicare patients on a facility by facility basis in accordance with 42 CFR 447.321 and 42 CFR 447.325. In no instance, however, shall charges for beneficiaries of the program be in

excess of charges for private patients receiving services from the provider. The professional component for emergency room physicians shall continue to be uncovered as a component of the payment to the facility.

B. Reasonable costs will be determined from the filing of a uniform cost report by participating providers. The cost reports are due not later than 90 days after the provider's fiscal year end. If a complete cost report is not received within 90 days after the end of the provider's fiscal year, the Program shall take action in accordance with its policies to assure that an overpayment is not being made. The cost report will be judged complete when DMAS has all of the following:

1. Completed cost reporting form(s) provided by DMAS, with signed certification(s);
2. The provider's trial balance showing adjusting journal entries;
3. The provider's financial statements including, but not limited to, a balance sheet, a statement of income and expenses, a statement of retained earnings (or fund balance), and a statement of changes in financial position;
4. Schedules which reconcile financial statements and trial balance to expenses claimed in the cost report;
5. Depreciation schedule or summary;
6. Home office cost report, if applicable; and
7. Such other analytical information or supporting documents requested by DMAS when the cost reporting forms are sent to the provider.

C. Item 398 D of the 1987 Appropriation Act (as amended), effective April 8, 1987, eliminated reimbursement of return on equity capital to proprietary providers.

D. The services that are cost reimbursed are:

1. Inpatient hospital services to persons over 65 years of age in tuberculosis and mental disease hospitals.
2. Outpatient hospital services excluding laboratory.
 - a. Definitions. The following words and terms, when used in this regulation, shall have the following meanings when applied to emergency services unless the context clearly indicates otherwise:

"All-inclusive" means all emergency department and ancillary service charges claimed in association with the emergency room visit, with the exception of laboratory services.

"DMAS" means the Department of Medical Assistance Services consistent with Chapter 10 (§ 32.1-323 et seq.) of Title 32.1 of the Code of Virginia.

"Emergency hospital services" means services that are necessary to prevent the death or serious impairment of the health of the recipient. The threat to the life or health of the recipient necessitates the use of the most accessible hospital available that is equipped to furnish the services.

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"Recent injury" means an injury which has occurred less than 72 hours prior to the emergency department visit.

b. Scope. DMAS shall differentiate, as determined by the attending physician's diagnosis, the kinds of care routinely rendered in emergency departments and reimburse for nonemergency care rendered in emergency departments at a reduced rate.

(1) With the exception of laboratory services, DMAS shall reimburse at a reduced and all-inclusive reimbursement rate for all services, including those obstetric and pediatric procedures contained in 12 VAC 30-80-160, rendered in emergency departments which DMAS determines were nonemergency care.

(2) Services determined by the attending physician to be emergencies shall be reimbursed under the existing methodologies and at the existing rates.

(3) Services performed by the attending physician which may be emergencies shall be manually reviewed. If such services meet certain criteria, they shall be paid under the methodology for (2) above. Services not meeting certain criteria shall be paid under the methodology of (1) above. Such criteria shall include, but not be limited to:

(a) The initial treatment following a recent obvious injury.

(b) Treatment related to an injury sustained more than 72 hours prior to the visit with the deterioration of the symptoms to the point of requiring medical treatment for stabilization.

(c) The initial treatment for medical emergencies including indications of severe chest pain, dyspnea, gastrointestinal hemorrhage, spontaneous abortion, loss of consciousness, status epilepticus, or other conditions considered life threatening.

(d) A visit in which the recipient's condition requires immediate hospital admission or the transfer to another facility for further treatment or a visit in which the recipient dies.

(e) Services provided for acute vital sign changes as specified in the provider manual.

(f) Services provided for severe pain when combined with one or more of the other guidelines.

(4) Payment shall be determined based on ICD-9-CM diagnosis codes and necessary supporting documentation.

(5) DMAS shall review on an ongoing basis the effectiveness of this program in achieving its objectives and for its effect on recipients, physicians, and hospitals. Program components may be revised subject to achieving program intent, the accuracy and effectiveness of the ICD-9-CM code designations, and the impact on recipients and providers.

c. Outpatient reimbursement methodology. DMAS shall continue to reimburse for outpatient hospital services, with the exception of direct graduate medical education for interns and residents, at 100% of reasonable costs less a 10% reduction for capital costs and a 5.8% reduction for operating costs.

d. Payment for direct medical education costs of nursing schools, paramedical programs and graduate medical education for interns and residents:

(1) Direct medical education costs of nursing schools and paramedical programs shall continue to be paid on an allowable cost basis.

(2) Effective with cost reporting periods beginning on or after July 1, 2002, direct Graduate Medical Education (GME) costs for interns and residents shall be reimbursed on a per-resident prospective basis. See 12 VAC 30-70-281 for prospective payment methodology for graduate medical education for interns and residents.

3. Rural health clinic services provided by rural health clinics or other federally qualified health centers defined as eligible to receive grants under the Public Health Services Act §§ 329, 330, and 340.

EDITOR'S NOTE: See 18:21 VA.R. 2818-2821 July 1, 2002, for amendments to 12 VAC 30-80-20 D 3 that take effect on August 1, 2002.

4. Rehabilitation agencies. Reimbursement for physical therapy, occupational therapy, and speech-language therapy services shall not be provided for any sums that the rehabilitation provider collects, or is entitled to collect, from the NF or any other available source, and provided further, that this amendment shall in no way diminish any obligation of the NF to DMAS to provide its residents such services, as set forth in any applicable provider agreement.

5. Comprehensive outpatient rehabilitation facilities.

6. Rehabilitation hospital outpatient services.

/s/ Mark R. Warner
Governor
Date: June 26, 2002

VA.R. Doc. No. R02-227; Filed June 26, 2002; 2:46 p.m.

* * * * *

Title of Regulation: 12 VAC 30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care (amending 12 VAC 30-80-40).

Statutory Authority: Item 325 FF and JJ of Chapter 899 of the 2002 Acts of Assembly.

Effective Dates: July 1, 2002, through June 30, 2003.

Preamble:

The Governor is hereby requested to approve this agency's adoption of the emergency regulation that amends the regulations for the Methods and Standards for Establishing

Payment Rates – Other Types of Care. This regulation implements the changes directed by the Appropriation Act of the 2002 Session of the General Assembly.

Section 2.2-4011 of the Code of Virginia provides for regulations which an agency finds are necessitated by an emergency situation. To enable the director, in lieu of the Board of Medical Assistance Services, to comply with the 2002 General Assembly's mandates, he must adopt this emergency regulation. This issue qualifies as an emergency regulation as provided for in § 2.2-4011 because the Appropriation Act requires this regulation to become effective within 280 days from the enactment of the law or regulation. As such, this regulation may be adopted without public comment with the prior approval of the Governor.

This regulatory action changes the reimbursement methodology for pharmaceutical products. Currently, the agency uses the Estimated Acquisition Cost (EAC) or reference cost of the Average Wholesale Price (AWP) discounted by a factor of 9.0%. This legislative mandate increases the percentage deducted from the AWP to 10.25%. Additionally, this mandate redefines the Virginia Maximum Allowable Cost methodology to include all products that participate in the pharmaceutical manufacturers' rebate program.

This action was mandated by Items 325 FF and JJ(2) of Chapter 899 of the 2002 Acts of Assembly.

Agency Contact: Marianne Rollings, R.Ph., Division of Program Operations, Department of Medical Assistance Services, 600 E. Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4268, FAX (804) 786-1680 or e-mail mrollings@dmas.state.va.us.

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 Medicaid Maximum Allowable Cost (VMAC) established by the agency plus a dispensing fee for multiple source drugs listed on the VVF. Virginia Department of Medical Assistance Services to be inclusive of appropriate multiple source and specific high cost drugs plus a dispensing fee. Multiple source drugs include but are not limited to Food and Drug Administration-rated products such as drugs established by a Virginia Voluntary Formulary (VVF), Federal Upper Limit Drugs and any other state or federally approved listing. Multisource drugs means covered

outpatient drugs, for which there are two or more drug products, which:

- a. Are included in the Centers for Medicare and Medicaid Services' state drug rebate program;*
- b. Have been approved by the Federal Food and Drug Administration (FDA);*
- c. Are included in the Approved Products with Therapeutic Equivalence Evaluations as generically equivalent; and*
- d. Are sold or marketed in Virginia.*

3. The Estimated Acquisition Cost (EAC) which shall be based on the published Average Wholesale Price (AWP) minus a percentage discount established by the General Assembly or in the absence thereof 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 CMS'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~~ a report by the Office of the Inspector General (OIG) which focused on appropriate Medicaid marketplace pricing of pharmaceuticals based on the documented costs to the pharmacy. An EAC of AWP minus 10.25% shall become effective July 1, 2002.

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~~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. The dispensing fee of \$4.25 (effective July 1, 1995) shall remain in effect, creating a payment methodology based on the previous algorithm (least of 1 through 5 of this subsection above) plus a dispensing fee where applicable.~~

9. Home infusion therapy.

a. 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 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.

/s/ Mark R. Warner
Governor
Date: June 26, 2002

VA.R. Doc. No. R02-228; Filed June 26, 2002, 2:48 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Title of Regulation: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, and Chiropractic (amending 18 VAC 85-20-280, 18 VAC 85-20-290, and 18 VAC 85-20-300; adding 18 VAC 85-20-285).**

Statutory Authority: § 54.1-2910.1 of the Code of Virginia.

Effective Dates: June 19, 2002, through June 18, 2003.

Preamble:

Amendments to the regulation are required in order to comply with an enactment clause in Chapter 38 of the 2002

Acts of the Assembly requiring the board to promulgate regulations within 280 days of enactment for changes in the practitioner profile system for doctors of medicine, osteopathy and podiatry.

Chapter 38 of the 2002 Acts of the Assembly resolves several problems with the existing law on physician profiling in § 54.1-2910.1 of the Code of Virginia as approved in the 2001 Special Session. The department identified several ways in which the physician profile system could be more efficient and effective and worked with the patron and other interested parties in amending provisions of the law that were problematic and offered no real benefit to the consumers of health care services by doctors. Required elements of the profile are intended to provide information sufficient for the public to locate doctors in their area who practice in a particular specialty and to further assure the public health, safety and welfare in their informed selection of doctors in the Commonwealth.

As provided in the law, the emergency regulations will amend the following sections:

18 VAC 85-20-280. Required information.

Subsection A

1. This section has a technical amendment to incorporate language currently in subsection C requiring submission of information within 30 days of a change in what is on the profile.

2. An amendment specifies the reporting of telephone numbers for primary and secondary practice settings in addition to addresses.

3. An amendment eliminates the requirement for reporting of all insurance plans accepted or managed care plans in which the doctor participates. That information is now optional, as provided in a new section (18 VAC 85-20-285) on voluntary information.

4. An amendment adds the requirement of reporting translating services at secondary practice settings as well as primary practice settings.

5. Complying with subdivision 11 in the listing of information the law requires on the profile, the regulations are amended to specify that a doctor must report any felony conviction, including the date of the conviction, the nature of the conviction, the jurisdiction in which the conviction occurred and the sentence that was imposed.

6. The law requires the board to specify in regulation other information related to the competency of doctors. In accordance, an amendment is adopted to require information on final disciplinary orders from a regulatory board of another jurisdiction or a disciplinary action taken by a federal health institution or agency.

Subsection B

1. The current subsection B has been moved to a new section (18 VAC 85-20-285) on voluntary information.

2. The new subsection B requires the posting of adjudicated orders and notices or decision documents that are subject

to public disclosure in § 54.1-2400.2 D of the Code of Virginia. In addition, the profile is required to reflect that unadjudicated notices and orders that are subject to be vacated are available to the public upon request.

Subsection C

1. Language in the current subsection C has been incorporated into subsection A of this section.

2. An amendment will require doctors to provide email addresses or facsimile numbers for the sole purpose of expediting the dissemination of information about a public health emergency. Such information is not published on the profile or released to the public.

18 VAC 85-20-285. Voluntary information.

This section is added to distinguish from required information that information which the doctor may voluntarily provide on the profile to include names of insurance plans accepted or managed care plans in which he participates or any other information that suggests additional competency or recognition.

18 VAC 85-20-290. Reporting of malpractice paid claims.

Current language in 18 VAC 85-20-290 was deleted and replaced with requirements for reporting that are more useful in presenting information on malpractice to the public. For example, current regulations require the physician to report the specialty in which he practices; amended regulations require the physician to report the specialty in which he was practicing at the time the claim was paid. Calculation of the level of significance for each paid claim is based in part on the number of doctors in that specialty who have had paid claims, so the amended requirement is more pertinent. In addition, the board found the standard deviation methodology set forth in current regulations produced skewed results, so a different statistical method has been used to rate the paid claims. If there have been fewer than 10 paid claims in any specialty, no rating system is applied. For all other paid claims, the top 16% of claims are displayed as above average; the next 68% are displayed as average; and the bottom 16% of claims are displayed as below average.

18 VAC 85-20-300. Noncompliance or falsification of profile.

Technical changes are made in this section to ensure consistency in the application of requirements and disciplinary action for noncompliance.

There are no potential issues to be addressed in the development of regulations to replace the emergency provisions adopted by the board. Issues related to the posting of disciplinary information were worked out with representatives of the Medical Society of Virginia (MSV) prior to the introduction of SB 59. Several of the suggested statutory and regulatory changes resulted from an internal assessment of the profiling system as well as meetings with MSV and other external groups such as the Virginia Association of Health Plans, Trigon, the Bureau of Insurance and the Virginia Hospital and Healthcare Association.

Agency Contact: Kate Nosbisch, Deputy Director, Board of Medicine, 6606 W. Broad Street, Richmond, VA 23230, telephone (804) 662-7455, FAX (804) 662-9943, or e-mail kate.nosbisch@dhp.state.va.us.

