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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printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Fall 2004 VAC Supplement includes final regulations published through *Virginia Register* Volume 20, Issue 24, dated August 9, 2004). 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 1. Administration			
1 VAC 75-40-10 through 1 VAC 75-40-60	Added	20:25 VA.R. 3082	9/22/04
Title 2. Agriculture			
2 VAC 5-500	Repealed	21:8 VA.R. 861	1/26/05
2 VAC 5-501-10 through 2 VAC 5-501-110	Added	21:8 VA.R. 861-869	1/26/05
2 VAC 5-530	Repealed	21:8 VA.R. 869	1/26/05
2 VAC 5-531-10 through 2 VAC 5-531-140	Added	21:8 VA.R. 869-908	1/26/05
2 VAC 20-30 (Forms)	Erratum	20:25 VA.R. 3111	--
Title 3. Alcoholic Beverages			
3 VAC 5-50-60	Amended	21:7 VA.R. 803	2/26/05
Title 4. Conservation and Natural Resources			
4 VAC 3-20-10 through 4 VAC 3-20-351	Repealed	21:3 VA.R. 317	1/29/05
4 VAC 15-20-100	Amended	21:3 VA.R. 318	10/1/04
4 VAC 15-40-280	Amended	21:1 VA.R. 24	10/20/04
4 VAC 15-260-10	Amended	20:25 VA.R. 3082	7/28/04
4 VAC 15-320-100	Amended	21:1 VA.R. 24	9/20/04
4 VAC 20-25-10 through 4 VAC 20-25-40	Added	21:8 VA.R. 908-909	12/1/04
4 VAC 20-270-30	Amended	20:26 VA.R. 3191	8/6/04
4 VAC 20-320-10	Amended	20:26 VA.R. 3191	8/6/04
4 VAC 20-320-70	Amended	20:26 VA.R. 3192	8/6/04
4 VAC 20-320-80	Amended	20:26 VA.R. 3192	8/6/04
4 VAC 20-564-10 through 4 VAC 20-564-50 emer	Added	20:25 VA.R. 3096	8/16/04-9/3/04
4 VAC 20-620-40	Amended	21:10 VA.R. 1231	1/1/05
4 VAC 20-650-20	Amended	21:8 VA.R. 909	12/1/04
4 VAC 20-720-20	Amended	21:4 VA.R. 408	10/1/04
4 VAC 20-720-20	Amended	21:8 VA.R. 910	12/1/04
4 VAC 20-720-40 through 4 VAC 20-720-100	Amended	21:4 VA.R. 409-411	10/1/04
4 VAC 20-720-40 through 4 VAC 20-720-90	Amended	21:8 VA.R. 911-913	12/1/04
4 VAC 20-720-75	Added	21:8 VA.R. 912	12/1/04
4 VAC 20-910-45 emer	Amended	21:5 VA.R. 499	11/1/04-11/30/04
4 VAC 20-910-45	Amended	21:8 VA.R. 913	12/1/04
4 VAC 20-910-45 emer	Amended	21:10 VA.R. 1234	1/1/05-1/30/05
4 VAC 20-920-45	Added	21:8 VA.R. 914	12/1/04
4 VAC 20-950-47	Amended	21:5 VA.R. 497	10/29/04
4 VAC 20-950-48 emer	Amended	21:3 VA.R. 334	9/29/04-10/30/04
4 VAC 20-950-48	Amended	21:5 VA.R. 497	10/29/04
4 VAC 20-950-48.1	Added	21:5 VA.R. 497	10/29/04
4 VAC 20-1045-10	Added	21:4 VA.R. 412	10/1/04
4 VAC 20-1045-20	Added	21:4 VA.R. 412	10/1/04
4 VAC 20-1045-30	Added	21:4 VA.R. 412	10/1/04
4 VAC 25-31 (Forms)	Amended	21:1 VA.R. 28	--
4 VAC 25-130 (Forms)	Amended	21:2 VA.R. 225	--
4 VAC 50-60-10 through 4 VAC 50-60-1240	Added	21:3 VA.R. 317	1/29/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 6. Criminal Justice and Corrections			
6 VAC 20-190-10	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-50	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-150	Amended	21:2 VA.R. 127	11/3/04
6 VAC 20-190-160	Amended	21:2 VA.R. 128	11/3/04
6 VAC 20-240-10 through 6 VAC 20-240-140 emer	Added	20:25 VA.R. 3097-3102	8/23/04-8/22/05
6 VAC 35-170-10 through 6 VAC 35-170-230	Added	21:9 VA.R. 1073	2/9/05
Title 8. Education			
8 VAC 20-140-10	Repealed	21:3 VA.R. 332	1/1/05
8 VAC 20-200-10	Repealed	21:7 VA.R. 804	3/1/05
8 VAC 20-210-10	Amended	21:4 VA.R. 413	1/1/05
8 VAC 20-260-10 through 8 VAC 20-260-60	Repealed	21:7 VA.R. 805-806	3/1/05
8 VAC 20-360-10	Amended	21:8 VA.R. 1011	3/15/05
8 VAC 20-360-20	Amended	21:8 VA.R. 1012	3/15/05
8 VAC 20-360-30	Repealed	21:8 VA.R. 1012	3/15/05
8 VAC 20-380-10 through 8 VAC 20-380-40	Repealed	21:7 VA.R. 806-807	3/1/05
8 VAC 20-400-10 through 8 VAC 20-400-50	Repealed	21:7 VA.R. 807-808	3/1/05
8 VAC 20-430-10 through 8 VAC 20-430-50	Repealed	21:7 VA.R. 808-809	3/1/05
8 VAC 20-470-10	Repealed	21:4 VA.R. 423	3/1/05
8 VAC 20-480-10	Repealed	21:7 VA.R. 809	3/1/05
8 VAC 40-30 emer	Repealed	21:6 VA.R. 684	11/8/04-11/7/05
8 VAC 40-31-10 through 8 VAC 40-31-320 emer	Added	21:6 VA.R. 684-698	11/8/04-11/7/05
Title 9. Environment			
9 VAC 5-20-21	Amended	21:11 VA.R. 1360	3/9/05
9 VAC 25-720-50	Erratum	21:11 VA.R. 1425	--
9 VAC 5-20-204	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-20-204	Amended	21:7 VA.R. 790	1/12/05
9 VAC 5-20-205	Erratum	20:26 VA.R. 3210-3211	--
9 VAC 5-40-7240 through 9 VAC 5-40-7360	Added	21:11 VA.R. 1364-1389	3/9/05
9 VAC 5-50-400	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-60	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-90	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-60-91	Repealed	21:7 VA.R. 791	1/12/05
9 VAC 5-60-100	Amended	21:7 VA.R. 791	1/12/05
9 VAC 5-80-2000	Amended	21:4 VA.R. 413	12/1/04
9 VAC 5-80-2010	Amended	21:4 VA.R. 414	12/1/04
9 VAC 5-80-2250	Amended	21:4 VA.R. 419	12/1/04
9 VAC 20-130 (Forms)	Amended	21:11 VA.R. 1417	--
9 VAC 25-31-10	Amended	21:2 VA.R. 128	11/3/04
9 VAC 25-31-10	Amended	21:9 VA.R. 1073	2/9/05
9 VAC 25-31-10	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-30	Amended	21:2 VA.R. 139	11/3/04
9 VAC 25-31-100	Amended	21:2 VA.R. 140	11/3/04
9 VAC 25-31-100	Amended	21:9 VA.R. 1084	2/9/05
9 VAC 25-31-100	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-120	Amended	21:9 VA.R. 1100	2/9/05
9 VAC 25-31-120	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-121	Repealed	21:9 VA.R. 1111	2/9/05
9 VAC 25-31-121	Repealed	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-130	Amended	21:2 VA.R. 158	11/3/04
9 VAC 25-31-130	Amended	21:9 VA.R. 1117	2/9/05
9 VAC 25-31-130	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-170	Amended	21:2 VA.R. 160	11/3/04
9 VAC 25-31-170	Amended	21:9 VA.R. 1119	2/9/05
9 VAC 25-31-170	Amended	21:10 VA.R. 1233	2/9/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-31-200	Amended	21:2 VA.R. 162	11/3/04
9 VAC 25-31-200	Amended	21:9 VA.R. 1121	2/9/05
9 VAC 25-31-200	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-220	Amended	21:9 VA.R. 1123	2/9/05
9 VAC 25-31-220	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-31-390	Amended	21:9 VA.R. 1128	2/9/05
9 VAC 25-31-390	Amended	21:10 VA.R. 1233	2/9/05
9 VAC 25-71-10	Amended	21:2 VA.R. 165	11/3/04
9 VAC 25-71-60	Amended	21:2 VA.R. 166	11/3/04
9 VAC 25-101-30	Amended	21:2 VA.R. 166	11/3/04
9 VAC 25-101-35	Added	21:2 VA.R. 167	11/3/04
9 VAC 25-101-40	Amended	21:2 VA.R. 167	11/3/04
9 VAC 25-101-45	Added	21:2 VA.R. 170	11/3/04
9 VAC 25-101-50	Amended	21:2 VA.R. 170	11/3/04
9 VAC 25-101-60	Amended	21:2 VA.R. 172	11/3/04
9 VAC 25-101-70	Amended	21:2 VA.R. 172	11/3/04
9 VAC 25-151-140	Amended	21:2 VA.R. 173	11/3/04
9 VAC 25-151-150	Amended	21:2 VA.R. 175	11/3/04
9 VAC 25-151-160	Amended	21:2 VA.R. 179	11/3/04
9 VAC 25-151-180	Amended	21:2 VA.R. 179	11/3/04
9 VAC 25-151-230	Amended	21:2 VA.R. 181	11/3/04
9 VAC 25-151-280	Amended	21:2 VA.R. 182	11/3/04
9 VAC 25-191-40	Erratum	21:9 VA.R. 1170	--
9 VAC 25-191-50	Erratum	21:11 VA.R. 1425	--
9 VAC 25-191-10 through 9 VAC 25-191-50	Added	21:2 VA.R. 183-198	11/3/04
9 VAC 25-192-10	Amended	21:2 VA.R. 199	11/3/04
9 VAC 25-192-20	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-30	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-40	Repealed	21:2 VA.R. 200	11/3/04
9 VAC 25-192-50	Amended	21:2 VA.R. 200	11/3/04
9 VAC 25-192-60	Amended	21:2 VA.R. 201	11/3/04
9 VAC 25-192-70	Amended	21:2 VA.R. 202	11/3/04
9 VAC 25-260-30 Bottom Creek	Amended	21:11 VA.R. 1389	*
9 VAC 25-260-30 Lake Drummond	Amended	21:11 VA.R. 1390	*
9 VAC 25-260-30 Little Stony Creek	Amended	21:11 VA.R. 1390	*
9 VAC 25-260-30 Ragged Island	Amended	21:11 VA.R. 1390	*
9 VAC 25-400-10	Repealed	20:25 VA.R. 3083	9/22/04
9 VAC 25-401-10 through 9 VAC 25-401-50	Added	20:25 VA.R. 3083	9/22/04
9 VAC 25-590-10 through 9 VAC 25-590-100	Amended	21:8 VA.R. 915-919	1/26/05
9 VAC 25-590-120	Amended	21:8 VA.R. 919	1/26/05
9 VAC 25-590-120	Repealed	21:8 VA.R. 919	1/26/05
9 VAC 25-590-140 through 9 VAC 25-590-210	Amended	21:8 VA.R. 919-923	1/26/05
9 VAC 25-590-260	Amended	21:8 VA.R. 924	1/26/05
9 VAC 25-630 (Forms)	Erratum	21:9 VA.R. 1170	--
9 VAC 25-630-10	Amended	21:2 VA.R. 211	11/3/04
9 VAC 25-630-20	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-630-30	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-630-50	Amended	21:2 VA.R. 212	11/3/04
9 VAC 25-660-10 through 9 VAC 25-660-100	Amended	21:8 VA.R. 929-940	1/26/05
9 VAC 25-670-10 through 9 VAC 25-670-100	Amended	21:8 VA.R. 940-957	1/26/05
9 VAC 25-680-10 through 9 VAC 25-680-100	Amended	21:8 VA.R. 957-976	1/26/05
9 VAC 25-690-10 through 9 VAC 25-690-100	Amended	21:8 VA.R. 976-997	1/26/05
9 VAC 25-720-50	Amended	21:9 VA.R. 1130	--
9 VAC 25-720-60	Amended	21:9 VA.R. 1136	2/9/05

* 30 days after publication of notice of EPA approval.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-720-80	Amended	21:9 VA.R. 1143	2/9/05
9 VAC 25-720-90	Amended	21:9 VA.R. 1152	2/9/05
Title 10. Finance and Financial Institutions			
10 VAC 5-100-10	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-100-20	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-100-30	Repealed	21:6 VA.R. 630	6/30/05
10 VAC 5-110-10	Added	21:6 VA.R. 631	11/15/04
10 VAC 5-110-20	Added	21:6 VA.R. 631	11/15/04
Title 11. Gaming			
11 VAC 10-20-200	Amended	20:25 VA.R. 3083	9/23/04
11 VAC 10-20-240 emer	Amended	20:25 VA.R. 3102	7/28/04-7/27/05
11 VAC 10-45 (Forms)	Erratum	20:25 VA.R. 3112	--
Title 12. Health			
12 VAC 5-90-10 emer	Amended	21:6 VA.R. 699	11/5/04-11/4/05
12 VAC 5-90-40 emer	Amended	21:6 VA.R. 702	11/5/04-11/4/05
12 VAC 5-90-90 emer	Amended	21:6 VA.R. 703	11/5/04-11/4/05
12 VAC 5-90-100 emer	Amended	21:6 VA.R. 705	11/5/04-11/4/05
12 VAC 5-90-105 emer	Added	21:6 VA.R. 705	11/5/04-11/4/05
12 VAC 5-90-110 emer	Amended	21:6 VA.R. 706	11/5/04-11/4/05
12 VAC 5-90-120 emer	Added	21:6 VA.R. 708	11/5/04-11/4/05
12 VAC 5-220-10	Amended	20:26 VA.R. 3193	9/27/04
12 VAC 5-220-160	Amended	20:26 VA.R. 3196	9/27/04
12 VAC 5-220-230	Amended	20:26 VA.R. 3197	9/27/04
12 VAC 5-220-385	Amended	20:26 VA.R. 3198	9/27/04
12 VAC 5-371-110	Amended	20:26 VA.R. 3200	9/27/04
12 VAC 5-410-440	Erratum	21:8 VA.R. 1016	--
12 VAC 5-410-440	Amended	21:6 VA.R. 665	2/14/05
12 VAC 5-410-441 through 12 VAC 5-410-447	Added	21:6 VA.R. 666-681	2/14/05
12 VAC 5-590-505 emer	Added	21:9 VA.R. 1165	12/21/04-12/20/05
12 VAC 30-10-650	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-50-210	Amended	21:6 VA.R. 632	1/3/05
12 VAC 30-70-331	Amended	21:6 VA.R. 683	7/1/05
12 VAC 30-80-30	Amended	21:7 VA.R. 797	1/12/05
12 VAC 30-80-40	Amended	21:6 VA.R. 632	1/3/05
12 VAC 30-80-40 emer	Amended	21:6 VA.R. 709	12/1/04-11/30/05
12 VAC 30-80-190 emer	Amended	20:26 VA.R. 3203	9/1/04-8/31/05
12 VAC 30-80-190 emer	Amended	20:26 VA.R. 3204	9/1/04-8/31/05
12 VAC 30-80-190	Amended	21:7 VA.R. 800	1/12/05
12 VAC 30-90-29	Amended	21:2 VA.R. 223	11/3/04
12 VAC 30-120-211 emer	Amended	21:6 VA.R. 711	12/1/04-11/30/05
12 VAC 30-120-213 emer	Amended	21:6 VA.R. 714	12/1/04-11/30/05
12 VAC 30-120-215 emer	Amended	21:6 VA.R. 715	12/1/04-11/30/05
12 VAC 30-120-219 emer	Amended	21:6 VA.R. 718	12/1/04-11/30/05
12 VAC 30-120-223 emer	Amended	21:6 VA.R. 719	12/1/04-11/30/05
12 VAC 30-120-225 emer	Amended	21:6 VA.R. 720	12/1/04-11/30/05
12 VAC 30-120-227 emer	Amended	21:6 VA.R. 724	12/1/04-11/30/05
12 VAC 30-120-229 emer	Amended	21:6 VA.R. 725	12/1/04-11/30/05
12 VAC 30-120-233 emer	Amended	21:6 VA.R. 726	12/1/04-11/30/05
12 VAC 30-120-237 emer	Amended	21:6 VA.R. 728	12/1/04-11/30/05
12 VAC 30-120-241 emer	Amended	21:6 VA.R. 729	12/1/04-11/30/05
12 VAC 30-120-243 emer	Amended	21:6 VA.R. 730	12/1/04-11/30/05
12 VAC 30-120-245 emer	Amended	21:6 VA.R. 732	12/1/04-11/30/05
12 VAC 30-120-247 emer	Amended	21:6 VA.R. 733	12/1/04-11/30/05
12 VAC 30-120-249 emer	Amended	21:6 VA.R. 734	12/1/04-11/30/05
12 VAC 30-120-260	Amended	21:11 VA.R. 1391	3/10/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-280	Amended	21:11 VA.R. 1392	3/10/05
12 VAC 30-120-290	Amended	21:11 VA.R. 1394	3/10/05
12 VAC 30-120-310	Amended	21:11 VA.R. 1395	3/10/05
12 VAC 30-120-320	Amended	21:11 VA.R. 1395	3/10/05
12 VAC 30-120-350	Amended	21:11 VA.R. 1395	3/10/05
12 VAC 30-120-360	Amended	21:11 VA.R. 1396	3/10/05
12 VAC 30-120-370	Amended	21:11 VA.R. 1398	3/10/05
12 VAC 30-120-380	Amended	21:11 VA.R. 1400	3/10/05
12 VAC 30-120-400	Amended	21:11 VA.R. 1401	3/10/05
12 VAC 30-120-410	Amended	21:11 VA.R. 1401	3/10/05
12 VAC 30-120-420	Amended	21:11 VA.R. 1402	3/10/05
12 VAC 30-130-290	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-310	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-320	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-330	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-335	Added	21:6 VA.R. 631	1/3/05
12 VAC 30-130-400	Amended	21:6 VA.R. 631	1/3/05
12 VAC 30-130-1000	Added	21:6 VA.R. 633	1/3/05
Title 13. Housing			
13 VAC 5-62-260	Amended	20:25 VA.R. 3084	9/8/04
13 VAC 10-180-10	Amended	21:11 VA.R. 1403	1/14/05
13 VAC 10-180-50	Amended	21:11 VA.R. 1403	1/14/05
13 VAC 10-180-60	Amended	21:11 VA.R. 1403	1/14/05
13 VAC 10-180-90	Amended	21:11 VA.R. 1412	1/14/05
13 VAC 10-180-110	Added	21:11 VA.R. 1412	1/14/05
Title 14. Insurance			
14 VAC 5-90-10 through 14 VAC 5-90-50	Amended	20:25 VA.R. 3090-3091	8/4/04
14 VAC 5-90-55	Added	20:25 VA.R. 3091	8/4/04
14 VAC 5-90-60 through 14 VAC 5-90-180	Amended	20:25 VA.R. 3092	8/4/04
14 VAC 5-90 (Forms)	Amended	20:25 VA.R. 3092	8/4/04
Title 16. Labor and Employment			
16 VAC 25-40-10	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-20	Amended	20:26 VA.R. 3201	10/15/04
16 VAC 25-40-50	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910	Erratum	21:1 VA.R. 44	--
16 VAC 25-90-1910.103	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.134	Amended	21:11 VA.R. 1412	3/15/05
16 VAC 25-90-1910.217	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.219	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1910.268	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-90-1926.307	Amended	20:26 VA.R. 3202	10/15/04
16 VAC 25-100-1915.5	Amended	21:11 VA.R. 1413	3/15/05
16 VAC 25-100-1915.501 through 16 VAC 25-100-1915.509	Added	21:11 VA.R. 1413-1414	3/15/05
16 VAC 25-155-10	Added	21:6 VA.R. 634	1/1/05
16 VAC 25-175-1926	Erratum	21:1 VA.R. 44	--
16 VAC 25-175-1926.950(c)(1)	Repealed	21:6 VA.R. 634	1/1/05
Title 18. Professional and Occupational Licensing			
18 VAC 5-30-10 through 18 VAC 5-30-110	Repealed	21:3 VA.R. 318	11/3/04
18 VAC 10-20-60	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-90	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-170	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-280	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-400	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-520	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-565	Amended	21:3 VA.R. 318	12/1/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 10-20-580	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-625	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-630	Amended	21:3 VA.R. 318	12/1/04
18 VAC 10-20-665	Amended	21:3 VA.R. 318	12/1/04
18 VAC 45-10-10 through 18 VAC 45-10-40	Amended	20:25 VA.R. 3093-3094	11/8/04
18 VAC 45-10-60 through 18 VAC 45-10-90	Amended	20:25 VA.R. 3094-3095	11/8/04
18 VAC 62-20-60	Erratum	21:1 VA.R. 44	--
18 VAC 62-20-40 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05
18 VAC 62-20-90 emer	Added	20:25 VA.R. 3104	7/23/04-2/1/05
18 VAC 85-15-10	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-20	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-15-30	Added	21:1 VA.R. 26	9/1/04-8/31/05
18 VAC 85-80-61 emer	Added	20:25 VA.R. 3105	7/27/04-7/26/05
18 VAC 90-15-10	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-15-20	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-15-30	Added	21:1 VA.R. 27	9/1/04-8/31/05
18 VAC 90-20-361 through 18 VAC 90-20-364	Repealed	21:9 VA.R. 1156-1157	3/26/05
18 VAC 90-25-15	Added	21:9 VA.R. 1157	3/26/05
18 VAC 90-25-100	Amended	21:9 VA.R. 1158	3/26/05
18 VAC 90-25-110 through 18 VAC 90-25-140	Added	21:9 VA.R. 1158-1160	3/26/05
18 VAC 90-30-10	Amended	21:11 VA.R. 1414	3/9/05
18 VAC 90-30-60 through 18 VAC 90-30-90	Amended	21:11 VA.R. 1415-1416	3/9/05
18 VAC 90-30-85	Added	21:11 VA.R. 1415	3/9/05
18 VAC 95-20-471 emer	Added	20:25 VA.R. 3105	7/28/04-7/27/05
18 VAC 105-20-5 emer	Added	21:6 VA.R. 735	12/8/04-12/7/05
18 VAC 105-20-10 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-15 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-16 emer	Added	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-20 emer	Amended	21:6 VA.R. 736	12/8/04-12/7/05
18 VAC 105-20-46	Added	21:8 VA.R. 998	12/8/04
18 VAC 105-20-47	Added	21:8 VA.R. 998	12/8/04
18 VAC 105-20-70 emer	Amended	21:6 VA.R. 737	12/8/04-12/7/05
18 VAC 105-30 emer	Repealed	21:6 VA.R. 735	12/8/04-12/7/05
18 VAC 125-15-10 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-20 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 125-15-30 emer	Added	20:25 VA.R. 3106	7/28/04-7/27/05
18 VAC 145-20-151	Amended	21:3 VA.R. 319	12/1/04
18 VAC 160-20-102	Amended	21:3 VA.R. 319	12/1/04
Title 19. Public Safety			
19 VAC 30-70-1	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-2	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-6	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-7	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-8	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-9	Added	21:4 VA.R. 420	9/22/04
19 VAC 30-70-10	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-30 through 19 VAC 30-70-110	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-130 through 19 VAC 30-70-170	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-190 through 19 VAC 30-70-230	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-250 through 19 VAC 30-70-300	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-340	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-350	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-360	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-400	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-430 through 19 VAC 30-70-560	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-580	Amended	21:4 VA.R. 420	9/22/04

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
19 VAC 30-70-600	Amended	21:4 VA.R. 420	9/22/04
19 VAC 30-70-650	Amended	21:4 VA.R. 420	9/22/04
Title 22. Social Services			
22 VAC 40-141-10 through 22 VAC 40-141-40	Amended	21:6 VA.R. 635	2/1/05
22 VAC 40-141-60 through 22 VAC 40-141-130	Amended	21:6 VA.R. 635	2/1/05
22 VAC 40-141-87	Added	21:6 VA.R. 634	2/1/05
22 VAC 40-141-150	Amended	21:6 VA.R. 636	2/1/05
22 VAC 40-141-170 through 22 VAC 40-141-210	Amended	21:6 VA.R. 636-638	2/1/05
22 VAC 40-705-30	Amended	21:4 VA.R. 421	12/1/04
Title 24. Transportation and Motor Vehicles			
24 VAC 20-70-10 through 24 VAC 20-70-50	Repealed	20:25 VA.R. 3092	9/22/04
24 VAC 30-90-10 through 24 VAC 30-90-380	Repealed	21:6 VA.R. 643	1/1/05
24 VAC 30-91-10 through 24 VAC 30-91-160	Added	21:6 VA.R. 643-663	1/1/05
24 VAC 30-120-170	Amended	21:3 VA.R. 330	11/17/04

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

† 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 Education intends to consider adopting regulations entitled **8 VAC 20-710, Regulations Governing the Process for Submitting Proposals to Consolidate School Divisions**. The purpose of the proposed action is to provide for a process whereby school divisions may submit proposals for the consolidation of school divisions. The mandate to promulgate regulations is the result of Chapter 917 of the 2004 Acts of Assembly.

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

Statutory Authority: § 22.1-25 of the Code of Virginia.

Public comments may be submitted until March 24, 2005.

Contact: Dr. Margaret N. Roberts, Executive Assistant, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2924, FAX (804) 225-2524 or e-mail margaret.roberts@doe.virginia.gov.

VA.R. Doc. No. R05-124; Filed February 2, 2005, 10:03 a.m.

TITLE 9. ENVIRONMENT

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 25-193, General Virginia Pollutant Discharge Elimination System Permit for Ready-Mixed Concrete Plants**. The purpose of the proposed action is to include appropriate and necessary permitting requirements for discharges of wastewater from concrete product facilities.

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 and § 402 of the Clean Water Act (CFR Parts 122, 123 and 124).

Public comments may be submitted until March 11, 2005.

Contact: Lily Choi, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032 or e-mail ychoi@deq.virginia.gov.

VA.R. Doc. No. R05-112; Filed January 19, 2005, 12:09 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 Water Control Board intends to consider amending regulations entitled **9 VAC 25-210, Virginia Water Protection Permit Regulation**. The purpose of the proposed action is to (i) incorporate changes to the Code of Virginia relating to the emergency permitting of water withdrawal projects; (ii) incorporate the U.S. Supreme Court's ruling in *Virginia vs. Maryland*; (iii) include changes already made to the general permit regulations that corrected administrative procedures, clarified application and permitting requirements, and allowed for a more efficient application review process; (iv) implement a formal preapplication scoping process for water supply projects; (v) clarify the requirement for cumulative impact assessment for water supply projects; (vi) clarify requirements for alternative analysis for water supply projects; (vii) investigate ways to simplify, clarify and improve coordination of state agency reviews and comments for water supply projects; (viii) clarify who does and does not need a permit for a water withdrawal by more clearly defining certain terms in light of the statutory "grandfathering" of certain withdrawals; and (ix) clarify the process and criteria for establishing minimum instream flow requirements and evaluation of responses during drought conditions.

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 and § 401 of the Clean Water Act.

Public comments may be submitted until March 4, 2005.

Contact: Scott Kudlas, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4456, FAX (804) 698-4456 or e-mail swkudlas@deq.virginia.gov.

VA.R. Doc. No. R05-106; Filed January 5, 2005, 11:42 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 25-260, Water Quality Standards**. The purpose of the proposed action is to include new numerical and narrative criteria to protect designated uses of lakes and reservoirs from the impacts of nutrients. The rulemaking may also include new or revised use designations for certain categories of lakes and reservoirs.

Notices of Intended Regulatory Action

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; Clean Water Act (33 USC § 1251 et seq.); 40 CFR Part 131.

Public comments may be submitted until April 8, 2005.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4522 or e-mail jwgregory@deq.virginia.gov.

VA.R. Doc. No. R05-113; Filed January 26, 2005, 3:07 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 Water Control Board intends to consider adopting regulations entitled **9 VAC 25-810, General VPDES Permit for Coin-Operated Laundries**. The purpose of the proposed action is to establish appropriate and necessary permitting requirements for discharges of wastewater from coin-operated laundries.

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 and § 402 of the Clean Water Act (33 USC 1251 et seq.).

Public comments may be submitted until March 11, 2005.

Contact: George E. Cosby, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032 or e-mail gecosby@deq.virginia.gov.

VA.R. Doc. No. R05-111; Filed January 19, 2005, 11:36 a.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 amending regulations entitled **12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services**, and **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to incorporate the changes recommended by the 2003 IFDDS Waiver Task Force to better meet the needs of individuals receiving individual and family developmental disabilities support services through the waiver.

The agency does not intend to hold a public hearing on the proposed regulation 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 March 23, 2005, to Suzanne Klaas, Division of Long-Term Care and Quality Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Brian McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail brian.mccormick@dmas.virginia.gov.

VA.R. Doc. No. R05-119; Filed January 27, 2005, 4:36 p.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 Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-120, Waivered Services**. The purpose of the proposed action is to combine the elderly and disabled waiver with the consumer-directed waiver.

The agency does not intend to hold a public hearing on the proposed regulation 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 March 23, 2005, to Vivian Horn, Division of Long-Term Care and Quality Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219.

Contact: Brian McCormick, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680 or e-mail brian.mccormick@dmas.virginia.gov.

VA.R. Doc. No. R05-117; Filed January 27, 2005, 4:31 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF NURSING HOME ADMINISTRATORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing Home Administrators intends to consider amending regulations entitled **18 VAC 95-20, Regulations of the Board of Nursing Home Administrators**. The purpose of the proposed action is to clarify educational requirements for initial licensure, authorize additional credit for work experience and education for the administrator-in-training program and amend requirements for preceptors.

Notices of Intended Regulatory Action

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

Statutory Authority: § 54.1-2400 and Chapter 31 (§ 54.1-3100 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until February 23, 2005.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943 or e-mail sandra.reen@dhp.virginia.gov.

VA.R. Doc. No. R05-104; Filed January 4, 2005, 9:46 a.m.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Professional and Occupational Regulation intends to consider amending regulations entitled **18 VAC 120-30, Regulations Governing Polygraph Examiners**. The purpose of the proposed action is to review and, where necessary, amend current regulations to reflect statutory changes, industry changes (especially those that involve technological advances in equipment and training), and changes suggested by licensees and members of the public during the board's normal course of operations.

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

Statutory Authority: § 54.1-1802 of the Code of Virginia.

Public comments may be submitted until February 23, 2005.

Contact: Kevin Hoefft, Regulatory Board Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-6166, FAX (804) 367-2474 or e-mail polygraph@dpor.virginia.gov.

VA.R. Doc. No. R05-100; Filed December 23, 2004, 12:01 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 40-130, Minimum Standards for Licensed Private Child Placing Agencies**. The purpose of the proposed action is to reflect current federal and state law, interstate compact, and program policy and to reflect other federal and state requirements. Standards for treatment foster care will be added to reflect the current practice of licensed child placing

agencies and to allow certification of agencies for Medicaid reimbursement of treatment foster care case management services. Standards regulating intercountry adoptions, assisted conception, and independent living will also be added. The regulation will clarify and strengthen requirements for child placing agency staff and foster and adoptive parents. The amended regulation will also respond to technical and programmatic questions that have been raised since 1989, update operational requirements including consolidating requirements for different programs as appropriate, clarify terms, increase consistency between and among programs, and make the regulation easier to understand. The amended regulation is necessary to incorporate current program requirements at the federal and state level and provide standards for programs that have changed or expanded since 1989. A goal of the amended regulation is to integrate relevant federal, interstate, and state changes since 1989. The other major goal is to strengthen the regulation by addressing issues that have been raised during the past several years and by reorganizing and adding sections to make it more functional.

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

Statutory Authority: §§ 63.2-217, 63.2-1701 and 63.2-1734 of the Code of Virginia.

Public comments may be submitted until March 9, 2005.

Contact: Wenda Singer, Program Consultant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7148, FAX (804) 726-7132 or e-mail wenda.singer@dss.virginia.gov.

VA.R. Doc. No. R05-110; Filed January 18, 2005, 10:35 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to consider amending regulations entitled **22 VAC 40-705, Child Protective Services**. The purpose of the proposed action is to review and amend, as needed, child protective services (CPS) regulations formulated in 1998 related to the protection of rights of children, families, and alleged abusers while keeping children safe from harm.

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

Statutory Authority: §§ 63.2-217 and 63.2-1503 of the Code of Virginia.

Public comments may be submitted until March 9, 2005.

Contact: Rita L. Katzman, Child Protective Services Program Manager, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7554, FAX (804) 726-7895 or e-mail rita.katzman@dss.virginia.gov.

VA.R. Doc. No. R05-109; Filed January 18, 2005, 10:35 a.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 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Titles of Regulations: **9 VAC 25-40. Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed (amending 9 VAC 25-40-10, 9 VAC 25-40-30, 9 VAC 25-40-40, and 9 VAC 25-40-50; repealing 9 VAC 25-40-20; adding 9 VAC 25-40-70.**

9 VAC 25-720. Water Quality Management Planning Regulation (amending 9 VAC 25-720-10, 9 VAC 25-720-30 through 9 VAC 25-720-70, 9 VAC 25-720-110, and 9 VAC 25-720-120).

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 303 of the federal Clean Water Act.

Public Hearing Dates:

March 17, 2005 - 2 p.m. (Harrisonburg)

March 21, 2005 - 2 p.m. (Glen Allen)

March 22, 2005 - 1:30 p.m. (Woodbridge)

March 23, 2005 - 4 p.m. (Virginia Beach)

Public comments may be submitted until 5 p.m. on April 25, 2005.

(See Calendar of Events section for additional information)

Agency Contact: John Kennedy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4312, FAX (804) 698-4116, or e-mail jmkennedy@deq.state.va.us.

Basis: The State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia) requires the State Water Control Board to adopt regulations to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and reduce pollution and to promote water conservation. Section 62.1-44.15 of the Code of Virginia requires the board to adopt such regulations as it deems necessary to enforce the general water quality management program of the board in all or part of the Commonwealth and to establish requirements for the treatment of sewage, industrial wastes and other wastes. The specific effluent limits needed to meet the water quality goals are discretionary.

Purpose: The purpose of the proposed amendments is to protect state waters and thus protect the health, safety and welfare of Virginians by adopting regulations that are technically correct, necessary and reasonable. These regulatory actions, taken together, would establish permit limitations for two nutrients -- total nitrogen and total phosphorus -- for certain dischargers within Virginia's portion of the Chesapeake Bay watershed. Resulting permit limitations will be expressed as both technology-based annual average concentrations and annual waste load allocations.

These actions are needed because nutrients discharged from wastewater treatment plants contribute to the overall loading of nutrients to the Chesapeake Bay and its tributaries. These nutrients have been identified as pollutants contributing to adverse impacts on large portions of the bay and its tidal rivers, which are included in the list of impaired waters required under § 303(d) of the Clean Water Act and § 62.1-44.19:5 of the Code of Virginia. Waters not meeting standards will require development of a Total Maximum Daily Load (TMDL), also required under the same sections of federal and state law. In May 1999, EPA Region III included most of Virginia's portion of the Chesapeake Bay and portions of several tidal tributaries on Virginia's 1998 impaired waters list. The Chesapeake 2000 Agreement commits Virginia to the goal of removing the Chesapeake Bay and its tidal tributaries from the list of impaired waters by 2010. Thus, the development of a TMDL for the entire Chesapeake Bay is not being scheduled until 2010, anticipating that the Chesapeake Bay Program partners can cooperatively achieve water quality standards by that time making a baywide TMDL unnecessary. These regulatory actions will help to meet the goals of the Chesapeake 2000 Agreement.

Under a separate rulemaking, amendments to the Virginia Water Quality Standards Regulation (9 VAC 25-260) are being considered that will update numerical and narrative criteria to protect designated uses of the Chesapeake Bay and its tidal rivers from the impacts of excessive nutrient and sediment loads. That rulemaking will also include new and revised use designations for the Chesapeake Bay and its tidal tributaries. Adoption of bay-specific criteria and uses is necessary to define the most accurate water quality goals for reducing the inputs of nitrogen, phosphorus and sediment and for subsequent TMDL development.

This rulemaking is needed to establish required effluent limitations for the discharge of total nitrogen and total phosphorus within the Virginia portion of the Chesapeake Bay watershed. Nitrogen and phosphorus discharges throughout the bay watershed have been shown to impact the water quality in the bay and its tidal rivers. Effluent levels for total nitrogen or total phosphorus more restrictive than the minimum technology limitations included in the revised Policy will be needed for some dischargers to meet the waste load allocation requirements of the amended Water Quality Management Planning Regulation, as well as the revised Virginia Water Quality Standards or any applicable TMDL.

Substance: The proposed regulatory actions will constitute amendments of existing regulatory provisions. Regarding the Chesapeake Bay watershed, the current Policy for Nutrient Enriched Waters contains specific limitations only on phosphorus concentrations in the effluent of major facilities discharging to tidal waters. However, water quality in the Chesapeake Bay and its tidal rivers is also significantly impacted by nitrogen inputs from point sources (wastewater treatment plants) located in both the tidal and nontidal areas

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of the bay watershed, as well as nonpoint sources (runoff from agricultural, forested and urban lands). The proposed changes to this Policy would:

1. Rename 9 VAC 25-40 as "Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed";
2. State that it is the board's policy that point source dischargers within the Chesapeake Bay watershed utilize, at a minimum, biological nutrient removal treatment or its equivalent whenever feasible;
3. Specify technology-based, annual average limits for nitrogen and phosphorus;
4. Authorize limits in VPDES permits of both existing and new or expanded dischargers;
5. Apply to certain dischargers throughout Virginia's entire Chesapeake Bay watershed;
6. Allow for alternative limits if a discharger can demonstrate that specified levels cannot be achieved;
7. Include reference to the Water Quality Management Planning Regulation to make clear that nutrient control requirements are a combination of effluent concentrations and waste load allocations; and
8. Retain the nutrient enriched waters designations and phosphorus control requirements outside the Chesapeake Bay watershed.

The proposed amendments to the Water Quality Planning Regulation:

1. Add several terms to the list of definitions - "Chesapeake Bay Watershed," "Delivered Waste Load," "Significant Discharger," and "Trading";
2. Add a subsection to each of the Chesapeake Bay's tributary river sections to establish annual total nitrogen and total phosphorus waste load allocations for the listed 120 significant dischargers; and
3. Establish a Trading and Offsets Program to enhance the cost-effectiveness of achieving and maintaining the waste load allocations in each tributary basin and allow for new and expanded treatment plants in the future. These provisions also allow new and expanded dischargers to operate within Virginia's Chesapeake Bay watershed while also protecting water quality.

Issues: The primary advantage for the public is that these amendments will result in the discharge of reduced amounts of nitrogen and phosphorus from wastewater treatment plants in the Chesapeake Bay watershed. This, in turn, will aid in the restoration of water quality in the Chesapeake Bay and its tributary rivers and assist in meeting the water quality standards necessary for protection of the living resources that inhabit the bay.

One disadvantage that may be perceived by the public is that these actions only address a portion of the nutrient loads to the bay and its tributaries, that being the point source discharges. Unless a comparable level of effort is applied to

reduce the nonpoint source inputs (runoff from agricultural, urban/suburban, and forested lands, septic systems, and air deposition), which are largely unregulated, the Commonwealth will be unable to achieve the load reductions necessary to meet the revised water quality standards. The needed nonpoint source controls are detailed in Virginia's Tributary Strategies for Nutrient and Sediment Reduction. Wastewater treatment plant owners may see these proposals as too stringent, with the discharge limitations being difficult and expensive to meet. Long-term planning and capacity needs to serve future growth are also significant concerns that the facility owners have expressed, with the uncertainty of living under a "cap" on nutrient discharges. Other public groups, particularly citizen conservation organizations, may view the technology-based concentration limitations as too lax, since they don't represent the best treatment possible using current limits of available technology.

One advantage to the Commonwealth is that adoption of these amendments will fulfill a directive from Governor Warner to DEQ, given at the December 2003 Chesapeake Bay Program Executive Council meeting, calling for regulations authorizing numerical, technology-based nutrient limitations in permits for Bay dischargers. The proposals are also consistent with a draft permitting policy for Chesapeake Bay dischargers recently issued by the U.S. EPA for public comment. These proposals will also provide the regulatory basis for including nutrient effluent limits within the VPDES permits of the affected dischargers. There is no disadvantage to the agency or the Commonwealth that will result from the adoption of these amendments.

The State Water Control Board encourages comment on pertinent matters of interest to the regulated community, government officials, and the public, especially on (but not limited to) these issues:

1. The potential costs to meet the requirements of these regulatory amendments.
2. The proposed compliance deadline for significant dischargers, which is within four years following reissuance or major modification of the VPDES permit, but in no case later than December 31, 2010.
3. The proposed technology-based effluent concentration limits under 9 VAC-25-40, the waste load allocations under 9 VAC-25-720, and the capability of affected dischargers to achieve these requirements.
4. The provisions of 9 VAC-25-720 that allocate waste loads only for significant dischargers. Smaller, non-significant dischargers over 40,000 gallons per day, which are required to meet a concentration-based performance requirement under 9 VAC-25-40, would not receive any waste load allocation and would be required to trade or offset their entire nutrient load if an expansion were proposed.

Requirements More Restrictive Than Federal: The proposed amendments for nutrient concentration limits are more stringent than current federal recommendations, guidance or regulation. These limits are being established for the specified existing and new dischargers to ensure all sources of nutrients contribute in some measure toward the needed

reductions. As mentioned above, the U.S. EPA is developing a permitting policy for nutrient discharges to the Chesapeake Bay watershed, and will expect the Bay Program states to conform to that policy. In addition, federal regulation requires states to issue discharge permits that ensure compliance with water quality standards. The annual waste load allocations were assigned to assist in achieving the water quality standards. Once the revised Bay and tidal water quality standards are adopted and become effective, the U.S. EPA will require that enforceable limitations on total nitrogen and total phosphorus discharges be placed in VPDES permits. The proposed amendments were drafted in anticipation of these federal requirements and are expected to be acceptable to the U.S. EPA.

Locality Particularly Affected: As these regulatory revisions only apply to certain dischargers within the Bay drainage, localities outside the Shenandoah-Potomac, Rappahannock, York, James, and small coastal and Eastern Shore Bay watersheds are unaffected by the proposal. More specifically, localities (and industrial plants) identified as "significant dischargers", and listed in the waste load allocation tables of the Water Quality Management Planning Regulation, are directly affected by these proposed amendments (see tables in Paragraph 'C' of each basin section of 9 VAC 25-720).

Localities affected by the proposed amendments lie partially, or wholly within the Chesapeake Bay watershed, as follows:

EASTERN SHORE

Counties: Accomack, Northampton

Cities/Towns: Accomac, Belle Haven, Bloxom, Cape Charles, Cheriton, Eastville, Exmore, Hallwood, Melfa, Nassawadox, Onancock, Onley, Painter, Parksley, Saxis, Tangier.

JAMES RIVER BASIN

Counties: Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Buckingham, Botetourt, Campbell, Charles City, Chesterfield, Craig, Cumberland, Dinwiddie, Fluvanna, Giles, Goochland, Greene, Hanover, Henrico, Highland, Isle of Wight, James City, Louisa, Montgomery, Nelson, New Kent, Nottoway, Powhatan, Prince Edward, Prince George, Roanoke, Rockbridge, Surry

Cities/Towns: Amherst, Appomattox, Buchanan, Buena Vista, Burkeville, Charlottesville, Chesapeake, Claremont, Clifton Forge, Colonial Heights, Colombia, Covington, Craigsville, Crewe, Dillwyn, Farmville, Fincastle, Glasgow, Goshen, Hampton, Hopewell, Iron Gate, Lexington, Lynchburg, New Castle, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, Scottsville, Smithfield, Stanardsville, Suffolk, Surry, Virginia Beach, Williamsburg, Windsor

YORK RIVER BASIN

Counties: Albemarle, Caroline, Essex, Fluvanna, Gloucester, Goochland, Hanover, James City, King and Queen, King William, Louisa, Mathews, Middlesex, New Kent, Orange, Spotsylvania, York

Cities/Towns: Ashland, Bowling Green, Gordonsville, Mineral, Orange, West Point, Williamsburg

RAPPAHANNOCK RIVER BASIN

Counties: Albemarle, Caroline, Culpeper, Essex, Fauquier, Greene, King George, Lancaster, Madison, Middlesex, Northumberland, Orange, Rappahannock, Richmond, Spotsylvania, Stafford, Westmoreland

Cities/Towns: Culpeper, Fredricksburg, Irvington, Kilmarnock, Madison, Montross, Orange, Port Royal, Remington, Tappahannock, Urbanna, Warrenton, Warsaw, Washington, White Stone

POTOMAC RIVER BASIN

Counties: Arlington, Fauquier, Fairfax, King George, Loudoun, Northumberland, Prince William, Stafford, Westmoreland,

Cities/Towns: Alexandria, Arlington, Clifton, Colonial Beach, Dumfries, Fairfax (City of), Falls Church, Hamilton, Haymarket, Herndon, Hillsboro, Leesburg, Lovettsville, Manassas, Manassas Park, Middleburg, Occoquan, Purcellville, Quantico, Round Hill, The Plains, Vienna, Warrenton

SHENANDOAH RIVER SUB-BASIN

Counties: Augusta, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, Warren

Cities/Towns: Berryville, Boyce, Bridgewater, Broadway, Dayton, Edinburg, Elkton, Front Royal, Grottoes, Harrisonburg, Luray, Middletown, Monterey, Mount Crawford, Mount Jackson, New Market, Shenandoah, Stanley, Staunton, Stephens City, Strasburg, Timberville, Tom's Brook, Waynesboro, Winchester, Woodstock

SMALL COASTAL RIVERS

Counties: Essex, Gloucester, King and Queen, Lancaster, Mathews, Middlesex, Northumberland, York

Cities/Towns: Hampton, Kilmarnock, Newport News, Norfolk, Poquoson, White Stone

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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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 General Assembly mandates in § 62.1-44.15 of the Code of Virginia that the State Water Control Board (board) adopt such regulations as it deems necessary to enforce the general water quality program of the board in all or part of the Commonwealth. Specifically, the code mandates that the board establish requirements for the treatment of sewage, industrial wastes,

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and other wastes that are consistent with the purposes of the State Water Control Law.

Proposed regulation 9 VAC 25-260 (Water Quality Standards) establishes water quality standards for the Chesapeake Bay and its tidal tributaries. It establishes five subcategories of designated use and provides new and updated criteria (numerical and narrative) to protect these designated uses from the impact of nutrients and suspended sediments. It also allows the board to issue or modify Virginia Pollutant Discharge Elimination System (VPDES) permits for point sources located in the Chesapeake Bay watershed¹ such that the requirements of the regulation are met.

The proposed regulations establish specific requirements for point sources discharging into the Chesapeake Bay watershed in order to ensure that water quality goals are met. The proposed regulations (1) set technology-based annual average total nitrogen and total phosphorus concentration requirements for certain existing point sources and certain new and expanded point sources discharging into the Chesapeake Bay watershed, (2) establish total nitrogen and total phosphorus annual waste load allocations for sources defined as significant dischargers², and (3) authorize a trading and offsets program for all significant dischargers within a river basin to assist in the achievement and maintenance of the total annual waste load allocation.

Estimated economic impact. Background: In May 1999, the Environmental Protection Agency (EPA) placed most of Virginia's portion of the Chesapeake Bay and several of its tidal tributaries on the impaired waters list. The 2000 Chesapeake Bay agreement³ set a goal of removing these waters from the list of impaired water bodies for nutrients and sediments by 2010. If water quality standards are not met by 2010, a total maximum daily load (TMDL) is to be developed for the entire Chesapeake Bay. One of the key aspects of the Chesapeake Bay agreement was to define water quality conditions necessary to protect aquatic living resources in the bay. In response, the EPA issued a regional criteria guidance document entitled, "Ambient Water Quality Criteria for Dissolved Oxygen, Water Clarity, and Chlorophyll a for the Chesapeake Bay and Its Tidal Tributaries"⁴. The regional criteria guidance was developed in order to assist Chesapeake Bay states (Maryland, Virginia, Delaware, and Washington, D.C.) in adopting revised water quality standards to address nutrient and sediment-based pollution in the Chesapeake Bay and its tidal tributaries. The guidance document defined water quality conditions called for in the

2000 Chesapeake Bay agreement by developing Chesapeake Bay-specific water quality criteria for dissolved oxygen, water clarity, and chlorophyll a. The guidance document also identified and described five habitats, or designated uses, which provided the context for deriving water quality criteria that were adequately protective.

Based on EPA's regional criteria guidance, proposed regulation 9 VAC 25-260 (Water Quality Standards) establishes five subcategories of designated use for the Chesapeake Bay and its tidal tributaries. The five new subcategories are migratory fish spawning and nursery, shallow water submerged aquatic vegetation, open water aquatic life, deep-water aquatic life, and deep channel seasonal refuge. The regulation also provides new and updated criteria (numerical and narrative) to protect the new designated uses from the impact of nutrients and suspended sediments, including criteria for dissolved oxygen, submerged aquatic vegetation, water clarity, and chlorophyll a.

Achievement of these water quality standards requires the establishment of effluent limitations on the discharge of nutrients (total nitrogen and total phosphorus) and sediment into Virginia's portion of the Chesapeake Bay watershed. Reductions in the discharge of nutrient and sediments into the Chesapeake Bay and its tidal tributaries are required from all point and nonpoint sources. Point sources include municipal wastewater treatment plants, industrial facilities, and other federal- and state-owned facilities. Nonpoint sources include run-off from agricultural, forest, urban, septic systems, and mixed open lands. The Department of Environmental Quality (DEQ) estimates that, based on 2002 conditions, approximately 33% of the nitrogen entering the Chesapeake Bay and its tidal tributaries from Virginia can be attributed to point sources, with the remaining 66% attributable to nonpoint sources. Approximately 24% of the phosphorus delivered to these waters from Virginia can be attributed to point sources, with the remaining 76% attributable to nonpoint sources. All sediment occurring in these waters is attributable to nonpoint sources. The proposed regulations only address nutrient discharge by point sources (excluding the permitted discharge of not-contact cooling water or storm water) into Virginia's portion of the Chesapeake Bay watershed.

Description of the Regulations: The proposed regulations are intended to establish limits on the discharge of total nitrogen and total phosphorus by point sources into Virginia's portion of the Chesapeake Bay watershed. Existing regulations only require point sources authorized under a VPDES permit to discharge 1,000,000 gallons or more per day into nutrient enriched waters (including Chesapeake Bay tidal waters) to meet a monthly average total phosphorus concentration of 2.0 mg/l or less. New sources authorized under a VPDES permit issued after July 1, 1988 to discharge 50,000 gallons or more per day are also required to meet a monthly average total phosphorus concentration of 2.0 mg/l or less.

(1) The proposed regulations state that it is the State Water Control Board's policy that point sources discharging into the Chesapeake Bay watershed utilize, at a minimum, biological nutrient removal (BNR) treatment or its equivalent

1 The Chesapeake Bay watershed consists of the following river basins: Potomac river basin, James and Appomattox river basin, Rappahannock river basin, York river basin, and Chesapeake Bay and small coastal basins.

2 Significant dischargers are defined as existing point sources listed in the proposed regulations (specifically, 9 VAC 25-720) and new or expanded point sources authorized under a VPDES permit issued after July 1, 2004 to discharge 2,300 pounds or more of nitrogen per year or 300 pounds or more of phosphorus per year (equivalent to the annual waste load from a municipal wastewater treatment plant discharging 40,000 gallons or more per day).

3 The signatories to the 2000 Chesapeake Bay agreement were Pennsylvania, Maryland, Virginia, Washington, D.C., the Chesapeake Bay Commission, and EPA. However, in a separate six-state memorandum of understanding with EPA, New York, Delaware, and West Virginia also made the same commitment.

4 Prepared by Region III of the U.S. Environmental Protection Agency, in coordination with the Office of Water and the Office of Science and Technology, Washington, D.C.

whenever feasible.⁵ Specifically, the proposed regulations set technology-based annual average total nitrogen and total phosphorus concentration requirements for certain existing point sources and certain new and expanded point sources discharging into the Chesapeake Bay watershed.

- Significant dischargers authorized to discharge under a VPDES permit issued on or before the effective date of these regulations are required to meet an annual average total nitrogen concentration limit of 8.0 mg/l and an annual average total phosphorus concentration limit of 1.0 mg/l. These limits are to be met within four years of reissuance or major modification of the VPDES permit, but no later than December 31, 2010.
- Point sources not defined as significant dischargers, but authorized under a VPDES permit issued on or before July 1, 2004 to discharge 40,000 gallons or more per day are also required to meet an annual average total nitrogen concentration limit of 8.0 mg/l and an annual average total phosphorus concentration limit of 1.0 mg/l. These effluent limits are to be included in reissued or modified VPDES permits after December 31, 2010 and are to be met within four years of reissuance or modification.

New and expanded point sources authorized by a VPDES permits issued after the effective date of these regulations to discharge 40,000 gallons or more per day are required to meet an annual average total nitrogen concentration limit of 3.0 mg/l and an annual average total phosphorus concentration limit of 0.3 mg/l. According to DEQ, a 3.0 mg/l concentration limit for nitrogen is currently at the limit of technology. The limit of technology for phosphorus is a concentration limit of 0.1 mg/l.

The proposed regulations also contain provisions for alternative effluent limitations. If a point source can demonstrate that the applicable effluent concentration limits cannot be achieved, the board can then require alternative effluent limitations.

(2) The proposed regulations also establish total nitrogen and total phosphorus annual waste load allocations for existing significant dischargers. All existing significant dischargers are listed, by river basin, in the proposed regulations along with a total nitrogen and a total phosphorus waste load allocation in pounds per year. The individual waste load allocations are based on EPA's calculation of the total waste load allocation for Virginia and the total waste allocation for each river basin.⁶ According to DEQ, individual allocations are determined based on a facility's existing design flow capacity (some of which is currently unused) and effluent concentration limits of 3.0 mg/l or 4.0 mg/l for nitrogen and 0.3 mg/l or lower for most

significant dischargers for phosphorus⁷. The entire point source waste load allocation is distributed among existing significant dischargers. New significant dischargers, i.e., dischargers authorized under a VPDES permit issued after July 1, 2004 to discharge 2,300 pounds per year or more of nitrogen or 300 pounds per year or more of phosphorus, are not assigned a waste load allocation. The proposed regulations require existing significant dischargers to achieve their waste load allocation within four years of reissuance or major modification of the VPDES permit, but no later than December 31, 2010.

(3) The proposed regulations authorize a trading and offsets program for significant dischargers within a river basin to assist in the achievement and maintenance of the total annual waste load allocations. Trading between nutrients is not allowed. Moreover, trading can occur only through VPDES permits. Currently, trading through VPDES permits would require modifications to individual VPDES permits each time a trade occurs, a time consuming and burdensome process. However, DEQ anticipates the establishment of a VPDES watershed permit prior to the effective date of these regulations.⁸ Following its establishment, the agency expects trading to occur through VPDES watershed permits for each river basin. A watershed permit would not require modifications to the permit each time a trade occurred between point sources discharging into a river basin. Moreover, it would allow trading to occur without triggering federal anti-backsliding and anti-degradation provisions (a more detailed discussion of the benefits of a watershed permit is provided later in the analysis).

For the purposes of trading in nitrogen and phosphorus waste load, the proposed regulations establish delivery factors for all existing significant dischargers based on their location within a river basin. Delivery factors adjust the waste load discharged by a point source for any alteration to the load due to biological, chemical, and physical processes while being transported to Chesapeake Bay tidal waters. Each discharger's total waste load allocation is adjusted by the delivery factor to arrive at the total waste load delivered allocation. For example, point sources discharging directly into tidal waters will have a delivery factor of one and the total waste load delivered will be identical to the total waste load initially discharged. However, point sources discharging upstream of tidal waters are likely to have a delivery factor of less than one and the total waste load delivered into tidal waters is likely to be less than the total waste load initially discharged. Thus, any trades between point sources are required to account for the delivery factor assigned to each discharger and to be in terms of the waste load eventually delivered into tidal waters, not the waste load initially discharged. Trades are also required to meet anti-degradation provisions specified in the proposed regulations. Specifically, all trades are required to be such that they do not

⁵ According to DEQ, BNR treatment reduces the annual average nitrogen concentration to 8.0 mg/l and phosphorus concentration to 1.0 mg/l.

⁶ The individual waste load allocations can be found in the Chesapeake Bay Nutrient and Sediment Reduction Tributary Strategy for the Eastern Shore, James River, Lynnhaven, and Poquoson Coastal Basins, Shenandoah and Potomac River Basins, Rappahannock River and Northern Neck Coastal Basins, and York River and Lower York Coastal Basins.

⁷ The phosphorus concentration limit was assumed to be 0.3 mg/l or lower for most municipal plants and was determined on a case-by-case basis for most industrial plants.

⁸ DEQ expects legislative action establishing a watershed permit prior to the effective date of these regulations.

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have an adverse impact on local water quality and do not lead to violations of water quality standards.

As mentioned above, the proposed regulations do not assign a waste load allocation to new significant dischargers. Neither do the proposed regulations allow for expanded discharges from existing significant dischargers over and above their assigned waste load allocation. Any discharge from a new significant discharger or expanded discharges above the assigned waste load allocation from an existing significant discharger requires (i) a trade for an equivalent or greater waste load reduction of the same pollutant from other existing point sources within the river basin or (ii) achievement of at least twice the required waste load reduction from a nonpoint source. Due to uncertainties associated with nonpoint source reductions, the proposed regulations establish a trading ratio of 2:1 between nonpoint and point source reductions. According to a 1999 EPA study⁹, there have been several trading and offset projects in the United States since the 1980s. Of these, 24 involved nitrogen, phosphorous, or both. A majority of these 24 projects allowed for some trading between nonpoint and point sources, with trading ratios ranging from 1.1:1 to 4:1. Several projects, including the Tar-Pamlico Nutrient Reduction Trading Program in North Carolina and the Lake Dillon Trading Program in Colorado, use a 2:1 trading ratio between nonpoint and point source reductions. The 2001 "Chesapeake Bay Program Nutrient Trading Fundamental Principles and Guidelines" prepared by the Chesapeake Bay Program Nutrient Trading Negotiation Team notes that a trading ratio of 2:1 between nonpoint and point source reductions is the most commonly used trading ratio.

Prior to purchasing nonpoint source offsets, the proposed regulations require point sources to meet an annual average total nitrogen concentration limit of 3.0 mg/l and an annual average total phosphorus concentration limit of 0.3 mg/l. In addition, nonpoint source offsets are to be purchased within the locality served by the new or expanded significant discharger unless otherwise determined by the board. Credit is to be given only for those nonpoint reductions over and above what is currently required to meet Chesapeake Bay water quality standards and for those nonpoint source reductions not financed through government programs. Installation, maintenance, and monitoring of nonpoint source best management practices are to be required through the discharger's VPDES permit and the best management practices are to be implemented only following issuance of the permit.

While new and expanded significant dischargers have the option of trading for an equivalent waste load reduction with other point sources or implementing nonpoint source best management practices that achieve twice the required waste load reduction, existing significant dischargers can only trade with other point sources. According to DEQ, uncertainty over implementing and achieving nonpoint source reductions is the main reason for not allowing existing significant dischargers to purchase nonpoint source offsets.

9 A Summary of U.S. Effluent Trading and Offset Projects. Prepared by Environomics for the U.S. Environmental Protection Agency's Office of Water, 1999.

Estimated economic impact: The proposed regulations are likely to impose economic costs and produce economic benefits. Economic costs will be incurred by point sources in meeting the individual technology-based nitrogen and phosphorus concentration limits and the total annual waste load allocation. On the other hand, economic benefits will accrue from the attainment of water quality standards in the Chesapeake Bay, including benefits to public health, commercial fisheries, tourism and recreation, property values in surrounding areas, and the regional economy in general.

Economic costs: The proposed regulations are likely to impose economic costs on existing point sources defined as significant dischargers. These point sources will be required to meet both the individual technology-based effluent concentration limits and their annual waste load allocation. The proposed regulations identify 120 existing significant dischargers, 95 municipal wastewater treatment plants¹⁰ and 25 industrial and other facilities. DEQ estimates the capital costs of retrofitting existing significant dischargers such that they meet effluent concentration and waste load allocation limits at approximately \$1.1 billion, \$1.015 billion to retrofit municipal wastewater treatment plants and \$0.085 billion to retrofit the remaining facilities.¹¹ Significant dischargers and capital cost estimates by river basin are provided below.

Table 1: Summary of Existing Significant Dischargers and Capital Costs, by River Basin

	Significant Dischargers	Total Capital Cost (millions)
Eastern Shore Basin	5	\$14
James River Basin	39	\$486
York River Basin	11	\$31
Rappahannock River Basin	22	\$93
Potomac/Shenandoah River Basin	43	\$476

In addition, the agency estimates that existing significant dischargers are likely to incur operation and maintenance costs of \$41.5 million a year.¹²

The proposed regulations are likely to impose economic costs on existing point sources not defined as significant dischargers, but authorized under a VPDES permit issued prior to July 1, 2004 to discharge 40,000 gallons or more per day. These point sources will now be required to meet individual technology-based effluent concentration limits. DEQ estimates there to be 117 municipal wastewater treatment plants that are not defined as significant dischargers, but that will be required to meet individual technology-based effluent concentration limits. The capital cost of retrofitting these wastewater treatment plants is estimated to be \$72 million.¹³ The number of affected

10 According to DEQ, 21 municipal wastewater treatment plants identified as significant dischargers have already installed BNR treatment and meet the required effluent concentration limits.

11 The capital cost estimates have an uncertainty range of -30% to +50%.

12 Capital cost estimates have been updated since the estimates reported in the economic impact analysis of 9 VAC 25-260 (Water Quality Standards). Annual operation and maintenance cost estimates have also been developed since the analysis.

13 The capital cost estimates are rough calculations based on cost and design flow data of eleven non-significant facilities, nine in Virginia and two in Maryland.

municipal dischargers and capital cost estimates by river basin are provided below.

Table 2: Summary of Affected Municipal Dischargers not Defined as Significant Dischargers and Capital Costs, by River Basin

	Smaller Municipal Plants	Total Capital Cost (millions)
Eastern Shore Basin	0	\$0
James River Basin	40	\$25
York River Basin	14	\$9
Rappahannock River Basin	12	\$7
Potomac/Shenandoah River Basin	51	\$31

In addition, the agency estimates that non-significant municipal dischargers are likely to incur operation and maintenance costs of \$904,400 a year. Apart from municipal wastewater plants, a number of smaller industrial plants may also be required to meet individual technology-based effluent concentration limits. Based only on a review of facility design capacity (and not of nutrient data), DEQ estimates the maximum number of such facilities to be 174. However, the capital cost of retrofitting these facilities is not currently available. Annual operation and maintenance costs for smaller municipal and non-municipal plants required to meet individual effluent concentration limits are also not currently available.¹⁴

The proposed regulations are also likely to impose additional costs on certain new and expanded point sources. Point sources authorized to discharge 40,000 gallons or more per day under a VPDES permit issued after July 1, 2004 will be required to meet total nitrogen and total phosphorus effluent concentration limits of 8.0 mg/l and 1.0 mg/l, respectively. Point sources authorized to discharge 40,000 gallons or more per day under a VPDES permit issued after the effective date of these regulations will be required to meet total nitrogen and total phosphorus effluent concentration limits of 3.0 mg/l and 0.3 mg/l, respectively. In addition, these new and expanded point sources will be subject to the total annual waste load limit. New point sources discharging 40,000 gallons or more per day and expanded point sources discharging in excess of their waste load allocation will be required to trade with existing point sources for an equivalent waste load reduction or buy twice the required reductions from nonpoint sources prior to discharge. Individual technology-based effluent concentration limits and the total annual waste load allocation are likely to make it more expensive for new and expanded point sources to operate compared to existing requirements. The number of entities likely to be affected by these requirements and the additional cost to them of meeting these requirements is not known at this time.

Economic Benefits: The proposed regulations are also likely to produce economic benefits. The benefits accruing from the restoration of water quality include benefits to public health, commercial fisheries, tourism and recreation, property values in surrounding areas, and the regional economy in general. In

14 These costs will be incurred only after 2010 as the proposed regulations require individual technology-based effluent limits for smaller municipal and non-municipal plants to be included in reissued or modified VPDES permits after December 31, 2010.

a 2003 analysis¹⁵, EPA attempted to evaluate the value of Chesapeake Bay's ecological goods and services. Based on regional economic impact modeling, it was estimated that the Chesapeake Bay watershed affects industries such as commercial fishing, boat building and repair, and tourism that generate approximately \$20 billion in output per year and account for approximately 340,000 in jobs (1998 conditions). It should be noted that Chesapeake Bay is only one of many factors affecting these industries and the exact extent to which these industries rely on Chesapeake Bay water quality is not known. Based on 1998 conditions, tourism was by far the largest of these industries, accounting for approximately \$19.6 billion in output and 337,572 in jobs. Tourism, as a composite industry, was found to represent the fourteenth largest source of output and the eighth largest source of employment in the Chesapeake Bay watershed.¹⁶ The EPA analysis goes on to state that while the extent to which industries rely on the Chesapeake Bay water quality is unclear, participation rates and expenditures on recreational fishing suggest that a significant percentage of tourism output is likely to be linked to the quality of water bodies such as the Chesapeake Bay.