18 VAC 85-20-280. Required information.

A. In compliance with requirements of § 54.1-2910.1 of the Code of Virginia, a doctor of medicine or osteopathy or a doctor of podiatry licensed by the board shall provide, upon initial request or whenever there is a change in what has been entered on the profile, the following information within 30 days:

1. The address and telephone number of the primary practice setting and all secondary practice settings with the percentage of time spent at each location;

2. Names of medical, osteopathic or podiatry schools and graduate medical or podiatric education programs attended with dates of graduation or completion of training;

3. Names and dates of specialty board certification, if any, as approved by the American Board of Medical Specialties, the Bureau of Osteopathic Specialists of the American Osteopathic Association or the Council on Podiatric Medical Education of the American Podiatric Medical Association;

4. Number of years in active, clinical practice in the United States or Canada following completion of medical or podiatric training and the number of years, if any, in active, clinical practice outside the United States or Canada;

5. The specialty, if any, in which the physician or podiatrist practices;

~~6. Names of insurance plans accepted or managed care plans in which the physician or podiatrist participates and whether he is accepting new patients under such plans;~~

~~7. 6. Names of hospitals with which the physician or podiatrist is affiliated;~~

~~8. 7. Appointments within the past 10 years to medical or podiatry school faculties with the years of service and academic rank;~~

~~9. 8. Publications, not to exceed 10 in number, in peer-reviewed literature within the most recent five-year period;~~

~~10. 9. Whether there is access to translating services for non-English speaking patients at the primary and secondary practice setting and which, if any, foreign languages are spoken in the practice; and~~

~~11. 10. Whether the physician or podiatrist participates in the Virginia Medicaid Program and whether he is accepting new Medicaid patients; and~~

12. A report on felony convictions including the date of the conviction, the nature of the conviction, the jurisdiction in which the conviction occurred, and the sentence imposed, if any; and

13. Final orders of any regulatory board of another jurisdiction that result in the denial, probation, revocation, suspension, or restriction of any license or that result in the

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reprimand or censure of any license or the voluntary surrender of a license in a state other than Virginia while under investigation, as well as any disciplinary action taken by a federal health institution or federal agency.

~~B. The physician or podiatrist may provide additional information on hours of continuing education earned, subspecialties obtained, and honors or awards received.~~

~~C. Whenever there is a change in the information on record with the physician profile system, the practitioner shall provide current information in any of the categories in subsection A of this section within 30 days of such change.~~

B. Adjudicated notices and final orders or decision documents, subject to § 54.1-2400.2 D of the Code of Virginia, shall be made available on the profile. Information shall be posted indicating the availability of unadjudicated notices and of orders that are subject to being vacated at the request of the practitioner.

C. For the sole purpose of expediting dissemination of information about a public health emergency, an e-mail address or facsimile number, if available. Such addresses or numbers shall not be published on the profile and shall not be released or made available for any other purpose.

18 VAC 85-20-285. Voluntary information.

A. The doctor may provide names of insurance plans accepted or managed care plans in which he participates.

B. The doctor may provide additional information on hours of continuing education earned, subspecialties obtained, honors or awards received.

18 VAC 85-20-290. Reporting of malpractice paid claims and board actions.

~~A. All malpractice paid claims reported to the Board of Medicine within the 10 years immediately preceding the report shall be used to calculate the level of significance as required by § 54.1-2910.1 of the Code of Virginia. Each report of an award or settlement shall indicate:~~

~~1. The number of years the physician or podiatrist has been licensed in Virginia.~~

~~2. The specialty in which the physician or podiatrist practices.~~

~~3. The relative frequency of paid claims described in terms of the number of physicians or podiatrists in each specialty and the percentage who have made malpractice payments within the 10-year period.~~

~~4. The date of the paid claim.~~

~~5. The relative amount of the paid claim described as average, below average or above average, which shall be defined as follows:~~

~~a. "Average" if the amount of the award is within one standard deviation above or below the mean for the amount of all reported claims for physicians or podiatrists who share the same specialty as the subject of the report;~~

~~b. "Below average" if the amount of the award is below one standard deviation from the mean for the amount of all reported claims for physicians or podiatrists who share the same specialty as the subject of the report; and~~

~~c. "Above average" if the amount of the award is above one standard deviation from the mean for the amount of all reported claims for physicians or podiatrists who share the same specialty as the subject of the report.~~

~~B. The board shall make available as part of the profile information regarding disciplinary notices and orders as provided in § 54.1-2400.2 D of the Code of Virginia.~~

A. In compliance with requirements of § 54.1-2910.1 of the Code of Virginia, a doctor of medicine, osteopathy, or podiatry, licensed by the board, shall report all malpractice paid claims in the most recent 10-year period. Each report of a settlement or judgment shall indicate:

1. The year the claim was paid.

2. The specialty in which the doctor was practicing at the time the incident occurred that resulted in the paid claim.

3. The total amount of the paid claim in United States dollars.

4. The city, state, and country in which the paid claim occurred.

B. The board shall use the information provided to determine the relative frequency of paid claims described in terms of the number of doctors in each specialty and the percentage who have made malpractice payments within the most recent 10-year period. The statistical methodology used will include any specialty with more than 10 paid claims. For each specialty with more than 10 paid claims, the top 16% of the paid claims will be displayed as above average payments, the next 68% of the paid claims will be displayed as average payments, and the last 16% of the paid claims will be displayed as below average payments.

18 VAC 85-20-300. Noncompliance or falsification of profile.

A. The failure to provide the information required by subsection A of 18 VAC 85-20-280 and by 18 VAC 85-20-290 within 30 days of the request for information by the board or within 30 days of a change in the information on the profile may constitute unprofessional conduct and may subject the licensee to disciplinary action by the board.

B. Intentionally providing false information to the board for the physician profile system shall constitute unprofessional conduct and shall subject the licensee to disciplinary action by the board.

/s/ Mark R. Warner

Governor

Date: June 18, 2002

VA.R. Doc. No. R02-214; Filed June 19, 2002, 2:20 p.m.



FORMS

TITLE 22. SOCIAL SERVICES

DEPARTMENT OF SOCIAL SERVICES

EDITOR'S NOTICE: The following form has been revised by the Department of Social Services. The form is available for public inspection at the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219. Copies of the forms may be obtained from the Department of Social Services, 730 E. Broad Street, Richmond, VA 23219, telephone (804) 692-1825.

Title of Regulation: **22 VAC 40-690. Virginia Child Care Provider Scholarship Program.**

FORMS

Virginia Child Care Provider Scholarship Program Application Form to Attend Virginia's Public and Private Colleges and Universities, Form # ~~032-05-032/6~~ 032-05-032/7 (rev. 10/01-6/02).



GOVERNOR

EXECUTIVE ORDER NUMBER 14 (2002)

THE VIRGINIA BIOTECHNOLOGY INITIATIVE

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, Chapter 1 of Title 2.2 and Section 2.2-2100 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Virginia Biotechnology Initiative.

Importance of the Initiative

Advancements in biotechnology will have far-reaching human, environmental, and economic impacts. Virginia has many of the necessary assets and qualities that would make it an attractive location for this promising new industry of the 21st Century. These assets include major research universities, partner companies, medical schools, and federal and state laboratories. The Commonwealth has already invested in centers dedicated to the creation and growth of private sector companies that are developing promising new products and services to enhance human lives, improve the environment, and create new high-paying job opportunities for Virginians. The biotechnology industry also has the potential to benefit agriculture, manufacturing, and marine-based commerce.

To be competitive in growing and attracting this industry, Virginia needs a comprehensive and coordinated statewide strategy for biotechnology. I am therefore directing a joint study involving both the public and private sectors to ascertain how Virginia can become a recognized center for biotechnology comparable to the reputation the Commonwealth now enjoys in other technology sectors. I further direct the Secretary of Commerce and Trade to integrate the results of this effort into the development of the economic development policy required by Section 2.2-205 of the Code of Virginia.

The Governor's Advisory Board

I hereby create the Governor's Advisory Board for the Virginia Biotechnology Initiative (hereinafter referred to as "the Board"), which shall prepare a strategic plan for making Virginia a leader among states and regions of the world in biotechnology over the course of the next decade and beyond. This Board shall be classified as a gubernatorial advisory board in accordance with Section 2.2-2100 of the Code of Virginia.

The Board shall have the following responsibilities:

1. Determining how Virginia's research universities, federal and state laboratories, biotechnology incubators, research parks, private industry, and other major resources can be leveraged to help make Virginia a more attractive location for the biotechnology industry, and how these resources can boost development of the industry through technology transfer and commercialization of new ideas and discoveries.
2. Assessing how a strategic initiative in biotechnology can help generate new jobs and investment in rural and urban areas of the state.

3. Determining which new industries and private sector job opportunities that Virginia is well-positioned to secure because of its workforce, location, and other advantages.

4. Examining workforce and training needs for a biotechnology workforce.

5. Investigating how a strong biotechnology industry and research capability can help Virginia protect and preserve the Commonwealth's natural resources.

6. Evaluating Virginia's competitive position compared with other states and regions in terms of leadership in biotechnology.

7. Recommending ways to enhance the research base of the Commonwealth in biotechnology, to encourage the growth of biotechnology companies, and to make Virginia a more attractive location for future investments by "life sciences" companies.

The board shall, by November 15, 2002, recommend a strategy and accompanying specific recommendations and actions for making Virginia a leader in the biotechnology industry. The strategy should identify what the Commonwealth must do in order to become a leader in biotechnology, taking into account the costs and the future benefits of any initiatives that may be recommended.

The Board shall be appointed by the Governor and serving at his pleasure. The Secretary of Commerce and Trade and the Chairman of the Virginia Biotechnology Association shall serve as co-chairs of the Board. The Secretary of Technology shall serve as Vice Chairman. Other members of the Board shall include:

- The Secretaries of Natural Resources, Education, and Health and Human Resources;
- Three members of the House of Delegates;
- Two members of the Senate of Virginia;
- The presidents or their designees of each of the four Virginia public research universities who have joined together in the proposed "Virginia Life" initiative;
- One representative of federal laboratories in Virginia involved in research and technology transfer in life sciences;
- The directors of the Division of Consolidated Laboratory Services and the Virginia Institute of Marine Science;
- Three representatives of not-for-profit life science and research institutions and laboratories in the Commonwealth;
- Two representatives of agricultural and tobacco interests;
- The Chief Executive Officer of the Virginia Economic Development Partnership;
- Two local economic development officials; and
- Three private biotechnology industry leaders.

Other citizen members may be appointed to the Board by the Governor at his discretion. Members of the Board shall serve

without compensation and shall not be reimbursed for expenses incurred in the discharge of their official duties.

Staff support necessary for the conduct of the work of the Board shall be provided by the Center for Innovative Technology, the Office of the Secretary of Commerce and Trade, the Office of the Governor, and other such executive branch agencies as the Governor may designate.

An estimated 1,000 hours of staff time shall be needed to support the work of the Board. Direct expenditures to support the Board's work are estimated at \$10,000.

This Executive Order shall be effective immediately upon its signing and shall remain in full force and effect until June 17, 2003, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 17th day of June 2002.

/s/ Mark R. Warner
Governor

VA.R. Doc. No. R02-222; Filed June 21, 2002, 9:58 a.m.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Insurance

June 17, 2002

ADMINISTRATIVE LETTER 2002 - 6

TO: All Insurers Licensed to Write Private Passenger Automobile Insurance and Homeowners Insurance In Virginia

RE: Use of Credit Scoring Models in Rating Auto and Homeowners Insurance Policies

It has recently come to the attention of the State Corporation Commission Bureau of Insurance that it is possible to change the mathematical components/formulae of a credit scoring model used for calculating rate levels, thereby changing the final rate charged to an insured. Section 38.2-1906 of the Code of Virginia requires that all rates and supplementary rate information be filed prior to their use.

Effective immediately, any insurer that intends to use credit scoring models in rating or tiering must file the models prior to their use. Insurers currently using credit scoring models in rating or tiering must file their models no later than September 1, 2002.

The models will be considered part of the rate filing and will be open to public inspection according to § 38.2-1907.

If you have any questions regarding this matter, please call Rebecca Nichols, Supervisor of the Personal Lines Rates and Forms Section, at (804) 371-9965 or send an e-mail to rnichols@scc.state.va.us.

/s/ Alfred W. Gross
Commissioner of Insurance

* * * * *

June 17, 2002

ADMINISTRATIVE LETTER 2002 - 7

TO: All companies seeking to be licensed as insurers in accordance with Chapter 10, 12, 41, or 46 of Title 38.2 of the Code of Virginia.

RE: Requirements for Foreign and Alien Insurance Companies Seeking Admission to Do Business in Virginia

Applications for admission to transact the business of insurance in this Commonwealth will be processed in accordance with provisions in Title 38.2 of the Code of Virginia. Satisfaction of all applicable statutes will be required. All references to a section, chapter or title shall be to the cited portion of the Code of Virginia.

The provisions of this administrative letter replace the provisions of Administrative Letter 1999-9.

To transact the business of insurance in Virginia, an insurance company which is domiciled outside the Commonwealth of Virginia must obtain both of the following:

1. A license issued through the Bureau of Insurance in compliance with Title 38.2 of the Code of Virginia; and
2. A Certificate of Authority issued through the Clerk of the State Corporation Commission in compliance with Title 13.1 of the Code of Virginia. However, reciprocal insurers licensed under Chapter 12 of Title 38.2 instead shall file with the Bureau of Insurance a written power of attorney on a form prescribed by the Commission, appointing the Clerk of the Commission as agent of the reciprocal.

The applicant should submit an application with and be tentatively approved for licensing by the Bureau of Insurance before securing a Certificate of Authority.

QUALIFICATIONS

1. Section 38.2-1024 B 3 of the Code of Virginia requires that the applicant satisfy the Commission's minimum capital and surplus requirements. Prescribed minimums include the minimal dollar amounts specified in the statutes.

(a) Stock insurance companies must maintain capital and surplus at the minimum levels prescribed by § 38.2-1028.

(b) Non-assessable mutual insurers must maintain a surplus at the minimum levels prescribed by § 38.2-1030, or § 38.2-1029 if the company issues assessable policies.

(c) Non-assessable reciprocal insurers must maintain a surplus at the minimum levels prescribed by § 38.2-1213, or § 38.2-1206 if the company issues assessable policies.

(d) Alien insurance companies (stock and mutual) incorporated or organized outside the United States must maintain a trusteed surplus at the minimum levels prescribed by § 38.2-1031.

Because a licensed insurer will be impaired and subject to license suspension when its surplus falls below the statutory minimum, the applicant must have surplus above these minimums in order to obtain a license. Precise amounts of additional surplus will be determined by the Bureau through a risk-based assessment of the applicant's financial condition, operational performance, business plan, and means of financial support. The determinations shall consider class of insurance and also factors cited in § 38.2-1024 B 5. At a minimum, an applicant must have additional surplus of not less than \$500,000.