There exists a body of literature on the value of water quality changes. For example, Leggett and Bockstael (2000)¹⁷ find that water quality improvements (in terms of fecal coliform levels) have a positive and significant effect on property values along the Chesapeake Bay. Lipton (2004)¹⁸ concludes that there is reasonable evidence that boaters are willing to pay for improvements in water quality. According to the study, water quality does impact the enjoyment of boating and boaters would benefit by a significant amount if it were to improve. Lipton and Hicks (1999)¹⁹ establish a link between water quality improvements and recreational fishing values in the Chesapeake Bay. They conclude that, while water quality improvements from current levels will have little benefit to striped bass recreational fishermen, allowing water quality to deteriorate from current levels will produce significant effects. Analyses by Bockstael, McConnell, and Strand (1989)²⁰ and Krupnick (1988)²¹ estimate significant benefits of water quality improvements to recreational uses. Studies such as McConnell and Strand (1989)²² examine the welfare gains associated with commercial fisheries. These studies look at

15 Economic Analyses of Nutrient and Sediment Reduction Actions to Restore Chesapeake Bay Water Quality, 2003 - September. Prepared by Region III of the U.S. Environmental Protection Agency.

16 The tourism sector is based on an aggregate weighted percent of 15 industries including travel, eating and drinking, hotels and lodging, and amusement and recreation services.

17 Leggett, C. G. and N. E. Bockstael, 2000. Evidence of the Effects of Water Quality on Residential Land Prices. *Journal of Environmental Economics and Management* 39: 121-144.

18 Lipton, D.W., 2004. The Value of Improved Water Quality to Chesapeake Bay Boaters. *Marine Resource Economics* 19(2):1-6.

19 Lipton, D.W. and R. Hicks, 1999. Linking Water Quality Improvements to Recreational Fishing Values: The Case of Chesapeake Bay Striped Bass. Proceedings evaluating the benefits of recreational fishing. Fisheries Centre Research Reports 7(2): 105-110.

20 Bockstael, N.E., McConnell, K.E., and I.E. Strand, 1989. Measuring the Benefits of Improvements in Water Quality: The Chesapeake Bay. *Marine Resource Economics* 6(1): 1-18.

21 Krupnick, A., 1988. Reducing Bay Nutrients: An Economic Perspective. *Maryland Law Review* 47(2): 453-480.

22 McConnell, K.E. and I.E. Strand, 1989. Benefits from Commercial Fisheries When Demand and Supply Depend on Water Quality. *Journal of Environmental Economics and Management* 17(3): 284-292.

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how changes in water quality affect costs of production, the growth of stock, and eventually the consumer surplus.

However, benefits estimates are subject to great uncertainty. Estimates of the benefits of water quality improvement in the existing literature cover a wide range of values. Moreover, none of these estimates are specifically applicable to Virginia or to the nutrient load reduction being proposed. Finally, due to problems in quantifying them, it is difficult to arrive at precise estimates for many of the benefits, such as benefits to public health, to commercial fisheries, and to the regional economy in general, likely to accrue from water quality improvements. For example, consider the estimation of recreational use benefits (likely to be the largest benefit category). Bockstael, et al. (1989) estimate that a 20% improvement in nitrogen and phosphorus concentrations is likely to produce annual recreational use benefits for the Maryland portion of Chesapeake Bay of between \$21 million and \$92 million (inflation-adjusted from 1996). Krupnick (1988) estimates that a 40% improvement in nitrogen and phosphorus concentrations is likely to produce annual recreational use benefits for the Chesapeake Bay area as a whole of between \$52 million and \$149 million (inflation-adjusted from 1996). Based on Bockstael et al. (1989) and Krupnick (1988), Morgan and Owens (2001)²³ estimate the benefits to the Chesapeake Bay area of improvements in water quality between 1972 and 1996. A 60% improvement in water quality is estimated to have provided annual benefits to people living in Washington, D.C., Virginia, and portions of Maryland of between \$432 million and \$2.2 billion (inflation-adjusted from 1996). As demonstrated by these studies, estimates of recreational use benefits fall within a wide range of values. Moreover, none of these estimates are specific to Virginia's portion of the Chesapeake Bay or to the nutrient load reduction being proposed²⁴. Finally, the estimates do not include many of the recreational use benefits that are likely to accrue from water quality improvements in the Chesapeake Bay. For example, Morgan and Owens (2001) are unable to quantify recreational use benefits associated with activities such as hunting, swimming, and canoeing in the Chesapeake Bay. They are also unable to attribute recreational use benefits of water quality improvements to individuals living outside Washington, D.C and the tidal portions of Maryland and Virginia. Recreational use benefits of water quality improvements in the tributaries are also not included in the benefits estimate.

The proposed regulations are likely to provide economic benefits in addition to those discussed above. Some of the costs associated with implementing the proposed water quality standards are likely to be met by federal cost-share programs. Barring any change in federal legislation and appropriation, DEQ estimates that approximately 90% of the estimated cost to point sources is likely to be met by in-state resources. The remaining 10% is likely to be met by federal cost-share programs. DEQ anticipates that existing federal grants to the Virginia Revolving Loan Fund will be used as a

primary funding source for point sources.²⁵ According to the agency, there also appears to be momentum building for the creation of a Chesapeake Bay watershed financing authority²⁶, with 80% of the needed funds coming from the federal government and 20% of the needed funds coming from participating states. To the extent that additional federal funds are provided to defray some of the costs, it is likely to produce economic benefits for the state. Any additional federal funds will reduce the cost to in-state resources (state, local, and private) in implementing the proposed regulations. Moreover, unlike in-state resources, additional federal funds will inject money into the state economy without any offsetting economic effects elsewhere in the state. These funds are likely to be spent within the state on point source nutrient control, thus increasing Virginia income and output. Finally, as the injected cash is likely to be spent on goods and services in Virginia, the additional federal funds will be subject to an economic multiplier and produce secondary economic benefits for the state.

The proposed regulations are also likely to produce some economic benefits by making Virginia's water quality policies more consistent with those of other states. States such as Maryland, Delaware, and Washington, D.C. (the three other watershed jurisdictions with Chesapeake Bay tidal waters) are currently in the process of promulgating similar regulations implementing water quality standards for the Chesapeake Bay. Virginia is committed to implementing these water quality standards as part of the 2000 Chesapeake Bay agreement and the 2000 six-state memorandum of understanding with EPA. Failure to do so could result in EPA promulgating and implementing water quality standards for the state as well as continued litigation from environmental groups. Thus, there are many significant monetary and non-monetary benefits to the state from implementing the required water quality standards for the Chesapeake Bay and its tidal tributaries.

The net economic impact of the proposed change will depend on whether the costs of implementing the proposed water quality standards are greater than or less than the benefits of doing so. The costs and the benefits of implementing the proposed regulations are likely to be large, with estimates for both ranging from the many millions to the billions of dollars. However, estimates of both the costs and benefits are subject to great uncertainty. The capital cost estimates for point sources, significant and non-significant, are subject to great uncertainty. Specifically, the capital cost estimates for existing significant dischargers is subject to an uncertainty band of -30% to +50%. The capital cost estimates for existing non-significant municipal dischargers are rough figures based on cost and design flow data from a small number of facilities. Moreover, there are no estimates currently available for the capital costs associated with retrofitting smaller industrial facilities such that they meet the required technology-based effluent concentration limits. Annual operation and maintenance cost estimates for smaller non-municipal

23 Morgan, C. and N. Owens, 2001. Benefits of Water Quality Policies: The Chesapeake Bay. *Ecological Economics* 39: 271-284.

24 According to DEQ, the proposed regulations are likely to result in a nitrogen load reduction of 8.9 million pounds per year and a phosphorus load reduction of 0.87 million pounds per year.

25 The Water Quality Improvement Fund is a supplemental funding source for point sources.

26 This is a recommendation of the Chesapeake Bay Program Blue Ribbon Finance Panel.

facilities required to meet effluent concentration limits are also not currently available. Finally, the additional cost to new and expanded point sources subject to individual technology-based effluent concentration limits and the annual waste load limit is not known. Benefit estimates are also subject to great uncertainty. Existing benefits estimates fall within a wide range of values, from the millions to the billions of dollars. Moreover, existing benefits estimates are not specific to Virginia or to the nutrient load reduction being proposed. Finally, due to problems in quantifying them, it is very difficult to arrive at precise estimates for many of the benefits that are likely to accrue from improvements in the water quality of Chesapeake Bay and its tidal tributaries. Thus, given the many large uncertainties, it is not possible at this time to make a sound determination of the net economic impact of the proposed change.

However, while evaluating the costs and benefits of the proposed change, it should be kept in mind that, under current law, failure to meet required water quality standards by 2010 will result in the development of a TMDL for the entire Chesapeake Bay. According to DEQ, a TMDL is not likely to impose any additional limits on point source discharges than those being proposed under these regulations. Thus, by not implementing the proposed regulations, the state would only be putting off the costs associated with their implementation by a few years.

Improving Cost Effectiveness of the Proposed Regulations: Existing water quality standards have been inadequate for the protection of water quality in Chesapeake Bay and its tidal tributaries. Despite the existence of these standards, most of Virginia's portion of Chesapeake Bay and portions of several of its tidal tributaries were put on EPA's impaired waters list in 1999. Thus, reductions in nutrient and sediment discharge over and above those currently required are essential in order to meet water quality standards being proposed in 9 VAC 25-260 (Water Quality Standards) by 2010. In order to meet water quality goals, point sources and nonpoint sources will have to reduce nutrient and sediment input from current levels. As discussed in the previous section, the costs to point sources of making the required reduction in nutrient discharge are likely to be large. Due to the magnitude of these costs, ways of achieving the required reductions at the lowest possible cost take on additional importance. It is worth noting that, as most of the reductions are likely to occur at municipal wastewater treatment plants, a majority of the costs will be borne by individual ratepayers residing in localities served by these municipal wastewater treatment plants. Thus, lower cost means of achieving the required nutrient reduction will result in cost savings for ratepayers.

Effluent trading is one way of achieving reductions in nutrient discharge in a cost effective manner. Effluent trading is a market-based approach that allows one source to meet its regulatory obligations by using pollutant reductions created by another source that has lower pollution control costs. It takes advantage of economies of scale and pollution control cost differentials between sources. For example, larger facilities may be able to reduce pollutant discharge at a lower per unit cost than smaller facilities. Under these circumstances, it will be cheaper for the smaller facility to buy an equivalent waste load reduction from the larger facility than for it to reduce its

discharge to the required level. Similarly, if nonpoint source reductions are cheaper than point source reductions, it would be more cost effective for a point source to buy an equivalent nonpoint source waste load reduction than for it to reduce its discharge to the required level. In addition to cost savings, effluent trading also creates economic incentives for innovation, emerging technology, voluntary pollution reductions, and greater efficiency in improving water quality. For example, knowing that any excess reductions can be sold for additional revenues is likely to make a point source more willing to invest in research into new and innovative ways of reducing effluents and to undertake investments that reduce effluents to below required limits. In turn, increased investment into ways of reducing effluent discharge is likely to result in water quality goals being achieved sooner than they would have been achieved otherwise.

EPA acknowledges the advantages of using market-based approaches such as effluent trading in achieving water quality standards. In fact, EPA has developed a effluent trading policy whose stated purpose is "to encourage states, interstate agencies, and tribes to develop and implement water quality trading programs for nutrients, sediments, and other pollutants where opportunities exist to achieve water quality improvements at reduced costs."²⁷ The policy document goes on to state that it is EPA's belief that market-based approaches such as effluent trading provide greater flexibility and have the potential to achieve water quality and environmental benefits greater than would otherwise be achieved under more traditional regulatory approaches. A 2002 hearing by the Congressional Subcommittee on Water Resources and Environment²⁸ also noted that any future pollutant reductions required for bringing water bodies into compliance with state water quality standards are likely to be expensive and complex and may require the use of innovative approaches such as effluent trading. It goes on to note that pollutant control costs may be reduced if flexible approaches, including trading, are utilized. In a 2004 paper, entitled "U.S. Environmental Protection Agency Regions II and III NPDES Permitting Approach for Discharges of Nutrients in the Chesapeake Bay," EPA encourages permitting authorities to consider promoting opportunities for trading nutrient reductions such that the effectiveness of the nutrient permitting process is enhanced.

A 2001 EPA draft report²⁹ estimated that flexible approaches to improving effluent trading could save \$900 million annually compared to the least flexible approach. The report estimates the cost of developing and implementing TMDLs for all 1998 impaired waters under three different scenarios: the least flexible TMDL program that requires all sources to implement the next treatment step, the moderately cost effective TMDL program that ties the pollutant load reduction to that required by a typical TMDL, and the more cost effective TMDL program

27 Final Water Quality Trading Policy, January 2003. United States Environmental Protection Agency, Office of Water Quality Trading Policy.

28 The Subcommittee on Water Resources and Environment Hearing on Water Quality Trading – An Innovative Approach to Achieving Water Quality Goals on a Watershed Basis, June 2002.

29 The National Costs of the Total Maximum Daily Load Program, 2001. A Draft Report Prepared by the Office of Water, U.S. Environmental Protection Agency, Washington, D.C.

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that allows for more flexibility including trading. The costs are estimated to range from \$1.9 billion to \$4.3 billion per year under the least flexible TMDL program, from \$1.1 billion to \$3.4 billion per year under the moderately flexible TMDL program, and from \$0.9 billion to \$3.2 billion per year under the more cost effective TMDL program.³⁰ In another analysis of the cost savings generated by trading, the Connecticut Department of Environmental Protection estimates that the Long Island Sound Trading Program (a trading program that allows publicly owned treatment works in Connecticut that discharge into the Long Island Sound to trade nitrogen credits) is likely to reduce capital costs for nitrogen removal by over \$200 million, from \$960 million to \$760 million, over 15 years.

The proposed regulations do include provisions for trading among point sources and for point sources to buy offsetting nonpoint source reductions. Existing significant dischargers and new and expanded significant dischargers are allowed to trade with each other once they meet the required individual technology-based effluent concentration limits. In addition, new and expanded significant dischargers are allowed to purchase nonpoint source offsets at a 2:1 ratio. However, opportunities for trading could be enhanced even further, potentially reducing the cost to point sources in achieving the required reductions. Some ways of enhancing trading opportunities and improving the cost effectiveness of the proposed regulations are identified below.

Remove the proposed individual technology-based effluent concentration limits for existing significant dischargers and new and expanded significant dischargers and replace them with an annual waste load allocation that results in an equivalent effluent reduction.³¹ Requiring point sources to meet individual technology-based nitrogen and phosphorus concentration limits before trading can occur sacrifices a significant part of the gains from trading. Regardless of the economies of scale and pollutant control cost differentials, point sources will not be able to trade until they achieve the required individual technology-based effluent concentration limits. Even if it is cheaper for a facility to buy effluent reductions equivalent to what is achieved by implementing individual technology-based effluent concentration limits, the proposed regulations require the facility to choose the more costly option and reduce effluent concentration. Thus, individual technology-based effluent concentration limits effectively reduce the flexibility of point sources to choose the lowest cost means of achieving the required reductions.

Replacing individual technology-based effluent concentration limits with an annual waste load allocation that produces an equivalent nutrient reduction will provide point sources with the flexibility to choose the lowest cost means of achieving the reductions while retaining the same level of environmental protection. For example, based on the cost associated with each option, point sources can choose to meet their waste

load reduction requirements by reducing their effluent concentration levels, trading for an equivalent load reduction with another point source, or purchasing equivalent nonpoint source offsets (discussed further in the following section). An annual waste load allocation would also provide point sources with the option of engaging in demand-side activities that reduce or prevent pollution at the source. For example, a point source may find it economically feasible to reduce the amount of waste reaching its facility by engaging in pollution prevention activities at the source of the pollution rather than reduce its effluent concentration level. The proposed regulations restrict the choices available to point sources to one option, lowering effluent concentration levels to the required limit.

As long as there are economies of scale among point sources and pollution control cost differentials between point and nonpoint sources, the increased flexibility is likely to enhance trading opportunities, resulting in cost savings for point sources and the creation of economic incentives for innovation, emerging technology, voluntary pollution reductions, and greater efficiency in improving water quality for point and nonpoint sources. In the presence of economies of scale and pollution control cost differentials, trading for an equivalent waste load reduction from another point source or buying equivalent nonpoint source offsets is likely to provide a lower cost alternative for achieving the required reductions than implementing individual technology-based effluent concentration limits. In the absence of any economies of scale and pollution control cost differentials, replacing individual technology-based effluent concentration limits with an equivalent annual load allocation will produce the same outcome as the proposed regulations. In other words, there will be no trading among point sources and between point and nonpoint sources and each point source will choose to reduce its effluent concentration to the prescribed limit. Thus, eliminating individual technology-based effluent concentration limits and replacing them with an equivalent annual waste load allocation will provide point sources with additional flexibility to seek out the lowest cost means of reducing waste load while still maintaining the same level of environmental protection.

The proposed regulations do establish annual waste load allocations for existing significant dischargers. The sum of the individual annual waste load allocations of all existing significant dischargers releasing nutrients into a river basin is the total annual waste load allocation for that river basin. However, according to DEQ, the proposed total annual waste load allocation is not likely to produce effluent reductions equivalent to those likely to be achieved by individual technology-based effluent concentration limits, at least in the short-term. With all existing design flow capacity being used, the proposed annual waste load allocation is equivalent to effluent concentration limits of 3.0 mg/l or 4.0 mg/l for nitrogen and 0.3 mg/l or lower for most significant dischargers for phosphorus. However, not all of the existing design flow capacity is currently being used. According to DEQ, at the current usage level, reductions achieved by the proposed annual waste load allocation are less than those achieved by the individual technology-based effluent concentration limits. The agency believes that until more of the existing design flow

30 The cost to point sources is estimated to range from \$1.1 billion to \$2.2 billion per year under the least flexible TMDL program, from \$0.8 billion to \$1.6 billion per year under the moderately flexible TMDL program, and from \$0.6 billion to \$1.3 billion per year under the more cost effective TMDL program.

31 An annual waste load allocation producing a waste load reduction equivalent to that produced by individual technology-based effluent concentration limits will meet the stated policy objective of using technologically-based numerical limits for nutrients in discharge permits to achieve water quality standards.

capacity is used, individual technology-based effluent concentration limits are likely to produce waste load reductions greater than those produced by the annual waste load allocation.

However, there are more cost effective ways of achieving waste load reductions equivalent to those achieved by the individual technology-based effluent concentration limits. One way would be to make only a portion of a point source's annual waste load allocation, based on its use of existing capacity, available to it initially. For example, the available portion of a point source's annual waste load allocation could be based on its current capacity use and the proposed effluent concentration level. As more and more of the existing capacity gets used up, the available portion of a point source's annual waste load allocation could then be increased in increments deemed appropriate by DEQ (these increments could be designed to be equivalent to or greater than the reductions achieved by the individual technology-based effluent concentration limits). Such a system would allow point sources the flexibility to choose the lowest cost means of achieving the required reductions and would allow the state to reap all the benefits of trading while still producing overall effluent reductions equivalent to those produced by the proposed individual technology-based effluent concentration limits.

While existing literature does point to significant economies of scale and pollution control cost differentials among point sources and between point and nonpoint sources, estimates of both vary widely. It is precisely due to the uncertainty surrounding these estimates that a trading program is needed. Trading provides an incentive to seek out the lowest cost means of achieving the required waste load reduction. A case in point is North Carolina's Tar Pamlico Nutrient Trading Program. It was initially estimated that it would cost point sources approximately \$100 million to meet the prescribed waste load allocation. However, once the program was implemented, point source costs were found to be less than one-tenth the original estimate. Thus, enhancing trading opportunities by replacing individual technology-based effluent concentration limits with an equivalent annual waste load allocation will provide point sources with the flexibility to seek out the lowest cost means of achieving the required waste load reduction, many of which may not be known to us at this time. If economies of scale and pollution control cost differentials are found not to be significant, replacing individual technology-based effluent concentration limits with an equivalent annual waste load allocation will produce the same outcome as the proposed regulations.

Allow existing significant dischargers to buy nonpoint source offsets at a trading ratio determined by DEQ. Under the proposed regulations, point sources identified as existing significant dischargers are allowed to buy nonpoint source offsets only when they expand beyond their current design flow capacity. Thus, existing significant dischargers cannot buy nonpoint offsets as an alternative to reducing their effluent concentration limits or trading with other point sources at their current design flow capacity. If existing significant dischargers expand their design flow capacity, the proposed regulations allow discharges in excess of the assigned waste load allocation resulting from the expansion to be offset by trading

with other significant point sources or by buying nonpoint source reductions.

According to DEQ, uncertainty regarding nonpoint source reductions was the primary reason for restricting the purchase of nonpoint source offsets to new and expanded significant dischargers. In its 2003 final water quality trading policy, EPA acknowledges the uncertainty in nonpoint source reductions and attributes it to several factors including but not limited to variability in precipitation, variable performance of land management practices, time lag between implementation of some practices and full performance, and the effects of soils, cover, and slope on pollutant load delivery to receiving waters. EPA supports a number of approaches to deal with the uncertainty in nonpoint source reductions including monitoring to verify load reductions, the use of trading ratios greater than 1:1 between nonpoint and point source reductions, using demonstrated performance values or conservative assumptions in estimating the effectiveness of nonpoint source best management practices, using site- or trade-specific discount factors, and retiring a certain percentage of nonpoint source reductions for each transaction.

The proposed regulations establish a trading ratio of 2:1 between nonpoint and point source reductions for discharges from new and expanded significant dischargers. The same ratio could be applied to discharges from existing significant dischargers. Or trading ratios could be based on the type of nonpoint source reductions being bought (urban nonpoint reductions to point source reductions, agricultural nonpoint reductions to point source reductions, etc.). Regardless of how the trading ratios are set, provisions could be included that would provide DEQ with the flexibility to raise or lower these ratios based on the degree to which required basin-wide waste load reductions are achieved or based on the use of techniques such as better monitoring that lower the uncertainty associated with nonpoint reductions. If implementation and maintenance of nonpoint source best management practices is found to be a major source of uncertainty, the state could choose to undertake this task. Point sources could be required, based on an established trading ratio, to pay a fee for every unit discharged over their annual waste load allocation. The fees so collected could then be used by the state to implement the required nonpoint source best management practices. A program similar to the one described above is in place in North Carolina's Tar-Pamlico River Basin. Dischargers exceeding their waste load allocation pay a certain amount into a fund set up to implement agriculture and forestry best management practices. The fee amount is \$29 times the excess loading (in kilograms). The \$29 estimate is based on a 3:1 trading ratio between crop best management practices and point source reductions and a 2:1 trading ratio between animal best management practices and point source reductions.

Once a mechanism is in place that addresses the uncertainties associated with nonpoint source reductions, allowing existing significant dischargers to buy nonpoint source offsets could result in significant cost savings to point sources. In addition, it could create economic incentives for innovation, emerging technology, voluntary pollution reductions, and greater efficiency in improving water quality on the part of point and nonpoint sources. Creating the

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incentive to seek out low cost ways of achieving nonpoint reductions is particularly significant when we consider the fact that nonpoint sources are unregulated and, consequently, have no incentive to reduce their discharge. By allowing point sources to purchase nonpoint source offsets, an incentive is created to investigate and research low cost ways of achieving nonpoint source reductions.

As long as there are significant pollution control cost differentials between point and nonpoint sources, restrictions on point sources buying nonpoint source offsets could result in point sources not being able to choose the lowest cost means of achieving the required reductions. For example, it may be cheaper for a point source to purchase equivalent nonpoint source offsets than to implement individual effluent concentration limits or trade with another point source for an equivalent reduction. In the absence of pollution control cost differentials, allowing existing significant dischargers to buy equivalent nonpoint source offsets will produce the same outcome as the proposed regulations, i.e., point sources will not to buy any nonpoint source offsets. Thus, allowing existing significant dischargers to buy equivalent nonpoint source offsets will provide point sources with additional flexibility to seek out the lowest cost means of reducing waste load. Having a mechanism in place to tackle the uncertainty associated with nonpoint source reductions will allow these cost savings to be reaped without reducing the level of protection to state waters.

Estimates of the pollution control cost differential between nonpoint and point reductions vary widely. According to DEQ, point source reductions are estimated to cost a little under \$12 per pound, compared to approximately \$11 per pound for nonpoint agricultural discharges and \$377 per pound for nonpoint urban discharges. However, other estimates indicate that reduction of a unit of nonpoint discharge is likely to be significantly cheaper than the reduction of a unit of point source discharge. It is precisely due to the uncertainty surrounding pollution control cost differentials between point and nonpoint sources that a trading program is useful. Trading provides an incentive to seek out the lowest cost means of achieving the required waste load reduction. Prior to the implementation of the Tar Pamlico Nutrient Trading Program, being able to purchase nonpoint source offsets was estimated to reduce point source costs by approximately \$10 million. However, once the program was implemented, nonpoint source reductions were determined not to be cheaper than point source reductions. Consequently, point sources chose not to purchase any nonpoint source offsets. Thus, enhancing trading opportunities by allowing existing significant dischargers to buy nonpoint source offsets will provide point sources with the flexibility to seek out the lowest cost means of achieving the required waste load reductions, many of which may not be known to us at this time. If pollution control cost differentials are found not to be significant, replacing allowing existing significant dischargers to purchase equivalent nonpoint source offsets will produce the same outcome as the proposed regulations.

Ensure the establishment of a watershed-based VPDES permit. The proposed regulations require that all trading occur through VPDES permits. In addition, the proposed regulations require all point source purchases of nonpoint source offsets

to also occur through VPDES permits. However, without the establishment of a VPDES watershed permit, all trades between point sources and all point source purchases of nonpoint source offsets will have to occur through modifications to individual VPDES permits. Trading and buying offsets through individual VPDES permits is likely to impose high transaction costs and raise potential legal problems for the state, localities, and industries discharging into the Chesapeake Bay watershed.

Without a watershed permit, each time a trade is to be made or nonpoint offsets are to be purchased permittees will be required to modify their VPDES permit. The process for modifying a VPDES permit is time-consuming and burdensome. The high transaction cost involved in modifying VPDES permits is, in turn, likely to reduce the incentive for point sources to undertake trades or purchase nonpoint source offsets. In fact, given the time and effort required to modify a permit, the proposed regulations will effectively restrict trading and purchase of nonpoint source offsets to satisfying long-term capacity needs. Trading and purchase of nonpoint source offsets to satisfy short-term compliance needs, such as the need to cover a temporary shortfall, will not be feasible due to the time taken to modify a permit. According to Woodward and Kaiser (2002)³², six programs across the United States have clearly established bilateral nutrient credit trading programs. However, these programs were found to impose substantial transaction costs on participants and regulators. For example, in Wisconsin's Fox River program, each trade was subject to a review process that could take up to six months before a permit modification was granted. Despite substantial cost savings potential, the transaction costs were found to be so great that they have been blamed for the failure to generate any trades.³³

In addition to the high transaction costs, the lack of a watershed permit could raise legal issues relating to federal anti-backsliding and anti-degradation provisions. In a letter to state environmental heads dated March 14, 2003, the American Rivers, the National Wildlife Federation, the Natural Resources Defense Council, and the Sierra Club state that, "Although the Policy (EPA trading policy) says that trading to meet water quality standards is acceptable, we believe state programs that take this approach would be illegal and subject to successful legal challenge. Legally, a point source cannot violate its water quality-based limits in exchange for a reduction elsewhere". In short, anti-backsliding provisions might prevent DEQ from modifying an individual permit to reflect higher loads that would result from the purchase of waste load reductions from another source, point or nonpoint. In addition, it might prevent a point source whose permit was modified to reflect excess reductions (which were then traded to another point source) from returning to its original discharge levels. According to Steinzor (2003)³⁴, local environmentalists have filed suit against trading sources in California for relying on illegal transactions to meet their permit obligations.

32 Woodward, R.T., and R.A. Kaiser, 2002. Market Structure for U.S. Water Quality Trading. *Review of Agricultural Economics* v24 n2: 366-83.

33 Hahn, R.W., and G. Hester, 1989. Marketable Permits: Lessons for Theory and Practice. *Ecology Law Quarterly* 16: 361-406.

34 Steinzor, R., 2003. Emissions Trading Moves to Water, But It's Not As Simple. *Environmental Forum (ELI)*, p. 69.

Attempting to implement a trading program through individual VPDES permits might expose Virginia agencies, municipalities, and industry to legal risks and lawsuits.

Establishing a watershed permit and requiring all trades among point sources and all point source purchases of nonpoint source offsets to occur through the watershed permit would reduce transaction costs and would remove any concerns relating to the legality of modifying a VPDES permit to reflect higher loads. There would be no need to go through the permit modification process each time a trade occurred or a nonpoint source offset was purchased. A watershed permit, while establishing enforceable total waste load limits on the group of dischargers, would also allow dischargers to cost effectively allocate loads to other dischargers under the permit. Because the permit applies to the group as a whole, individual dischargers under a watershed permit would not be exposed to anti-backsliding risks. If reductions are purchased from nonpoint sources, the nonpoint sources should be brought under the watershed permit and waste load limit should be increased to reflect the inclusion of a new source.³⁵ In its 2003 final water quality trading policy, EPA states that effluent trading allowed under a watershed plan will generally satisfy the anti-backsliding provisions of the Clean Water Act. In North Carolina, the Tar-Pamlico river basin and the Neuse river basin have watershed permits for point sources. They also have a nonpoint source offset program in case point sources exceed their collective cap. The watershed permit makes references to the effect that point sources are responsible for securing equivalent reductions elsewhere.

Establish a cap-and-trade mechanism for trading. Trading under a watershed permit can occur in a number of ways. One approach is to set up a nutrient credit exchange program. Such programs provide tradable credits to point sources that reduce their discharge to below their waste load allocation and allow those credits to be counted toward compliance by other point sources who face high costs or other difficulties in complying with their waste load allocation. Credits are created through an administrative process that requires them to be pre-certified before they are traded. While it might be less burdensome than allowing trades only through modifications to individual VPDES permits, such a program still has significant transaction costs and uncertainty associated with it. Buyers and sellers incur significant transaction costs due to the additional administrative layer of getting credits pre-certified before they are bought or sold. Moreover, as credits are created only after reductions have been made, a nutrient credit exchange program involves significant uncertainty regarding the availability of credits to trade in the future. Thus, buyers seeking to purchase credits are not completely sure of their availability until they have been created and certified. Specifically, given the magnitude of the investment involved in the establishment of new sources and the expansion of existing sources of discharge, uncertainty about the availability of credits to cover additional discharge is likely to act as a significant barrier to entry. The investment will have to be undertaken without complete

certainty that the credits will be available to cover the excess discharge. High transaction costs and uncertainty regarding the ability to buy and sell credits, in turn, reduces the incentive to trade and prevents the full realization of all the benefits of trading.

The most efficient trading mechanism is a cap-and-trade system. Under such a system, an overall cap or a maximum waste load is set on discharges into a river basin. The cap, in turn, determines the total number of discharge allowances for the river basin. A discharge allowance provides its owner with the right to discharge a unit of effluent. The initial distribution of discharge allowances for a river basin could be based on the proposed annual waste load allocation for existing significant dischargers. Once allocated out, sources are free to buy and sell allowances amongst each other. There are no restrictions on trading other than each source covered by the cap-and-trade program having enough allowances to cover their discharge. The weight of economic literature finds cap-and-trade programs to impose lower transaction costs and have less uncertainty associated with them compared to nutrient credit exchange programs. In contrast to a nutrient credit exchange program, cap-and-trade programs do not require pre-certification of allowances. Allowances are handed out based on a source's waste load allocation and are effectively certified when they are distributed. Thus, once a point source purchases an allowance, it knows with certainty that the allowance will be available to cover its discharge. The only costs incurred under a cap-and-trade system are the costs associated with monitoring effluent discharge and in tracking allowances traded between point sources. A cap-and-trade program can also allow for point source purchase of nonpoint source offsets. Once nonpoint source offsets are purchased, the nonpoint source should be brought under the cap, i.e., the cap or the total annual waste load limit should be increased to reflect the inclusion of a new source.

A basic outline of a cap-and-trade program is as follows:³⁶

- Define the water quality goal: This has already been done as part of 9 VAC 25-260 (Water Quality Standards)
- Calculate the waste load limit for Virginia's portion of the Chesapeake Bay watershed in order to achieve the water quality goal: EPA has already calculated Virginia's waste load allocation such that water quality goals are achieved.
- Define an allowance: It should be defined as a unit of mass such as pounds or in terms of a percentage of the maximum waste load in a given year.
- Establish watershed permits with waste load limits by watershed: EPA has already calculated waste load allocation by river basin such that water quality goals are achieved
 - Apply watershed permit to applicable sources (existing, new, and expanded point sources)
 - Allocate allowances to individual point sources: The individual waste load allocations are established in the tributary strategy document for each of the five river

³⁵ Bringing a nonpoint or unregulated source under a permit and increasing the waste load limits will not trigger anti-backsliding provisions as a new source is being added.

³⁶ Courtesy Dr. William S. Shobe, Director of Business and Economic Research, Weldon Cooper Center for Public Service, University of Virginia.

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basins. The allowances should be allocated for several years into the future, with some allowances possibly being retained to auction at a later date.

- Establish an allowance-tracking database: The database may be privately managed or could be managed by DEQ or some third party.
- Establish monitoring and enforcement standards: The key regulatory standard would be to require one allowance to be retired for each mass unit of effluent. At the end of the year, each source should be required to have enough allowances to cover their discharge.
- Establish penalties for non-compliance: Such penalties an automatic financial consequence for each exceedance.
- Establish rules for including noncovered sources: Noncovered sources include smaller point sources and nonpoint sources. In order to trade, these sources should come under the total annual waste load limit.