2. Section 38.2-1024 B 4 of the Code of Virginia requires the applicant to furnish financial statements and any other reports, certificates or other documents the Commission considers necessary to secure a full and accurate knowledge of the applicant's affairs and financial condition. Section 38.2-1300 addresses the scope and preparation of acceptable financial statements.

3. Section 38.2-1024 B 5 of the Code of Virginia requires assurances that the applicant ". . . is solvent and its financial condition, method of operation, and manner of doing business are such as to satisfy the Commission that it

can meet its obligations to all policyholders" The following are essential for a qualified applicant.

(a) Profitable operations as a direct writer for each of the three immediately preceding calendar years. For applicants that do not strictly comply with this standard, the Bureau, at its discretion, may give due consideration to such mitigating factors as the severity, cause(s), and timing of statutory losses, surplus strength of the applicant, financial strength of a parent insurer licensed in Virginia, etc.

(b) Active engagement in business similar to that for which licensure in Virginia is requested.

(c) A definitive plan of operations for Virginia, including plans to commence direct writings in Virginia within six months after licensure.

(d) A proven management team with adequate insurance expertise and experience.

Acceptable submissions must reflect adherence to standards of accurate financial reporting and disclosure in conformity with annual and quarterly statement instructions, and accounting practices and procedures manuals adopted by the National Association of Insurance Commissioners (NAIC).

Application submissions must include a full report of examination duly authenticated by the insurance supervisory official of the applicant's state of domicile or of entry. Acceptable reports of examination must be relevant for the applicant's current operations. Reports with balance sheet date more than three years prior to the date of the current NAIC annual statement may be viewed as immaterial for the purposes of the Bureau's analysis, and may result in refusal of a license. Similarly, reports of companies which have undergone significant changes in operations or growth since their most recent examination may be viewed as immaterial.

Fraternal Benefit Societies – Companies Subject to Chapter 41 of Title 38.2

Pursuant to § 38.2-4129.6 of the Code of Virginia, the Bureau requires applicants seeking licensure as a foreign or alien fraternal benefit society to comply with the standards and policies addressed in this administrative letter for insurers seeking admission under Chapters 10, 12 or 46 of Title 38.2.

APPLICATION PROCEDURE

Unless otherwise prescribed by the Commission, a company interested in applying for admission to Virginia shall submit a Uniform Certificate of Authority Application (UCAA). Virginia participates in the NAIC's UCAA program, which is a process designed to allow insurers to file copies of the same application for admission in the states that participate in the program. Foreign and alien insurers seeking admission to Virginia should use the "Expansion Application" format of the UCAA. All necessary UCAA forms and instructions can be obtained online from the NAIC at: www.naic.org/ucaa.

The Bureau may choose not to accept applications with missing or deficient documentation. Once accepted,

applications with incomplete subsequent submissions or improperly executed documents are subject to denial. The Bureau will make a determination based on an analysis of the required items as well as any other information requested.

It is the intention of the Bureau to act on all applications within a reasonable time frame. During the review process, failure by an applicant company to respond adequately to written inquiries and solicitations within 30 days will be considered grounds for denial.

If the application is approved, the Bureau will send the company a letter of tentative approval, outlining the remaining requirements for admission. These requirements typically consist of the submission of documents to three areas: (1) the Clerk of the State Corporation Commission; (2) the financial institution designated by the Treasurer of Virginia as custodian for deposits required by Title 38.2 of the Code of Virginia (except for fraternal benefit societies licensed under Chapter 41 of Title 38.2 of the Code of Virginia); and (3) the Company Licensing and Regulatory Compliance Section of the Bureau. Generally, an applicant is expected to complete these remaining requirements within 60 days following the date of approval. Failure to do so may result in denial of the application.

Questions regarding the contents of this letter should be directed to:

Company Licensing and Regulatory Compliance
Financial Regulation Division, Bureau of Insurance
State Corporation Commission
P. O. Box 1157
Richmond, Virginia 23218
(804) 371-9616

/s/ Alfred W. Gross
Commissioner of Insurance

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Availability of and Public Comment on the § 305(b) Water Quality Assessment and § 303(d) Report on Impaired Waters

The Virginia Department of Environmental Quality (DEQ) will release two water quality reports on July 15, 2002 for public comment.

Both the 2002 § 305(b) Water Quality Assessment and the 2002 § 303(d) Report on Impaired Waters are available for download at <http://www.deq.state.va.us/water/305b.html> throughout the public comment period, which ends on August 16, 2002. A hard copy will be made available upon request by phoning Diana Baumann at (804) 698-4310.

Three public information meetings are scheduled regarding the § 305(b) and § 303(d) reports. They will be held on:

- July 29th, 2:00pm – 3:30pm – DEQ West Central Regional Office, 3019 Peters Creek Road in Roanoke. For directions please call (540) 562-6700.

General Notices/Errata

- July 31st, 1:30pm – 3:00pm – DEQ Northern Va. Regional Office, 13901 Crown Court in Woodbridge. For directions please call (703) 583-3800.
- August 1st, 1:30pm – 3:00pm – DEQ Piedmont Regional Office, 4949-A Cox Road in Glen Allen. For directions please call (804) 527-5020.

Written comments on either report can be mailed to: Darryl M. Glover, DEQ Water Quality Monitoring and Assessment Manager, P.O. Box 10009, Richmond, VA 23240-0009, or via e-mail to dmglover@deq.state.va.us. Please include your name, (U.S. mail) address, and telephone number.

Notice of Availability of Data

Pursuant to § 62.1-44.19:6 A 3 of the Code of Virginia, the Virginia Department of Environmental Quality (DEQ) is giving notice that new data concerning the presence of toxic contaminants in fish tissue and sediments collected from Virginia rivers by DEQ in the calendar year 2001 will soon be available on the DEQ website at <http://www.deq.state.va.us/rivers/homepage.html>. DEQ conducted routine fish and sediment monitoring in 2001 in the river basins of the Potomac River, Shenandoah River, Rappahannock River, the James River basin and a few sites in the Tennessee Big Sandy River basin. The data for these fish and sediment samples were being received from the analytical lab as this notice was being prepared and are undergoing review and preparation for posting on the DEQ web site. The data should be available on the DEQ web site by early August 2002. For additional information contact Alex Barron directly at (804) 698-4119, or e-mail ambarron@deq.state.va.us, or call toll free 1-800-592-5482 and request Mr. Barron.

Total Maximum Daily Loads (TMDLs) for Pleasant Run, Mill Creek, Muddy Creek, and Holmans Creek

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of Total Maximum Daily Loads (TMDLs) for Pleasant Run, Mill Creek, Muddy Creek, and Holmans Creek. These streams are listed on the 1998 § 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standards for the General Standard (Benthics).

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

The Pleasant Run stream segment is located in Rockingham County. It is 6.30 miles in length and begins at the headwaters and continues to the confluence with the North River. The Mill Creek stream segment is located in Rockingham County. It is 2.66 miles in length and begins at the headwaters and

continues to the confluence with the North River. The Muddy Creek stream segment is located in Rockingham County. It is 10.36 miles in length and begins at the headwaters and continues to the confluence with Dry River. The Holmans Creek stream segment is located in Rockingham and Shenandoah Counties. It is 10.44 miles in length and begins at the headwaters and continues to the confluence with the North Fork of the Shenandoah River.

The final public meeting on the development of these TMDLs will be held on Tuesday, July 23, 2002, 7 p.m. at the DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.

A copy of the draft TMDL documents addressing these impairments will be ready for review on July 15, 2002. The public comment period will run from July 15, 2002, to August 14, 2002. Questions or information requests should be addressed to Sandra Mueller. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Sandra T. Mueller, Department of Environmental Quality, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878 or e-mail stmueller@deq.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

List of Hospital 2003 Payment Rates

Final DRG and Psychiatric Rates 07/01/02 – 06/30/03

Provider Name	Operating Case Rate for DRG Cases	Operating Per Diem for Psych Cases	Capital Percent Add-On
George Washington University Hospital	3,376.93	526.87	6.49%
Georgetown University Hospital	3,376.93	526.87	17.89%
Washington Hospital Center	3,376.93	526.87	8.19%
Children's Hospital NMC	3,376.93	526.87	19.49%
Duke University Medical Center	3,195.65	498.58	15.71%
North Carolina Baptist Hospital	3,107.65	484.86	14.46%
Bristol Memorial Hospital	3,062.99	477.89	14.51%
Holston Valley Hospital	3,062.99	477.89	12.84%
Johnson City Medical Center	3,062.99	477.89	12.60%
Indian Path Hospital	3,062.99	477.89	20.43%
Norton Community Hospital	2,812.00	438.73	8.44%
Russell County Medical Center	2,812.00	438.73	14.14%
Richmond Eye & Ear Hospital	3,070.15	479.00	20.68%
Rockingham Memorial Hospital	2,812.00	438.73	14.03%
Winchester Medical Center	2,812.00	438.73	19.21%

General Notices/Errata

Shenandoah County Memorial Hospital	2,812.00	438.73	16.55%
Sentara Norfolk General Hospital	2,912.62	454.43	15.10%
UVA Hospital	5,043.87	756.15	10.01%
Depaul Medical Center	2,912.62	454.43	15.32%
Lee County Community Hospital	2,812.00	438.73	11.31%
Halifax-South Boston Community Hospital	2,812.00	438.73	13.87%
Henrico Doctors Hospital Parham	3,070.15	479.00	19.81%
Maryview Hospital	2,912.62	454.43	11.99%
Augusta Medical Center	2,812.00	438.73	14.21%
Culpeper Memorial Hospital	3,376.93	526.87	12.28%
John Randolph Hospital	3,070.15	479.00	18.44%
Virginia Baptist Hospital (Centra Health	2,896.04	451.84	13.90%
Mary Washington Hospital	3,376.93	526.87	18.74%
Fauquier Hospital	3,376.93	526.87	13.41%
Roanoke Memorial Hospital	2,928.83	456.96	13.60%
St. Mary's Hospital Norton	2,812.00	438.73	11.27%
Stonewall Jackson Hospital	2,812.00	438.73	12.32%
MCV Hospital	5,075.34	760.86	6.60%
Warren Memorial Hospital	3,376.93	526.87	14.00%
Shore Memorial Hospital	2,812.00	438.73	9.66%
Smyth County Community Hospital	2,812.00	438.73	11.32%
Alexandria Hospital	3,376.93	526.87	12.45%
Mary Immaculate Hospital	2,912.62	454.43	11.84%
Radford Community Hospital	2,812.00	438.73	17.70%
Loudoun Hospital Center	3,376.93	526.87	20.42%
Louise Obici Memorial Hospital	2,912.62	454.43	10.41%
Prince William Hospital	3,376.93	526.87	14.70%
Sentara Leigh Hospital	2,912.62	454.43	10.17%
Page Memorial Hospital	2,812.00	438.73	7.35%
Lewis Gale Hospital	2,928.83	456.96	14.70%
Virginia Hospital Center Arlington	3,376.93	526.87	12.30%
Riverside Hospital	2,912.62	454.43	13.10%
Johnston Memorial Hospital	3,062.99	477.89	14.96%
R. J. Reynolds Patrick County Memorial	2,812.00	438.73	9.73%
Virginia Beach General Hospital	2,912.62	454.43	11.97%
St. Mary's Hospital Richmond	3,070.15	479.00	12.81%
Clinch Valley	2,812.00	438.73	15.84%
Fairfax Hospital	3,376.93	526.87	10.59%
Williamsburg Community Hospital	2,912.62	454.43	11.97%
Southside Regional Medical Center	3,070.15	479.00	9.55%
Bon Secours Memorial Regional Medical	3,070.15	479.00	19.16%
Retreat Hospital	3,070.15	479.00	20.31%
Northern Virginia Community Hospital	3,376.93	526.87	11.84%

Danville Regional Medical Center	2,880.59	449.43	14.23%
Martha Jefferson Hospital	3,051.12	476.04	13.37%
Mem Hospital Martinsville Henry Co.	2,812.00	438.73	14.71%
Riverside Tappanock	2,812.00	438.73	11.46%
Giles Memorial Hospital	2,812.00	438.73	12.24%
Bedford County Memorial Hospital	2,896.04	451.84	10.73%
Franklin Memorial Hospital	2,812.00	438.73	9.06%
Southside Community Hospital	2,812.00	438.73	11.49%
Southampton Memorial Hospital	2,812.00	438.73	16.91%
Sentara Hampton General Hospital	2,912.62	454.43	15.06%
Richmond Community Hospital	3,070.15	479.00	13.05%
CHKD	2,912.62	454.43	19.46%
Greensville Memorial Hospital	2,812.00	438.73	11.70%
Community Memorial Hospital	2,812.00	438.73	7.71%
Bath County Community Hospital	2,812.00	438.73	19.51%
Fair Oaks Hospital	3,376.93	526.87	16.77%
Reston Hospital Center	3,376.93	526.87	13.71%
Montgomery Regional Hospital	2,812.00	438.73	23.59%
Wythe County Community Hospital	2,812.00	438.73	16.58%
Chippenham Hospital & Johnston-Willis	3,070.15	479.00	12.11%
Potomac Hospital Corp.	3,376.93	526.87	12.87%
Wellmont Lonesome Pine Hospital	2,812.00	438.73	6.93%
Twin County Community Hospital	2,812.00	438.73	17.79%
Pulaski Community Hospital	2,812.00	438.73	16.32%
Tazewell Community Hospital	2,812.00	438.73	7.84%
Henrico Doctors Hospital	3,070.15	479.00	16.02%
Sentara Bayside Hospital	2,912.62	454.43	17.81%
Chesapeake General Hospital	2,912.62	454.43	13.45%
Mount Vernon Hospital	3,376.93	526.87	13.86%
Rappahannock General Hospital	2,812.00	438.73	9.52%
Alleghany Regional Hospital	2,812.00	438.73	19.02%
Buchanan General Hospital	2,812.00	438.73	11.14%
Riverside Middle Peninsula	2,912.62	454.43	12.78%
Dickenson County Medical Center	2,812.00	438.73	22.32%
Hospital for Extended Recovery	2,912.62	454.43	14.03%
Children's Hospital	3,070.15	479.00	20.38%
Hospice of Northern Virginia	3,376.93	526.87	2.59%

General Notices/Errata

Freestanding Psychiatric Hospital Final Rates 07/01/02 – 06/30/03

Provider Name	Per Diem
Dominion Hospital	603.41
Popular Springs Hospital	547.63
Peninsula Center for Behavioral Health	518.86
Carilion Saint Albans Hospital	500.41
Woodside Hospital LLC	518.86
West End Behavioral Health Center	547.63
Piedmont Behavioral Health Care LLC	603.41
Woodridge Hospital	546.32
Commonwealth Center for Children & Adolescence	500.41
Northern Virginia Mental Health Institute	603.41
Southern Virginia Mental Health Institute	512.99
Southwestern Virginia Mental Health Institute	500.41
Western State Hospital	500.41
Virginia Beach Psychiatric Hospital	518.86
Riverside Hospital	603.41

Final Rehabilitation Rates 7/1/02 – 6/30/03

Provider Name	SFY 2003 Hospital Specific Rehab Operating Rate per Day	Rehab Capital Percentage for 2003
Sheltering Arms Day Rehab Program	\$605.42	11.45%
DePaul Medical Center	\$574.35	15.32%
Danville Regional Medical Center	\$568.04	14.23%
Lee County Community Hospital	\$554.51	11.31%
Chippenham Hospital & Johnston-Willis	\$605.42	12.11%
Sentara Norfolk General Hospital	\$574.35	15.10%
UVA Hospital	\$976.09	10.01%
Maryview Hospital	\$574.35	11.99%
Riverside Tappanock	\$554.51	11.46%
Henrico Doctors Hospital	\$605.42	19.81%
UVA HealthSouth	\$601.67	19.12%
CHKD	\$574.35	19.46%
Augusta Medical Center	\$554.51	14.21%
Norton Community Hospital	\$554.51	8.44%
Virginia Baptist Hospital (Centra Health)	\$571.08	13.90%
Roanoke Memorial Hospital	\$577.55	13.60%
Rehabilitation Institute of VA	\$574.35	8.67%
MCV Hospital	\$982.18	6.60%
Winchester Medical Center	\$554.51	19.21%
Lewis Gale Hospital	\$577.55	14.70%

Clinch Valley	\$554.51	15.84%
Healthsouth Rehab Hospital of Virginia	\$605.42	10.82%
Mount Vernon Hospital	\$665.91	13.86%
Cumberland Hospital	\$605.42	7.47%
Children's Hospital	\$605.42	20.38%

STATE WATER CONTROL BOARD

Proposed Consent Special Order Fairfax County Board of Supervisors

The State Water Control Board (Board) proposes to issue a Consent Special Order (order) to the Fairfax County Board of Supervisors (county) regarding the Noman M. Cole, Jr. Pollution Control Plant (facility) located in Fairfax County, Virginia.

The facility is subject to VPDES Permit No. VA0025364. The proposed order includes a schedule of compliance that requires the county to achieve compliance with final permit effluent limits for ammonia at the facility by January 1, 2003, and provides interim effluent limits for ammonia until that date.

On behalf of the board, the Department of Environmental Quality's Northern Virginia Regional Office will receive comments relating to the order through August 14, 2002. Please address comments to: Elizabeth Anne Crosier, Northern Virginia Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, VA 22193. Please address comments sent via e-mail to eacrosier@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) 583-3886, in order to obtain or examine a copy of the order.

Proposed Consent Special Order Stonebrook Swim and Racquet Club

The State Water Control Board proposes to enter into a Consent Special Order with Stonebrook Swim and Racquet Club (Stonebrook). The parties have agreed to the terms of a Consent Special Order for settlement of violations of State Water Control Law at the Stonebrook facility.

Stonebrook is a privately held recreational facility located at 2342 Jones Road, Winchester, Virginia. Under the terms of a Virginia Pollutant Discharge Elimination System (VPDES) permit, Stonebrook operates a sewage treatment plant (STP) which discharges treated sewage to Opequon Creek. Based on inspections of the STP, DEQ found Stonebrook to be in violation of its VPDES permit. Stonebrook has implemented measures to return the facility to compliance with the VPDES permit. The proposed order requires Stonebrook to provide licensed operator services on a part-time basis to ensure compliance with the permit. The proposed order would also

assess a civil charge against Stonebrook in settlement of the violations.

The board will receive written comments relating to the proposed order for 30 days from the date of publication of this notice. Comments should be addressed to Edward A. Liggett, Department of Environmental Quality, P.O. Box 3000, Harrisonburg, VA 22801, and should refer to the order. The proposed order may be examined at the Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. A copy of the order may be obtained in person or by mail from the DEQ office.

Comments may also be submitted via electronic mail to ealiggett@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.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (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
- PETITION FOR RULEMAKING - RR13

ERRATA

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: 9 VAC 5-140. Regulations for Emissions Trading (Rev. D98).

Publication: 18:14 VA.R. 1853-1892 March 25, 2002

Correction to Final Regulation:

Page 1856, 9 VAC 5-140-20, definition of "Fossil fuel-fired," line 6, after "heat input" delete "starting"

Page 1858, 9 VAC 5-140-20, definition of "NOx Budget permit," line 3, change "chapter" to "part"

Page 1863, 9 VAC 5-140-60 C 2, line 3, change "chapter" to "part"

Page 1873, 9 VAC 5-140-430 A, line 3, change "chapter" to "part"

Page 1874, 9 VAC 5-140-430 E 4 b, line 2, after "request" insert "and verification that the NOx Budget unit has met the requirements of subdivisions 1 and 3 of this subsection"

Page 1874, 9 VAC 5-140-430 F 2, line 2, after "140-910" insert "(minus any allowances issued under subsection D of this section)"

Page 1874, 9 VAC 5-140-430 F 3, line 2, after "140-910" insert "(minus any allowances issued under subsection D of this section)"

Page 1875, 9 VAC 5-140-430 G 1 c, line 2, change "chapter" to "part"

Page 1875, 9 VAC 5-140-430 G 1 d, line 2, change "chapter" to "part"

Page 1875, 9 VAC 5-140-430 H 3, line 2, after "140-910" insert "(minus any allowances issued under subsections D and F of this section)"

Page 1889, 9 VAC 5-140-860 B 2, line 3, change "shall" to "will"

Page 1890, 9 VAC 5-140-870 B 1 c, lines 4 and 8, change "shall" to "will"

Title of Regulation: 9 VAC 5-140. Regulations for Emissions Trading (Rev. D98).

Publication: 18:20 VA.R. 2653-2657 June 17, 2002

Correction to Final Regulation:

Page 2654, 9 VAC 5-140-20, definition of "Allocate or allocation," line 2, after "authority" insert "or the administrator"

Page 2654, 9 VAC 5-140-20, definition of "Allocate or allocation," line 3, after "unit" insert "or an allocation set-aside"

STATE BOARD OF HEALTH

Title of Regulation: 12 VAC 5-590. Waterworks Regulations.

Publication: 18:19 VA.R. 2462-2507 June 3, 2002.

Correction to Final Regulation:



Page 2470, 12 VAC 5-590-370 B 3 f (2) (b), line 4, after "treatment" delete "of"

General Notices/Errata

Page 2488, 12 VAC 5-590-420 H 1 c, line 5, after
"subdivisions H 1 c (1) and" insert "(2)"


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

† **August 28, 2002 - 9 a.m.** -- Open Meeting

Virginia Board of Accountancy, 3600 West Broad Street, Suite 696, Richmond Virginia.  (Interpreter for the deaf provided upon request)


The Enforcement Committee will review pending complaints, discuss mediation and volunteer networking. Public comment will not be received.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 696, Richmond, VA 23230-4916, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY , e-mail boa@boa.state.va.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Virginia Egg Board

August 21, 2002 - 7 p.m. -- Open Meeting


Hotel Roanoke and Conference Center, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review financial statements, educational, promotional and research programs. Proposals for future programs will be discussed.

Contact: Cecilia Glembocki, Secretary, Virginia Egg Board, 911 Saddleback Court, McLean, VA 22102, telephone (703) 790-1984, FAX (703) 821-6748, toll-free (800) 779-7759, e-mail virginiaeggcouncil@erols.com.

Pesticide Control Board

July 18, 2002 - 9 a.m. -- Open Meeting


Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. 

A general business meeting. Portions of the meeting may be held in closed session, pursuant to § 2.2-3711 of the Code of Virginia. 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 Dr. Marvin Lawson at least five days before the meeting date so that suitable arrangements can be made.

Contact: Dr. Marvin Lawson, Program Manager/Office of Pesticides Services, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Room 401, Richmond, VA 23219, telephone (804) 371-6558, FAX (804) 371-8598, e-mail mlawson@vdacs.state.va.us.

Virginia Small Grains Board

July 23, 2002 - 8 a.m. -- Open Meeting


Wyndham Hotel and Conference Center, 4700 South Laburnum Avenue, Richmond, Virginia. 

A meeting to review FY 2001-02 project reports and receive 2002-03 project proposals. Minutes from the last board meeting and a current financial statement will be heard and approved. Additionally, action will be taken on any other new business that comes before the group. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA, telephone (804) 371-6157, FAX (804) 371-7786.

Calendar of Events


Virginia Soybean Board

August 9, 2002 - 3 p.m. -- Open Meeting
Corbin Hall, 2936 Corbin Hall Drive, Waterview, Virginia. 

A meeting to discuss checkoff revenues and the financial status of the board following the end of the fiscal year ending June 30, 2002, and hear and approve the minutes of the March 7, 2002, meeting. Reports will be heard from the chairman, from United Soybean Board representatives, and from other counties. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786.


Virginia Winegrowers Advisory Board

July 18, 2002 - 10 a.m. -- Open Meeting
State Capitol, House Room 1, Richmond, Virginia. 


A general meeting of the Winegrowers Advisory Board for fiscal year 2003. The board will elect officers at this meeting and review and approve the board's financial report and the minutes from the last meeting. In addition, viticulture, enology, and marketing reports will be heard. 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 Mary Davis-Barton at least five days before the meeting date so that suitable arrangements can be made.


Contact: Mary Davis-Barton, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., Suite 1010, Richmond, VA 23219, telephone (804) 371-7685, FAX (804) 786-3122.

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


July 16, 2002 - 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 of the Regulatory Review Committee to discuss the board's regulations and any other board business as necessary. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.


July 24, 2002 - 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 of the Land Surveyor's Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.


July 30, 2002 - 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 of the Landscape Architects Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.

July 31, 2002 - 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 of the Architects Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.


August 14, 2002 - 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 of the Professional Engineers Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.


August 15, 2002 - 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 of the Interior Designer Section to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.


September 10, 2002 - 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 of the board to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail apelsla@dpor.state.va.us.


ART AND ARCHITECTURAL REVIEW BOARD**August 2, 2002 - 10 a.m.** -- Open Meeting**September 6, 2002 - 10 a.m.** -- Open Meeting**† October 4, 2002 - 10 a.m.** -- Open Meeting

Virginia War Memorial, 601 South Belvidere Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. AARB submittal forms and submittal instructions can be downloaded by visiting the DGS forms center at www.dgs.state.va.us. Request submittal form DGS-30-905 or submittal instructions form DGS-30-906.

Contact: Richard L. Ford, AIA, Chairman, Art and Architectural Review Board, 1011 E. Main St., Room 221, Richmond, VA 23219, telephone (804) 643-1977, FAX (804) 643-1981, (804) 786-6152/TTY 


VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**July 16, 2002 - 10 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 5W, Richmond, Virginia. 


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

Contact: David 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 asbestos@dpor.state.va.us.


BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY**† August 6, 2002 - 9:30 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 its draft legislative proposals for the 2003 Session of the General Assembly. Please contact the board office for copies of the draft proposals.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

August 6, 2002 - 10 a.m. -- Open Meeting

Conference Room 2, 5th Floor, 6606 West Broad Street, Richmond, Virginia 

Pursuant to its periodic review, the Legislative/Regulatory Committee will develop proposed amendments to regulations for recommendation to the board. Other regulatory and legislative issues may be considered. Public comment on agenda items will be received at the beginning of the meeting.

Calendar of Events

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

† **August 15, 2002 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. ♿

A general business meeting, including consideration of legislative proposals and the adoption of proposed amendments pursuant to its periodic review of regulations. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Southern States Bldg., 6606 W. Broad St., 4th Floor, Richmond, VA 23230-1717, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.state.va.us.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

NOTE: CHANGE IN MEETING TIME

July 16, 2002 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Board for the Blind and Vision Impaired is an advisory board responsible for advising the Governor, the Secretary of Health and Human Resources, the Commissioner, and the General Assembly in the delivery of public services to the blind and the protection of their rights. The board also reviews and comments on policies, the budget and requests for appropriations for the department. At this regular meeting, the board will review information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised for the board members.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 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@dbvi.state.va.us.

BOARD FOR BRANCH PILOTS

July 31, 2002 - 8:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

Examinations will be conducted on July 31. Persons desiring to participate in the meetings and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad

St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail auctioneers@dpor.state.va.us.

August 1, 2002 - 9:30 a.m. -- Open Meeting
Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meetings and requiring special accommodations or interpreter services should contact the department 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: Mark N. Courtney, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail auctioneers@dpor.state.va.us.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

July 24, 2002 - 10:30 a.m. -- Open Meeting
Chesapeake Bay Local Assistance Department, James Monroe Building, 101 North 14th Street, 17th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Policy Committee will meet to consider approving the draft policies and procedures for conducting local government compliance evaluations.

Contact: Scott Crafton, Regulatory Coordinator, Chesapeake Bay Local Assistance Department, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-3440, FAX (804) 225-3447, toll-free (800) 243-7229, (800) 243-7229/TTY ☎, e-mail scrafton@cblad.state.va.us.


STATE BOARD FOR COMMUNITY COLLEGES

July 17, 2002 - 2 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)


A meeting of the Audit Committee will be held with the Auditor of Public Accounts at 2 p.m. Meetings of the Academic and Student Affairs Committee and the Budget and Finance Committee will be held at 2:30 p.m. Meetings of the Facilities Committee and the Personnel Committee will be held at 3:30 p.m.

Contact: D. Susan Hayden, Public Relations Manager, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

July 18, 2002 - 9 a.m. -- Open Meeting


Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at the beginning of the meeting.

Contact: D. Susan Hayden, Public Relations Manager, Virginia Community College System, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

COMPENSATION BOARD

July 23, 2002 - 11 a.m. -- Open Meeting


Compensation Board, 202 North 9th Street, 10th Floor, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy P. 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

† July 30, 2002 - 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 elect the chairman and vice-chairman and decide on projects for the 2002-2003 fiscal year.