The Virginia Association of Municipal Wastewater Agencies (VAMWA) has proposed a draft regulation that envisions trading under a watershed permit. However, the VAMWA proposal is an example of a nutrient credit exchange program. It envisages the establishment of a Virginia Nutrient Credit Exchange Association to implement and manage the program. The association would be responsible, among other things, for setting the price of credits, assisting permittees in identifying buyers and sellers, and ensuring compliance with the total annual waste load allocation. Such a program is similar to Connecticut's Nitrogen Credit Trading Program. However, as discussed in this section, a cap-and-trade program is likely to be more cost effective than a nutrient credit exchange program. In addition, under the VAMWA proposal, members of the Virginia Nutrient Credit Exchange Association are restricted to permitted entities discharging nutrients into the Chesapeake Bay watershed. By limiting third-party participation (such as purchase of allowances by brokers or even environmental groups), this proposal restricts trading and prevents all the benefits of trading from being realized.

Thus, a cap-and-trade program that does not restrict third party participation is likely to be the most cost effective trading mechanism. While cap-and-trade mechanisms have been used in the context of air quality, their use in the achievement of water quality goals is not as widespread. An example of a cap-and-trade system being implemented in the context of water quality is North Carolina's Tar Pamlico Nutrient Trading Program. The state assigns a fixed number of nutrient allowances to an association of dischargers. The association is responsible for allocating the allowances amongst its members. Once individual allowances are allocated, members are allowed to trade freely under the association's exchange rules. Enforceable financial penalties exist for instances when the association's aggregate discharge exceeds the total nutrient allowance. Third party participation in trading may be limited under this program as all trading activity occurs within the association, a private organization that could restrict membership.

Conclusion: The proposed regulations are likely to generate significant costs and benefits. Point sources are likely to incur

significant costs in meeting the requirements of the proposed regulations. On the other hand, industries that depend on the Chesapeake Bay and the state in general are likely to reap significant benefits from improvement in water quality.

Due to the magnitude of the costs associated with meeting the requirements of the regulations, it is worthwhile to investigate all means of achieving the required waste load reductions at the lowest possible cost. Effluent trading is one way that would allow water quality goals to be achieved at significant cost savings compared to more traditional regulatory approaches such as command and control.

The proposed regulations do include provisions for effluent trading. However, there is room for trading opportunities to be enhanced. Replacing individual technology-based effluent concentration limits with an equivalent annual waste load allocation, eliminating restrictions on point source purchases of nonpoint source offsets and instead addressing the uncertainty of nonpoint source reductions directly, establishing a watershed permit through which all trading and purchase of nonpoint source offsets is to occur, and establishing a cap-and-trade mechanism for trading are likely to enhance opportunities for trading. This, in turn, is likely to produce significant additional cost savings and create an additional economic incentive for increased investment into ways of reducing effluent discharge, point and nonpoint, potentially allowing water quality goals being achieved sooner than they would have been achieved otherwise.

Businesses and entities affected. The proposed regulations are likely to have a negative impact on certain point sources currently discharging into the Chesapeake Bay watershed. Point sources defined as significant dischargers will be subject to both the technology-based effluent concentration limits and the total annual waste load allocation. Point sources not defined as significant dischargers, but authorized under a VPDES permit issued prior to July 1, 2004 to discharge 40,000 gallons or more per day will be subject to the technology-based effluent concentration limits. In addition, new and expanded point sources authorized to discharge 40,000 gallons or more per day will be required to meet technology-based effluent concentration limits and the total annual waste load allocation.

According to DEQ, there are 120 existing significant dischargers, 95 municipal wastewater treatment plants and 25 other facilities. The agency also estimates that there are 117 municipal wastewater treatment plants that are not defined as significant dischargers, but who will be required to meet technology-based effluent concentration limits. A number of smaller industrial plants may also now be required to meet technology-based effluent concentration limits. Based on a review of facility design capacity (and not nutrient data), DEQ estimates the maximum number of such facilities to be 174.

The proposed regulations are also likely to have a positive impact on some businesses and entities in industries that depend on the Chesapeake Bay and its tidal tributaries. These industries include commercial fisheries, tourism and recreation, and boat building and repair. Businesses and entities involved in such industries are likely to benefit from any improvement in water quality in Chesapeake Bay or its

tidal tributaries. The beneficial effect of water quality on these industries is, in turn, likely to have a secondary beneficial effect on related support and value-added industries. The number of such businesses and entities is not known at this time.

Localities particularly affected. The proposed regulations are likely to affect all cities and counties within the Chesapeake Bay watershed area. These localities are likely to incur additional costs of meeting the technology-based effluent concentration limits and/or the total annual waste load allocation. DEQ's best estimate of affected entities is 212, 95 municipal wastewater treatment plants categorized as significant dischargers and 117 municipal wastewater treatment plants that are not defined as significant dischargers, but who will be required to meet technology-based effluent concentration limits. Some of the costs to localities of implementing nutrient control are likely to be met by federal and state cost-share programs. Some or all of the remaining costs to localities are likely to be passed on to rate payers in the form of higher user fees for waste disposal.

Some localities are also likely to benefit from economic development due to improvements in water quality of the Chesapeake Bay and its tidal tributaries. Industries such as commercial fisheries, tourism and recreation, and boat building and repair are likely to benefit directly from water quality improvements. Related support and value-added industries are, in turn, likely to reap secondary benefits. This is likely to have a positive effect on output and employment in localities in and around Chesapeake Bay and its tidal tributaries.

Projected impact on employment. The proposed regulations could affect employment in industries with significant discharges into Chesapeake Bay and its tidal tributaries. Examples of these industries include the food processing industry, the chemical industry, and the pulp and paper industry. The increased costs to these industries could reduce the profitability, potentially reducing the number of people employed in these sectors.

On the other hand, the proposed regulations could have a beneficial effect on employment in industries such as commercial fisheries, tourism and recreation, and boat building and repairs that are likely to benefit from improvements in water quality in the Chesapeake Bay area. Related support and value-added industries are, in turn, also likely to reap benefits and this could have a beneficial effect on employment in these industries.

Effects on the use and value of private property. The proposed regulations are likely to impose additional costs on businesses and entities with significant point source discharges into Chesapeake Bay and its tidal tributaries. These businesses are likely to incur significant capital and other costs related to nutrient removal. This, in turn, is likely to increase operating costs and lower the asset value of these businesses.

On the other hand, the proposed regulations are likely to have a positive effect on businesses involved in industries such as commercial fisheries, tourism and recreation, and boat building and repairs that are likely to benefit from

improvements in water quality. Improved water quality is likely to increase revenues and raise the asset value of these businesses. In addition, improvements in water quality and any subsequent increase in economic activity in surrounding areas could also have a positive impact on related support and value-added industries and on property values in the area.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: On January 3, 2005, DEQ staff provided comments to DPB on their economic impact analysis for the two amended point source nutrient regulations, 9 VAC-25-40 (Policy for Nutrient Enriched Waters) and 9 VAC-25-720 (Water Quality Management Regulation). Most of the comments were minor corrections or edits, and DEQ concurred with DPB's findings on fiscal impacts and estimated costs of the proposed regulations. One substantive issue was addressed in the comments, regarding DPB's suggestion to remove individual, technology-based effluent concentration limits, as follows:

As previously noted in discussions with DPB staff, DEQ was specifically directed by Governor Warner, at the 2003 CBP Executive Council meeting, to "begin the regulatory process to set technologically-based numerical limits for nutrients in discharge permits." This policy instruction cannot be ignored in the proposed rulemaking, and serves an important function of ensuring that all point sources in the Bay watershed contribute in some measure to the nutrient reduction effort. While this approach may somewhat limit the flexibility of a trading program, it is a vital part of the nutrient reduction initiative that addresses a controllable source of nitrogen and phosphorus in a reliable, cost-effective, feasible, measurable, and enforceable manner.

In addition, a management program for nutrient discharges from wastewater treatment plants must be part of, and consistent with, the overall watershed approach in order to achieve the river basin nutrient allocations. Even small wastewater treatment plants are important sources of nutrients when compared to individual land-based sources of nutrients within local watersheds. If wastewater plants are not removing nutrients that will clearly undermine efforts in local watersheds to enlist property owners to install best management practices for reducing land-based nutrient sources.

However, DPB's suggestions for improving the cost-effectiveness of the proposed regulations will be fully evaluated and considered during the public comment period. It is DEQ's intent to formulate this program in a way that accomplishes another component of Governor Warner's 2003 Executive Council directive on point source nutrient limits - "The regulations should aim to maximize water quality benefits in the most fiscally responsible manner possible." A point source trading program should be designed to fit within the framework of a watershed restoration program, recognizing the cost-effectiveness, reliability and measure of accountability for all the types of point source and nonpoint source nutrient reduction practices needed to meet the water quality goals.

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Summary:

The proposed amendments (i) revise the existing point source policy for nutrient enriched waters, to establish technology-based, annual average total nitrogen and total phosphorus concentration requirements for certain dischargers located in Virginia's Chesapeake Bay watershed and (ii) revise the Water Quality Management Planning Regulation to establish total nitrogen and total phosphorus annual waste load allocations for certain dischargers within Virginia's portion of the Chesapeake Bay Watershed, and authorize a trading and offsets program to assist in the achievement and maintenance of the waste load allocations.

CHAPTER 40.

POLICY REGULATION FOR NUTRIENT ENRICHED WATERS AND DISCHARGERS WITHIN THE CHESAPEAKE BAY WATERSHED.

9 VAC 25-40-10. Purpose.

This policy regulation provides for the control of discharges of nutrients from point sources affecting state waters that have been designated "nutrient enriched waters" in 9 VAC 25-260-350 or are located within the Chesapeake Bay Watershed, which consists of the following Virginia river basins: Potomac River Basin (9 VAC 25-260-390 and 9 VAC 25-260-400), James River Basin (9 VAC 25-260-410, 9 VAC 25-260-415, 9 VAC 25-260-420, and 9 VAC 25-260-430), Rappahannock River Basin (9 VAC 25-260-440), Chesapeake Bay and small coastal basins (9 VAC 25-260-520, Sections 2 through 3g), and the York River Basin (9 VAC 25-260-530).

The provisions of this regulation and the Water Quality Management Planning Regulation (9 VAC 25-720) constitute the nutrient reduction requirements for point source discharges in the Chesapeake Bay Watershed to protect the Chesapeake Bay and its tidal rivers.

9 VAC 25-40-20. Authority. (Repealed.)

The board has adopted this policy under the authority of §§ 62.1-44.15(3), 62.1-44.15(10) and 62.1-44.15(14) of the Code of Virginia.

9 VAC 25-40-30. Strategy for "nutrient enriched waters" outside of Chesapeake Bay Watershed.

As specified here, the board shall reopen the NPDES permits of certain point source dischargers to "nutrient enriched waters" and shall impose effluent limitations on nutrients in the discharges authorized by those permits and certain new permits.

A. All dischargers authorized by NPDES VPDES permits issued on or before July 1, 1988, to discharge 4 1.0 MGD or more to "nutrient enriched waters" shall be required to meet a monthly average total phosphorus effluent limitation of 2 mg/l as quickly as possible and in any event within three years following modification of the NPDES permit 2.0 mg/l.

At the time of modification of the NPDES permit, any discharger who voluntarily accepts a permit to require installation and operation of nitrogen removal facilities to meet a monthly average total nitrogen effluent limitation of 10 mg/l

for the months of April through October shall be allowed an additional year to meet the phosphorus effluent limitation in 9 VAC 25-40-30 A.

B. All New source dischargers as defined in 9 VAC 25-30-10 with a permit issued 9 VAC 25-21 that commence discharging after July 1, 1988, and a design flow greater than or equal to 0.05 are authorized by VPDES permits to discharge 0.050 MGD who propose to discharge or more to "nutrient enriched waters" shall be required to meet a monthly average total phosphorus effluent limitation of 2 mg/l 2.0 mg/l.

C. This policy regulation shall not be construed to relax any effluent limitation concerning a nutrient that is imposed under any other requirement of state or federal law. No time extensions outlined in 9 VAC 25-40-30 A for installation and operation of nitrogen removal facilities shall be granted to a discharger if such an effluent limitation or a time extension is already imposed under any other requirement of state or federal law or regulation.

D. Any discharger to "nutrient enriched waters" that is located within the Chesapeake Bay Watershed is not subject to the requirements of this section.

9 VAC 25-40-40. Permit amendments.

Whenever the board determines that a permittee has the potential for discharging monthly average total phosphorus concentrations greater than or equal to 2 mg/l 2.0 mg/l or monthly average total nitrogen concentrations greater than or equal to 10 mg/l 1.0 x 10¹ mg/l to "nutrient enriched waters," the board may reopen the NPDES VPDES permit to impose monitoring requirements for nutrients in the discharge.

9 VAC 25-40-50. Possibility of further limitations.

The board anticipates that, following implementation of the foregoing requirements and evaluation of effects of this policy regulation and of the results of the nonpoint source control programs, further limitations on discharges of phosphorus or of other nutrients may be necessary to control undesirable growths of aquatic plants.

9 VAC 25-40-70. Strategy for Chesapeake Bay Watershed.

A. It shall be the policy of the board that point source dischargers within the Chesapeake Bay Watershed utilize biological nutrient removal technology or its equivalent whenever feasible, as provided by subsection B of this section. For the purposes of this chapter and the related sections of 9 VAC 25-720, the terms "point source dischargers" or "dischargers" do not include permitted discharges of noncontact cooling water or storm water.

B. As specified herein, the board shall issue and reissue the VPDES permits of certain point source dischargers within the Chesapeake Bay Watershed and shall impose effluent concentration limitations on nutrients in the discharges authorized by those permits.

1. Except as provided under subdivision 4 of this subsection, all significant dischargers, as defined in 9 VAC 25-720, authorized by VPDES permits issued on or before [the effective date of this chapter] shall achieve an annual average total nitrogen effluent limitation of not more than

8.0 mg/l and an annual average total phosphorus effluent limitation of not more than 1.0 mg/l; provided, however, these dischargers must achieve an annual total nitrogen waste load allocation and an annual total phosphorus waste load allocation as required by the Water Quality Management Planning Regulation (9 VAC 25-720). The applicable limitations shall be achieved within four years following reissuance or major modification of the VPDES permit, but in no case later than December 31, 2010.

2. Except as provided under subdivision 4 of this subsection, all dischargers that do not meet the definition of a significant discharger and are authorized by VPDES permits issued on or before July 1, 2004, to discharge 0.040 MGD or more shall be required to achieve an annual average total nitrogen effluent limitation of 8.0 mg/l and an annual average total phosphorus effluent limitation of 1.0 mg/l. These limitations shall be included in reissued or modified permits after December 31, 2010, and shall be achieved within four years following reissuance or major modification of the VPDES permits.

3. Except as provided under subdivision 4 of this subsection, all new dischargers or expanded discharges of nitrogen or phosphorus authorized by VPDES permits issued after [the effective date of this chapter] to discharge 0.040 MGD or more shall achieve an annual average total nitrogen effluent limitation of 3.0 mg/l and an annual average total phosphorus effluent limitation of 0.30 mg/l.

4. On a case-by-case basis, a discharger may demonstrate to the satisfaction of the board through treatability, engineering, or other studies that biological nutrient removal technology or its equivalent at a point source discharge cannot achieve the effluent limitations of subdivision 1, 2 or 3 of this subsection, as applicable. In these cases, the board shall require alternative effluent limitations the board deems appropriate for that discharger; provided, however, the discharger must achieve an annual total nitrogen waste load allocation and an annual total phosphorus waste load allocation as required by the Water Quality Management Planning Regulation (9 VAC 25-720).

5. Any effluent limitation concerning a nutrient that is imposed under any other requirement of state or federal law or regulation that is more stringent than those established herein shall not be affected by this regulation.

C. Notwithstanding subsections A and B of this section, point source dischargers within the Chesapeake Bay Watershed are also governed by the Water Quality Management Planning Regulation (9 VAC 25-720).

9 VAC 25-720-10. Definitions.

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

"Assimilative capacity" means the greatest amount of loading that a water can receive without violating water quality standards, significantly degrading waters of existing high quality, or interfering with the beneficial use of state waters.

"Best management practices (BMP)" means a schedule of activities, prohibition of practices, maintenance procedures and other management practices to prevent or reduce the pollution of state waters. BMPs include treatment requirements, operating and maintenance procedures, schedule of activities, prohibition of activities, and other management practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw material storage.

"Best practicable control technology currently available (BPT)" means control measures required of point source discharges (other than POTWs) as determined by the EPA pursuant to § 304(b)(1) of the CWA (33 USC § 1251 et seq.) as of 1987.

"Board" means the State Water Control Board (SWCB).

"Chesapeake Bay Watershed" means the following Virginia river basins: Potomac River Basin (9 VAC 25-260-390 and 9 VAC 25-260-400), James River Basin (9 VAC 25-260-410, 9 VAC 25-260-415, 9 VAC 25-260-420, and 9 VAC 25-260-430), Rappahannock River Basin (9 VAC 25-260-440), Chesapeake Bay and small coastal basins (9 VAC 25-260-520, Sections 2 through 3g), and the York River Basin (9 VAC 25-260-530).

"Clean Water Act or Act (CWA)" means 33 USC § 1251 et seq. as amended, as of 1987.

"Delivered waste load" means the discharged load from a point source in a river basin that is adjusted by a delivery factor for any alteration of that load occurring from biological, chemical, and physical processes during riverine transport to tidal waters. Delivery factors are calculated using the Chesapeake Bay Program watershed model.

"Discharge" means when used without qualification, a discharge of a pollutant or any addition of any pollutant or combination of pollutants to state waters or waters of the contiguous zone or ocean or other floating craft when being used for transportation.

"Effluent limitation" means any restriction imposed by the board on quantities, discharge rates or concentrations of pollutants that are discharged from joint sources into state waters.

"Effluent limitation guidelines" means a regulation published by EPA under the Act and adopted by the board.

"Effluent limited segment (EL)" means a stream segment where the water quality does and probably will continue to meet state water quality standards after the application of technology-based effluent limitations required by §§ 301(b) and 306 of the CWA (33 USC § 1251 et seq.) as of 1987.

"Environmental Protection Agency (EPA)" means the United States Environmental Protection Agency.

"Load or loading" means the introduction of an amount of matter or thermal energy into a receiving water. Loading may be either man-caused (pollutant loading) or natural (background loading).

"Load allocation (LA)" means the portion of a receiving water's loading capacity attributable either to one of its existing or

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future nonpoint sources of pollution or to natural background sources. Load allocations are best estimates of the loading, which may range from accurate estimates to gross allotments, depending on the availability of data and appropriate techniques for predicting the loading. Wherever possible, natural and nonpoint source loads should be distinguished.

"Nonpoint source" means a source of pollution, such as a farm or forest land runoff, urban storm water runoff, mine runoff, or salt water intrusion that is not collected or discharged as a point source.

"Point source" means any discernible, defined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agricultural land.

"Pollutant" means any substance, radioactive material, or heat that causes or contributes to, or may cause or contribute to, pollution. It does not mean:

1. Sewage from vessels; or
2. Water, gas, or other material that is injected into a well to facilitate production of oil, dry gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either to facilitate production or for disposal purposes if approved by the Department of Mines, Minerals and Energy unless the board determines that such injection or disposal will result in the degradation of ground or surface water resources.

"Pollution" means such alteration of the physical, chemical or biological properties of any state waters as will or is likely to create a nuisance or render such waters (i) harmful or detrimental or injurious to the public health, safety or welfare, or to the health of animals, fish or aquatic life; (ii) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (iii) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses; provided that: (a) an alteration of the physical, chemical, or biological property of state waters, or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner, which by itself is not sufficient to cause pollution, but which, in combination with such alteration of or discharge or deposit to state waters by other owners is sufficient to cause pollution; (b) the discharge of untreated sewage by any owner into state waters; and (c) contributing to the contravention of standards of water quality duly established by the board, are "pollution" for the terms and purposes of this water quality management plan.

"Publicly owned treatment works (POTW)" means any sewage treatment works that is owned by a state or municipality. Sewers, pipes, or other conveyances are included in this definition only if they convey wastewater to a POTW providing treatment.

"Significant discharges" means a point source discharger within the Chesapeake Bay Watershed that is listed in any of the following subsections: 9 VAC 25-720-50 C, 9 VAC 25-720-60 C, 9 VAC 25-720-70 C, 9 VAC 25-720-110 C, or 9 VAC 25-720-120 C; or a new or expanded point source discharger

authorized by a VPDES permit issued after July 1, 2004, to discharge 2,300 pounds per year or more of total nitrogen or 300 pounds per year or more of total phosphorus.

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

"Surface water" means all waters in the Commonwealth except ground waters as defined in § 62.1-255 of the Code of Virginia.

"Total maximum daily load (TMDL)" means the sum of the individual waste load allocations (WLAs) for point sources, load allocations (LAs) for nonpoint sources, natural background loading and usually a safety factor. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

"Toxic pollutant" means any agent or material including, but not limited to, those listed under § 307(a) of the CWA (33 USC § 1251 et seq. as of 1987), which after discharge will, on the basis of available information, cause toxicity.

"Toxicity" means the inherent potential or capacity of a material to cause adverse effects in a living organism, including acute or chronic effects to aquatic life, detrimental effects on human health or other adverse environmental effects.

"Trading" means the transfer of assigned waste load allocations for total nitrogen or total phosphorus among point source dischargers. It does not include the transfer of total nitrogen for total phosphorus, or the reverse.

"Virginia Pollution Discharge Elimination System (VPDES) permit" means a document issued by the board, pursuant to ~~9 VAC 25-30~~ 9 VAC 25-31, authorizing, under prescribed conditions, the potential or actual discharge of pollutants from a point source to surface waters.

"Waste load allocation (WLA)" means the portion of a receiving water's loading or assimilative capacity allocated to one of its existing or future point sources of pollution. WLAs are a type of water quality-based effluent limitation.

"Water quality limited segment (WQL)" means any stream segment where the water quality does not or will not meet applicable water quality standards, even after the application of technology-based effluent limitations required by §§ 301(b) and 306 of the CWA (33 USC § 1251 et seq. as of 1987).

"Water quality management plan (WQMP)" means a state- or area-wide waste treatment management plan developed and updated in accordance with the provisions of §§ 205(j), 208 and 303 of the CWA (33 USC § 1251 et seq. as of 1987).

"Water quality standards (WQS)" means narrative statements that describe water quality requirements in general terms, and of numeric limits for specific physical, chemical, biological or radiological characteristics of water. These narrative statements and numeric limits describe water quality necessary to meet and maintain reasonable and beneficial uses such as swimming and, other water based recreation, public water supply and the propagation and growth of aquatic

life. The adoption of water quality standards under the State Water Control Law is one of the board's methods of accomplishing the law's purpose.

9 VAC 25-720-30. [~~Reserved.~~] Relationship to 9 VAC 25-40, Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed.

The provisions of this chapter and 9 VAC 25-40, Regulation for Nutrient Enriched Waters and Dischargers within the Chesapeake Bay Watershed, constitute the nutrient reduction requirements for point source discharges in the Chesapeake Bay Watershed to protect the Chesapeake Bay and its tidal rivers.

9 VAC 25-720-40. [~~Reserved.~~] Trading and offsets in the Chesapeake Bay Watershed.

A. Nitrogen and phosphorus waste load allocations assigned to individual significant dischargers in 9 VAC 25-720-50 C, 9 VAC 25-720-60 C, 9 VAC 25-720-70 C, 9 VAC 25-720-110 C, and 9 VAC 25-720-120 C may be traded among significant dischargers within the same river basin to assist in the achievement and maintenance of the total basin delivered waste load allocations.

B. Any proposed trade shall not result in degradation or adverse impacts to local water quality or violations of water quality standards.

C. Any trade of nitrogen or phosphorus waste load allocation among individual significant dischargers shall not result in the exceedence of the total basin delivered waste load allocation within which the significant dischargers are located.

D. The board may authorize trading only through VPDES permits. Trades conducted in accordance with this chapter through VPDES permits shall not require any amendments to this chapter.

E. Any discharge of nitrogen or phosphorus load from a new significant discharger or any increase in the discharge of nitrogen or phosphorus load from an expansion of an existing significant discharger that would exceed the waste load allocation for that significant discharger shall be accompanied by one of the following actions within the same river basin: (i) a trade for an equivalent or greater load reduction of the same pollutant from one or more existing dischargers; (ii) in accordance with the criteria listed below, the installation, monitoring and maintenance of best management practices that achieve an offsetting reduction of nonpoint source

delivered load of nitrogen or phosphorus that the board determines is at least twice the reduction in delivered load compared to the new or increased delivered load from the significant discharger; or (iii) both actions in combination.

The board may approve use of the second option (clause (ii)) in the previous paragraph in accordance with the following:

1. The VPDES permit for the new or expanded significant discharger includes an annual average total nitrogen effluent limitation of 3.0 mg/l or an annual average total phosphorus effluent limitation of 0.30 mg/l, as appropriate, or alternative limits as required by 9 VAC 245-40-70 B 4;
2. Best management practices are installed within the locality or localities served by the new or expanded discharger, unless the board determines that installation of the needed best management practices in another locality provides greater water quality benefits;
3. Credit may be given for improvements to best management practices beyond that already required under other federal or state law to the extent that additional reduction in delivered nitrogen or phosphorus load is provided;
4. Credit may not be given for portions of best management practices financed by government programs; and
5. The installation, monitoring and maintenance of the best management practices are required by the VPDES permit of the new or expanded significant discharger and the best management practices are installed subsequent to the issuance of the VPDES permit.

F. Any trade or offset involving a new significant discharger must account for the delivery factor that is assigned to the discharger based on its location within the river basin and must recognize that new significant dischargers have no assigned waste load allocations.

To ensure the total basin delivered loads of nitrogen and phosphorus are not exceeded, any trading or offsets conducted in accordance with this section shall use delivered loads. The following table contains the delivery factors for both nitrogen and phosphorus assigned to the identified Chesapeake Bay Program watershed model segments within each river basin. A delivered load equals the discharged load multiplied by the delivery factor.

River Basin	CBP Watershed Model Segment	Nitrogen Delivery Factor	Phosphorus Delivery Factor
Shenandoah-Potomac	170	0.55	0.75
Shenandoah-Potomac	180	0.82	0.75
Shenandoah-Potomac	190	0.42	0.74
Shenandoah-Potomac	200	0.65	0.74
Shenandoah-Potomac	220	0.83	0.75
Shenandoah-Potomac	550	0.58 or 1.00*	0.44 or 1.00*
Shenandoah-Potomac	740	0.74	0.75
Shenandoah-Potomac	900	1.00	1.00
Shenandoah-Potomac	910	1.00	1.00
Shenandoah-Potomac	970	1.00	1.00

Proposed Regulations

Shenandoah-Potomac	980	1.00	1.00
Rappahannock	230	0.61	1.03
Rappahannock	560	1.00	1.00
Rappahannock	580	1.00	1.00
Rappahannock	930	1.00	1.00
York	235	0.27	0.43
York	240	0.42	0.43
York	250	0.02	0.58
York	260	0.51	0.58
York	590	1.00	1.00
York	940	1.00	1.00
James	265	0.02	1.10
James	270	0.30	1.10
James	280	0.61	1.10
James	290	0.81	1.00
James	300	0.37	0.42
James	310	0.54	0.39
James	600	1.00	1.00
James	610	1.00	1.00
James	620	1.00	1.00
James	630	1.00	1.00
James	950	1.00	1.00
James	955	1.00	1.00
James	960	1.00	1.00
James	965	1.00	1.00
C. Bay-Eastern Shore	430	1.00	1.00
C. Bay-Eastern Shore	440	1.00	1.00

NOTE: *Drainage to Occoquan Reservoir - delivery factors = 0.58 for nitrogen; 0.44 for phosphorus. Drainage outside Occoquan Reservoir - delivery factors = 1.00 for both nitrogen and phosphorus.

9 VAC 25-720-50. Potomac, Shenandoah River Basin.

REGISTRAR'S NOTICE: No changes are proposed to subsections A and B; therefore, the text of those subsections is not set out.

C. Nitrogen and phosphorus waste load allocations to restore the Chesapeake Bay and its tidal rivers.

The following table presents nitrogen and phosphorus waste load allocations for the identified significant dischargers, the associated delivery factors used for trading or offset purposes, and the total nitrogen and total phosphorus delivered waste load allocation for the basin. These individual significant discharger waste load allocations may be revised through the watershed trading program contained in 9 VAC 25-720-30. The waste load allocation listed below for a discharger, or the waste load allocation revised in accordance with 9 VAC 25-720-30, shall be achieved within four years following reissuance or modification of the discharger's VPDES permit, but in no case later than December 31, 2010.

CBP Watershed Model Segment	Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Waste Load Allocation (lbs/yr)	TN Delivery Factor	TN Waste Load Delivered Allocation (lbs/yr)	Total Phosphorus (TP) Waste Load Allocation (lbs/yr)	TP Delivery Factor	TP Waste Load Delivered Allocation (lbs/yr)
190	B37R	Coors Brewing Company	VA0073245	55,000	0.42	23,000	4,100	0.74	3,000
190	B14R	Fishersville Regional STP	VA0025291	24,000	0.42	10,000	1,800	0.74	1,400
190	B32R	INVISTA - Waynesboro	VA0002160	29,000	0.42	12,000	1,300	0.74	940
190	B39R	Luray STP	VA0062642	19,000	0.42	8,200	1,500	0.74	1,100
190	B35R	Massanutten PSA STP	VA0024732	18,000	0.42	7,700	1,400	0.74	1,000
190	B37R	Merck - Stonewall	VA0002178	96,000	0.42	40,000	15,000	0.74	11,000

Proposed Regulations

190	B12R	WWTP Middle River Regional STP	VA0064793	83,000	0.42	35,000	6,200	0.74	4,600
190	B23R	North River WWTF	VA0060640	190,000	0.42	82,000	15,000	0.74	11,000
190	B22R	Pilgrims Pride - Hinton	VA0002313	27,000	0.42	12,000	1,400	0.74	1,000
190	B31R	Stuarts Draft WWTP	VA0066877	29,000	0.42	12,000	2,200	0.74	1,600
190	B32R	Waynesboro STP	VA0025151	49,000	0.42	20,000	3,600	0.74	2,700
190	B23R	Weyers Cave STP	VA0022349	6,100	0.42	2,600	460	0.74	340
200	B58R	Berryville STP	VA0020532	5,500	0.65	3,600	410	0.74	300
200	B55R	Front Royal STP	VA0062812	49,000	0.65	32,000	3,600	0.74	2,700
200	B49R	Georges Chicken LLC	VA0077402	31,000	0.65	20,000	1,600	0.74	1,100
200	B48R	Mt. Jackson STP	VA0026441	7,300	0.65	4,800	550	0.74	410
200	B45R	New Market STP	VA0022853	6,100	0.65	4,000	460	0.74	340
200	B45R	North Fork (SIL) WWTF	VA0090263	23,000	0.65	15,000	1,800	0.74	1,300
200	B49R	Stoney Creek SD STP	VA0028380	7,300	0.65	4,800	550	0.74	410
200	B51R	Strasburg STP	VA0020311	12,000	0.65	7,800	900	0.74	660
200	B50R	Woodstock STP	VA0026468	9,700	0.65	6,300	730	0.74	540
220	A06R	Basham Simms WWTF	VA0022802	12,000	0.83	10,000	910	0.75	690
220	A09R	Broad Run WRF	VA0091383	120,000	0.83	100,000	3,000	0.75	2,300
220	A08R	Leesburg WPCF	MD0066184	120,000	0.83	100,000	9,100	0.75	6,800
220	A06R	Round Hill Town WWTF	VA0026212	6,100	0.83	5,000	460	0.75	340
550	A25R	DSC - Section 1 WWTF	VA0024724	36,000	1.00	36,000	2,200	1.00	2,200
550	A25R	DSC - Section 8 WWTF	VA0024678	36,000	1.00	36,000	2,200	1.00	2,200
550	A25E	H L Mooney WWTF	VA0025101	220,000	1.00	220,000	13,000	1.00	13,000
550	A22R	UOSA - Centreville	VA0024988	1,300,000	0.58	760,000	16,000	0.44	7,200
550	A19R	Vint Hill WWTF	VA0020460	5,500	0.58	3,200	550	0.44	240
740	B08R	Opequon WRF	VA0065552	100,000	0.74	76,000	7,700	0.75	5,700
740	B08R	Parkins Mills STP	VA0075191	26,000	0.74	19,000	1,900	0.75	1,400
900	A13E	Alexandria SA WWTF	VA0025160	490,000	1.00	490,000	30,000	1.00	30,000
900	A12E	Arlington County Water PCF	VA0025143	360,000	1.00	360,000	22,000	1.00	22,000
900	A16R	Noman M Cole Jr PCF	VA0025364	610,000	1.00	610,000	37,000	1.00	37,000
910	A12R	Blue Plains (VA Share)	DC0021199	580,000	1.00	580,000	26,000	1.00	26,000
970	A26R	Quantico	VA0028363	20,000	1.00	20,000	1,200	1.00	1,200

Proposed Regulations

		WWTF							
980	A28R	Aquia WWTF	VA0060968	59,000	1.00	59,000	3,600	1.00	3,600
980	A31E	Colonial Beach STP	VA0026409	18,000	1.00	18,000	1,800	1.00	1,800
980	A30E	Dahlgren WWTF	VA0026514	9,100	1.00	9,100	910	1.00	910
980	A29E	Fairview Beach	MD0056464	1,800	1.00	1,800	180	1.00	180
980	A30E	US NSWC-Dahlgren WWTF	VA0021067	6,600	1.00	6,600	660	1.00	660
980	A26R	Widewater WWTF	VA0090387	4,600	1.00	4,600	270	1.00	270
		TOTALS:		4,916,700		3,887,100	245,200		213,130

9 VAC 25-720-60. James River Basin.

REGISTRAR'S NOTICE: No changes are proposed to subsections A and B; therefore, the text of those subsections is not set out.