Contact: Peggy R. Robertson, Commonwealth Competition Council, 1500 E. Franklin St., Richmond, VA 23219, telephone (804) 786-0240, FAX (804) 786-1594, e-mail probertson@ccc.state.va.us.

DEPARTMENT OF CONSERVATION AND RECREATION


† July 16, 2002 - 1 p.m. -- Open Meeting

Mason Neck State Park, Visitor Center, 7301 High Point Road, Lorton, Virginia.  (Interpreter for the deaf provided upon request)

The fourth meeting of the park's Technical Advisory Committee on preparation of a new Mason Neck State Park master plan.

Contact: John R. Davy, Director, Division of Planning and Recreation Resources, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-1119, FAX (804) 371-7899, e-mail jdavy@dcr.state.va.us.


July 16, 2002 - 1 p.m. -- Open Meeting

Smith Mountain Lake State Park, Visitor Center, 1235 State Park Road, Huddleston, Virginia.  (Interpreter for the deaf provided upon request)

The Smith Mountain Lake State Park Master Planning Committee continues discussion of the state park master planning process. Request for interpreter for the deaf should be filed two weeks prior to the meeting.

Contact: Robert S. Munson, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rmunson@dcr.state.va.us.


July 19, 2002 - 1 p.m. -- Open Meeting

Staunton River State Park, Park Office, 1170 Staunton Trail, Scottsburg, Virginia.  (Interpreter for the deaf provided upon request)

Continued discussions of the Staunton River State Park master planning process.

Contact: Robert S. Munson, Environmental Program Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail rmunson@dcr.state.va.us.


† July 30, 2002 - 9 a.m. -- Open Meeting

Southwest Virginia Museum Historical State Park, 10 West First Street, North, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Southwest Virginia Museum Historical State Park Master Plan Advisory Committee to discuss potential park developments to be included in the park master plan.

Contact: Janet H. Blevins, Park Manager, Department of Conservation and Recreation, 10 W. 1st St., North Big Stone Gap, VA 24219, telephone (276) 523-1322, FAX (276) 523-6616, e-mail jblevins@dcr.state.va.us.

† July 31, 2002 - 7 p.m. -- Open Meeting


Cumberland County Public Library, 1539 Anderson Highway, Cumberland, Virginia.  (Interpreter for the deaf provided upon request)

The final public meeting of the Bear Creek Lake State Park Master Plan Advisory Committee. The draft of the new Bear Creek Lake State Park Master Plan will be discussed and 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.

BOARD FOR CONTRACTORS

July 17, 2002 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regularly scheduled meeting of the board that will address policy and procedural issues; review and render case decisions on matured complaints against licensees, and other matters that may require board action. The meeting is

Calendar of Events

open to the public; however, a portion of the board's business may be discussed in closed session. The department fully complies with the Americans with Disabilities Act. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact Eric L. Olson.

Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail contractors@dpor.state.va.us.

August 21, 2002 - 2 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

August 30, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board for Contractors is amending regulations entitled: **18 VAC 50-22. Board for Contractors Regulations;** and **18 VAC 50-30. Tradesman Rules and Regulations.** The purpose of the proposed action is to increase the licensing fees for contractors and tradesmen.

Statutory Authority: §§ 54.1-113 and 54.1-201 of the Code of Virginia.

Contact: Eric L. Olson, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY ☎, e-mail contractors@dpor.state.va.us.

BOARD OF COUNSELING

† **July 16, 2002 - 10 a.m.** -- Open Meeting
† **July 25, 2002 - 10 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)

An informal conference pursuant to § 2.2-4019 of the Code of Virginia. Public comment will not be heard.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9912, FAX (804) 662-7250, (804) 662-7197/TTY ☎, e-mail coun@dhp.state.va.us.

July 19, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Counseling is amending regulations entitled: **18 VAC 115-60. Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners.** The purpose of the proposed

action is to adopt a one-year waiver of the licensure requirements in the current regulations for individuals who hold certain combinations of education and work experience in substance abuse.

Statutory Authority: §§ 54.1-2400 and 54.1-3508 of the Code of Virginia.

Public comments may be submitted until July 19, 2002, to Evelyn B. Brown, Executive Director, Board of Counseling, 6606 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

CRIMINAL JUSTICE SERVICES BOARD

† **July 18, 2002 - 10 a.m.** -- Open Meeting
Virginia State Police Headquarters, 7700 Midlothian Turnpike, Richmond, Virginia.

A regular meeting of the Private Security Services Board.

Contact: Judith Kirkendall, Regulatory Coordinator, Department of Criminal Justice Services, Eighth St. Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410, e-mail jkirkendall@dcjs.state.va.us.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

July 22, 2002 - 4 p.m. -- Public Hearing
Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, 2nd Floor, Conference Room, Richmond, Virginia. (Interpreter for the deaf provided upon request)


August 2, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department for the Deaf and Hard-of-Hearing is amending regulations entitled: **22 VAC 20-20. Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices.** The purpose of the proposed actin is to add a requirement for program participants to provide proof of income and proof of residency. In addition, definitions and language will be updated for accuracy and clarify.


Statutory Authority: § 63.1-85.4 of the Code of Virginia.

Contact: Leslie G. Hutcheson, Regulatory Coordinator, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23229-5012, telephone (804) 662-9703, FAX (804) 662-9718 or e-mail hutchelg@ddhh.state.va.us.


BOARD OF DENTISTRY

† **July 19, 2002 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

Formal administrative hearings to discuss disciplinary matters. Public comments will not be received.

Contact: Cheri Emma-Leigh/Senita Booker, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail denbd@dhp.state.va.us.

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† **August 2, 2002 - 1:30 p.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

September 13, 2002 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to amend regulations entitled: **18 VAC 60-20. Regulations Governing the Practice of Dentistry and Dental Hygiene.** The purpose of the proposed action is to increase certain fees charged to applicants and licensed dentists and dental hygienists.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.


Public comments may be submitted until September 13, 2002, to Sandra K. Reen, Executive Director, Board of Dentistry, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


Informal Conference Committee

† **July 19, 2002 - 9 a.m.** -- Open Meeting
† **August 2, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

A meeting to discuss disciplinary matters. Public comments will not be received.


Contact: Cheri Emma-Leigh/Senita Booker, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail denbd@dhp.state.va.us.

Special Conference Committee


† **August 23, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. 

A panel of the board will convene an informal hearing to inquire into allegations that a certain practitioner may have violated laws governing the practice of dentistry. The panel

will meet in open and closed sessions. Public comment will not be received.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail denbd@dhp.state.va.us.


DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

July 18, 2002 - 11 a.m. -- Open Meeting
August 15, 2002 - 11 a.m. -- Open Meeting
September 19, 2002 - 11 a.m. -- Open Meeting
Virginia War Memorial, 601 South Belvidere Street,
Auditorium, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review requests submitted by localities to use design-build or construction management-type contracts. Contact the Division of Engineering and Buildings to confirm the meeting. Board rules and regulations can be obtained online at www.dgs.state.va.us under the DGS Forms, Form DGS-30-904.


Contact: Freddie M. Adcock, Administrative Assistant, Department of General Services, 805 E. Broad St., Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY , e-mail fadcock@dgs.state.va.us.

BOARD OF EDUCATION

† **July 15, 2002 - 9 a.m.** -- Open Meeting
Department of Education, James Monroe Building, 101 North 14th Street, 23rd Floor, Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A working session of the Advisory Committee for the Schools for Deaf and Blind; public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

† **July 18, 2002 - 8:30 a.m.** -- Open Meeting
† **July 19, 2002 - 8:30 a.m.** -- Open Meeting
Radisson Hotel Historic Richmond, 301 West Franklin Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A working session of the Special Education Advisory Committee; no public comment will be received. Persons requesting the services of an interpreter for the deaf are asked to do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA

Calendar of Events

23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

July 25, 2002 - 9 a.m. -- Open Meeting

September 26, 2002 - 9 a.m. -- Open Meeting

General Assembly Building, 910 Capitol Square, Senate Room B, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency in advance. Public comment will be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

July 25, 2002 - 2 p.m. -- Public Hearing

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

September 2, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Education is amending regulations entitled: **8 VAC 20-440. Regulations Governing the Employment of Professional Personnel.** The purpose of the proposed action is to amend and clarify the "breach of contract" provision in the regulation.

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

Contact: Dr. Thomas Elliott, Assistant Superintendent, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2924, FAX (804) 225-2524 or e-mail telliot@mail.vak.12ed.edu.

† **August 28, 2002 - 9 a.m.** -- Open Meeting

† **September 11, 2002 - 9 a.m.** -- Open Meeting

Hilton Garden Hotel at Innsbrook, 4050 Cox Road, Glen Allen, Virginia. (Interpreter for the deaf provided upon request)

A work session of the Committee to Enhance the K-12 Teaching Professions; public comment will not be received. Persons requesting the services of an interpreter for the deaf should do so in advance.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail mroberts@mail.vak12ed.edu.

DEPARTMENT OF ENVIRONMENTAL QUALITY

July 16, 2002 - 9 a.m. -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A regular meeting of the Ground Water Protection Steering Committee. Anyone interested in ground water issues is welcome to attend. Meeting minutes and agenda are available from the contact person.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, e-mail mamassie@deq.state.va.us.

† **July 16, 2002 - 10 a.m.** -- Open Meeting

† **August 6, 2002 - 10 a.m.** -- Open Meeting

† **September 12, 2002 - 10 a.m.** -- Open Meeting

† **October 10, 2002 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the water impact study group.

Contact: Allan Brockenbrough, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4147, e-mail abrockenb@deq.state.va.us.

† **July 23, 2002 - 7 p.m.** -- Open Meeting

Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia.

The final public meeting on the development of total maximum daily loads for Pleasant Run, Mill Creek, Muddy Creek and Holmans Creek, located in Rockingham and Shenandoah Counties.

Contact: Sandra Mueller, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (540) 574-7848, e-mail stmueller@deq.state.va.us.

† **July 23, 2002 - 7 p.m.** -- Public Hearing

Willow Oaks Branch Library, Willow Oaks Village Square, 227 Fox Hill Road, Hampton, Virginia.

A public hearing to receive comments regarding the technical merits of a permit amendment pertaining to the groundwater monitoring plan and program and on the merits of a variance for use of alternate concentration limits in lieu of background data for establishing groundwater protection standards for the Warren Borrow Pit Sanitary Landfill located east of Armistead Avenue and south of Langley Air Force Base in Hampton.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail lwsyverson@deq.state.va.us.

† **July 31, 2002 - 7 p.m.** -- Open Meeting

Crewe Library and Conference Center, 400 Tyler Street, Crewe, Virginia.


A public hearing to receive comments on the technical merits of a permit amendment pertaining to the groundwater monitoring plan and program for the Nottoway County Landfill located northeast of intersection of US Route 460 Bypass and State Route 614 in Nottoway County.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail lwsyverson@deq.state.va.us.

† **July 31, 2002 - 7 p.m.** -- Public Hearing
Vinton Library, 800 East Washington Avenue, Vinton, Virginia.

A public hearing to receive comments on the proposed draft RCRA permit modification for site-wide corrective action at the Safety Kleen Corporation Vinton Service Center located in Vinton.


Contact: Dinesh Vithani, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4204, e-mail dkvithani@deq.state.va.us.

† **August 1, 2002 - 10:30 a.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Meeting Room 3, Richmond, Virginia. 

A meeting of the waste discharge subcommittee of the Virginia Recycling Markets Development Council.

Contact: William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4022, e-mail wknorris@deq.state.va.us.


VIRGINIA FIRE SERVICES BOARD

† **July 25, 2002 - 9 a.m.** -- Open Meeting
Virginia Department of Forestry, Charlottesville, Virginia. 
(Interpreter for the deaf provided upon request)


A legislative work session.


Contact: Christy L. King, Clerk to the Virginia Fire Services Board, 101 N. 14th St., 18th Floor, Richmond, VA 23219, telephone (804) 371-0220, FAX (804) 371-0219, e-mail cking@vdfp.state.va.us.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS


July 16, 2002 - 9 a.m. -- Open Meeting
† **September 10, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A general business meeting including consideration of legislative, regulatory and disciplinary matters as may be on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

† **July 30, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

The Special Conference Committee will convene to hear possible violations of the laws and regulations governing the practice of funeral directors and embalmers.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 6606 W. Broad St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.state.va.us.

BOARD OF GAME AND INLAND FISHERIES

July 18, 2002 - 9 a.m. -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia. 

A meeting to review and approve the Department of Game and Inland Fisheries' operating and capital budgets for Fiscal Year 2002-2003; elect the board's chairman for 2002-2003; receive a briefing on the department's adoption of emergency regulation amendments to 4 VAC 15-380, Watercraft: Motorboat Numbering, for the purpose of establishing increased fees for certificates of motorboat registration and duplicate registrations, as provided for and authorized in the 2002 Appropriations Act, Item 392; propose regulatory action to remove mute swan from the nuisance species list, as a result of federal action, for adoption as a final regulation amendment at the August 22, 2002, board meeting; adopt webless migratory game bird and September Canada goose seasons and bag limits based on frameworks provided by the U.S. Fish and Wildlife Service; solicit the public's comments in public hearings offered during the regulatory and federal framework portions of the meeting, at which time any interested citizen present shall be heard. The board may also discuss general and administrative issues. The board may elect to hold a dinner Wednesday evening, July 17, at a location and time to be determined, and it may hold a closed session at some time during the July 18 meeting.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, Virginia 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail DGIFWeb@dgif.state.va.us.

August 7, 2002 - 7 p.m. -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public input meeting to discuss and receive public comments regarding season lengths and bag limits for the 2002-2003 hunting seasons for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry. All interested citizens are invited to attend. DGIF Wildlife Division staff will discuss the population status of these species, and present hunting season frameworks for them provided by the U.S. Fish and Wildlife Service. The public's comments will be solicited in the public meeting portion of the meeting. A summary of the results of this meeting will be presented to the Virginia Board of Game and Inland Fisheries prior to its scheduled August 22, 2002 meeting. The board will hold another meeting on August 22, after which it intends to set 2002-2003 hunting seasons and bag limits for the above species.

Calendar of Events

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail regcomments@dgif.state.va.us.

† **August 22, 2002 - 9 a.m.** -- Open Meeting
Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond Virginia. (Interpreter for the deaf provided upon request)

A meeting to propose amendments to regulations governing fish and fishing, and wildlife diversity (i.e., wildlife other than in the contexts of hunting, trapping, or fishing). This is the regular biennial review for these regulations, with the resulting amended regulations intended to be in effect 2003 through 2004. The board also intends to propose amendments to regulations governing boating. The board is exempted from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) in promulgating wildlife management regulations, including the length of seasons, bag limits and methods of take set on the wildlife resources within the Commonwealth of Virginia; the board promulgates boating regulations under the authority of § 29.1-701(E) of the Code of Virginia. Under board procedures, regulatory actions occur over two sequential board meetings. At the August 22 meeting, Department of Game and Inland Fisheries' staff will present recommendations for regulatory amendments, the board will solicit and hear comments from the public in a public hearing, and the board then intends to propose regulations or regulation amendments. Any proposed regulatory actions will be published in the Virginia Register, posted on the Internet at www.dgif.state.va.us, and advertised in newspapers. The board is required by § 2.2-4031 of the Code of Virginia to publish all proposed and final regulations. At the August 22, 2002, meeting the board also will adopt 2002-2003 hunting seasons and bag limits for migratory waterfowl (ducks and coots, geese and brant, swan, gallinules and moorhens) and falconry, based on frameworks provided by the U.S. Fish and Wildlife Service. The Board will solicit and receive comments from the public during the public hearing portion of the meeting for this action. The board also may discuss general and administrative issues; hold a closed session at some time during the August 22 meeting; and elect to hold a dinner Wednesday evening, August 21, 2002, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4010 W. Broad St., Richmond VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail RegComments@dgif.state.va.us.

BOARD FOR GEOLOGY

† **August 7, 2002 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

A general board meeting.

Contact: Werner Versch II, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804)

367-2406, FAX (804) 367-6946, e-mail geology@dpor.state.va.us.

STATE BOARD OF HEALTH

July 22, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled: **12 VAC 5-220. Virginia Medical Care Facilities Certificate of Public Need Rules and Regulations.**

- 12 VAC 5-230. State Medical Facilities Plan.**
- 12 VAC 5-240. General Acute Care Services.**
- 12 VAC 5-250. Perinatal Services.**
- 12 VAC 5-260. Cardiac Services.**
- 12 VAC 5-270. General Surgical Services.**
- 12 VAC 5-280. Organ Transplantation Services.**
- 12 VAC 5-290. Psychiatric and Substance Abuse Treatment Services.**
- 12 VAC 5-300. Mental Retardation Services.**
- 12 VAC 5-310. Medical Rehabilitation Services.**
- 12 VAC 5-320. Diagnostic Imaging Services.**
- 12 VAC 5-340. Radiation Therapy Services.**
- 12 VAC 5-360. Nursing Home Services.**

The purpose of the proposed action is to respond to legislative changes in the law as a result of the 1999 and 2000 sessions of the General Assembly. The overall impact of the changes is a reduction in the scope of the Certificate of Public Need program. In addition, a provision of the State Medical Facilities Plan regarding liver transplantation services was found to be outdated, inadequate and otherwise inapplicable and in need of revision. The current volume standard (12) for liver transplantation procedures to ensure a successful liver transplantation program is far below the nationally recommended number of procedures (20).

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

Contact: Carrie Eddy, Policy Analyst, Department of Health, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 368-2149 or e-mail ceddy@vdh.state.va.us.

July 30, 2002 - 10 a.m. -- Public Hearing
Department of Health, 1500 East Main Street, Room 223, Richmond, Virginia.

August 19, 2002 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to adopt regulations entitled: **12 VAC 5-407. Procedures for the Submission of Health Maintenance Organization Quality of Care Data.** The purpose of the proposed action

is to adopt regulations to carry out Virginia law, specifically Senate Bill 533 (2000).

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

Contact: Margot Fritts, Office of Health Planning, Department of Health, 1500 E. Main St., Suite 227, Richmond, VA 23219, telephone (804) 692-0808, FAX (804) 371-0116 or e-mail mfritts@vdh.state.va.us.

DEPARTMENT OF HEALTH

July 24, 2002 - 10 a.m. -- Open Meeting
Natural Resources Building, 900 Natural Resources Drive, Fontaine Research Park, Charlottesville, Virginia. 

A meeting of the Biosolids Use Regulations Advisory Committee to discuss revisions to the Biosolids Use Regulations concerning the land application of biosolids for agricultural use.

Contact: Cal Sawyer, Director, Division of Wastewater Engineering, Department of Health, 1500 E. Main St., Room 109, Richmond, VA 23219, telephone (804) 786-1755, FAX (804) 786-5567, e-mail CSAWYER@vdh.state.va.us.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

July 17, 2002 - Noon -- Open Meeting
James Monroe Building, 101 North 14th Street, 9th Floor, Richmond, Virginia.

Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. Persons interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., Richmond, VA, telephone (804) 225-2602, FAX (804) 371-7911, e-mail lrung@schev.edu.


HOPEWELL INDUSTRIAL SAFETY COUNCIL

August 6, 2002 - 9 a.m. -- Open Meeting
September 3, 2002 - 9 a.m. -- Open Meeting
Hopewell Community Center, 100 West City Point Road, Hopewell, Virginia.  (Interpreter for the deaf provided upon request)


The Local Emergency Preparedness Committee will meet as required by SARA Title III.

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

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

† July 15, 2002 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, Richmond, Virginia. 


A regular business meeting. The board is scheduled to review and evaluate comments received during the NOIRA phase and consider adoption of proposed regulations to amend the following regulations: Virginia Certification Standards (13 VAC 5-21), Virginia Amusement Device Regulations (13 VAC 5-31), Virginia Statewide Fire Prevention Code (13 VAC 5-51), Virginia Uniform Statewide Building Code (13 VAC 5-61), Standards Governing Operation of Individual and Regional Code Academies/1990 (13 VAC 5-80), and Virginia Industrialized Building Safety Regulations (13 VAC 5-91); by adopting and incorporating by reference the following, the International Code Council's 2000 model codes (International Building Code, International Residential Code for One- and Two-Family Dwellings, International Property Maintenance Code and Fire Code) and the American Society for Testing and Materials updated standards for the regulation of amusement devices and to also put before the public proposed changes submitted to the board.

Contact: Steve Calhoun, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7015, FAX (804) 371-7090, (804) 371-7089/TTY , e-mail scalhoun@dhcd.state.va.us.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY


July 24, 2002 - 9 a.m. -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. 

This is the annual meeting of the Board of Commissioners. The board will review and, if appropriate, approve the minutes from the prior monthly meeting; elect a chairman and vice-chairman; consider for approval and ratification mortgage loan commitments under its various programs; review the authority's operations for the prior month; and consider such other matters and take such actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Operations Committee, and the Committee of the Whole, may also meet during the day preceding the annual meeting and before or after the annual meeting and may consider topics within their purview. The planned agenda of the meeting will be available at the offices of the authority one week prior to the date of the meeting. The annual meetings of the shareholders and board of directors of Housing of Virginia, Inc., a corporation wholly owned by the authority, will be held following the meeting of the authority's Board of Commissioners.

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 


Calendar of Events

COUNCIL ON HUMAN RIGHTS

† **July 25, 2002 - 7 p.m.** -- Open Meeting
Charlottesville City Council Chambers, 605 Main Street,
Charlottesville, Virginia. 

A public forum to provide the citizens of Charlottesville and surrounding counties an opportunity to express human rights concerns that impact their neighborhoods and communities.


Contact: Sandra D. Norman, Assistant Director, Council on Human Rights, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 225-2292, FAX (804) 225-3294, e-mail snorman@chr.state.va.us.

† **July 26, 2002 - 8:30 a.m.** -- Open Meeting
Omni Charlottesville Hotel, 235 West Main Street,
Charlottesville, Virginia. 

A quarterly meeting of the council's board. The meeting will primarily focus on the evaluation of the public forum and regular council meeting.

Contact: Sandra D. Norman, Assistant Director, Council on Human Rights, Washington Bldg., 1100 Bank St., Richmond, VA 23219, telephone (804) 225-2292, FAX (804) 225-3294, e-mail snorman@chr.state.va.us.


STATEWIDE INDEPENDENT LIVING COUNCIL

July 16, 2002 - 11:30 a.m. -- Open Meeting
Sheraton Richmond West Hotel, 6624 West Broad Street,
Richmond, Virginia. 

A regular meeting. Public comment will be received at the beginning of the meeting.

Contact: Lisa Grubb, SILC Director, Department of Rehabilitative Services, Richmond, VA, telephone (804) 897-8088, e-mail sharonm_lisa@hotmail.com.


INNOVATIVE TECHNOLOGY AUTHORITY

July 24, 2002 - 10 a.m. -- Open Meeting
Council of Information Technology, 2214 Rock Hill Road,
Herndon, Virginia. 

The annual meeting of the Board of Directors to elect officers.

Contact: Linda Gentry, Secretary/Treasurer, Innovative Technology Authority, 2214 Rock Hill Rd., Herndon, VA 20170, telephone (703) 689-3035, FAX (703) 464-1706, e-mail Linda@cit.org.


STATE LAND EVALUATION ADVISORY COUNCIL

August 8, 2002 - 10 a.m. -- Open Meeting
Department of Taxation, Richmond District Office, 1708
Commonwealth Avenue, 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: Keith Mawyer, Property Tax Manager, Virginia Department of Taxation, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8020.

STATE LIBRARY BOARD


September 23, 2002 - 8:15 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond,
Virginia. 

Meetings of the board to discuss matters pertaining to the Library of Virginia and the 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. - Library Board, Conference Room 2M.

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-2000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

† **July 29, 2002 - 10 a.m.** -- Open Meeting
900 E. Main Street, Suite 103, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

Regular meeting of the Commission on Local Government to consider such matters as may be presented.

Contact: Barbara W. Bingham, Administrative Assistant, 900 E. Main Street, Suite 103, Richmond, VA 23219-3513, telephone (804) 786-6508, FAX (804) 371-7999, (800) 828-1120/TTY , e-mail bbingham@clg.state.va.us.


LONGWOOD UNIVERSITY

† **July 18, 2002 - 1 p.m.** -- Open Meeting
Longwood University, 201 High Street, Lancaster 256,
Farmville, Virginia.


A meeting to conduct routine business of the Executive Committee.

Contact: Jeanne Hayden, Longwood University, Office of the President, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.


MARINE RESOURCES COMMISSION

† **July 23, 2002 - 9:30 a.m.** -- Open Meeting
† **August 27, 2002 - 9:30 a.m.** -- Open Meeting
† **September 24, 2002 - 9:30 a.m.** -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
4th Floor, Newport News, Virginia. 


A monthly commission meeting.

Contact: Stephanie Montgomery, Commission Secretary,
Marine Resources Commission, 2600 Washington Ave., Suite
107, Newport News, VA 23607, telephone (757) 247-8088,
FAX (757) 247-2020, toll-free (800) 541-4646, (757) 247-
2292/TTY , e-mail smont@mrc.state.va.us.

BOARD OF MEDICAL ASSISTANCE SERVICES

† **October 8, 2002 - 10 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Suite 1300, Board Room, Richmond, Virginia. 

A routine business meeting. An agenda will be posted
closer to the meeting date.

Contact: Leah Hamaker, Communications Office,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 786-4626,
FAX (804) 371-4981, (800) 343-0634/TTY , e-mail
lhamaker@dmas.state.va.us.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

August 16, 2002 - Public comments may be submitted until
this date.


Notice is hereby given in accordance with § 2.2-4007 of the
Code of Virginia that the Department of Medical Assistance
Services intends to amend regulations entitled: **12 VAC 30-
120. Waivered Services Medallion II**. The purpose of the
proposed action is to promulgate changes to Medallion II
regulations to provide for three issues: one managed care
organization in a region; preassignment process; and limit
time enrollees have to select a primary care physician.

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


Public comments may be submitted until August 16, 2002, to
Adrienne Fegans, Manager, Division of Managed Care,
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) 786-7959
or FAX (804) 786-1680.

Medicaid Drug Utilization Review (DUR) Board

August 8, 2002 - 2 p.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, Suite 1300, Board Room, Richmond, Virginia. 


A meeting to conduct routine business.

Contact: Marianne Rollings, Pharmacist, Department of
Medical Assistance Services, 600 E. Broad St., Suite 1300
Richmond, VA 23219, telephone (804) 225-4268, FAX (804)
786-1680, (800) 343-0634/TTY , e-mail
mrollings@dmas.state.va.us.

BOARD OF MEDICINE


† **August 2, 2002 - 8 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia.

A meeting of the Executive Committee will be held in open
and closed session 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.

† **August 2, 2002 - 1 p.m.** -- Open Meeting
† **August 7, 2002 - 1 p.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
5th Floor, 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 to discuss any other items that
may come before the committee.

Contact: William L. Harp, MD, Executive Director, Board of
Medicine, 6606 W. Broad St., 4th Floor, Richmond, VA 23230,
telephone (804) 662-7423, FAX (804) 662-9517, (804) 662-
7197/TTY 

July 24, 2002 - 9:15 a.m. -- Open Meeting
August 21, 2002 - 9:30 a.m. -- Open Meeting
† **September 18, 2002 - 8:45 a.m.** -- Open Meeting
Williamsburg Marriott Hotel, 50 Kingsmill Road, Williamsburg,
Virginia.

July 18, 2002 - 9:15 a.m. -- Open Meeting
August 15, 2002 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg,
Virginia. 

† **July 31, 2002 - 8:45 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia.

† **August 2, 2002 - 1 p.m.** -- Open Meeting
September 4, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street,
Richmond, Virginia.

An informal conference committee will meet 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

Calendar of Events

open and closed sessions pursuant to the Code of Virginia.
Public comment will not be received.

Contact: Peggy Sadler or Renee Dixson, Staff, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-7332, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail Peggy.Sadler@dhp.state.va.us.

STATE MILK COMMISSION

August 28, 2002 - 10:30 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Room 2063, Charlottesville, Virginia. ♿

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Edward C. Wilson, Jr., Deputy Administrator, State Milk Commission, 9th 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

July 15, 2002 - 7 p.m. -- Canceled
Salem Church Library (meeting room), 2607 Salem Church Road, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Virginia Division of Mineral Mining (DMM) informal public hearing forum for a proposed mining operation in Spotsylvania County has been canceled.