C. Nitrogen and phosphorus waste load allocations to restore the Chesapeake Bay and its tidal rivers.

The following table presents nitrogen and phosphorus waste load allocations for the identified significant dischargers, the associated delivery factors used for trading or offset purposes, and the total nitrogen and total phosphorus delivered waste load allocation for the basin. These individual significant discharger waste load allocations may be revised through the watershed trading program contained in 9 VAC 25-720-30. The waste load allocation listed below for a discharger, or the waste load allocation revised in accordance with 9 VAC 25-720-30, shall be achieved within four years following reissuance or modification of the discharger's VPDES permit, but in no case later than December 31, 2010.

CBP Watershed Model Segment	Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Waste Load Allocation (lbs/yr)	TN Delivery Factor	TN Waste Load Delivered Allocation (lbs/yr)	Total Phosphorus (TP) Waste Load Allocation (lbs/yr)	TP Delivery Factor	TP Waste Load Delivered Allocation (lbs/yr)
270	I37R	Buena Vista STP	VA0020991	35,000	0.30	10,000	4,400	1.10	4,800
270	I09R	Clifton Forge STP	VA0022772	39,000	0.30	12,000	4,900	1.10	5,400
270	I09R	Covington STP	VA0025542	44,000	0.30	13,000	5,500	1.10	6,100
270	H02R	Georgia Pacific I	VA0003026	99,000	0.30	30,000	66,000	1.10	72,000
270	I04R	Hot Springs Regional STP	VA0066303	10,000	0.30	3,100	1,300	1.10	1,400
270	I37R	Lees Carpets	VA0004677	22,000	0.30	6,600	22,000	1.10	24,000
270	I35R	Lexington-Rockbridge WQCF	VA0088161	29,000	0.30	8,800	3,600	1.10	4,000
270	I09R	Low Moor STP	VA0027979	7,300	0.30	2,200	910	1.10	1,000
270	I09R	Lower Jackson River STP	VA0090671	14,000	0.30	4,100	1,500	1.10	1,700
270	I04R	MeadWestvaco	VA0003646	370,000	0.30	110,000	160,000	1.10	180,000
280	H12R	Amherst Town - STP	VA0031321	6,000	0.61	3,700	550	1.10	600
280	H05R	BWX Technologies Inc	VA0003697	120,000	0.61	71,000	760	1.10	840
280	H05R	Greif Inc. - Riverville	VA0006408	65,000	0.61	40,000	31,000	1.10	34,000
280	H31R	Lake Monticello STP	VA0024945	17,000	0.61	10,000	1,100	1.10	1,200
280	H05R	Lynchburg City STP	VA0024970	420,000	0.61	260,000	26,000	1.10	29,000
280	H28R	Moore's Creek Regional STP	VA0025518	290,000	0.61	180,000	18,000	1.10	20,000
290	H38R	Powhatan CC STP	VA0020699	7,700	0.81	6,200	480	1.10	530

Proposed Regulations

300	J11R	Crewe WWTP	VA0020303	7,300	0.37	2,700	910	0.42	380
300	J01R	Farmville WWTP	VA0083135	27,000	0.37	9,900	3,400	0.42	1,400
600	G02E	Brown and Williamson	VA0002780	19,000	1.00	19,000	1,900	1.00	1,900
600	G01E	E I du Pont - Spruance	VA0004669	200,000	1.00	200,000	7,800	1.00	7,800
600	G01E	Falling Creek WWTP	VA0024996	140,000	1.00	140,000	14,000	1.00	14,000
600	G01E	Henrico County WWTP	VA0063690	780,000	1.00	780,000	78,000	1.00	78,000
600	G03E	Honeywell - Hopewell	VA0005291	1,100,000	1.00	1,100,000	52,000	1.00	52,000
600	G03R	Hopewell WWTP	VA0066630	1,200,000	1.00	1,200,000	53,000	1.00	53,000
600	G15E	HRSD - Boat Harbor STP	VA0081256	540,000	1.00	540,000	49,000	1.00	49,000
600	G11E	HRSD - James River STP	VA0081272	570,000	1.00	570,000	52,000	1.00	52,000
600	G10E	HRSD - Williamsburg STP	VA0081302	500,000	1.00	500,000	46,000	1.00	46,000
600	G02E	Philip Morris - Park 500	VA0026557	40,000	1.00	40,000	7,400	1.00	7,400
600	G01E	Proctors Creek WWTP	VA0060194	290,000	1.00	290,000	29,000	1.00	29,000
600	G01E	Richmond WWTP	VA0063177	1,000,000	1.00	1,000,000	73,000	1.00	73,000
600	J15R	South Central WW Authority	VA0025437	210,000	1.00	210,000	21,000	1.00	21,000
610	G07R	Chickahominy WWTP	VA0088480	2,300	1.00	2,300	76	1.00	76
610	G05R	Tyson Foods - Glen Allen	VA0004031	21,000	1.00	21,000	430	1.00	430
620	G11E	HRSD - Nansemond STP	VA0081299	640,000	1.00	640,000	58,000	1.00	58,000
960	G15E	HRSD - Army Base STP	VA0081230	500,000	1.00	500,000	46,000	1.00	46,000
960	G15E	HRSD - VIP WWTP	VA0081281	1,100,000	1.00	1,100,000	97,000	1.00	97,000
960	G15E	JH Miles & Company	VA0003263	20,000	1.00	20,000	680	1.00	680
965	C07E	HRSD - Ches.- Elizabeth STP	VA0081264	1,500,000	1.00	1,500,000	110,000	1.00	110,000
		TOTALS		12,001,600		11,155,600	1,148,596		1,184,636

9 VAC 25-720-70. Rappahannock River Basin.

REGISTRAR'S NOTICE: No changes are proposed to subsections A and B; therefore, the text of those subsections is not set out.

C. Nitrogen and phosphorus waste load allocations to restore the Chesapeake Bay and its tidal rivers.

The following table presents nitrogen and phosphorus waste load allocations for the identified significant dischargers, the associated delivery factors used for trading or offset purposes, and the total nitrogen and total phosphorus delivered waste load allocation for the basin. These individual significant discharger waste load allocations may be revised through the watershed trading program contained in 9 VAC 25-720-30. The waste load allocation listed below for a discharger, or the waste load allocation revised in accordance with 9 VAC 25-720-30, shall be achieved within four years following reissuance or modification of the discharger's VPDES permit, but in no case later than December 31, 2010.

Proposed Regulations

CBP Watershed Model Segment	Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Waste Load Allocation (lbs/yr)	TN Delivery Factor	TN Waste Load Delivered Allocation (lbs/yr)	Total Phosphorus (TP) Waste Load Allocation (lbs/yr)	TP Delivery Factor	TP Waste Load Delivered Allocation (lbs/yr)
230	E09R	Culpeper WWTP	VA0061590	55,000	0.61	33,000	4,100	1.03	4,200
230	E02R	Marshall WWTP	VA0031763	7,800	0.61	4,800	580	1.03	600
230	E13R	Orange STP	VA0021385	18,000	0.61	11,000	1,400	1.03	1,400
230	E11R	Rapidan STP	VA0090948	7,300	0.61	4,400	550	1.03	560
230	E02R	Remington WWTP	VA0076805	24,000	0.61	15,000	1,800	1.03	1,900
230	E02R	South Wales Utility STP	VA0080527	11,000	0.61	6,700	820	1.03	850
230	E02R	Warrenton Town STP	VA0021172	30,000	0.61	18,000	2,300	1.03	2,400
230	E18R	Wilderness WWTP	VA0083411	9,100	0.61	5,600	680	1.03	710
560	E20E	FMC WWTF	VA0068110	66,000	1.00	66,000	4,900	1.00	4,900
560	E20E	Fredericksburg WWTF	VA0025127	43,000	1.00	43,000	3,200	1.00	3,200
560	E21E	Haymount WWTF	VA0089125	12,000	1.00	12,000	870	1.00	870
560	E24E	Haynesville CC WWTP	VA0023469	2,800	1.00	2,800	210	1.00	210
560	E20E	Little Falls Run WWTF	VA0076392	97,000	1.00	97,000	7,300	1.00	7,300
560	E20E	Massaponax WWTF	VA0025658	97,000	1.00	97,000	7,300	1.00	7,300
560	E23R	Montross Westmoreland WWTP	VA0072729	1,200	1.00	1,200	91	1.00	91
560	E23E	Tappahannock WWTP	VA0071471	9,700	1.00	9,700	730	1.00	730
560	E26E	Urbanna WWTP	VA0026263	1,200	1.00	1,200	91	1.00	91
560	E21R	US Army - Ft. A P Hill WWTP	VA0032034	6,400	1.00	6,400	480	1.00	480
560	E23E	Warsaw Aerated Lagoons	VA0026891	3,600	1.00	3,600	270	1.00	270
580	C01E	Omega Protein - Reedville	VA0003867	16,000	1.00	16,000	1,200	1.00	1,200
580	C01E	Reedville Sanitary District	VA0060712	2,400	1.00	2,400	180	1.00	180
930	C01E	Kilmarnock WTP	VA0020788	6,100	1.00	6,100	460	1.00	460
		TOTALS:		526,600		462,900	39,512		39,902

9 VAC 25-720-110. Chesapeake Bay - Small Coastal - Eastern Shore River Basin.

REGISTRAR'S NOTICE: No changes are proposed to subsections A and B; therefore, the text of those subsections is not set out.

C. Nitrogen and phosphorus waste load allocations to restore the Chesapeake Bay and its tidal rivers.

The following table presents nitrogen and phosphorus waste load allocations for the identified significant dischargers, the associated delivery factors used for trading or offset purposes, and the total nitrogen and total phosphorus delivered waste load allocation for the basin. These individual significant discharger waste load allocations may be revised through the watershed trading program contained in 9 VAC 25-720-30. The waste load allocation listed below for a discharger, or the waste load allocation revised in accordance with 9 VAC 25-720-30, shall be achieved within four years following reissuance or modification of the discharger's VPDES permit, but in no case later than December 31, 2010.

Proposed Regulations

CBP Watershed Model Segment	Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Waste Load Allocation (lbs/yr)	TN Delivery Factor	TN Waste Load Delivered Allocation (lbs/yr)	Total Phosphorus (TP) Waste Load Allocation (lbs/yr)	TP Delivery Factor	TP Waste Load Delivered Allocation (lbs/yr)
440	C16E	Cape Charles Town WWTP	VA0021288	6,100	1.00	6,100	460	1.00	460
440	C11E	Onancock WWTP	VA0021253	3,000	1.00	3,000	230	1.00	230
440	C13E	Shore Memorial Hospital	VA0027537	1,200	1.00	1,200	91	1.00	91
440	C10E	Tangier WWTP	VA0067423	1,200	1.00	1,200	91	1.00	91
440	C10R	Tyson Foods - Temperanceville	VA0004049	20,000	1.00	20,000	980	1.00	980
		TOTALS:		31,500		31,500	1,852		1,852

9 VAC 25-720-120. York River Basin.

REGISTRAR'S NOTICE: No changes are proposed to subsections A and B; therefore, the text of those subsections is not set out.

C. Nitrogen and phosphorus waste load allocations to restore the Chesapeake Bay and its tidal rivers.

The following table presents nitrogen and phosphorus waste load allocations for the identified significant dischargers, the associated delivery factors used for trading or offset purposes, and the total nitrogen and total phosphorus delivered waste load allocation for the basin. These individual significant discharger waste load allocations may be revised through the watershed trading program contained in 9 VAC 25-720-30. The waste load allocation listed below for a discharger, or the waste load allocation revised in accordance with 9 VAC 25-720-30, shall be achieved within four years following reissuance or modification of the discharger's VPDES permit, but in no case later than December 31, 2010.

CBP Watershed Model Segment	Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Waste Load Allocation (lbs/yr)	TN Delivery Factor	TN Waste Load Delivered Allocation (lbs/yr)	Total Phosphorus (TP) Waste Load Allocation (lbs/yr)	TP Delivery Factor	TP Waste Load Delivered Allocation (lbs/yr)
240	F20R	Caroline County STP	VA0073504	7,300	0.42	3,100	460	0.43	200
250	F01R	Gordonsville STP	VA0021105	16,000	0.02	330	1,000	0.58	590
260	F04R	Ashland WWTP	VA0024899	38,000	0.51	19,000	2,400	0.58	1,400
260	F09R	Doswell WWTP	VA0029521	110,000	0.51	56,000	6,800	0.58	4,000
590	F27E	Giant Yorktown Refinery	VA0003018	170,000	1.00	170,000	22,000	1.00	22,000
590	F27E	HRSD - York River STP	VA0081311	310,000	1.00	310,000	19,000	1.00	19,000
590	F14R	Parham Landing WWTP	VA0088331	5,200	1.00	5,200	520	1.00	520
590	F14E	Smurfit Stone - West Point	VA0003115	300,000	1.00	300,000	28,000	1.00	28,000
590	F12E	Totopotomoy WWTP	VA0089915	120,000	1.00	120,000	7,600	1.00	7,600
590	F25E	West Point STP	VA0075434	15,000	1.00	15,000	910	1.00	910
940	C04E	HRSD Mathews Courthouse STP	VA0028819	1,900	1.00	1,900	120	1.00	120
		TOTALS:		1,093,400		1,000,530	88,810		84,340

VA.R. Doc. No. R04-78; Filed February 1, 2005, 2:26 p.m.

Proposed Regulations

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Titles of Regulations: 12 VAC 5-380. Regulations for the Licensure of Home Health Agencies (REPEAL).

12 VAC 5-381. Regulations for the Licensure of Home Care Organizations (adding 12 VAC 5-381-10 through 12 VAC 5-381-360).

Statutory Authority: §§ 32.1-12 and 32.1-162.12 of the Code of Virginia.

Public Hearing Date: April 12, 2005 - 10 a.m.

Public comments may be submitted until April 22, 2005.
(See Calendar of Events section for additional information)

Agency Contact: Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services and Consumer Protection, 3600 West Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail carrie.eddy@vdh.virginia.gov.

Basis: The regulation is promulgated by the Center for Quality Health Care Services and Consumer Protection of the Department of Health under the authority of § 32.1-162.12 of the Code of Virginia, which grants the Board of Health the legal authority to "prescribe such regulations governing the activities and services provided by home care organizations as may be necessary to protect the public health, safety and welfare."

Purpose: The purpose of the proposed regulation is to protect and promote public health, safety and welfare through the establishment and enforcement of regulations that set minimum standards for the operation of organizations providing home-based care. In addition, the purpose of the regulation is to assure quality health care through appropriate review and inspection while protecting the right to privacy of patients without unreasonably interfering with the provision of that care. The intent of the proposed regulation is to be more reflective of the changes occurring in the industry in the last decade, while providing the necessary consistency in the provision of services in order to assure safe, adequate and efficient home care organization operation.

Substance: As provided in § 32.1-162.12 of the Code of Virginia, provisions of the proposed regulation include: (i) an informed consent contract, (ii) the qualifications and supervision of licensed and nonlicensed personnel, (iii) a complaint procedure for consumers, (iv) the provision and coordination of treatment and services provided by the organization, (v) clinical records kept by the organization, and (vi) utilization and quality control review procedures and arrangements for the continuing evaluation of the quality of care provided. Additionally, the regulation "shall be appropriate for the categories of service" included in the definition of home care organizations found in the § 32.1-162.7 of the Code of Virginia. In addition, the department recognized the need to update the current regulation to address: (i) home visits, (ii) infection control practices, and (iii) consumer complaint procedures. The regulation governs the licensure of home care organizations unless they are specifically exempt from licensure as allowed in § 32.1-162.8 of the Code of Virginia.

Issues: The existing regulation governing home care organizations was promulgated in 1990. With changes in the home care industry, medical technology, and the Code of Virginia itself, the department recognized the need to update the regulation to be more reflective of those changes. Because services are rendered in a patient's residence, home care providers are not subject to the same public scrutiny as more formal health care institutions, i.e., hospitals and nursing facilities, making regulatory oversight of home health services an important governmental function. State licensure programs provide citizens with low cost assurance programs that licensees are delivering quality care. However, a critical component of any licensure program is that the licensure standards reflect currently accepted standards of practice. Since the home care organization regulation was promulgated over a decade ago, it no longer reflects "state of the art" criteria.

In 1991, the General Assembly amended the entire home health care section of the Code of Virginia, Article 7.1 (§ 32.1-162.7 et seq.) of Chapter 5 of Title 32.1. Changes that affected the regulation include: (i) redefining home care services specifying personal care services and pharmaceutical services to "individuals who have or are at risk of an illness, injury, or disabling condition," (ii) additional exemptions from licensure, and (iii) requiring a criminal record check for new employees. Those changes by themselves rendered the regulation out of step with the requirements of the law. However, the regulation reflects needed changes in many other sections as well, including but not limited to: (i) eliminating duplicative standards, (ii) reworking archaic language, and (iii) expanding the licensure process explanation.

In addition to statutory changes and regulatory expectations, the evolution of the home-based health care industry and advances in medical technology now allow the elderly, the disabled, and persons with higher disease acuity levels to remain in their own homes, rather than being admitted to medical care facilities. Providing more complex and potentially invasive procedures in a patient's home requires a strengthening of licensure standards in the areas of organization management, quality assurance, personnel requirements, and personal care services, and initiating new standards regarding infection control and home visits.

Responsible for implementing the medical care facilities and services regulatory program, the department recognized the need for stronger standards and a more user friendly regulation to ensure the welfare and safety of individuals receiving home-based care. Much work was necessary in order to bring the entire regulation up to currently accepted standards and practice. The approach used in developing the proposed regulation was to strive for simplicity, to avoid being burdensome, to meet the requirements of the law, and to reflect the home care industry's expansion into more medically oriented care. The primary advantage to the public as a result of that effort is the enhancements made to the regulation, which include:

1. Adding requirements for criminal record clearance for any compensated employee, a result of changes in the Code of Virginia;

2. Detailing the consumer complaint procedures;
3. Including home visits to patients as part of the licensing inspection;
4. Instituting quality improvement assessment indicators and infection control practice standards;
5. Eliminating the geographic service areas;
6. Coordinating standards, thereby eliminating contradictions with federal certification (Medicare/Medicaid) requirements;
7. Updating the insurance and medical record criteria to reflect correct practices;
8. Adopting a biennial inspection protocol;
9. Deleting the medical supplies and medical appliance section of the current regulation and broadening the personal care services section, a result of changes in the Code of Virginia;
10. Ensuring that the regulation is clearly understandable by updating the language and eliminating ambiguities; and
11. Reorganizing the regulation into a more user friendly format. The new arrangement is logical and orderly, facilitating use of the regulation.

There are no disadvantages to the public, the Commonwealth, or the home care organizations as a result of the proposed regulation. Every effort has been made to ensure the regulation protects the health and safety of patients receiving home care services while allowing providers to be more responsive to the needs of their patients. Failure to implement the regulation would cause the current regulation, which is outdated and not reflective of the industry today, to remain in effect.

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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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. Due to the extensive nature of the changes, Virginia Department of Health (VDH) proposes to replace the entire home care regulation with a new set of regulations. The proposed substantive changes are (i) adding supervision, continuing education, and qualification requirements for personnel, (ii) adding one year of experience or training in direct health care delivery services to administrator qualifications and requiring all back-up administrators to have the same qualifications as

administrators, (iii) increasing license fees, (iv) switching from annual inspections to biennial inspections, and (v) eliminating the restriction requiring home care agencies to provide services only in a defined geographic area. Other changes include adding a statutorily-required background check requirement for compensated employees, clarifying the type of insurance coverage required, requiring home visits to be part of the inspection protocol, clarifying the quality improvement assessment indicators, removing any requirements that contradict with Medicaid and Medicare certification requirements, detailing consumer complaint procedures, and clarifying financial control standards for initial licensure.

Estimated economic impact. These regulations contain rules for the operation, licensure, and inspection of home care organizations. Approximately 85 home care organizations currently fall under these regulations. This action contains numerous substantive changes for the home care industry. As discussed below, a few of the proposed changes are likely to introduce unnecessary industry-wide compliance costs.

Supervision, Continuing Education, and Personnel Qualifications. The proposed regulatory language with respect to the supervision and continuing education requirements for personnel providing different levels of services seems to be excessive. Excessive supervision and continuing education requirements have the potential to create significant economic costs for both providers and private paying customers.

Section 32.1-162.7 of the Code of Virginia describes three types of services in the definition of a home care organization: (1) home health services, (2) personal care services, and (3) pharmaceutical services. The proposed regulations define a uniform title, "home attendant," for personnel providing home health services and/or personal care services. The term "home health services" is not used or defined as it is in statute, but rather these services are described in terms of the services provided by a "home attendant." The proposed regulatory language in 12 VAC 5-381-320 and 12 VAC 5-381-360 delineating home health services and personal care services is as follows:

Home attendant services:

A. Services of the home attendant may include, but are not limited to:

1. Assisting clients with: (i) activities of daily living; (ii) ambulation and prescribed exercise; and (iii) other special duties with appropriate training and demonstrated competency;
2. Assisting with oral or topical medications that the client can normally self-administer;
3. Measuring and recording fluid intake and output;
4. Taking and recording blood pressure, pulse and respiration;
5. Recording and reporting to the appropriate health care professional changes in the client's condition;
6. Documenting services and observations in the home care record; and

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7. Performing any other duties that the aide is qualified to do by additional training and demonstrated competency, within state and federal guidelines.

Personal care services:

B. The personal care services shall include:

1. Assistance with the activities of daily living;
2. Taking and recording vital signs, if indicated in the personal care plan;
3. Recording, and reporting to the supervisor, any changes regarding the patient's condition, behavior or appearance; and
4. Documenting the services delivered in the patient's record.

Personal care services may also include instrumental activities of daily living related to the needs of the patient.

These descriptions clearly indicate that home health services are more medically demanding and extensive than personal care services. However, the proposed regulations provide only one title and define all home care aides, home health aides, and personal care aides as "home attendants." The proposed regulations also require that home attendants providing home health services work under the supervision of an appropriate health care professional and be supervised on-site at least once every 30 days by a therapist, a registered nurse (RN), or a licensed practical nurse (LPN). Similarly, home attendants providing personal care services are required to work under the supervision of an RN and be supervised on site at least once every 30 days by an RN, or an LPN.

The proposed requirement for supervision of home attendants providing only personal care services by an RN or LPN is problematic. First, the statutory language in § 32.1-162.7 of the Code of Virginia appears to envision no supervision for personal care services. The statute specifically requires home health services to be "provided by or under the direct supervision of any health care professional under a medical plan of care." By contrast, this specific supervision language is omitted in the description of personal care services. Second, the proposed supervision requirement for personal care services will force home care organizations wishing to provide only personal care to hire an RN or an LPN and introduce significant compliance costs. According to the Bureau of Labor Statistics, the most recent mean annual salary for registered nurses and licensed practical nurses in Virginia was \$47,610 and \$30,740, respectively.

The driving force behind the proposed supervision requirement for personal care services is concern about the protection of consumer health, safety, and welfare. In relation to this concern, it is imperative to note that these rules primarily regulate the provision of services to private payers who do not receive any public assistance.¹ It is also imperative

¹ Home care organizations providing services to Medicare recipients are routinely exempted from this regulation. Medicaid home care providers are not subject to these regulations. However, during this review, it was determined that the provision of personal care services by DSS is subject to these regulations.

to note that some of these services are nonmedical personal care services. It is not clear whether customers receiving only personal care services require the same level of protection as those receiving health-related services. Moreover, it is not clear whether personal care customers need assistance from a nurse to assess the impact of nonmedical support services on themselves. Bishop (1999, p. 283) suggests that while nurses are more likely to best assess the effects of health-related services on customers, individuals and families are likely to best assess the effects of compensatory nonmedical services.

VDH provided no evidence that unsupervised provision of nonmedical personal care poses significant health, safety, or welfare risks, and that supervision will reduce these risks. Instead, VDH argued that provision of all personal care services falls under the protected scope of nursing practice and that nursing delegation rules prevent the provision of these services without the supervision of a nurse. Contrary to VDH's belief, the executive director of the board of nursing stated on September 2, 2004, that "there is nothing in the scope of nursing practice regulations prohibiting provision of some personal care services by a home attendant without nursing supervision." The director of the nursing board is also of the opinion that "it is reasonable for some personal care to be provided without nurse supervision."

Medicare rules do not currently specify any supervisory requirements when only personal care services are provided. Moreover, the Department of Social Services' (DSS) experience with providing home care services and the Department of Medical Assistance Services' (DMAS) experience with providing home care services through the consumer-directed model do not support the supervision of personal care personnel.²

DSS has been providing home care services, including assistance with bathing, dressing, toileting, and eating/feeding, to over 5,000 adults every year for more than ten years. DSS requires minimal qualifications from home-based providers who provide personal care services. These qualifications are that all such providers (1) be at least 16 years old (homemaker providers must be 18 years old), (2) have a background check, and (3) demonstrate through interviews, references, and employment history basic knowledge and skills required for the job (22 VAC 40-700-30). There are no specific medical supervision requirements in the DSS regulations. Despite the lack of supervision of personnel providing ADLs, DSS staff is not aware of any significant concerns with the quality of care provided and report that the rate of complaints has been relatively low.

Similarly, under the consumer directed model, DMAS rules require that personal care aides (1) be at least 18 years old, (2) be able to perform the personal care tasks required by the

² An online survey conducted by VDH at the request of DPB revealed that at the least Hawaii, Ohio, Massachusetts, Pennsylvania, Vermont, Iowa, West Virginia, and Alabama do not require licensure for home care providers. Moreover, there is reason to believe that Connecticut, Colorado, Michigan, Wisconsin, South Carolina, and Kentucky do not have licensure requirements for service organizations providing only personal care. The fact that these states do not require licensure indicates a lack of substantiated health and safety risks associated with the provision of non-health care services.

client, and (3) pass the background check. Training, where necessary, is provided by the client or by a facilitator hired by DMAS. The aide's work is overseen by the client or by the facilitator who is not required to be an RN or have a degree in a human services field. Thus, the DMAS supervision requirement for consumer directed personal care is considerably less stringent than that proposed supervision requirements.

The need for nurse supervision of personal care providers apart, the proposed regulations require both home health service and personal care service personnel to receive exactly the same number of hours (12 hours per year) of continuing education or training. While it is not clear whether continuing education should be required for personal care providers at all, at the least, the level of ongoing education should be commensurate with the type of service provided. By not doing so, the proposed regulations are not cost effective and are likely to lead to a waste of resources.

Contrary to the supervision and continuing education requirements, the proposed regulations distinguish between home health services and personal care services in establishing personnel qualifications. Home attendants providing personal care services will be able to qualify by passing the Medicare competency evaluation, which does not require the evaluation of personnel in tasks they will not be furnishing to clients. The other option available for personnel providing personal care services is the satisfactory completion of a Medicaid aide training course for personal/respite care services. These two options for qualification are the least cost alternatives available to personnel providing personal care services. By requiring competency only in the areas in which services are to be provided, these proposed personnel qualifications are likely to be cost effective and economically efficient.

In summary, the proposed regulations establish the same supervisory and continuing education requirements for personnel providing personal care services and for personnel providing home health services. Moreover, the economic implications of failing to distinguish between the personal care and home health care when establishing supervisory requirements for the personnel could be quite significant.

The proposed supervision requirements eliminate economic incentives for providers wishing to provide and specialize in only personal care, but not in home health care. Under the proposed language, a personal care provider will be forced to hire a registered nurse or a licensed practical nurse to provide supervision, even if no home health care services are provided. Thus, these requirements can be expected to introduce unnecessary compliance costs and consequently create economic inefficiencies. One key unintended consequence of this regulatory provision will be to raise the price of personal care services, which is likely to result in a reduction in the number of hours purchased.

As mentioned previously, these rules primarily regulate the provision of services to private payers who do not receive any public assistance and DSS provision of personal care services. The likely effect of the proposed regulations on customers is very much analogous to them not being able to

buy a beverage without having to buy the entire combo meal at a fast food restaurant. In the home care market, unnecessary compliance costs will artificially raise the cost of personal care and equate it with the price of home health care. Distorted, or artificially high, personal care price is likely to discourage some customers from getting the personal care services they would have otherwise purchased. Thus, the providers will be forced to give less and customers will be forced to receive less than the economically optimal amount of personal care. In other words, economic resources of a customer are likely to be channeled into different uses that are not as desirable as personal care. This phenomenon is called as "allocative inefficiency," a technical term for the waste of society's scarce resources.

In addition, higher prices will encourage some customers to seek unregulated forms of personal care services such as the services offered by a family member, a neighbor, or an unlicensed organization. This may undermine the very intent of the proposed regulation, which is to protect the health, safety, and welfare of customers. For example, when these rules are adopted, DSS will no longer be able to provide the same amount of personal care services it currently provides due to increased costs associated with supervision of personal care services involving ADLs. Some low-income individuals are very much likely to stop receiving these services altogether, as they probably cannot afford to purchase these services privately. Similarly, there is little doubt that privately paying customers are likely to reduce consumption of personal care services in response to higher prices. Thus, it is impossible to conclude that the proposed regulations will achieve their goal of protecting health, safety, and welfare when it unambiguously reduces the consumption of needed personal care services.

In more personal terms, this regulation raises the cost to individuals of hiring personal care assistance. It does so by forcing consumers of this type of care to either to purchase a more expensive type of home care than they want or need or to go without altogether. For those who do choose to buy the more expensive form of home care, when they would otherwise have chosen a lower-priced alternative, the proposed regulations reduce the amount of money these clients have to spend on other goods. An unintended consequence of these regulations for those home care customers who choose to go without or to go to unregulated sources of home care is likely to be a lower quality health care under these regulations than under the existing regulations. VDH has not been able to provide any information that would lead one to conclude that there will be a net improvement in home care under the proposed supervision requirement. With or without this proposed rule, those who wish to purchase the more expensive type of care may do so if they wish. So, there is no reason to force individuals wishing to purchase a lower-priced product to pay for a higher-priced product when they do wish to do so.

Since these rules apply to many providers and affect thousands of private paying customers on a daily basis, even a small unnecessary increase in price could have significant economic consequences. For example, assuming that there are 5,000 customers who need two hours of personal care services every day and that these services could be provided

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at an hourly rate that is \$3 to \$5 less than the hourly rate for the home health services, customers needing only personal services could save between \$10.9 million to \$18.2 million a year, or \$2,190 to \$3,650 per person per year if these regulations were to distinguish different levels of home care. These are significant adverse implications for both customers and providers and beg the question: is it feasible to distinguish different levels of home care provided in Virginia and avoid a significant waste of resources?

To answer this question, one must ask whether it is practically possible to distinguish between different categories of home care services. The term "home care" is arbitrarily used to describe a wide spectrum of services ranging from skilled nursing and physical therapy to assistance with activities of daily living and even sometimes assistance with homemaker services. However, home care services can be relatively easily categorized with respect to their intended effect on the person receiving the service. For example, Bishop (1999) describes two categories of home care services: ones that focus on restoration, improvement, and maintenance of health and ones that focus on ongoing support for daily functioning. So, it seems possible to classify home care services as (1) medical services and (2) nonmedical services.

Furthermore, a 2002 position paper by Home Care Aide Association of America (HCAAA) may be used as a starting point to tailor these regulations such that they distinguish between different types of services and supervision requirements. HCAAA suggests three levels of home care aides with associated duties, training, and supervision.³ Duties of Home Care Aide I are outlined as assisting with environmental services such as housekeeping and homemaking services excluding personal care. Duties of Home Care Aide II are described as assisting clients and/or families with home management activities and personal care excluding duties that fall under a medically directed plan of care and excluding assistance with medication, or wound care. Duties of Home Care Aide III include working under a medically supervised plan of care to assist the client and/or family with household management and personal care. This position paper shows that it is feasible to define different levels of home care and to establish different levels of supervision depending on the type of service provided.

Available information strongly indicates that these regulations could easily be tailored to minimize, if not eliminate, their adverse economic effects on customers and providers, without posing any additional health and safety risks for the consumers. Additionally, the Code of Virginia not only allows, but also seems to require that these regulations distinguish between different levels of home care. So, for instance, the home health services mentioned in § 32.1-162.7 of the Code of Virginia could be defined as services that are similar to the Home Health Aide III services mentioned in the HCAAA position paper. Similarly, personal care services mentioned in the Code of Virginia could be defined as services that are similar to the Home Health Aide II services. The services

described for Home Health Aide I appear to closely resemble statutorily exempt services.