Contact: William L. Lassiter, Environmental Engineer Consultant, Department of Mines, Minerals and Energy, 900 Natural Resources Dr., Charlottesville, VA 22903, telephone (434) 951-6322, FAX (434) 951-6325, (800) 828-1120/TTY ☎, e-mail wl@mme.state.va.us.

Virginia Gas and Oil Board

† **July 16, 2002 - 9 a.m.** -- Open Meeting
Southwest Virginia Higher Education Center, Campus of Virginia Highlands Community College, Abingdon, Virginia ♿ (Interpreter for the deaf provided upon request)

A regularly scheduled meeting to consider petitions filed by applicants for consideration for disbursement from escrow accounts, pooling and location exception applications. The board will receive a report from the escrow agent for the board. The public may address the board on individual items as they are called for hearing. A transcript of the meeting will be taken. Special accommodations for the disabled will be made available at the public meeting on request. Anyone needing special accommodations for the public meeting should contact the Department of Mines, Minerals and Energy at (540) 676-5423 or the Virginia Relay Center at 1-800-828-1120/TTY.

Contact: Bob Wilson, Division Director, Department of Mines, Minerals and Energy, P.O. Box 1416, Abingdon, VA 24212, telephone (276) 676-5423, FAX (276) 676-5459, (800) 828-1120/TTY ☎, e-mail bxw@mme.state.va.us.

DEPARTMENT OF MOTOR VEHICLES

August 8, 2002 - 9 a.m. -- Open Meeting
† **October 10, 2002 - 9 a.m.** -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿

A meeting of the Digital Signature Implementation Workgroup. Meetings will be held on the second Thursday of every other month from 9 a.m. until noon at the location noted above unless otherwise noted. The room will be open for coffee and pre-session business at 8:30 a.m.; the business session will begin at 9 a.m.

Contact: Vivian Cheatham, Executive Staff Assistant, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 367-6870, FAX (804) 367-6631, toll-free (866) 68-5463, e-mail dmvvrc@dmv.state.va.us.

August 14, 2002 - 8 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the Medical Advisory Board.

Contact: J. C. Branche, Assistant Division Manager, Department of Motor Vehicles, 2300 West Broad Street, Richmond VA 23220, telephone (804) 367-0531, FAX (804) 367-1604, toll-free (800) 435-5137, (800) 272-9268/TTY ☎, e-mail dmvj3b@dmv.state.va.us.

MOTOR VEHICLE DEALER BOARD

July 15, 2002 - 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)

Committees will meet as follows:


Dealer Practices Committee - 8:30 a.m.
Franchise Law Committee - Five minutes after Dealer Practices Committee
Licensing Committee - 9:30 a.m. or five minutes after Franchise Law
Advertising Committee - 10 a.m. or five minutes after Licensing Committee
Finance Committee - 10:30 a.m. or five to 45 minutes after Personnel Committee
Personnel Committee - Five minutes after Advertising Committee
Transaction Recovery Fund Committee - 11 a.m. or five to 45 minutes after Finance

The full board will meet at 1 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.


VIRGINIA MUSEUM OF FINE ARTS

† **July 30, 2002 - 2:30 p.m.** -- Open Meeting
Virginia Museum of Fine Arts, CEO Building Parlor, 2800 Grove Avenue, Richmond, Virginia. 


A regular meeting of the Museum Expansion Committee. Most of the meeting will be held in closed session. Public comment will not be received.


Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 2800 Grove Ave., Richmond, VA 23221, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY , e-mail sbroyles@vmfa.state.va.us.

BOARD OF NURSING


July 15, 2002 - 9 a.m. -- Open Meeting
July 17, 2002 - 9 a.m. -- Open Meeting
July 18, 2002 - 9 a.m. -- Open Meeting
September 23, 2002 - 9 a.m. -- Open Meeting
September 25, 2002 - 9 a.m. -- Open Meeting
September 26, 2002 - 9 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 conduct formal hearings 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 St., 4th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY , e-mail nursebd@dhp.state.va.us.


July 16, 2002 - 9 a.m. -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A general business meeting including, but not limited to, action on proposed regulations pursuant to a periodic review and on disciplinary orders. 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.

July 16, 2002 - 1:30 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

The Board of Nursing will receive public comment on proposed 18 VAC 90-40, Regulations for Prescriptive Authority for Nurse Practitioners.

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.

July 16, 2002 - 1:45 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


August 31, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled: **18 VAC 90-50. Regulations Governing the Certification of Massage Therapists.** The purpose of the proposed action is to address concerns about competency of certificate holders by requiring recertification by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) or obtaining at least 25 hours of continuing education in the biennium before renewal. The board will also amend regulations to further specify the requirements for licensure by endorsement, to delete outdated "grandfathering" provisions and unnecessary rules for provisional certification, and to incorporate by reference the code of ethics and standards of practice of the NCBTMB.

Statutory Authority: Chapter 30 of Title 54.1 of the Code of Virginia.

Public comments may be submitted until August 30, 2002, to Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.

July 30, 2002 - 9 a.m. -- Open Meeting
August 1, 2002 - 9 a.m. -- Open Meeting
August 5, 2002 - 9 a.m. -- Open Meeting
August 6, 2002 - 9 a.m. -- Open Meeting
August 12, 2002 - 9 a.m. -- Open Meeting
August 13, 2002 - 9 a.m. -- Open Meeting
August 29, 2002 - 9 a.m. -- Open Meeting
† **October 8, 2002 - 9 a.m.** -- Open Meeting
† **October 10, 2002 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 4, Richmond, Virginia. 

A Special Conference Committee, comprised of two or three members of the Virginia Board of Nursing, will conduct informal conferences with licensees or certificate holders. Public comment will not be received.

Contact: Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 W. Broad St., 4th Floor, Richmond, VA 23230,

Calendar of Events

telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.state.va.us.

BOARDS OF NURSING AND MEDICINE

July 16, 2002 - 1:30 p.m. -- Public Hearing
Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 2, Richmond, Virginia. ♿

August 2, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Boards of Nursing and Medicine are amending regulations entitled: **18 VAC 90-40. Regulations for Prescriptive Authority for Nurse Practitioners.** The purpose of the proposed action is to provide less burdensome requirements for site visits and chart reviews by supervising physicians, to make certain changes related to expanded prescriptive authority, and to clarify requirements or terminology that are not easily understood.

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

Public comments may be submitted until August 2, 2002, to Nancy K. Durrett, R.N., Executive Director, Board of Nursing, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9914 or e-mail elaine.yeatts@dhp.state.va.us.

BOARD OF OPTOMETRY

August 16, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled: **18 VAC 105-20. Regulations of the Virginia Board of Optometry.** The purpose of the proposed action is to revise certain requirements of licensure by endorsement, to reduce the burden of reinstatement, to add some miscellaneous fees consistent with other boards, and to clarify certain provisions related to the provision of patient records if a practice is to be terminated, and the use of professional designations. The board is recommending several changes in requirements for continuing education including an increase in the number of continuing education hours to the statutory limit of 16 but allowing two of those hours to be in recordkeeping and two in CPR.

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

Public comments may be submitted until August 16, 2002, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St.,

Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9914 or e-mail elaine.yeatts@dhp.state.va.us.

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August 16, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Optometry intends to amend regulations entitled: **18 VAC 105-30. Regulations on Certification of Optometrists to Use Therapeutic Pharmaceutical Agents.** The purpose of the proposed action is to reduce the burden of reinstating an expired certification, reduce the late renewal fee and add some miscellaneous fees consistent with other boards, and specify that two of the continuing education hours required for renewal of licensure must be directly related to prescribing and administration of prescription drugs.

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

Public comments may be submitted until August 16, 2002, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9914 or e-mail elaine.yeatts@dhp.state.va.us.

BOARD OF PHARMACY

NOTE: CHANGE IN MEETING TIME

July 22, 2002 - 10 a.m. -- Open Meeting

July 23, 2002 - 9 a.m. -- Open Meeting

Department of Health Professions, 6606 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ♿

The Special Conference Committee will discuss disciplinary matters. Public comments will not be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, 4th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313, e-mail pharmbd@dhp.state.va.us.

* * * * *

† **August 19, 2002 - 9 a.m.** -- Public Hearing

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

September 13, 2002 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.** The purpose of the proposed action is to increase certain fees charged to applicants and licensed pharmacists, permitted pharmacies and other entities.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 13, 2002, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9914 or e-mail elaine.yeatts@dhp.state.va.us.

* * * * *

† **August 19, 2002 - 9 a.m.** -- Public Hearing
Department of Health Professions, 6606 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 

September 13, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Pharmacy intends to amend regulations entitled: **18 VAC 110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances.** The purpose of the proposed action is to increase certain fees charged to applicants and regulated physicians licensed to sell controlled substances.

Statutory Authority: §§ 54.1-113 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until September 13, 2002, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6606 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9914 or e-mail elaine.yeatts@dhp.state.va.us.

BOARD OF PHYSICAL THERAPY

July 19, 2002 - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Physical Therapy intends to amend regulations entitled: **18 VAC 112-20. Regulations Governing the Practice of Physical.** The purpose of the proposed action is to establish requirements to ensure continuing competency in accordance with a statutory mandate. Proposed regulations will replace emergency regulations currently in effect.

Statutory Authority: §§ 54.1-2400, 54.1-3474 and 54.1-3480.1 of the Code of Virginia.


Public comments may be submitted until July 19, 2002, to Elizabeth Young, Executive Director, Board of Physical Therapy, 6606 W. Broad St., Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6606 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.state.va.us.


POLYGRAPH EXAMINERS ADVISORY BOARD

September 18, 2002 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to conduct board business. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made for an appropriate accommodation. 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 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail polygraph@dpor.state.va.us.

VIRGINIA RACING COMMISSION

† **July 17, 2002 - 9:30 a.m.** -- Open Meeting
Tyler Building, 1300 East Main Street, Richmond, Virginia. 

In addition to a regular monthly meeting, the commission will discuss legislative priorities for the 2003 Session of the General Assembly and consider uniform medication regulations for the Mid-Atlantic Region.

Contact: William H. Anderson, Director of Policy and Planning, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418, e-mail Anderson@vrc.state.va.us.

REAL ESTATE BOARD

July 31, 2002 - 7 p.m. -- Open Meeting
Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to provide a public forum to address Community Association issues. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department 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: Karen W. O'Neal, Assistant Director, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.state.va.us.

Calendar of Events

BOARD OF REHABILITATIVE SERVICES

July 25, 2002 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ☎

A meeting to conduct board business. Public comments will be received at approximately 10:15 a.m.

Contact: Barbara Tyson, Administrative Assistant, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7010, FAX (804) 662-7696, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, e-mail tysonbg@dss.state.va.us.

VIRGINIA RESOURCES AUTHORITY

August 13, 2002 - 9 a.m. -- Open Meeting
Virginia Resources Authority, 707 East Main Street, 2nd 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: Bonnie R.C. McRae, Executive Assistant, Virginia Resources Authority, 707 E. Main St., Suite 1350, Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcrac@vra.state.va.us.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

July 23, 2002 - 10 a.m. -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor, Richmond, Virginia. ☎

A meeting to review applications for loans submitted to the authority for approval and general business of the board. Meeting time is subject to change depending upon the agenda of the board.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8254, FAX (804) 225-3384, e-mail sparsons@dba.state.va.us.

STATE BOARD OF SOCIAL SERVICES

July 19, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-705. Child Protective Services.** The purpose of the proposed action is to establish in the permanent regulations the provisions of the current emergency regulations, which allow for statewide implementation of a CPS differential response system. Other changes strengthen the regulations or reflect recent legislation.

Statutory Authority: §§ 63.1-25 and 63.1-248.6 of the Code of Virginia.

Contact: Betty Jo Zarris, CPS Policy Specialist, Department of Social Services, 730 E. Broad St., 2nd Floor, Richmond, VA 23219, telephone (804) 692-1220, FAX (804) 692-2215 or e-mail bjz900@dss.state.va.us.

August 2, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to amend regulations entitled: **22 VAC 40-71. Standards and Regulations for Licensed Assisted Living Facilities.** The purpose of the proposed action is to rename "adult care residence" to "assisted living facility," allow for a shared administrator for an assisted living facility and a nursing home, and establish requirements for special care units for residents with serious cognitive impairments due to dementia.

Statutory Authority: §§ 63.1-25 and 63.1-174 of the Code of Virginia.


Contact: Judy McGreal, Program Development Consultant, Department of Social Services, Division of Licensing Programs, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1792, FAX (804) 692-2370 or e-mail jzm7@dss.state.va.us.

† **September 13, 2002** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to adopt regulations entitled: **22 VAC 40-675. Personnel Policies for Local Departments of Social Services.** The purpose of the proposed action is to provide a uniform set of personnel policies to guide operations in local departments of social services in Virginia. Many of the policies are already in use.

Statutory Authority: §§ 63.1-25 and 63.1-26 of the Code of Virginia.

Contact: Lori A. Kam, Human Resources Manager II, Department of Social Services, Division of Human Resources Management, 730 E. Broad St., Richmond, VA 23219, telephone (804) 692-1520, FAX (804) 692-1560 or e-mail lak900@dss.state.va.us.


September 20, 2002 - 10 a.m. -- Open Meeting
Department of Social Services, 730 East Broad Street, 8th Floor, Conference Room, Richmond, Virginia. 

A regular business meeting of the Family and Children's Trust Fund Board of Trustees.

Contact: Nan McKenney, Executive Director, State Board of Social Services, 730 E. Broad St., Richmond, VA 23219-1849, telephone (804) 692-1823, FAX (804) 692-1869.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

July 24, 2002 - 10 a.m. -- Cancelled


† **August 27, 2002 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A general board meeting.

Contact: Werner Versch II, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2406, FAX (804) 367-6946, e-mail soilscientist@dpor.state.va.us.

DEPARTMENT OF TAXATION


State Land Evaluation Advisory Council

† **August 8, 2002 - 10 a.m.** -- Open Meeting
Virginia Department of Taxation, Richmond District Office, 1708 Commonwealth Avenue, 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: Keith Mawyer, Property Tax Manager, Department of Taxation, 2220 W. Broad St., Richmond, VA, telephone (804) 367-8022, e-mail kmawyer@tax.state.va.us.


VIRGINIA TOBACCO SETTLEMENT FOUNDATION

† **September 10, 2002 - 1:30 p.m.** -- Open Meeting
The Siegel Center, 1200 W. Broad Street, Founder Room, Richmond, Virginia. 