The potential pay-off that can be expected from additional efforts to distinguish among the different levels of home care service appears to be significant. Supervision of personnel providing personal care services may not be required, or experienced personal care personnel could provide any supervision that may be required without having personal care providers hire a registered nurse or a licensed practical nurse. Also, continuing education requirements for personnel may be revised to recognize the different levels of skill required for personal care personnel and home health personnel.

Administrator Qualifications

The proposed regulations add one-year training and experience in direct health care delivery to the existing qualifications for administrators. Also, the new language specifies that currently required supervisory experience be acquired within the last five years. In the past, the department received applications from people who were not qualified for the position, such as from a person with restaurant management experience or with experience in a position distantly related to health care. In one case, a home health care provider with tenure many years ago in home care who had abandoned all of his patients and was a defendant in an investment scam litigation applied for an administrator position. The purpose of these requirements is to make sure that administrators possess appropriate training and experience to manage a home care business.

While the main purpose of more advanced administrator qualifications is increasing the health and safety protection afforded to patients, the actual costs and benefits of this requirement will depend on the current compliance level with the proposed standards. Therefore, it is not clear whether the proposed administrator qualifications will introduce significant costs. In addition, the proposed regulations will require the person acting on behalf of the agency administrator to meet the same requirements as the administrator. According to comments received from members of the industry, this new requirement may place additional costs and burdens on home care organizations, especially on smaller organizations. In its submission package, VDH did not address the reasons for the identical requirements for the back up administrator. Since the agency has been unable to provide any examples of problems with unqualified personnel acting on behalf of administrators, it cannot be considered likely that the additional costs to home care organizations will lead to an increase in patient safety or quality of care. It is unclear whether the same level of qualifications is necessary for the back up administrators, as their responsibility is by definition temporary. It seems more likely that allowing a person with lower level qualifications to be a back up administrator would actually add to the net economic benefits.

³ This paper does not provide detailed information with respect to the type of supervision.

Licensure Fees

The proposed changes will significantly increase license fees. The fee changes are summarized in the following table.

Annual Budget	Type	Current Fee	Proposed Fee
Over \$200,000	Initial License	\$200	\$500
	Renewal License	\$100	\$500
\$100,000 to \$199,999	Initial License	\$150	\$500
	Renewal License	\$75	\$500
Less than \$100,000	Initial License	\$100	\$500
	Renewal License	\$50	\$500
All	License Reissue	\$25	\$250
All	License Extension/ Late Fee	\$25	\$50
All	Exemption Determination	NA	\$75

According to VDH, fees have not been updated since 1990.⁴ In fiscal year 2003, the annual budget for the home care program was \$176,430, which covered surveyors' salaries, benefits, travel expenses, and all other miscellaneous expenses. The average cost of a survey was about \$1,680. However, VDH only collected a total of \$17,220 from all providers, or about \$202 per provider. Thus, approximately 90% of total survey costs was financed through general fund revenues and only 10% through license fees. With the proposed fee structure, the department will collect approximately \$42,500 from providers every year. In short, proposed changes will shift a higher proportion of costs to operate the licensing program from the general fund to providers.

On average, a provider will pay an additional \$298 per year. Most home care recipients are private payers. Thus, the ability of providers to pass on some of the costs to their patients seems to be significant. However, the potential effects on prices and the quantity of services purchased do not seem to be significant due to large number of customers who will share the increase in fees. In exchange for very small costs on individual customers and providers, the main benefit of this change is the reduction in the general fund monies needed to finance this program.

Inspection Frequency

Another significant change is the proposal to conduct state inspections every two years rather than every year. The scope of the inspections covers the qualifications of the personnel, provision and coordination of services, management, operations, staffing, equipment, and clinical records, and quality of care. The department notes that the complaint rate for the home care program is nominal and indicates that complaints would be investigated when they are received regardless of when periodic inspections are scheduled. Thus, there does not seem to be a good reason to expect significant adverse health and safety effects from less frequently conducted state inspections.

On the other hand, biennial inspections will provide significant savings in staff time. The department notes that the number of licenses has been increasing in the last four years. The biennial inspections are expected to relieve some of the increase in the workload, allow the current staff to meet the current periodic survey needs, and improve complaint investigations.

Service Areas

The proposed changes will eliminate the restriction requiring home care agencies to provide services only in a defined geographic area. Under current regulations, home care organizations are limited to serve patients in service areas "geographically limited to the county or independent city in which that agency's office is located and the counties or independent cities immediately contiguous to that location or both." The removal of this restriction will provide significant benefits to providers as well as customers without introducing any additional public health and safety risks.

No change in health and safety risks is expected because there is no evidence indicating that service area boundaries contribute to improved quality of care or that home care organizations provide emergency services. Also, other health care professionals who provide care in home settings (such as physicians and therapists) are not restricted as to where they may accept patients.

The benefits of removing this restriction are significant. Without this restriction, home care providers will make their "location" decisions based on economic factors rather than regulatory requirements. Since firms strive to maximize profits, they are likely to provide services where the demand is highest and consequently improve access to services where they are needed the most. This change is also likely to contribute to competition in the home care market. Without geographic boundaries, a home care organization does not just compete with other (if any) providers within the same boundary, but all providers within reach of a customer. The customers will also have a broader selection of providers to choose from. If they are not satisfied with a provider, they can go to another provider that may not be in the same geographic area. The expected outcome is a market structure with characteristics much closer to that of a competitive market. Providers are likely to save because of the additional flexibility regarding where to locate or whom to serve. Customers are likely to benefit as they can now freely choose to receive services from any provider that suits them best. The overall expected result of the proposed change is an improved allocation of society's scarce resources and a net positive economic impact.

Other Miscellaneous Changes

The remaining changes are not likely to produce significant economic effects. They are mainly clarifications of current practice and updating of language to incorporate statutory changes that have occurred since 1990. These changes include adding a statutorily required background check for compensated employees, clarifying the type of insurance coverage required, requiring home visits to be part of the inspection protocol, clarifying the quality improvement assessment indicators, removing any requirements that

⁴ Consumer prices have increased by 45% on average since 1990.

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contradict Medicaid and Medicare certification requirements, detailing consumer complaint procedures, and clarifying financial control standards for initial licensure. These changes can be expected to increase the clarity of the regulation and provide some benefit to regulated community, at no significant additional cost.

Businesses and entities affected. The proposed regulations apply to approximately 85 home care providers licensed by the state.

Localities particularly affected. No localities are expected to be affected any more than others.

Projected impact on employment. The likely effects of the supervision requirement on employment are differential on providers according to the types of services provided and the market characteristics in the geographic area they are currently operating in. The supervision requirement may have caused hiring new personnel for personal care only providers but may have also increased compliance costs, which would have reduce the number of employment positions. On the other hand, the providers offering home health services in conjunction with the personal care services probably already have nursing personnel who can provide supervision eliminating the need to create additional positions for supervision, but the enhanced ability to charge higher prices for personal care under the supervision requirement may have contributed to their profitability and created new employment at the consumers' expense. In general, the proposed supervision requirements have been probably causing some providers to hire personnel beyond the economically optimal level while causing some other providers to reduce personnel below the optimal level. Since the supervision requirement distorts the prices in home care market, the overall effect on net employment is to drive it away from the optimal level, causing significant waste of resources.

The removal of geographic service area limitations could result in employment effects as well. Some home care firms will have reduced compliance costs, as they will now be able to make their location decisions based on economic factors alone. This may encourage firms to enter into the home care market in certain geographic areas, which would contribute to employment. On the other hand, some incumbent home care providers will face new competition and may lose some of their customers, leading to a reduction in the number of personnel needed to run their business. Additionally, some incumbents may be able to reduce their compliance costs because of no longer having to serve an entire geographic area. Contrary to the supervision requirements, removal of service area limitations is likely to improve allocative efficiency. This will be achieved through encouraging competition in the home care market and removing restrictions that distort current prices. While some providers will reduce their employment, others will increase their employment relative to current levels. Whether the net effect of removing geographic restrictions is an increase or decrease in employment, it will improve allocative efficiency and prevent waste of society's valuable resources.

In short, not only the net employment effects of each of these changes are ambiguous, but also the magnitudes of their

opposing effects on "allocative efficiency" are not known. Thus, it is impossible to make a conclusive statement about the net effect of the proposed regulations as a package on employment.

Effects on the use and value of private property. Similarly, no uniform effect on the value of businesses providing home care should be expected. Each provider will experience differential effects depending on whether the proposed changes improve their profitability or not. Some providers may experience improved profitability as result of improved regulatory design such as the removal of service area limitation while others may be hurt by it. The proposed supervision requirement could have been hurting or improving the profitability of an individual provider. Thus, it is impossible to make a conclusive statement about the net effect of the proposed regulations as a package on the use and value of businesses in Virginia's home care market.

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Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: Generally, VDH takes strong exception to statements made and conclusions drawn in the EIA regarding the proposed "Regulations for the Licensure of Home Care Organizations," specifically those questioning VDH's application of the home care law and the economic impact of the proposed regulation on the licensed entities. As the executive agency tasked with administering this statutorily authorized program, VDH will continue its commitment to administering it according to the law and nationally recognized standards of practice. Any questions regarding the economic viability of this program is solely within the purview of the General Assembly to determine. VDH takes exception to the more major disparities in the EIA related directly to the proposed regulation:

1. DPB's comments do not take into consideration the improvements in medical technology that allows more acutely ill individuals to remain in their own homes rather than being hospitalized or admitted to nursing facilities. Because of the increased acuity levels of consumers receiving home care services, personnel providing care must have the training to recognize any degree of functional change, in addition to properly caring for that individual without causing harm to the individual or themselves. As the population ages, this will become more apparent and necessary.

With increasing national attention focused on concerns about the quality of care for the elderly and disabled it would be counter to reduce agency protections that have been in place for 13 years. Examples of the concern include Senator Grassley's congressional oversight committee and the Governor's Task Force on Aging and public commitment to protections for the Commonwealth's seniors.

2. Twelve hours is a standard training expectation within the human resource industry, VDH is requiring nothing more than is required by DSS in its own "Local Department Approved Standards," not to mention the Centers for Medicare and Medicaid, as well as other states that require home care licensure. VDH strongly disagrees that the "ongoing education requirements" are "excessive" and "likely to lead to a waste of resources" as continued training allows individuals to "grow in their jobs," thus assuring a competent work force for the organization and greater services and protections for the patients receiving care from those organizations. In addition, the proposed regulation clearly allows for needed training in conjunction with supervisory visits, which results in reduced costs, not increased costs.

3. The stipulation that an RN provides supervision and oversight of services has been a regulatory requirement since 1991, so this is not a new requirement. This accepted policy for oversight has been a true quality of care safeguard. Section 32.1-162.12 (Regulations) of the Code requires that "such regulations governing the activities and services" of home care organizations address "quality control review procedures and arrangements for the

continuing evaluation of the quality of care provided." Only licensed professionals can perform this assessment.

At the request of the provider community, the proposed regulation was developed to conform to the federal certification requirements, which stipulate RN oversight.

4. VDH takes issue with the statement: "It is not clear whether customers receiving only personal care services require the same level of protection as those receiving health-related services." Clearly, the General Assembly addressed that concern by including personal care services as an adjunct to the home care services when the law was amended in 1991.

5. DPB is confusing the "professional management model" of care with the "consumer-driven model" of care. In the "professional management model," workers are employed by public or private, non-profit or proprietary organizations that include home care agencies and agencies providing personal care services. These agencies are regulated by state licensing laws and assume responsibility for recruiting, screening, training, paying and supervising the workers, as well as the administrative costs associated with recruitment, training, supervision and payroll functions. Client needs are assessed, care plans developed to meet those needs, and workers assigned to the client. Although given choices, clients typically do not have direct control over the type of services provided, the choice of workers, or the work schedule.

The EIA does not point out that the DSS's adult service entities are currently operating in violation of the law by providing services without being licensed as required. Currently, the law does not recognize an exemption for DSS's practices, as it does with federally certified programs under Medicare and Medicaid. Nor does the EIA explain that DMAS has requirements for both "professional management model" as well as and the "consumer-driven model" of care.

6. Statements such as "the requirements can be expected to introduce unnecessary compliance costs and consequently create economic inefficiencies" and "to purchase a more expensive type of care than [customers] want or need or to go without altogether" are misleading and speculative. In the past year, there has been a 31% increase in the number of entities requesting licensure, clearly an indication that home care has become an accepted and well-understood part of the health care system. With the burgeoning of the home care industry as the population ages it is necessary to have appropriate and adequate standards in place to assure consistency across the industry. VDH believes the proposed regulation accomplishes those protections, without being overly burdensome to providers.

In summary, VDH and the State Health Commissioner are committed to continuing its efforts in administering the home care program effectively, as Virginia law authorizes. The agency's mission requires nothing less. Until such time as the General Assembly elects to amend and reenact the home care statutes, VDH will continue to advocate for the protection of vulnerable individuals receiving health care services in their

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homes and out of the scrutiny of public review. VDH welcomes the opportunity to allow those affected by the proposed regulation to comment in order to modify any requirement, if necessary. In the two exposure drafts sent to interested parties in preparation for complying with the Administrative Process Act (APA), respondents have not commented that the regulation is confusing or overly burdensome as written.

Summary:

The proposed regulatory action repeals the existing Regulations for the Licensure of Home Health Agencies (12 VAC 5-380) and promulgates the Regulations for the Licensure of Home Care Organizations (12 VAC 5-381).

The proposed changes (i) add supervision, continuing education, and qualification requirements for personnel, (ii) add one year of experience or training in direct health care delivery services to administrator qualifications and require all back-up administrators to have the same qualifications as administrators, (iii) increase license fees, (iv) switch from annual inspections to biennial inspections, and (v) eliminate the restriction requiring home care agencies to provide services only in a defined geographic area.

Other changes include adding a statutorily-required background check requirement for compensated employees, clarifying the type of insurance coverage required, requiring home visits to be part of the inspection protocol, clarifying the quality improvement assessment indicators, removing any requirements that contradict with Medicaid and Medicare certification requirements, detailing consumer complaint procedures, and clarifying financial control standards for initial licensure.

CHAPTER 381.

REGULATIONS FOR THE LICENSURE OF HOME CARE ORGANIZATIONS

PART I.

DEFINITIONS AND GENERAL INFORMATION.

12 VAC 5-381-10. Definitions.

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

"Activities of daily living (ADLs)" means bathing, dressing, toileting, transferring, bowel control, bladder control and eating/feeding. A person's degree of independence in performing these activities is part of determining the appropriate level of care and services.

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a client by (i) a practitioner or by his authorized agent and under his direction or (ii) the client at the direction and in the presence of the practitioner as defined in § 54.1-3401 of the Code of Virginia.

"Administrator" means a person designated in writing by the governing body as having the necessary authority for the day-to-day management of the organization. The administrator must be a full-time employee. The administrator and the

director of nursing may be the same individual if that individual is dually qualified.

"Available at all times during operating hours" means an individual is readily available on the premises or by telecommunications.

"Barrier crimes" means certain offenses, specified in § 32.1-162.9:1 of the Code of Virginia, which automatically bar an individual convicted of those offenses from employment with a home care organization.

"Bylaws" means a set of rules adopted by the governing body for governing the organization. Bylaws are the written framework for governance that establishes the roles and responsibilities of a governing body and its members.

"Chore services" means assistance with nonroutine, heavy home maintenance for persons unable to perform such tasks. Chore services include minor repair work on furniture and appliances; carrying coal, wood and water; chopping wood; removing snow; yard maintenance; and painting.

"Client's residence" means the place where the individual or client makes his home such as his own apartment or house, a relative's home or an assisted living facility, but does not include a hospital, nursing facility or other extended care facility.

"Clinical note" means a written statement contained within a client's home care record, dated and signed by the person delivering the care, treatment or service, describing the treatment or services delivered and the effect of the care, treatment or services on the client's medical condition.

"Commissioner" means the State Health Commissioner.

"Companion services" means assisting persons unable to care for themselves without assistance. Companion services include transportation, meal preparation, shopping, light housekeeping, companionship, and household management.

"Contract services" means services provided through agreement with another agency, organization, or individual on behalf of the organization. The agreement specifies the services or personnel to be provided on behalf of the organization and the fees to provide these services or personnel.

"Criminal record report" means the statement issued by the Central Criminal Record Exchange, Department of State Police.

"Department" means the Virginia Department of Health.

"Direction" means the authority to carry out policy and give procedural guidance to accomplish a function or activity.

"Discharge summary" means a final written summary filed in a closed medical record of the service delivered, goals achieved and final disposition at the time of client's discharge from service.

"Dispense" means to deliver a drug to an ultimate user by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling or compounding necessary to prepare the substance for that

delivery as defined in § 54.1-3401 of Title 54.1 of the Code of Virginia.

"Employee" means an individual who has the status of an employee as defined by the U.S. Internal Revenue Service.

"Full time" means a minimum of a 37-1/2-hour work week.

"Governing body" means the individual, group or governmental agency that has legal responsibility and authority over the operation of the home care organization.

"Home attendant" means a nonlicensed individual performing home care, pharmaceutical and personal care services, under the supervision of the appropriate health professional, to a client in the client's residence. Home attendants are also known as home care aides, home health aides, or personal care aides.

"Home care organization" means a public or private entity providing an organized program of home care, pharmaceutical or personal care services in the residence of a client or individual in Virginia. A home care organization does not include any family members, relatives or friends providing caregiving services to persons who need assistance to remain independent and in their own homes.

"Home care record" means a continuous and accurate written account of services provided to a client, including information that has been dated and signed by the individuals who prescribed or delivered the treatment or care.

"Home health agency" means a public or private agency or organization, or part of an agency or organization, that meets the requirements for participation in Medicare under 42 CFR 440.70 (d), by providing skilled nursing services and at least one other therapeutic service, e.g., physical, speech or occupational therapy; medical social services; or home health aide services, and also meets the capitalization requirements under 42 CFR 489.28.

"Homemaker services" means assistance to persons with the inability to perform one or more instrumental activities of daily living. Homemaker services may also include assistance with bathing areas the client cannot reach, fastening client's clothing, combing hair, brushing dentures, shaving with an electric razor, and providing stabilization to a client while walking. Homemaker services do not include feeding, bed baths, transferring, lifting, putting on braces or other supports, cutting nails or shaving with a blade.

"Immediately" means within 24 consecutive hours.

"Infusion therapy" means the procedures or processes that involve the administration of injectable medications to clients via the intravenous, subcutaneous, epidural, or intrathecal routes. Infusion therapy does not include oral, enteral, or topical medications.

"Instrumental activities of daily living" means meal preparation, housekeeping/light housework, shopping for personal items, laundry, or using the telephone. A client's degree of independence in performing these activities is part of determining the appropriate level of care and services.

"Licensee" means a licensed home care provider.

"Medical plan of care" means a written plan of services, and items needed to treat a client's medical condition, that is prescribed, signed and periodically reviewed by the client's primary care physician.

"Nursing services" means client care services, including, but not limited to, the curative, restorative, or preventive aspects of nursing that are performed or supervised by a registered nurse according to a medical plan of care.

"Operator" means any individual, partnership, association, trust, corporation, municipality, county, local government agency or any other legal or commercial entity that is responsible for the day-to-day administrative management and operation of the organization.

"Organization" means a home care organization.

"Person" means any individual, partnership, association, trust, corporation, municipality, county, local government agency or any other legal or commercial entity that operates a home care organization.

"Personal care services" means the provision of assistance in the activities of daily living and may include instrumental activities of daily living related to the needs of the client to maintain the client's health and safety in their home.

"Primary care physician" means a physician licensed in Virginia, according to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1 of the Code of Virginia, or licensed in an adjacent state and identified by the client as having the primary responsibility in determining the delivery of the client's medical care.

"Qualified" means meeting current legal requirements of licensure, registration or certification in Virginia or having appropriate training, including competency testing, and experience commensurate with assigned responsibilities.

"Quality improvement" means ongoing activities designed to objectively and systematically evaluate the quality of client care and services, pursue opportunities to improve client care and services, and resolve identified problems. Quality improvement is an approach to the ongoing study and improvement of the processes of providing health care services to meet the needs of clients and others.

"Service area" means a clearly delineated geographic area in which the organization arranges for the provision of home care services, personal care services, or pharmaceutical services to be available and readily accessible to persons.

"Supervision" means the ongoing process of monitoring the skills, competencies and performance of the individual supervised and providing regular, documented, face-to-face guidance and instruction.

"Surety bond" means a consumer safeguard that directly protects clients from injuries and losses resulting from the negligent or criminal acts of contractors of the home care organization that are not covered under the organization's liability insurance. A fidelity type of surety bond, which covers dishonest acts such as larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction or willful misapplication, will meet the requirements of surety bond coverage for the purposes of this chapter.

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"Sworn disclosure" means a document to be completed, signed, and submitted for employment. The document discloses an applicant's criminal convictions and pending criminal charges occurring in Virginia or any other state.

"The center" means the Center for Quality Health Care Services and Consumer Protection of the Virginia Department of Health.

12 VAC 5-381-20. Responsibility of the department.

A. The department, pursuant to Article 7.1 (§ 32.1-162.7 et seq.) of Chapter 5 of Title 32.1 of the Code of Virginia, is charged with the responsibility for ensuring that home care organizations provide client care according to the requirements specified by the Code of Virginia and the regulations of the Board of Health.

B. The center acts as agent for the department in administering the licensing program, which includes investigating complaints made by the public against home care organizations.

C. Section 32.1-162.12 of the Code of Virginia requires the Board of Health to adopt standards and regulations for the licensure of home care organizations. The department is the authorized agent for the board.

D. In developing or revising licensing regulations for home care organizations, the department adheres to the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and the public participation process. The department solicits input from licensees, associations of licensees, experts in related fields, advocacy organizations, consumers and the general public in the development or revision of licensing regulations through informal and formal comment periods and, if necessary, public hearings.

12 VAC 5-381-30. License.

A. A license to operate a home care organization is issued to a person. Persons planning to seek federal certification or national accreditation pursuant to § 32.1-162.8 of the Code of Virginia must first obtain state licensure.

B. The commissioner shall issue or renew a license to establish or operate a home care organization if the commissioner finds that the home care organization is in compliance with the law and this regulation.

C. A separate license shall be required for home care organizations maintained at separate locations, even though they are owned or are operated under the same management.

D. Every home care organization shall be designated by an appropriate name. The name shall not be changed without first notifying the center.

E. Licenses shall not be transferred or assigned.

F. Any person establishing, conducting, maintaining, or operating a home care organization without a license shall be guilty of a Class 6 felony according to § 32.1-162.15 of the Code of Virginia.

12 VAC 5-381-40. Exemption from licensure.

A. This chapter is not applicable to those individuals and home care organizations listed in § 32.1-162.8 of the Code of Virginia. Organizations planning to seek federal certification as a home health agency or national accreditation must first obtain state licensure and provide services to clients before applying for national accreditation or federal certification.

In addition, this chapter is not applicable to those providers of only homemaker, chore or companion services as defined in 12 VAC 5-381-10.

B. A licensed organization requesting exemption must file a written request and pay the required fee stated in 12 VAC 5-381-80 D.

C. The home care organization shall be notified in writing if the exemption from licensure has been granted. The basis for the exemption approval will be stated and the organization will be advised to contact the center to request licensure should it no longer meet the requirement for exemption.

D. Exempted organizations are subject to complaint investigations in keeping with state law.

12 VAC 5-381-50. License application; initial and renewal.

A. The center provides prelicensure consultation and technical assistance regarding the licensure process. The purpose of such consultation is to explain the regulation and review an applicant's proposed program plans, forms, and other documents as they relate to the regulation. Prelicensure consultations are arranged after an initial application has been filed.

B. Licensure applications are obtained from the center. The center shall consider an application complete when all requested information and the appropriate fee, stated in 12 VAC 5-381-80, is submitted. If the center finds the application incomplete, the applicant will be notified in writing.

C. The activities and services of each applicant and licensee shall be subject to an inspection by the center to determine if the organization is in compliance with the provisions of this chapter and state law.

D. A completed application for initial licensure must be submitted at least 60 days prior to the organization's planned opening date to allow the center time to process the application. An incomplete application shall become inactive six months after it is received by the center. Applicants must then reapply for licensure with a completed application and application fee. An application for a license may be withdrawn at any time.

E. Licenses are renewed annually. The center shall send a renewal application at least 60 days prior to the expiration date of the current license.

F. It is the home care organization's responsibility to complete and return a renewal application to assure timely processing. Should a current license expire before a new license is issued, the current license shall remain in effect provided a complete and accurate application was filed on time.

12 VAC 5-381-60. Compliance appropriate for type of HCO.

All organizations shall be in compliance with Part I (12 VAC 5-381-10 et seq.) and Part II (12 VAC 5-381-160 et seq.) of this chapter. In addition, organizations shall be in compliance with Part III (12 VAC 5-381-300 et seq.), Part IV (12 VAC 5-381-350 et seq.), or Part V (12 VAC 5-381-360 et seq.) of this chapter as applicable to the services provided by the organization.

12 VAC 5-381-70. Changes to or reissue of a license.

A. It is the responsibility of the organization's governing body to maintain a current and accurate license. Licenses that are misplaced or lost must be replaced.

B. An organization shall give written notification 30 working days in advance of any proposed changes that may require the reissuance of a license as determined by the center. Notices shall be sent to the attention of the Director of the Center for Quality Health Care Services and Consumer Protection.

The following changes require the reissuance of a license and payment of a fee:

1. Operator;
2. Organization name; or
3. Address.

C. The center will evaluate written information about any planned changes in operation that affect the terms of the license or the continuing eligibility for a license. A licensing representative may inspect the organization during the process of evaluating a proposed change.

D. The organization will be notified in writing whether a license can be reissued or a new application is needed.

12 VAC 5-381-80. Fees.

A. The Center shall collect a fee of \$500 for each initial and renewal license application. Fees shall accompany the licensure application and are not refundable.

B. An additional late fee of \$50 shall be collected for an organization's failure to file a renewal application by the date specified.

C. A processing fee of \$250 shall be collected for each reissuance or replacement of a license and shall accompany the written request for reissuance or replacement.

D. A one time processing fee of \$75 for exemption from licensure shall accompany the written exemption request.

12 VAC 5-381-90. On-site inspections.

A. A center representative shall make periodic unannounced on-site inspections of each home care organization as necessary but not less often than biennially. The organization shall be responsible for correcting any deficiencies found during any on-site inspection. Compliance with all standards will be determined by the center.

B. The home care organization shall make available to the center's representative any necessary records and shall allow access to interview the agents, employees, contractors, and any person under the organization's control, direction or supervision.

C. After the on-site inspection, the center's representative shall discuss the findings of the inspection with the administrator or his designee.

D. The administrator shall submit, within 15 working days of receipt of the inspection report, an acceptable plan for correcting any deficiencies found. The plan of correction shall contain:

1. A description of the corrective action or actions to be taken and the personnel to implement the corrective action;
2. The expected correction date;
3. A description of the measures implemented to prevent a recurrence of the violation; and
4. The signature of the person responsible for the validity of the report.

E. The administrator will be notified whenever any item in the plan of correction is determined to be unacceptable.

F. The administrator shall be responsible for assuring the plan of correction is implemented and monitored so that compliance is maintained.

G. Completion of corrective actions shall not exceed 45 working days from the last day of the inspection.

12 VAC 5-381-100. Home visits.

A. As part of any inspection, a center representative may conduct home visits.

B. The home care organization shall be responsible for arranging in-home visits with clients, family members, and caregivers for the center's representative.

C. The organization shall explain clearly to the client, family or caretaker that the permission for the representative's home visit is voluntary and that consent to the home visit will not affect the client's care or other health benefits.

12 VAC 5-381-110. Complaint investigation.

A. The center has the responsibility to investigate any complaints regarding alleged violations of this chapter and applicable law.

B. Complaints may be received in writing or orally and may be anonymous.

C. When the investigation is complete, the licensee and the complainant, if known, will be notified of the findings of the investigation.

D. As applicable, the administrator shall submit an acceptable plan of correction for any deficiencies found during a complaint investigation.

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E. The administrator will be notified in writing whenever any item in the plan of correction is determined to be unacceptable.

F. The administrator shall be responsible for assuring the plan of correction is implemented and monitored so that compliance is maintained.

12 VAC 5-381-120. Criminal records checks.

A. Section 32.1-162.9:1 of the Code of Virginia requires home care providers, as defined in § 32.1-162.7 of the Code of Virginia, to obtain a criminal record report on applicants for compensated employment from the Virginia Department of State Police. Section 32.1-162.9:1 of the Code of Virginia also requires that all applicants for employment in home care organizations provide a sworn disclosure statement regarding their criminal history.

B. The criminal record report shall be obtained within 30 days of employment. It shall be the responsibility of the organization to ensure that its employees have not been convicted of any of the barrier crimes listed in § 32.1-162.9:1 of the Code of Virginia.

C. The organization shall not accept a criminal record report dated more than 90 days prior to the date of employment.

D. Only the original criminal record report shall be accepted. An exception is permitted for organizations using temporary staffing agencies for the provision of substitute staff. The organization shall obtain a letter from the temporary staffing agency containing the following information:

1. The name of the substitute staffing person;
2. The date of employment by the temporary staffing agency; and
3. A statement verifying that the criminal record report has been obtained within 30 days of employment, is on file at the temporary staffing agency, and does not contain any barrier crimes listed in § 32.1-162.9:1 of the Code of Virginia.

E. A criminal record report remains valid as long as the employee remains in continuous service with the same organization.

F. A new criminal record report and sworn statement shall be required when an individual terminates employment at one home care organization and begins work at another home care organization. The following exceptions are permitted:

1. When an employee transfers within 30 days to an organization owned and operated by the same entity. The employee's file shall contain a statement that the original criminal record report has been transferred or forwarded to the new work location.
2. When an individual takes a leave of absence, the criminal record report and sworn statement will remain valid as long as the period of separation does not exceed six consecutive months. If six consecutive months have passed, a new criminal record report and sworn disclosure statement are required.

G. The sworn disclosure statement shall be completed by all applicants for employment. The sworn disclosure statement shall be attached to and filed with the criminal record report.

H. Any applicant denied employment because of convictions appearing on his criminal record report shall be provided a copy of the report by the hiring organization.

I. All criminal records reports shall be confidential and maintained in locked files accessible only to the administrator or designee.

J. Further dissemination of the criminal record report and sworn disclosure statement information is prohibited other than to the commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

12 VAC 5-381-130. Variances.

A. The center can authorize variances only to its own licensing regulations, not to regulations of another agency or to any requirements in federal, state, or local laws.

B. A home care organization may request a variance to a particular regulation or requirement contained in this chapter when the standard or requirement poses a special hardship and when a variance to it would not endanger the safety or well-being of clients. The request for a variance must describe how compliance with the current regulation is economically burdensome and constitutes a special hardship to the home care organization and to the clients it serves. When applicable, the request should include proposed alternatives to meet the purpose of the requirements that will ensure the protection and well-being of clients. At no time shall a variance approved for one individual be extended to general applicability. The home care organization may at any time withdraw a request for a variance.

C. The center shall have the authority to waive, either temporarily or permanently, the enforcement of one or more of these regulations provided safety, client care and services are not adversely affected.

D. The center may rescind or modify a variance if (i) conditions change; (ii) additional information becomes known that alters the basis for the original decision; (iii) the organization fails to meet any conditions attached to the variance; or (iv) results of the variance jeopardize the safety, comfort, or well-being of clients.

E. Consideration of a variance is initiated when a written request is submitted to the Director, Center for Quality Health Care Services and Consumer Protection. The center shall notify the home care organization in writing of the receipt of the request for a variance. The center may attach conditions to a variance to protect the safety and well-being of the client.

F. When the decision is to deny a variance, the licensee shall be notified in writing.

G. If a variance is denied, expires, or is rescinded, routine enforcement of the regulation or portion of the regulation shall be resumed.

H. The home care organization shall develop procedures for monitoring the implementation of any approved variances to assure the ongoing collection of any data relevant to the variance and the presentation of any later report concerning the variance as requested by the center.

12 VAC 5-381-140. Revocation or suspension of a license.

A. The commissioner is authorized to revoke or suspend any license if the licensee fails to comply with the provisions of Article 7.1 (§ 32.1-162.7 et seq.) of Chapter 5 of Title 32.1 of the Code of Virginia or the regulations of the board.

B. If a license is revoked, the commissioner may issue a new license when the conditions upon which revocation was based have been corrected and compliance with all provisions of the law and this chapter has been achieved.

C. When a license is revoked or suspended, the organization shall cease operations. If the organization continues to operate after its license has been revoked or suspended, the commissioner may request the Office of the Attorney General to petition the circuit court of the jurisdiction in which the home care organization is located for an injunction to cause such home care organization to cease operations.

D. Suspension of a license shall in all cases be for an indefinite time. The suspension may be lifted and rights under the license fully or partially restored at such time as the commissioner determines that the rights of the licensee appear to so require and the interests of the public will not be jeopardized by resumption of operation.

12 VAC 5-381-150. Surrender of a license.

A. Circumstances under which a license must be surrendered include, but are not limited to (i) transfer of ownership and (ii) discontinuation of services.

B. The licensee shall notify its clients and the center, in writing, 30 days before discontinuing services.

C. If the organization is no longer operational, or the license has been suspended or revoked, the license shall be returned to the center within five working days. The licensee shall notify the organization's clients and the center where all home care records will be located.

PART II.
ADMINISTRATIVE SERVICES.

12 VAC 5-381-160. Management and administration.

A. No person shall establish or operate a home care organization, as defined in § 32.1-162.7 of the Code of Virginia, without having obtained a license.

B. The organization must comply with:

1. This chapter (12 VAC 5-381);
2. Other applicable federal, state or local laws and regulations; and
3. The organization's own policies and procedures.

C. The organization shall submit or make available reports and information necessary to establish compliance with this chapter and applicable law.

D. The organization shall permit representatives from the center to conduct inspections to:

1. Verify application information;
2. Determine compliance with this chapter;
3. Review necessary records and documents; and
4. Investigate complaints.

E. The organization shall notify the center 30 days in advance of changes affecting the organization, including the:

1. Service area;
2. Mailing address of the organization;
3. Ownership;
4. Services provided;
5. Operator;
6. Administrator;
7. Organization name; and
8. Closure of the organization.

F. The current license from the department shall be posted for public inspection.

G. Service providers or community affiliates under contract with the organization must comply with the organization's policies and this chapter.

H. The organization shall not use any advertising that contains false, misleading or deceptive statements or claims, or false or misleading disclosures of fees and payment for services.

I. The organization shall have regular posted business hours and be fully operational during such business hours. In addition, the organization shall provide or arrange for services to their clients on an emergency basis 24 hours a day, seven days a week. However, this does not mean that an organization must accept new clients on an emergency basis during nonbusiness hours.

J. The organization shall accept a client only when the organization can adequately meet that client's medical, rehabilitation, or medical social service needs in the client's place of residence.

K. The organization must have a prepared plan for emergency operations in case of inclement weather or natural disaster to include contacting and providing essential care to clients, coordinating with community agencies to assist as needed, and maintaining a current list of clients who would require specialized assistance.

12 VAC 5-381-170. Governing body.

A. The organization shall have a governing body that is legally responsible for the management, operation and fiscal affairs of the organization. The governing body of a hospital that

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operates a home care organization shall include in its internal organization structure an identified unit of home care services.

B. The governing body shall adopt written bylaws describing the organizational structure, including the:

1. Organization's objectives;
2. Scope of services;
3. Relationship of the organization's services to other services operated by the governing body; and
4. Establishment of a quality improvement committee.

At least every two years the governing body shall review and approve necessary changes to the organization's bylaws.

C. The governing body shall review annually and approve the written policies and procedures of the organization.

D. The governing body shall review annually and approve the recommendations of the quality improvement committee, when appropriate.

12 VAC 5-381-180. Administrator.

A. The governing body shall appoint as administrator an individual who has evidence of at least one year of training and experience in direct health care service delivery with at least one year within the last five years of supervisory or administrative management experience in home health care or a related health program.

B. The administrator shall be responsible for the day-to-day management of the organization, including but not limited to:

1. Organizing and supervising the administrative function of the organization;
2. Maintaining an ongoing liaison with the governing body, the professional personnel and staff;
3. Employing qualified personnel and ensuring adequate staff orientation, training, education and evaluation;
4. Ensuring the accuracy of public information materials and activities;
5. Implementing an effective budgeting and accounting system;
6. Maintaining compliance with applicable laws and regulations and implementing corrective action in response to reports of organization committees and regulatory agencies;
7. Arranging and negotiating services provided through contractual agreement; and
8. Implementing the policies and procedures approved by the governing body.

C. An individual who meets the qualifications of subsection A of this section shall be designated to perform the duties of the administrator when the administrator is absent from the organization.

Organizations shall have one year from [the effective date of this chapter] to ensure that individuals currently designated meet the qualifications of subsection A of this section.

D. The administrator or his designee shall be available at all times during operating hours and for emergency situations.

12 VAC 5-381-190. Written policies and procedures.

A. The organization shall implement written policies and procedures approved by the governing body.

B. All policies and procedures shall be reviewed at least annually, with recommended changes submitted to the governing body for approval, as necessary.

C. Administrative and operational policies and procedures shall include, but are not limited to:

1. Administrative records;
2. Admission and discharge criteria;
3. Informed consent;
4. Advance directives, including Durable Do Not Resuscitate Orders;
5. Client rights;
6. Contract services;
7. Medication management;
8. Quality improvement;
9. Mandated reporting of abuse, neglect and exploitation pursuant to § 63.2-1606 of the Code of Virginia;
10. Communicable and reportable diseases;
11. Home care records, including confidentiality;
12. Record retention, including termination of services;
13. Supervision and delivery of services;
14. Emergency and after-hour care;
15. Infection control;
16. Handling consumer complaints; and
17. Approved variances.

D. Financial policies and procedures shall include, but are not limited to:

1. Admission agreements;
2. Data collection and verification of services delivered;
3. Methods of billing for services by the organization and by contractors;
4. Client notification of changes in fees and charges;
5. Correction of billing errors and refund policy; and
6. Collection of delinquent client accounts.

E. Personnel policies and procedures shall include, but are not limited to a:

1. *Written job description that specifies authority, responsibility, and qualifications for each job classification;*
2. *Process for maintaining an accurate, complete and current personnel record for each employee;*
3. *Process for verifying current professional licensing or certification and training of employees or independent contractors;*
4. *Process for annually evaluating employee performance and competency;*
5. *Process for verifying that contractors and their employees meet the personnel qualifications of the organization;*
6. *Process for obtaining a criminal background check; and*
7. *Process for reporting licensed and certified medical personnel for violations of their licensing or certification to the appropriate board within the Department of Health Professions.*

F. Admission and discharge policies and procedures shall include, but are not limited to:

1. *Criteria for accepting clients for services offered;*
2. *The process for obtaining a plan of care;*
3. *Criteria for determining discharge from each service and referral to other agencies or community services; and*
4. *Process for notifying clients of intent to discharge or refer, including:*
 - a. *Oral and written notice and explanation of the reason for discharge or referral;*
 - b. *The name, address, telephone number and contact name at the referral organization; and*
 - c. *Documentation in the home care record of the referral or notice.*

G. Policies shall be made available for review, upon request, to clients and their designated representatives.

H. Policies and procedures shall be readily available for staff use at all times.

12 VAC 5-381-200. Financial controls.

A. The organization shall document financial resources to operate based on a working budget showing projected revenue and expenses.

B. All financial records shall be kept according to generally accepted accounting principles (GAAP).

C. All financial records shall be audited at least triennially by an independent certified public accountant (CPA) or audited as otherwise provided by law.

D. The organization shall have documented financial controls to minimize risk of theft or embezzlement.

12 VAC 5-381-210. Personnel practices.

A. Personnel management and employment practices shall comply with applicable state and federal laws and regulations.

B. The organization shall design and implement a staffing plan that reflects the types of services offered and shall provide qualified staff in sufficient numbers to meet the assessed needs of all clients.

C. Employees and contractors shall be licensed or certified as required by the Department of Health Professions.

D. The organization shall design and implement a mechanism to verify professional credentials.

E. Any person who assumes the responsibilities of any staff position or positions shall meet the minimum qualifications for that position or positions.

F. The organization shall obtain the required sworn statement and criminal record check for each compensated employee as specified in § 32.1-162.9:1 of the Code of Virginia.

G. Each employee position shall have a written job description that includes:

1. *Job title;*
2. *Duties and responsibilities required of the position;*
3. *Job title of the immediate supervisor; and*
4. *Minimum knowledge, skills, and abilities or professional qualifications required for entry level.*

H. Employees shall have access to their current position description. There shall be a mechanism for advising employees of changes to their job responsibilities.

I. New employees and contract individuals shall be oriented commensurate with their function or job-specific responsibilities. Orientation shall include:

1. *Objectives and philosophy of the organization;*
2. *Practices of confidentiality;*
3. *Practices that assure client rights;*
4. *Mandated reporting of abuse, neglect, and exploitation;*
5. *Applicable personnel policies;*
6. *Emergency preparedness procedures;*
7. *Infection control practices and measures; and*
8. *Applicable laws, regulations, and other policies and procedures that apply to specific positions, specific duties and responsibilities.*

J. The organization shall develop and implement a policy for evaluating employee performance.

K. Individual staff development needs and plans shall be a part of the performance evaluation.

L. The organization shall provide opportunities for and record participation in staff development activities designed to enable staff to perform the responsibilities of their positions.

M. All individuals who enter a client's home for or on behalf of the organization shall be readily identifiable by employee nametag, uniform or other visible means.

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N. The organization shall maintain an organized system to manage and protect the confidentiality of personnel files and records.

O. Employee personnel records, whether hard copy or electronic, shall include:

1. Identifying information;
2. Education and training history;
3. Employment history;
4. Results of the verification of applicable professional licenses or certificates;
5. Results of reasonable efforts to secure job-related references and reasonable verification of employment history;
6. Results of performance evaluations;
7. A record of disciplinary actions taken by the organization, if any;
8. A record of adverse action by any licensing bodies and organizations, if any;
9. A record of participation in staff development activities, including orientation; and
10. The criminal record check and sworn affidavit.

P. Each employee personnel record shall be retained in its entirety for a minimum of three years after termination of employment.

Q. Personnel record information shall be safeguarded against loss and unauthorized use.

R. Employee health-related information shall be maintained separately within the employee's personnel file.

12 VAC 5-381-220. Indemnity coverage.

A. The governing body shall ensure the organization and its contractors have appropriate indemnity coverage to compensate clients for injuries and losses resulting from services provided.

B. The organization shall purchase and maintain the following types and minimum amounts of indemnity coverage at all times:

1. Blanket malpractice insurance consistent with § 8.01-581.15 of the Code of Virginia;
2. General liability insurance covering personal property damages, bodily injuries, product liability, and libel and slander of at least \$1 million comprehensive general liability per occurrence; and
3. Surety bond coverage of \$50,000 minimum.

12 VAC 5-381-230. Contract services.

A. There shall be a written agreement for the provision of services not provided by employees of the organization.

B. The written agreement shall include, but is not limited to:

1. The services to be furnished by each party to the contract;

2. The contractor's responsibility for participating in developing plans of care;

3. The manner in which services will be controlled, coordinated, and evaluated by the primary home care organization;

4. The procedures for submitting clinical and progress notes, scheduling of visits, and periodic client evaluation;

5. The process for payment for services furnished under the contract; and

6. Adequate liability insurance and surety bond coverage.

C. The organization shall have a written plan for provision of services when a contractor is unable to deliver services.

D. The contractor shall conform to applicable organizational policies and procedures as specified in the contract, including the required affidavit and criminal record check.

12 VAC 5-381-240. Client rights.

A. The organization shall establish and implement written policies and procedures regarding the rights of clients.

B. Client rights shall be reviewed with clients or client designees upon admission to the organization. The review shall be documented in the client's record.

C. Written procedures to implement the policies shall ensure that each client is:

1. Treated with courtesy, consideration and respect and is assured the right of privacy;
2. Assured confidential treatment of his medical and financial records as provided by law;
3. Free from mental and physical abuse, neglect, and property exploitation;
4. Assured the right to participate in the planning of the client's home care, including the right to refuse services;
5. Served by individuals who are properly trained and competent to perform their duties;
6. Assured the right to voice grievances and complaints related to organizational services without fear of reprisal;
7. Advised, before care is initiated, of the extent to which payment for the home care organization services may be expected from federal or state programs, and the extent to which payment may be required from the client;
8. Advised orally and in writing of any changes in fees for services that are the client's responsibility. The home care organization shall advise the client of these changes as soon as possible, but no later than 30 calendar days from the date the home care organization became aware of the change;
9. Provided with advance directive information prior to start of services; and

10. Given at least five days written notice when the organization determines to terminate services.

D. Before care is initiated, the home care organization shall inform the client, orally and in writing, of:

1. The nature and frequency of services to be delivered and the purpose of the service;
2. Any anticipated effects of treatment, as applicable;
3. A schedule of fees and charges for services;
4. The method of billing and payment for services, including the:
 - a. Services to be billed to third party payers;
 - b. Extent to which payment may be expected from third party payers known to the home care organization; and
 - c. Charges for services that will not be covered by third party payers;
5. The charges that the individual may have to pay;
6. The requirements of notice for cancellation or reduction in services by the organization and the client; and
7. The refund policies of the organization.

12 VAC 5-381-250. Complaints.

A. The organization shall establish and maintain complaint handling procedures that specify the:

1. System for logging receipt, investigation and resolution of complaints;
2. Format of the written record of the findings of each complaint investigated;
3. Method in which the adult protective services unit of the local social services department is to be informed and for what complaints; and
4. Description of the appeal rights if a complainant is not satisfied with the resolution.

B. The organization shall designate staff responsible for complaint resolution, including:

1. Complaint intake, including acknowledgment of complaints;
2. Investigation of the complaint;
3. Review of the investigation of findings and resolution for the complaint; and
4. Notification to the complainant of the proposed resolution within 30 days from the date of receipt of the complaint.

C. The client or his designee shall be given a copy of the complaint procedures at the time of admission to service. The organization shall provide each client or his designee with the name, mailing address, and telephone number of the:

1. Organization contact person;
2. State Ombudsman; and

3. Center for Quality Health Care Services and Consumer Protection.

D. The organization shall maintain documentation of all complaints received and the status of each complaint from date of receipt through its final resolution. Records shall be maintained from the date of last inspection and for no less than three years.

12 VAC 5-381-260. Quality improvement.

A. An organization providing home care services shall implement an ongoing, comprehensive, integrated, self-assessment program of the quality and appropriateness of care provided, including services provided under contract or agreement. The quality improvement program shall address actual client outcomes (results of care), clinical, administrative, and cost-of-care issues. The findings shall be used to correct identified problems and revise policies and practices, as necessary. Exclusive concentration on administrative or cost-of-care issues does not fulfill this requirement.

B. The following data shall be evaluated to identify unacceptable or unexpected trends or occurrences that influence client outcomes (results of care):

1. Staffing patterns and clinical performance to assure adequacy and appropriateness of services delivered;
2. Unexpected results of admissions and discharges;
3. Supervision appropriate to the level of service;
4. Emergency preparedness plan;
5. Home care records for appropriateness of services including (i) complications, (ii) admissions to inpatient facilities, (iii) follow-up on abnormal findings and laboratory test results, (iv) medication errors, and (v) specific diagnoses;
6. Client satisfaction;
7. Complaint resolution;
8. Infections;
9. Staff concerns regarding client care; and
10. Provision of services appropriate to the clients' needs.

C. The administrator or governing body shall appoint or designate a quality improvement committee, which is responsible for the oversight and supervision of the program. The committee shall consist of:

1. A physician with association to the organization;
2. A member of the administrative staff;
3. Representatives from each of the services provided by the organization, including contracted services; and
4. An individual with demonstrated ability to represent the rights and concerns of clients. The individual may be a member of the organization staff, a client, or a client's family member.

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In selecting members of this committee, consideration shall be given to a candidate's abilities and sensitivity to issues relating to quality of care and services provided to clients.

D. Measures shall be implemented to resolve important problems or concerns that have been identified. Health care practitioners as well as administrative staff shall participate in the resolution of the problems or concerns that are identified.

E. Results of the quality improvement program shall be reported annually to the governing body and the administrator and available in the organization. The report shall be acted upon by the governing body and the organization. All corrective actions shall be documented.

12 VAC 5-381-270. Infection control.

A. The organization shall implement a program to reduce the risk of infection.

B. Infection control activities shall include, but are not limited to:

- 1. Staff education regarding infection risk-reduction behaviors;*
- 2. Use of universal precautions;*
- 3. Handling, storing, processing and transporting of regulated medical waste according to applicable procedures;*
- 4. Handling, storing, processing and transporting supplies and equipment in a manner that prevents the spread of infections; and*
- 5. Monitoring staff performance in infection control practices.*

C. Accumulated waste, including all contaminated sharps, dressings, or similar infectious waste, shall be disposed of in a manner compliant with the OSHA Bloodborne Pathogens standard (29 CFR 1910.1030).

12 VAC 5-381-280. Home care record system.

A. The organization shall maintain an organized home care record system according to accepted standards of practice. Written policies and procedures shall specify retention, reproduction, access, storage, content, and completion of the record.

B. The home care record information shall be safeguarded against loss or unauthorized use.

C. Home care records shall be confidential. Only authorized personnel shall have access as specified by state and federal law.

D. Provisions shall be made for the safe storage of the original record and for accurate and legible reproductions of the original.

E. Policies shall specify arrangements for retention and protection of records if the organization discontinues operation and shall provide for notification to the center and the client of the location of the records.

F. An accurate and complete home care record shall be maintained for each client receiving home care services and shall include, but shall not be limited to:

- 1. Client identifying information;*
- 2. Identification of the primary care physician;*
- 3. Admitting information, including a client history;*
- 4. Information on the composition of the client's household, including individuals to be instructed in assisting the client;*
- 5. Documentation and results of all medical tests ordered by the physician or other health care professional and performed by the organization's staff;*
- 6. A medical plan of care including appropriate assessment and management of pain;*
- 7. An initial assessment of client care needs to develop a plan of treatment;*
- 8. A plan of care that includes the type and frequency of each service to be delivered either by organization personnel or contract services;*
- 9. Medication sheets, when applicable, which include the name, dosage, frequency of administration, possible side effects, route of administration, and date started, changed or discontinued for each medication administered;*
- 10. Copies of all summary reports sent to the primary care physician;*
- 11. Reports of case reviews;*
- 12. Documentation of client rights review; and*
- 13. A discharge summary.*

G. Signed and dated progress notes by each individual delivering service shall be written on the day the service is delivered and incorporated in the home care record within seven working days.

H. Entries in the home care record shall be current, legible, dated and authenticated by the person making the entry. Errors shall be corrected by striking through and initialing.

I. Originals or reproductions of individual client home care records shall be maintained in their entirety for a minimum of five years following discharge or date of last contact unless otherwise specified by state or federal requirements. Records of minors shall be kept for at least five years after the minor reaches 18 years of age.

12 VAC 5-381-290. Home attendants.

Home attendants shall be able to speak, read and write English and shall meet one of the following qualifications:

- 1. Have satisfactorily completed a nursing education program preparing for registered nurse licensure or practical nurse licensure;*
- 2. Have satisfactorily completed a nurse aide education program approved by the Virginia Board of Nursing;*

3. Have certification as a nurse aide issued by the Virginia Board of Nursing;

4. Be successfully enrolled in a nursing education program preparing for registered nurse or practical nurse licensure and have currently completed at least one nursing course that includes clinical experience involving direct client care;

5. Have satisfactorily passed a competency evaluation program that meets the criteria of 42 CFR 484.36 (b). Home attendants of personal care services need only be evaluated on the tasks in 42 CFR 484.36 (b) as those tasks relate to the personal care services to be provided; or

6. Have satisfactorily completed training using the "Personal Care Aide Training Curriculum," 2003 edition, of the Department of Medical Assistance Services. However, this training is permissible for home attendants of personal care services only.

PART III.
HOME CARE SERVICES.

12 VAC 5-381-300. Home care services.

A. The organization shall provide a program of specific services that shall include one or more of the following:

1. Nursing services;
2. Home attendant services;
3. Physical therapy services;
4. Occupational therapy services;
5. Speech therapy services;
6. Respiratory therapy services; or
7. Medical social services.

B. All services delivered shall be prescribed in a medical plan of care that contains at least the following information:

1. Diagnosis and prognosis;
2. Functional limitations;
3. Orders for all home care services, including: (i) specific procedures, (ii) treatment modalities, and (iii) frequency and duration of the services ordered;
4. Orders for medications, when applicable; and
5. Orders for special dietary or nutritional needs, when applicable.

The medical plan of care shall be approved and signed by the client's primary care physician.

C. Verbal orders shall be immediately documented in the health care record by the health care professional receiving the order and shall be countersigned by the prescribing person.

D. The primary care physician shall be notified immediately of any changes in the client's condition that indicates a need to alter the medical plan of care.

E. The medical plan of care shall be reviewed, approved, and signed by the primary care physician at least every 60 days.

F. There shall be a director of client care services, who shall be a physician licensed by the Virginia Board of Medicine or a registered nurse licensed by the Virginia Board of Nursing, responsible for the overall direction and management of client care services including the availability of services, the quality of services and appropriate staffing. The individual shall have the appropriate experience for the scope of services provided by the organization.

G. The organization shall develop and implement policies and procedures for the handling of drugs and biologicals, including procurement, storage, administration, self-administration, and disposal of drugs and shall allow clients to procure their medications from a pharmacy of their choice.

H. All prescription drugs shall be prescribed and properly dispensed to clients according to the provisions of Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the Virginia Board of Pharmacy, except for prescription drugs authorized by § 54.1-3408 of the Drug Control Act, such as epinephrine for emergency administration, normal saline and heparin flushes for the maintenance of IV lines, and adult immunizations, which may be given by a nurse pursuant to established protocol.

12 VAC 5-381-310. Nursing services.

A. All nursing services shall be provided directly or under the supervision of a qualified registered nurse currently licensed by the Virginia Board of Nursing. Nursing services shall include, but are not limited to:

1. Assessing a client's needs and admission for service as appropriate;
2. Implementing the medical plan of care and revising as necessary;
3. Providing those services requiring substantial and specialized nursing skill;
4. Educating the client and client's family regarding the disease process, self-care techniques and prevention strategies;
5. Initiating appropriate preventive and rehabilitative nursing procedures;
6. Coordinating and communicating with the client's primary care physician and other care providers regarding the client's needs;
7. Preparing clinical notes; and
8. Supervising licensed practical nurses and home health aides providing delegated nursing services.

B. If nursing duties are delegated, the organization shall develop and implement an organizational plan pursuant to 18 VAC 90-20-420 through 18 VAC 90-20-460.

C. Licensed practical nurses shall be currently licensed by the Virginia Board of Nursing. The services provided by a licensed practical nurse may include, but are not limited to:

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1. *Delivering nursing services according to the organization's policies and standard nursing practices;*
2. *Assisting the registered nurse in performing specialized procedures;*
3. *Assisting the client with activities of daily living, including the teaching of self-care techniques;*
4. *Supervising home care aides; and*
5. *Preparing clinical notes.*

12 VAC 5-381-320. Home attendant services.

A. Services of the home attendant may include, but are not limited to:

1. *Assisting clients with (i) activities of daily living; (ii) ambulation and prescribed exercise; and (iii) other special duties with appropriate training and demonstrated competency;*
2. *Assisting with oral or topical medications that the client can normally self-administer;*
3. *Measuring and recording fluid intake and output;*
4. *Taking and recording blood pressure, pulse and respiration;*
5. *Recording and reporting to the appropriate health care professional changes in the client's condition;*
6. *Documenting services and observations in the home care record; and*
7. *Performing any other duties that the aide is qualified to do by additional training and demonstrated competency within state and federal guidelines.*

B. Prior to the initial delivery of services, the home attendant shall receive specific written instructions for the client's care from the appropriate health care professional responsible for the care.

C. Home attendants shall work under the supervision of the appropriate health care professional responsible for the client's care.

D. The nurse or therapist responsible for the supervision of the home attendant shall make visits to the client's home as frequently as necessary, but not less than once every 30 calendar days. The results of the supervisory visit shall be documented in the home care record.

E. Relevant inservice education or training for home attendant shall consist of at least 12 hours annually. Inservice training may be in conjunction with on-site supervision.

12 VAC 5-381-330. Therapy services.

A. Physical therapy, occupational therapy, speech therapy, or respiratory therapy services shall be provided according to the medical plan of care by or under the direction of an appropriately qualified therapist currently licensed or certified as required in Virginia.

B. The therapy services shall be provided according to the medical plan of care by or under the direction of an

appropriately qualified therapist and may include, but are not limited to:

1. *Assessing client needs or admission for service as appropriate;*
2. *Implementing a medical plan of care and revising as necessary;*
3. *Initiating appropriate preventive, therapeutic, and rehabilitative techniques according to the medical plan of care;*
4. *Educating the client and family regarding treatment modalities and use of equipment and devices;*
5. *Providing consultation to other health care professionals;*
6. *Communicating with the physician and other health care professionals regarding changes in the client's needs;*
7. *Supervising therapy assistants and home attendants as appropriate; and*
8. *Preparing clinical notes.*

C. Therapy assistants may be used to provide therapy services.

1. *The occupational therapy assistant shall be currently certified by the American Occupational Therapy Association and shall practice under the supervision of a certified occupational therapist.*
2. *The physical therapy assistant shall be currently licensed by the Virginia Board of Physical Therapy and shall practice under the supervision of a licensed physical therapist.*

D. Duties of therapy assistants shall be within the scope of practice and may include, but are not limited to:

1. *Performing services planned, delegated, and supervised by the appropriately licensed therapist; and*
2. *Preparing clinical notes.*

12 VAC 5-381-340. Medical social services.

A. Medical social services shall be provided according to the medical plan of care by or under the direction of a qualified social worker who holds, at a minimum, a bachelor's degree with major studies in social work, sociology, or psychology from a four-year college or university accredited by the Council on Social Work Education and has at least three years experience in case work or counseling in a health care or social services delivery system.

The organization shall have one year from [the effective date of this chapter] to ensure the designated individual meets the qualifications of this standard.

B. The duties of a social worker may include, but are not limited to:

1. *Assessing the client's psychological status;*
2. *Implementing a medical plan of care and revising, as necessary;*

3. *Providing social work services including (i) short-term individual counseling, (ii) community resource planning, and (iii) crisis intervention;*
4. *Providing consultation with the primary care physician and other health care professionals regarding changes in the client's needs;*
5. *Preparing clinical notes; and*
6. *Participating in discharge planning.*

PART IV.
PHARMACEUTICAL SERVICES.

12 VAC 5-381-350. Pharmacy services.

A. *All prescription drugs shall be prescribed and properly dispensed to the client according to the provisions of the Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the Virginia Board of Pharmacy, except for prescription drugs authorized by § 54.1-3408 of the Drug Control Act, such as epinephrine for emergency administration, normal saline and heparin flushes for the maintenance of IV lines, and adult immunizations, which may be given by a nurse pursuant to established protocol.*

B. *Home attendants may assist only with those topical and oral medications that the client would normally self-administer. Any other drug shall be administered only by a licensed nurse or physician assistant.*

C. *The organization shall develop written policies and procedures for the administration of home infusion therapy medications that include, but are not limited to:*

1. *Developing a plan of care;*
2. *Initiation of medication administration based on a prescriber's order and monitoring of the client for response to the treatment and any adverse reactions or side effects;*
3. *Assessment of any factors related to the home environment that may affect the prescriber's decisions for initiating, modifying, or discontinuing medications;*
4. *Communication with the prescriber concerning assessment of the client's response to therapy, any other client specific needs, and any significant change in the client's condition;*
5. *Communication with the client's provider pharmacy concerning problems or needed changes in a client's medication;*
6. *Maintaining a complete and accurate record of medications prescribed, medication administration data, client assessments, any laboratory tests ordered to monitor response to drug therapy and results, and communications with the prescriber and pharmacy provider;*
7. *Educating or instructing the client, family members, or other caregivers involved in the administration of infusion therapy in the proper storage of medication, in the proper handling of supplies and equipment, in any applicable*

safety precautions, in recognizing potential problems with the client, and actions to take in an emergency; and

8. *Initial and retraining of all organization staff providing infusion therapy.*

D. *The organization shall employ a registered nurse, who holds a current active license with the Virginia Board of Nursing, has completed training in infusion therapy, and has the knowledge, skills, and competencies to safely administer infusion therapy, to supervise medication administration by staff. This person shall be responsible for ensuring compliance with applicable laws and regulations, adherence to the policies and procedures related to administration of medications, and conducting periodic assessments of staff competency in performing infusion therapy.*

PART V.
PERSONAL CARE SERVICES.

12 VAC 5-381-360. Personal care services.

A. *An organization may provide personal care services in support of the client's health and safety in his home. The organization shall designate a registered nurse, who holds a current license with the Virginia Board of Nursing, responsible for the supervision of personal care services.*

B. *The personal care services shall include:*

1. *Assistance with the activities of daily living;*
2. *Taking and recording vital signs, if indicated in the personal care plan;*
3. *Recording and reporting to the supervisor any changes regarding the client's condition, behavior or appearance; and*
4. *Documenting the services delivered in the client's record.*

Personal care services may also include the instrumental activities of daily living related to the needs of the client.

C. *Such services shall be delivered based on a written plan developed by a registered nurse, in collaboration with the client and client's family. The plan shall include at least the following:*

1. *Assessment of the client's needs;*
2. *Functional limitations of the client;*
3. *Activities permitted;*
4. *Special dietary needs;*
5. *Specific personal care services to be performed; and*
6. *Frequency of service.*

D. *The plan shall be retained in the client's record. Copies of the plan shall be provided to the client receiving services and reviewed with the assigned home attendant prior to delivering services.*

E. *Home attendants shall receive on-site supervision by a registered nurse or a licensed practical nurse holding a current license with the Virginia Board of Nursing and shall be*

Proposed Regulations

delivering services to the client at the time of on-site supervisory visits.

F. The supervisory nurse shall visit the client's home to evaluate the personal care aide, the client's needs and the personal care plan as frequently as necessary, but at least once every 30 days. The personal care aide shall be delivering services to the client at the time of on-site supervisory visits.

G. A registered nurse or licensed practical nurse shall be available during all hours that personal care services are being provided.

H. Home attendants providing personal care services shall receive at least 12 hours annually of inservice training and education. Inservice training may be in conjunction with on-site supervision.

DOCUMENTS INCORPORATED BY REFERENCE

Personal Care Aide Training Curriculum, 2003 edition, Virginia Department of Medical Assistance Services.

NOTICE: The forms used in administering 12 VAC 5-381, Regulations for the Licensure of Home Care Organizations are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Application for Licensure, Home Care Organizations, 2005.



Virginia Department of Health

Center for Quality Health Care Services and Consumer Protection

**APPLICATION FOR LICENSURE
Home Care Organizations**

In accordance with § 32.1-162.9 of the Code of Virginia: "No person shall establish or operate a home care organization without a license unless he is exempt from licensure pursuant to § 32.1-162.8" of the Code of Virginia. Applications must be received 60 days in advance of effective date to allow for processing of the application. Application fees must accompany an application and are not refundable.

This application must be completed in its entirety -
Incomplete applications will not be processed.

ANY CHANGES DURING THE LICENSURE PERIOD AFFECTING THE INFORMATION CONTAINED
IN THIS APPLICATION MUST BE REPORTED TO THE CENTER 30 DAYS PRIOR TO THE EFFECTIVE DATE
OF THE PROPOSED CHANGE.

- Initial License for a: Multi-service organization Single service organization
 Renewal License for a: Multi-service organization Single service organization
 License Re-issue:

Organization Name:		
Legal Name:		
Street Address: City/County/Zip		
Mailing address: City/County/Zip		
Business Phone Number:		FAX Number:
Administrator of Record:		
E-Mail address:		
Owner Name:		
Operator Name:		

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Page 2, cont'd.
Application for Licensure

Service Area – List all counties and independent cities served by the organization.

Services provided by the organization. Check all that apply.

Services	Provided by	
	Organization Staff	Contract Personnel
Nursing Services	<input type="checkbox"/>	<input type="checkbox"/>
Home Attendant Services	<input type="checkbox"/>	<input type="checkbox"/>
Personal Care Services	<input type="checkbox"/>	<input type="checkbox"/>
Pharmaceutical Services	<input type="checkbox"/>	<input type="checkbox"/>
Parenteral	<input type="checkbox"/>	<input type="checkbox"/>
Intravenous	<input type="checkbox"/>	<input type="checkbox"/>
Therapy Services		
Occupational	<input type="checkbox"/>	<input type="checkbox"/>
Physical	<input type="checkbox"/>	<input type="checkbox"/>
Respiratory	<input type="checkbox"/>	<input type="checkbox"/>
Speech	<input type="checkbox"/>	<input type="checkbox"/>
Medical social services	<input type="checkbox"/>	<input type="checkbox"/>
Other, please specify:	<input type="checkbox"/>	<input type="checkbox"/>

I certify that all information contained in this application is accurate and true.

Signature of Administrator

Date

**DEPARTMENT OF MEDICAL ASSISTANCE
SERVICES**

Title of Regulation: 12 VAC 30-70. Methods and Standards for Establishing Payment Rates Inpatient Hospital Services (amending 12 VAC 30-70-291, 12 VAC 30-70-301 and 12 VAC 30-70-391).

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Items 326 (OO) and 326 (NN) of Chapter 4 of the 2004 Acts of Assembly, Special Session I.

Public Hearing Date: N/A -- Public comments may be submitted until April 22, 2005.

(See Calendar of Events section for additional information)

Agency Contact: Steve Ford, Provider Reimbursement Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-7355, FAX (804) 786-1680, or e-mail Steve.Ford@dmas.virginia.gov.