A meeting of the Board of Trustees to discuss the budget.

Contact: Eloise Burke, Administrative Specialist, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Suite 501, Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.state.va.us.

COMMONWEALTH TRANSPORTATION BOARD

July 17, 2002 - 2 p.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A work session of the Commonwealth Transportation Board and the Department of Transportation staff.


Contact: Carol Mathis, Administrative Assistant, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

July 18, 2002 - 10 a.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A monthly meeting of the Commonwealth Transportation Board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the meeting agenda for which the opportunity for 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: Carol A. Mathis, Administrative Assistant, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2713, FAX (804) 786-6683, e-mail Mathis_ca@vdot.state.va.us.

TREASURY BOARD

† **July 18, 2002 - 9 a.m.** -- Open Meeting
Department of the Treasury, James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia. 

A regular meeting.

Contact: Wynelle Roland, Secretary, Department of the Treasury, 101 N. 14th St., Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-3187, e-mail wynelle.roland@trs.state.va.us.

VIRGINIA VOLUNTARY FORMULARY BOARD

August 8, 2002 - 10:30 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor Conference Room, Richmond, Virginia. 

A meeting to consider public hearing comments and evaluate data submitted by pharmaceutical manufacturers and distributors for products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 101 N. 14th St., Room S-45, P.O. Box 2448, Richmond, VA 23218, telephone (804) 786-4326.

Calendar of Events

VIRGINIA WASTE MANAGEMENT BOARD

July 31, 2002 - 2 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. ☎

A meeting to receive comments on the Virginia Waste Management Board's intent to amend 9 VAC 20-60, Hazardous Waste Management Regulations, and consider increasing the fee amounts set forth in the 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.

July 31, 2002 - 2 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. ☎

A meeting to receive comments on the Virginia Waste Management Board's notice of intent to amend 9 VAC 20-90, Solid Waste Facility Permit Applications Fees regulation, establishing fees for permitting solid waste management facilities.

Contact: Michael Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4146, e-mail mjdieter@deq.state.va.us.

STATE WATER CONTROL BOARD

July 31, 2002 - 2 p.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street,
Richmond, Virginia. ☎

A public meeting to receive comments on a notice of intent to amend the State Water Control Board's regulation establishing fees for permits and certificates.

Contact: Jon VanSoestbergen, Department of Environmental Quality, P.O. Box 10009 Richmond, VA 23240, telephone (804) 698-4117, e-mail jvansoest@deq.state.va.us.

August 7, 2002 - 2 p.m. -- Public Hearing
Department of Forestry, 900 Natural Resources Drive,
Fontaine Research Park, 1st Floor Training Room,
Charlottesville, Virginia. ☎

August 30, 2002 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **9 VAC 25-195. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Concentrated Aquatic Animal Production Facilities.** The purpose of the proposed action is to reissue the general permit for animal production facilities that establishes limitations and monitoring requirements for point source discharges from fish farms or other aquatic animal production facilities.

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

Contact: Michael Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail mbgregory@deq.state.va.us.

VIRGINIA BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

September 19, 2002 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Conference Room 5W, Richmond,
Virginia. ☎

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

Contact: David 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 waterwasteoper@dpor.state.va.us.

INDEPENDENT

STATE LOTTERY BOARD

† **September 11, 2002 - 9 a.m.** -- Open Meeting
Lottery Headquarters, Pocahontas Building, 900 East Main
Street, Richmond, Virginia. ☎

A regular board meeting.

Contact: Barbara L. Robertson, Board, Legislative and Regulatory Coordinator, State Lottery Board, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7105, FAX (804) 692-7775, e-mail brobertson@valottery.state.va.us.

VIRGINIA RETIREMENT SYSTEM

August 13, 2002 - Noon -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond,
Virginia. ☎

A regular meeting of the Optional Retirement Plan Advisory Committee.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dglazier@vrs.state.va.us.

August 14, 2002 - Noon -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond,
Virginia. ☎

Meetings of the following committees:

Audit and Compliance Committee - Noon
Benefits and Actuarial Committee - 1 p.m.
Administration and Personnel Committee - 2:30 p.m.
Investment Advisory Committee - 3 p.m.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

August 15, 2002 - 9 a.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond, Virginia. ♿

A regular meeting of the Board of Trustees.

Contact: Darla K. Glazier, Office Manager, Virginia Retirement System, P.O. Box 2500, Richmond, VA 23218, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail dkestner@vrs.state.va.us.

LEGISLATIVE

VIRGINIA CODE COMMISSION

† **July 17, 2002 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor, Speaker's Conference Room, Richmond, Virginia. ♿

A meeting to receive a report on the Code of Virginia web-based pilot project and feedback from participants, approve the Administrative Law Advisory Committee (ALAC) work plan, appoint members to ALAC, consider a Virginia Administrative Code price increase request, and discuss the Title 25 recodification work plan and the repeal project work plan. A brief public comment period has been scheduled at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, e-mail jchaffin@leg.state.va.us.

CONSUMER ADVISORY BOARD OF THE VIRGINIA ELECTRICAL UTILITY RESTRUCTURING ACT

† **September 11, 2002 - 10 a.m.** -- Open Meeting
† **October 10, 2002 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia.

A general meeting. Individuals requiring interpreter services or other accommodations should contact Senate Committee Operations.

Contact: Thomas C. Gilman, 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

† **August 19, 2002 - 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.

Contact: Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-0169, toll-free (866) 448-4100, e-mail foiaocouncil@leg.state.va.us.

JOINT SUBCOMMITTEE STUDYING THE EFFECTIVENESS AND COSTS OF THE GUARDIAN AD LITEM PROGRAM

† **August 1, 2002 - 1 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. Questions about the agenda should be addressed to Robie Ingram, Division of Legislative Services, (804) 786-3591.

Contact: Anne R. Howard, House Committee Operations, P.O. Box 406, Richmond, VA 23218, telephone (804) 698-1540 or (804) 786-2369/TTY ☎

CHRONOLOGICAL LIST

OPEN MEETINGS

July 15

- † Education, Board of
 - Advisory Committee for the Schools for Deaf and Blind
- † Housing and Community Development, Department of Motor Vehicle Dealer Board
 - Advertising Committee
 - Dealer Practices Committee
 - Finance Committee
 - Franchise Law Committee
 - Licensing Committee
 - Personnel Committee
 - Transaction Recovery Fund Committee

Nursing, Board of

July 16

- † Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
 - Regulatory Review Committee
- Asbestos, Lead, and Home Inspectors, Virginia Board for Blind and Vision Impaired, Board for the
- † Conservation and Recreation, Department of
 - Mason Neck State Park Master Plan Technical Advisory Committee
 - Smith Mountain Lake State Park Master Plan Planning Committee
- † Counseling, Board of

Calendar of Events

- Informal Conference Committee
- † Environmental Quality, Department of
 - Ground Water Protection Steering Committee
- Funeral Directors and Embalmers, Board of
- Independent Living Council, Statewide
- † Mines, Minerals and Energy, Department of
 - Virginia Gas and Oil Board
- Nursing, Board of
- July 17**
- † Code Commission, Virginia
- Community Colleges, State Board for
 - Academic and Student Affairs Committee
 - Audit Committee
 - Budget and Finance Committee
 - Facilities Committee
 - Personnel Committee
- Contractors, Board for
- Higher Education for Virginia, State Council of
- Nursing, Board of
- † Racing Commission, Virginia
- Transportation Board, Commonwealth
- July 18**
- Agriculture and Consumer Services, Department of
 - Pesticide Control Board
 - Virginia Winegrowers Advisory Board
- Community Colleges, State Board for
- † Criminal Justice Services Board
 - Private Security Services Advisory Board
- Design-Build/Construction Management Review Board
- † Education, Board of
 - State Special Education Advisory Committee
- Game and Inland Fisheries, Board of
- † Longwood University
 - Executive Committee
- Medicine, Board of
 - Informal Conference Committee
- Nursing, Board of
- Transportation Board, Commonwealth
- † Treasury Board
- July 19**
- Conservation and Recreation, Department of
 - Staunton River State Park Master Plan Steering Committee
- † Dentistry, Board of
- † Education, Board of
 - State Special Education Advisory Committee
- July 22**
- Pharmacy, Board of
 - Special Conference Committee
- July 23**
- Agriculture and Consumer Services, Department of
 - Virginia Small Grains Board
- Compensation Board
- † Environmental Quality, Department of
- † Marine Resources Commission
- Pharmacy, Board of
 - Special Conference Committee
- Small Business Financing Authority, Virginia
- July 24**
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for

- Land Surveyors Section
- Chesapeake Bay Local Assistance Board
- Health, Department of
 - Biosolids Use Regulations Advisory Committee
- Housing Development Authority, Virginia
 - Board of Commissioners
- Innovative Technology Authority
 - Board of Directors
- Medicine, Board of
 - Informal Conference Committee
- July 25**
- † Counseling, Board of
 - Informal Conference Committee
- Education, Board of
- † Fire Services Board, Virginia
- † Human Rights, Council on
- Rehabilitative Services, Board of
- July 26**
- † Human Rights, Council on
- July 29**
- † Local Government, Commission on
- July 30**
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
 - Landscape Architects Section
- † Competition Council, Commonwealth
- † Conservation and Recreation, Department of
 - Southwest Virginia Museum Historical State Park Master Plan Advisory Committee
- † Funeral Directors and Embalmers, Board of
 - Special Conference Committee
- † Museum of Fine Arts, Virginia
 - Museum Expansion Committee
- Nursing, Board of
 - Special Conference Committee
- July 31**
- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
 - Architects Section
- Branch Pilots, Board for
- † Conservation and Recreation, Department of
 - Bear Creek Lake State Park Master Plan Advisory Committee
- † Environmental Quality, Department of
- † Medicine, Board of
 - Informal Conference Committee
- Real Estate Board
- Waste Management Board, Virginia
- † Water Control Board, State
- August 1**
- Branch Pilots, Board for
- † Environmental Quality, Department of
- † Guardian Ad Litem Program, Joint Subcommittee Studying the Effectiveness and Costs of the
- Nursing, Board of
 - Special Conference Committee
- August 2**
- Art and Architectural Review Board
- † Dentistry, Board of
 - Informal Conference Committee

- † Medicine, Board of
 - Credentials Committee
 - Executive Committee
 - Informal Conference Committee

August 5

- Nursing, Board of
 - Special Conference Committee

August 6

- † Audiology and Speech-Language Pathology, Board of
 - Legislative/Regulatory Committee
- † Environmental Quality, Department of Hopewell Industrial Safety Council
- Nursing, Board of
 - Special Conference Committee

August 7

- Game and Inland Fisheries, Board of
- † Geology, Board for
- † Medicine, Board of
 - Credentials Committee

August 8

- Land Evaluation Advisory Council, State
- Medical Assistance Services, Department of
 - Medicaid Drug Utilization Review Board
- Motor Vehicles, Department of
 - Digital Signature Implementation Workgroup
- Voluntary Formulary Board, Virginia

August 9

- Agriculture and Consumer Services, Department of
 - Virginia Soybean Board

August 12

- Nursing, Board of
 - Special Conference Committee

August 13

- Nursing, Board of
 - Special Conference Committee
- Resources Authority, Virginia
 - Board of Directors
- Retirement System, Virginia
 - Optional Retirement Plan Advisory Committee

August 14

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
 - Professional Engineers Section
- Motor Vehicles, Department of
 - Medical Advisory Board
- Retirement System, Virginia
 - Administration and Personnel Committee
 - Audit and Compliance Committee
 - Benefits and Actuarial Committee
 - Investment Advisory Committee

August 15

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
 - Interior Designer Section
- † Audiology and Speech-Language Pathology, Board of Design-Build/Construction Management Review Board
- Medicine, Board of
 - Informal Conference Committee
- Retirement System, Virginia

August 19

- † Freedom of Information Advisory Council, Virginia

August 21

- Agriculture and Consumer Services, Department of
 - Virginia Egg Board
- Medicine, Board of
 - Informal Conference Committee

August 22

- † Game and Inland Fisheries, Board of

August 23

- † Dentistry, Board of
 - Special Conference Committee

August 27

- † Marine Resources Commission
- † Soil Scientists, Board for Professional

August 28

- † Accountancy, Board of
 - Enforcement Committee
- † Education, Board of
 - Committee to Enhance the K-12 Teaching Professions
- Milk Commission, State

August 29

- Nursing, Board of
 - Special Conference Committee

September 3

- Hopewell Industrial Safety Council

September 4

- Medicine, Board of
 - Informal Conference Committee

September 6

- Art and Architectural Review Board

September 10

- Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects, Board for
- † Funeral Directors and Embalmers, Board of
- † Tobacco Settlement Foundation, Virginia
 - Board of Trustees

September 11

- † Education, Board of
 - Committee to Enhance the K-12 Teaching Professions
- † Lottery Board, State

September 12

- † Environmental Quality, Department of

September 18

- † Medicine, Board of
 - Informal Conference Committee
- Polygraph Examiners Advisory Board

September 19

- Design-Build/Construction Management Review Board
- Waterworks and Wastewater Works Operators

September 20

- Social Services, State Board of
 - Family and Children's Trust Fund Board of Trustees

September 23

- Library Board, State
 - Archival and Information Systems
 - Collection Management Services Committee
 - Legislative and Finance Committee
 - Publications and Educational Services Committee
 - Public Library Development Committee
 - Records Management Committee
- Nursing, Board of

Calendar of Events

September 24

† Marine Resources Commission

September 25

Nursing, Board of

September 26

Education, Board of

Nursing, Board of

October 4

† Art and Architectural Review Board

October 8

† Medical Assistance Services, Board of

† Nursing, Board of

- Special Conference Committee

October 10

† Motor Vehicles, Department of

- Digital Signature Implementation Workgroup

† Environmental Quality, Department of

† Nursing, Board of

- Special Conference Committee

PUBLIC HEARINGS

July 16

Medicine Board, of

† Nursing, Board of

July 22

Deaf and Hard-of-Hearing, Department for the

July 23

† Environmental Quality, Department of

July 25

Education, Board of

July 30

Health, State Board of

July 31

† Environmental Quality, Department of

August 2

† Dentistry, Board of

August 6

† Audiology and Speech-Language Pathology, Board of

August 7

Water Control Board, State

August 19

Pharmacy, Board of

August 21

Contractors, Board for