Basis: Section 32.1-325 of the Code of Virginia grants to the Board of Medical Assistance Services the authority to administer and amend the Plan for Medical Assistance. Section 32.1-324 of the Code of Virginia authorizes the Director of DMAS to administer and amend the Plan for Medical Assistance according to the board's requirements. The Medicaid authority as established by § 1902 (a) of the Social Security Act (42 USC § 1396a) provides governing authority for payments for services.

Chapter 4 of the 2004 Acts of Assembly, Special Session I, Item 326 (OO), directed DMAS to eliminate a separate Disproportionate Share Hospital (DSH) payment calculation for hospitals with state-recognized Neonatal Intensive Care Unit (NICU) programs and to increase Indirect Medical Education (IME) payments, in total, to offset any net reduction in net payments as a result of this action. This regulatory action eliminates the language directing a separate DSH payment for recognized NICU providers, and amends the current multiplier used in the calculation of IME payments to private hospitals to generate additional IME payments for private hospitals to compensate for the net reduction to private hospital DSH payments caused by the elimination of NICU DSH.

Chapter 4 of the 2004 Acts of Assembly, Special Session I, Item 326 (NN), directed DMAS not to rebase per diem rates of freestanding psychiatric facilities licensed as hospitals but to continue reimbursement based on SFY 2004 rates for these providers.

Purpose: The purpose of this action is to eliminate the Disproportionate Share Hospital (DSH) payment for Medicaid-recognized Neonatal Intensive Care Unit (NICU) programs, modify indirect medical education payments, and exclude freestanding psychiatric hospitals from the standard rebasing action that has been conducted for the reimbursement methodology for other types of hospitals.

The proposed changes will not have any direct affect on the health, safety, or welfare of the citizens of the Commonwealth or on Medicaid recipients.

Substance:

NICU/DSH and IME

The budget language calls for the elimination of Neonatal Intensive Care Unit Disproportionate Share Hospital (NICU DSH) payments but makes this change budget neutral through an enhancement in Indirect Medical Education (IME) payments.

The reimbursement methodology for inpatient hospital services recognizes two separate groups of hospitals: Type One hospitals (the public hospitals, MCV/VCU and UVA) and Type Two hospitals (all other private hospitals). Currently, the Commonwealth provides Medicaid DSH funding separately based on medical/surgery hospital utilization (including psychiatric hospital utilization), NICU utilization (for certain recognized programs), and rehabilitation hospital utilization. Under the current methodology, Virginia's Medicaid program recognizes NICU programs in six Type Two hospitals (including two out-of-state hospitals) and both Type One hospitals (MCV/VCU and UVA).

Under current regulations, Medicaid pays DSH moneys specifically based on Medicaid NICU utilization percentages at these eight hospitals. The same methodology for calculation of Medicaid DSH payments is followed for NICU DSH as is followed for medical/surgery care DSH and rehabilitation DSH in terms of the thresholds for qualification and the basic formula to calculate payment. There are significant differences, however, in the methods used between the Type Two hospitals and the Type One hospitals.

For both types of hospitals (Type One and Type Two), however, this calculation is dependent on an estimation of Medicaid operating payments specific to these NICU programs based on a percentage of total Medicaid operating payments derived from 1997 allowable costs data. DMAS has not been able to collect more current data comparable to the 1997 data since the shift to the Diagnosis Related Groups (DRG) payment system. DMAS has had concerns that the 1997 data has become obsolete, which was the impetus for the elimination of the NICU DSH payment methodology.

With the elimination of NICU DSH for these providers, the Medicaid NICU days and the estimate of Medicaid NICU operating payments are rolled back into the total, which is used in the calculation of medical/surgery disproportionate share. This serves to increase overall Medicaid utilization at these hospitals, and serves to increase their estimated operating payments - both of these variables drive the calculation of the medical/surgery disproportionate share amount. This results in an increase in medical/surgery disproportionate share payment at those NICU DSH hospitals that also qualify for the medical/surgery disproportionate share payment.

The increase in medical/surgery disproportionate share payments related to these methodology changes, however, does not fully offset the loss in NICU DSH payments for the Type Two hospitals. Therefore, the net loss in DSH is offset by a concomitant increase in IME payments for private hospitals through a modification to the IME formula. In that formula, the payment is dependent upon a multiplier - this multiplier has been modified to provide additional funding

Proposed Regulations

across the IME program for private hospitals equal to the net loss in DSH funding due to the elimination of NICU DSH. Because the IME formula is not hospital specific, it is not possible for this methodology change to produce budget neutrality on the individual hospital level, but rather the methodology produces budget neutrality among the Type Two hospitals as a group.

Freestanding Psychiatric Hospitals

Provisions in 12 VAC 30-70-391 provide for rebasing of hospital rates at least every three years. In compliance with this, DMAS has calculated rebased hospital rates to be effective July 1, 2004. As directed by the Appropriations Act, the proposed amendment would add language providing that freestanding psychiatric hospitals' rates would not be rebased for SFY 2005, but would continue to be based on the previous base year. The regulatory change provides language excluding freestanding psychiatric facilities licensed as hospitals from any rebasing until the next full inpatient hospital rebasing subsequent to SFY 2005.

Issues:

NICU/DSH and IME

The primary advantage to the Commonwealth and to the agency is that an outdated source of information will no longer be used as an input in calculating one component of the Medicaid DSH program payments. While in the aggregate this is budget neutral, for many private hospitals the new methodology regarding increases in Indirect Medical Education payments is a net benefit, i.e., it results in more money paid to the hospitals. For some hospitals, however, there is no effect and for two hospitals, there is a negative effect.

Freestanding Psychiatric Hospitals

The primary advantage to the Commonwealth and to the agency is that this regulatory action will provide needed time to better understand the effects of rebasing on freestanding psychiatric hospitals before imposing the results of the rebasing on those providers. This is also an advantage to the providers themselves in terms of understanding payment policy and payment stability.

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 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Pursuant to Chapter 4, Item 326 OO of the 2004 Acts of Assembly, the proposed regulations increase Medicaid indirect medical education

reimbursements to hospitals in order to offset the reduction resulting from the elimination of neonatal intensive care disproportionate share payments. Pursuant to Chapter 4, Item 326 NN of the 2004 Acts of Assembly, the proposed changes also exclude freestanding psychiatric hospitals from the standard rebasing action scheduled in fiscal year 2005. Both of the proposed permanent changes have been in effect since September 2004 under emergency regulations.

Estimated economic impact. Pursuant to Chapter 4, Item 326 OO of the 2004 Acts of Assembly, the proposed regulations increase Medicaid indirect medical education (IME) reimbursements to hospitals and at the same time eliminate neonatal intensive care disproportionate share payments (NICU-DSH). According to the Department of Medical Assistance Services (DMAS), no recent data is available to calculate NICU-DSH payments. The most recent available data is from 1997, which is outdated and no longer appropriate for this purpose. As there is no available data to calculate appropriate NICU-DSH payments, DMAS proposes to increase IME reimbursements by the same amount to maintain budget neutrality. This proposed change is estimated to reduce DSH payments by \$4.9 million and increase IME reimbursements by the same amount. Even though the proposed change is budget neutral at the aggregate, the DSH and IME reimbursement methodologies are not identical and change the total payments to hospitals at the individual level. Three hospitals are expected to experience a reduction ranging from \$246,000 to \$1 million, 28 hospitals are expected to experience an increase ranging from \$2,000 to \$687,000, and 83 are expected to experience no change in payments they receive from Medicaid. Thus, the main economic effect of the proposed change is a net reduction in Medicaid payments to three hospitals and a net increase to 28 hospitals.

Another important effect of the proposed change is a potential increase in the amount of federal funds the Commonwealth can garner. There is a cap on the federal matching funds for DSH payments. Currently, DSH allotment for federal fiscal year 2005 is approximately \$165 million. This means that the Commonwealth can obtain up to \$82.5 million from federal government if it provides the other half. The federal matching funds are not available for DSH payments beyond the \$165 million allotment. Therefore, if the Commonwealth wishes to increase DSH payments above and beyond the federal allotment, 100% of the funds must come from in-state funding sources. On the other hand, there is no similar federal matching cap for the IME reimbursements.¹ Because the proposed change reduces DSH payments with a corresponding increase in IME payments, the Commonwealth effectively increases the matching funds available for DSH payments it can draw down from the federal government.

Pursuant to Chapter 4, Item 326 NN of the 2004 Acts of Assembly, the other proposed change excludes the freestanding psychiatric hospitals from the standard rebasing scheduled in fiscal year 2005. Thus, five freestanding

¹ There is an upper payment cap for IME payments based on operating costs. However, the IME upper payment cap is not the same as the cap on DSH payments. Also, current IME payments are far below the upper payment cap while the current DSH payments are near the cap.

psychiatric hospitals continue to receive reimbursements based on fiscal year 2004 rates. If the scheduled rebasing had been applied, the total reimbursement to five hospitals would have been reduced roughly by a half a million dollars. Therefore, the proposed change avoids a half million dollar reduction in Medicaid reimbursements to five freestanding hospitals providing psychiatric services. This change is likely to have avoided a potential deterioration in access to psychiatric services and in quality of care at these hospitals that existed before this change. Maintaining the current access and quality levels could maintain the health status of those who use these services and provide secondary economic benefits not only to people who utilize the services, but also to the Commonwealth. It is also important to note that the total cost of maintaining these benefits to the Commonwealth is one half the price because of the federal matching funds.

Businesses and entities affected. The proposed changes are estimated to affect 31 private hospitals and 5 freestanding psychiatric hospitals.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth.

Projected impact on employment. The first proposed change increases Medicaid payments to 28 private hospitals while reducing payments to 3 other hospitals. The amount of estimated transfers from 3 hospitals to 28 hospitals are the same. Thus, the positive employment effect at 28 hospitals should cancel out the negative effect at 3 hospitals at the aggregate. Furthermore, of the 28 hospitals, not all are expected to be significantly affected, as the individual increases in reimbursements to 16 hospitals do not reach \$50,000.

The second proposed change is expected to have a positive impact on employment in terms of avoided reductions or suspensions of freestanding psychiatric hospital services.

Effects on the use and value of private property. The proposed regulations are not likely to affect the use and value of real property. However, the first proposed change is likely to have a positive impact on the profits and consequently the asset value of 28 private hospitals while having a negative impact on the asset value of 3 private hospitals. The second change is expected to have a positive impact on the utilization and therefore the asset value of five freestanding psychiatric hospitals because of avoided reductions in profitability.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Medical Assistance Services has reviewed the economic impact analysis prepared by the Department of Planning and Budget regarding the regulations concerning 12 VAC 30-70, Methods and Standards for Establishing Payment Rates - Inpatient Hospital Services (NICU/DSH and Indirect Medical Education; Freeze Freestanding Psychiatric Hospital Rates). The agency raises no issues with this analysis.

Summary:

The proposed amendments increase Medicaid indirect medical education reimbursements to hospitals in order to offset the reduction resulting from the elimination of

neonatal intensive care disproportionate share payments. In addition, the proposed changes exclude freestanding psychiatric hospitals from the standard rebasing action scheduled in fiscal year 2005. Emergency regulations to implement these changes have been in effect since September 2004.

CHAPTER 70.
METHODS AND STANDARDS FOR ESTABLISHING
PAYMENT RATES; -- INPATIENT HOSPITAL CARE
SERVICES.

12 VAC 30-70-291. Payment for indirect medical education costs.

A. Hospitals shall be eligible to receive payments for indirect medical education. These payments recognize the increased use of ancillary services associated with the educational process and the higher case-mix intensity of teaching hospitals. The payments for indirect medical education shall be made in estimated quarterly lump sum amounts and settled at the hospital's fiscal year end.

B. Final payment for IME shall be determined as follows:

1. Type One hospitals shall receive an IME payment equal to the hospital's Medicaid operating reimbursement times an IME percentage determined as follows:

$$\text{IME Percentage for Type One Hospitals} = [1.89 \times ((1 + r)^{0.405} - 1)] \times (\text{IME Factor})$$

An IME factor shall be calculated for each Type One hospital and shall equal a factor that, when used in the calculation of the IME percentage, shall cause the resulting IME payments to equal what the IME payments would be with an IME factor of one, plus an amount equal to the difference between operating payments using the adjustment factor specified in subdivision B 1 of 12 VAC 30-70-331 and operating payments using an adjustment factor of one in place of the adjustment factor specified in subdivision B 1 of 12 VAC 30-70-331.

2. Type Two hospitals shall receive an IME payment equal to the hospital's Medicaid operating reimbursement times an IME percentage determined as follows:

$$\text{IME Percentage for Type Two Hospitals} = [1.89 \times ((1 + r)^{0.405} - 1)] \times 0.4043 \text{ } 0.5695$$

In both equations, r is the ratio of full-time equivalent residents to staffed beds, excluding nursery beds. The IME payment shall be calculated each year using the most recent reliable data regarding the number of full-time equivalent residents and the number of staffed beds, excluding nursery beds.

C. An additional IME payment shall be made for inpatient hospital services provided to Medicaid patients but reimbursed by capitated managed care providers. This payment shall be equal to the hospital's hospital specific operating rate per case, as determined in 12 VAC 30-70-311, times the hospital's HMO paid discharges times the hospital's IME percentage, as determined in subsection B of this section.

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12 VAC 30-70-301. Payment to disproportionate share hospitals.

A. Payments to disproportionate share hospitals (DSH) shall be prospectively determined in advance of the state fiscal year to which they apply. The payments shall be made on a quarterly basis, shall be final, and shall not be subject to settlement except when necessary due to the limit in subsection D of this section.

B. Hospitals qualifying under the 15% inpatient Medicaid utilization percentage shall receive a DSH payment based on the hospital's type and the hospital's Medicaid utilization percentage.

1. Type One hospitals shall receive a DSH payment equal to:

a. The sum of (i) the hospital's Medicaid utilization percentage in excess of 10.5%, times 17, times the hospital's Medicaid operating reimbursement, times 1.4433 and (ii) the hospital's Medicaid utilization percentage in excess of 21%, times 17, times the hospital's Medicaid operating reimbursement, times 1.4433.

b. Multiplied by the Type One hospital DSH Factor.

The Type One hospital DSH factor shall equal a percentage that when applied to the DSH payment calculation yields a DSH payment equal to the total calculated using the methodology outlined in subdivision 1 a of this subsection using an adjustment factor of one in the calculation of operating payments rather than the adjustment factor specified in subdivision B 1 of 12 VAC 30-70-331.

2. Type Two hospitals shall receive a DSH payment equal to the sum of (i) the hospital's Medicaid utilization percentage in excess of 10.5%, times the hospital's Medicaid operating reimbursement, times 1.2074 and (ii) the hospital's Medicaid utilization percentage in excess of 21%, times the hospital's Medicaid operating reimbursement, times 1.2074.

C. Hospitals qualifying under the 25% low-income patient utilization rate shall receive a DSH payment based on the hospital's type and the hospital's low-income utilization rate.

1. Type One hospitals shall receive a DSH payment equal to the product of the hospital's low-income utilization in excess of 25%, times 17, times the hospital's Medicaid operating reimbursement.

2. Type Two hospitals shall receive a DSH payment equal to the product of the hospital's low-income utilization in excess of 25%, times the hospital's Medicaid operating reimbursement.

3. Calculation of a hospital's low-income patient utilization percentage is defined in 42 USC § 1396r-4(b)(3).

D. No DSH payments shall exceed any applicable limitations upon such payments established by federal law or regulations and OBRA 1993 § 13621. A DSH payment during a fiscal year shall not exceed the sum of:

1. Medicaid allowable costs incurred during the year less Medicaid payments, net of disproportionate share payment adjustments, for services provided during the year. Costs and payments for Medicaid recipients enrolled in capitated managed care programs shall be considered Medicaid costs and payments for the purposes of this section.

2. Costs incurred in serving persons who have no insurance less payments received from those patients or from a third party on behalf of those patients. Payments made by any unit of the Commonwealth or local government to a hospital for services provided to indigent patients shall not be considered to be a source of third party payment.

E. Each hospital's eligibility for DSH payment and the amount of the DSH payment shall be calculated at the time of each rebasing using the most recent reliable utilization data and projected operating reimbursement data available. The utilization data used to determine eligibility for DSH payment and the amount of the DSH payment shall include days for Medicaid recipients enrolled in capitated managed care programs. In years when DSH payments are not rebased in the way described above, the previous year's amounts shall be adjusted for inflation.

~~1. Each hospital with a Medicaid recognized Neonatal Intensive Care Unit (NICU), a unit having had a unique NICU operating cost limit under subdivision 6 of 12 VAC 30-70-50, shall have its DSH payment calculated separately for the NICU and for the remainder of the hospital as if the two were separate and distinct providers. This calculation shall follow the methodology provided in this section.~~

2. For freestanding psychiatric facilities licensed as hospitals, DSH payment shall be based on the most recently settled Medicare cost report available before the beginning of the state fiscal year for which a payment is being calculated.

12 VAC 30-70-391. Recalibration and rebasing policy.

A. The department recognizes that claims experience or modifications in federal policies may require adjustment to the DRG payment system policies provided in this part. The state agency shall recalibrate (evaluate and adjust the DRG relative weights and hospital case-mix indices) and rebase (review and update the base year standardized operating costs per case and the base year standardized operating costs per day) the DRG payment system at least every three years. Recalibration and rebasing shall be done in consultation with the Medicaid Hospital Payment Policy Advisory Council noted in 12 VAC 30-70-490. When rebasing is carried out, if new rates are not calculated before their required effective date, hospitals required to file cost reports and freestanding psychiatric facilities licensed as hospitals shall be settled at the new rates, for discharges on and after the effective date of those rates, at the time the hospitals' cost reports for the year in which the rates become effective are settled.

B. Rates for freestanding psychiatric facilities licensed as hospitals shall continue to be based on the 1998 base year until rates for all inpatient hospitals are rebased subsequent to SFY 2005.

VA.R. Doc. No. R04-243 and R04-246; Filed January 27, 2005, 4:37 p.m.

FINAL REGULATIONS

For information concerning Final Regulations, see Information Page.

Symbol Key

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

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is 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 20-1065. Pertaining to Establishment of Restricted Areas (adding 4 VAC 20-1065-10 through 4 VAC 20-1065-40).

Statutory Authority: §§ 28.2-201, 28.2-501 and 28.2-518 of the Code of Virginia.

Effective Date: February 1, 2005.

Agency Contact: Robin Stippich, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-8088.

Summary:

This regulation establishes a restricted area at Plum Tree Island Wildlife Refuge Range. This regulation delineates an area already designated by the federal government through the U.S. Army Corps of Engineers.

4 VAC 20-1065-10. Purpose.

The purpose of this chapter is to protect the citizens of the Commonwealth from dangers associated with unexploded ordnance located on Plum Tree Island National Wildlife Refuge (NWR) in Poquoson, Virginia. (See Plum Tree Island Map outlining the location of the restricted areas.)

This chapter delineates an area already designated by the federal government through the U.S. Army Corps of Engineers. The adoption of this chapter affords the Virginia Marine Police and the Department of Game and Inland Fisheries the authority to enforce Virginia laws prohibiting entrance into the restricted area.

4 VAC 20-1065-20. Definitions.

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

"Restricted Area" means those waters within an area beginning at mean high water on the shore east of Whalebone Island at latitude 37°08'41" N, longitude 76°19'58" W; then northwest to a point of Whalebone Island at latitude 37°08'29" N, longitude 76°19'29" W; latitude 37°08'35" N, longitude 76°19'12" W; latitude 37°08'22" N, longitude 76°18'56" W; latitude 37°08'23" N, longitude 76°18'38" W; latitude 37°08'16"

N, longitude 76°18'26" W; latitude 37°08'09" N, longitude 76°18'21" W; latitude 37°08'04" N, longitude 76°18'08" W; latitude 37°07'54" N, longitude 76°18'03" W; latitude 37°07'55" N, longitude 76°17'52" W; latitude 37°07'49" N, longitude 76°17'40" W; latitude 37°07'44" N, longitude 76°17'37" W; latitude 37°07'36" N, longitude 76°17'22" W; latitude 37°07'43" N, longitude 76°17'29" W; thence to latitude 37°06'51" N, longitude 76°17'59" W; latitude 37°06'46" N, longitude 76°18'03" W; latitude 37°06'41" N, longitude 76°18'12" W; latitude 37°06'34" N, longitude 76°18'21" W; latitude 37°06'38" N, longitude 76°18'35" W; latitude 37°06'42" N, longitude 76°18'34" W; thence to a point on shore at mean high water at latitude 37°06'46" N, longitude 76°18'35" W.

4 VAC 20-1065-30. Prohibitions.

A. No vessel or persons shall enter the restricted area without the permission of the U.S. Army Corps of Engineers' District Engineer or persons or agencies authorized to act in his behalf.

B. Commercial or private interests having a need to operate within the restricted area must contact the U.S. Army Corps of Engineers for additional guidance before entering this area.

4 VAC 20-1060-40. Penalty.

As set forth in § 28.2-106.2 D of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class I misdemeanor.

Final Regulations



VA.R. Doc. No. R05-116; Filed January 27, 2005, 2:22 p.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Title of Regulation: 8 VAC 20-690. Regulations for Scoliosis Screening Program (adding 8 VAC 20-690-10 through 8 VAC 20-690-50).

Statutory Authority: § 22.1-273.1 of the Code of Virginia.

Effective Date: March 29, 2005.

Agency Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, PO Box 2120, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, or e-mail margaret.roberts@doe.virginia.gov.

Summary:

The regulations implement the requirements of House Bill 1834 enacted by the 2003 Session of the General Assembly, and codified in § 22.1-273.1 of the Code of Virginia, which requires all local school boards to implement a scoliosis screening program that requires either the provision of parent educational information on scoliosis or the provision of regular scoliosis screenings for students in grades 5 through 10.

The regulations provide school boards with the requirements that they must adhere to in order to fulfill the statutory mandate. The regulations (i) require local school divisions to either provide parent educational information on scoliosis for students in grades 5 through 10 or implement a program of regular screening for scoliosis for students in grades 5 through 10; (ii) provide that parents may opt their child out of any screening program; (iii) mandate that parents receive education information describing the purpose and need for scoliosis screening; (iv) require school boards conducting scoliosis screenings to adhere to certain procedures and requirements; and (v) mandate training of school personnel and volunteers in acceptable screening procedures.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

REGISTRAR'S NOTICE: The proposed regulation was adopted as published in 20:23 VA.R. 2491-2494 July 26, 2004, without change. Therefore, pursuant to § 2.2-4031 A of the Code of Virginia, the text of the final regulation is not set out.

VA.R. Doc. No. R04-5; Filed February 1, 2005, 3:09 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Water Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 9 VAC 25-720. Water Quality Management Planning Regulation (amending 9 VAC 25-720-50, 9 VAC 25-720-80, 9 VAC 25-720-90, and 9 VAC 25-720-130).

Statutory Authority: § 62.1-44.15 of the Code of Virginia and 33 USC § 1313(e) of the Clean Water Act.

Effective Date: March 23, 2005.

Agency Contact: Charles Martin, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4462, FAX (804) 698-4136 or e-mail chmartin@deq.virginia.gov.

Summary:

This amendment to the state's Water Quality Management Planning Regulation (9 VAC 25-720) consists of the inclusion of 11 Total Maximum Daily Load (TMDL) waste load allocations contained in eight TMDL reports. The TMDLs were developed in accordance with federal regulations (40 CFR 130.7) and are exempt from the provisions of Article 2 of the Virginia Administrative Process Act. The TMDLs have been through the TMDL public participation process and the waste load allocations are adopted as part of 9 VAC 25-720 in accordance with Virginia's "Public Participation Procedures for Water Quality Management Planning."

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9 VAC 25-720-50. Potomac-Shenandoah River Basin.

A. Total Maximum Daily Load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Muddy Creek	Nitrate TMDL Development for Muddy Creek/Dry River, Virginia	Rockingham	B21R	Nitrate	49,389.00	LB/YR
2.	Blacks Run	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Sediment	32,844.00	LB/YR
3.	Cooks Creek	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Sediment	69,301.00	LB/YR
4.	Cooks Creek	TMDL Development for Blacks Run and Cooks Creek	Rockingham	B25R	Phosphorus	0	LB/YR
5.	Muddy Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham	B22R	Sediment	286,939.00	LB/YR
6.	Muddy Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham	B22R	Phosphorus	38.00	LB/YR
7.	Holmans Creek	TMDL Development for Muddy Creek and Holmans Creek, Virginia	Rockingham/Shenandoah	B45R	Sediment	78,141.00	LB/YR
8.	Mill Creek	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B29R	Sediment	276.00	LB/YR
9.	Mill Creek	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B29R	Phosphorus	138.00	LB/YR
10.	Pleasant Run	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B27R	Sediment	0.00	LB/YR
11.	Pleasant Run	TMDL Development for Mill Creek and Pleasant Run	Rockingham	B27R	Phosphorus	0.00	LB/YR
12.	Linville Creek	Total Maximum Load Development for Linville Creek: Bacteria and Benthic Impairments	Rockingham	B46R	Sediment	5.50	TONS/YR
13.	Quail Run	Benthic TMDL for Quail Run	Rockingham	B35R	Ammonia	7,185.00	KG/YR
14.	Quail Run	Benthic TMDL for Quail Run	Rockingham	B35R	Chlorine	27.63	KG/YR
15.	Shenandoah River	Development of Shenandoah River PCB TMDL (South Fork and Main Stem)	Warren & Clarke	B41R B55R B57R B58R	PCBs	179.38	G/YR
16.	Shenandoah River	Development of Shenandoah River PCB TMDL (North Fork)	Warren & Clarke	B51R	PCBs	0.00	G/YR
17.	Shenandoah River	Development of Shenandoah River PCB TMDL (Main Stem)	Warren & Clarke	WV	PCBs	179.38	G/YR
18.	Cockran Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Augusta	B10R	Organic Solids	1,556.00	LB/YR
19.	Lacey Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Rockingham	B47R	Organic Solids	680.00	LB/YR
20.	Orndorff Spring	Benthic TMDL Reports for Six Impaired Stream Segments in the Potomac-Shenandoah and James River Basins	Shenandoah	B52R	Organic Solids	103.00	LB/YR
21.	Toms Brook	Benthic TMDL for Toms Brook in Shenandoah County, Virginia	Shenandoah	B50R	Sediment	8.1	T/YR
22.	Goose Creek	Benthic TMDLs for the Goose Creek Watershed	Loudoun, Fauquier	A08R	Sediment	1,587	T/YR
23.	Little River	Benthic TMDLs for the Goose Creek Watershed	Loudoun	A08R	Sediment	105	T/YR
24.	Christians Creek	<i>Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds, Augusta County, VA</i>	Augusta	B14R	Sediment	145	T/YR
25.	Moffett Creek	<i>Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds, Augusta County, VA</i>	Augusta	B13R	Sediment	0	T/YR

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26.	Upper Middle River	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Impaired Streams in the Middle River and Upper South River Watersheds, Augusta County, VA	Augusta	B10R	Sediment	1.355	T/YR
27.	Mossy Creek	Total Maximum Daily Load Development for Mossy Creek and Long Glade Run: Bacteria and General Standard (Benthic) Impairments	Rockingham	B19R	Sediment	0.04	T/YR
28.	Smith Creek	Total Maximum Daily Load (TMDL) Development for Smith Creek	Rockingham, Shenandoah	B47R	Sediment	353,867	LB/YR

EDITOR'S NOTE: Subsection B is not amended; therefore, the text of subsection B is not set out.

9 VAC 25-720-80. Roanoke River Basin.

A. Total Maximum Daily Load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Ash Camp Creek	Total Maximum Daily Load Development for Ash Camp Creek	Charlotte	L39R	Sediment	20.7	T/YR
2.	North Fork Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Sediment	0	T/YR
3.	North Fork Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Phosphorus	0	T/YR
4.	Upper Blackwater River	Total Maximum Daily Load (TMDL) Development for the Upper Blackwater River Watershed	Franklin	L08R	Sediment	0.526	T/YR
5.	Flat Creek	Benthic TMDL for Flat Creek Watershed, Virginia	Mecklenburg	L79R	Sediment	76.2	T/YR

EDITOR'S NOTE: Subsection B is not amended; therefore, the text of subsection B is not set out.

9 VAC 25-720-90. Tennessee-Big Sandy River Basin.

A. Total Maximum Daily Load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Guest River	Guest River Total Maximum Load Report	Wise	P11R	Sediment	317.52	LB/YR
2.	Cedar Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	1,789.93	LB/YR
3.	Hall/Byers Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	57,533.49	LB/YR
4.	Hutton Creek	Total Maximum Daily Load (TMDL) Development for Cedar Creek, Hall/Byers Creek and Hutton Creek	Washington	O05R	Sediment	91.32	LB/YR
5.	Clinch River	Total Maximum Daily Load Development for the Upper Clinch River Watershed	Tazewell	P01R	Sediment	206,636	LB/YR
6.	Lewis Creek	Total Maximum Daily Load Development for the Lewis Creek Watershed	Russell	P04R	Sediment	21,732	LB/YR
7.	Black Creek	General Standard Total Maximum Daily Load Development for Black Creek, Wise County, Virginia	Wise	P17R	Manganese	2,127	KG/YR
8.	Dumps Creek	General Standard Total Maximum Daily Load Development for Dumps Creek, Russell County, Virginia	Russell	P08R	Total Dissolved Solids	1,631,575	KG/YR
9.	Dumps Creek	General Standard Total Maximum Daily Load Development for Dumps Creek, Russell County, Virginia	Russell	P08R	Total Suspended Solids	316,523	KG/YR
10.	Beaver Creek	Total Maximum Daily Load Development for the Beaver Creek Watershed	Washington	O07R	Sediment	784,036	LB/YR

EDITOR'S NOTE: Subsection B is not amended; therefore, the text of subsection B is not set out.

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9 VAC 25-720-130. New River.

A. Total Maximum Daily Load (TMDLs).

TMDL #	Stream Name	TMDL Title	City/County	WBID	Pollutant	WLA	Units
1.	Stroubles Creek	Benthic TMDL for Stroubles Creek in Montgomery County, Virginia	Montgomery	N22R	Sediment	233.15	T/YR
2.	Back Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Back Creek Watershed, Pulaski County, VA	Pulaski	N22R	Sediment	0.28	T/YR
3.	Crab Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Crab Creek Watershed, Montgomery County, VA	Montgomery	N18R	Sediment	77	T/YR
4.	Peak Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Peak Creek Watershed, Pulaski County, VA	Pulaski	N17R	Copper	12	KG/YR
5.	Peak Creek	Fecal Bacteria and General Standard Total Maximum Daily Load Development for Peak Creek Watershed, Pulaski County, VA	Pulaski	N17R	Zinc	57	KG/YR

EDITOR'S NOTE: Subsection B is not amended; therefore, the text of subsection B is not set out.

VA.R. Doc. No. R05-114; Filed January 26, 2005, 3:07 p.m.

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

Title of Regulation: 22 VAC 15-30. Standards for Licensed Child Day Centers (amending 22 VAC 15-30-10, 22 VAC 15-30-30, 22 VAC 15-30-50, 22 VAC 15-30-70, 22 VAC 15-30-80, 22 VAC 15-30-90, 22 VAC 15-30-110, [22 VAC 15-30-140,] 22 VAC 15-30-150, 22 VAC 15-30-160, 22 VAC 15-30-180, [22 VAC 15-30-190,] 22 VAC 15-30-200, 22 VAC 15-30-230, 22 VAC 15-30-250, 22 VAC 15-30-260, 22 VAC 15-30-290, 22 VAC 15-30-310 through 22 VAC 15-30-390, 22 VAC 15-30-410, 22 VAC 15-30-430, 22 VAC 15-30-440, 22 VAC 15-30-451, 22 VAC 15-30-461, 22 VAC 15-30-471, 22 VAC 15-30-490, 22 VAC 15-30-500, 22 VAC 15-30-510, 22 VAC 15-30-520, and 22 VAC 15-30-540 through 22 VAC 15-30-670; adding 22 VAC 15-30-585).

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Effective Date: June 1, 2005.

Agency Contact: Richard Martin, Manager, Office of Legislative and Regulatory Affairs, Department of Social Services, 7 North 8th Street, Richmond, VA 23219, telephone (804) 726-7902, FAX (804) 726-7906, or e-mail richard.martin@dss.virginia.gov.

Summary:

The amendments result from a comprehensive review of the regulations and make numerous changes that include (i) increasing the staff-to-child ratios; (ii) establishing maximum group sizes; (iii) changing procedural measures to improve child supervision; (iv) providing flexibility to meet staff qualifications; (v) expanding the scope and hours of training; (vi) increasing the activity space and resilient surfacing under playground equipment; and (vii) updating several other facility standards.

Changes since the proposed were made in the following areas: training and qualifications for program directors, program leaders and general staff; activity space for children; resilient surfacing; staff-to-child ratios; and transportation.

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

CHAPTER 30.
MINIMUM STANDARDS FOR LICENSED CHILD DAY CENTERS.

PART I.
INTRODUCTION.

22 VAC 15-30-10. Definitions.

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

"Adult" means any individual 18 years of age or older.

"Age and stage appropriate" means the curriculum, environment, equipment, and adult-child interactions are suitable for the ages of the children within a group and the individual needs of any child.

"Age groups":

- "Infant" means children from birth to 16 months.
- "Toddler" means children from 16 months up to two years.
- "Preschool" means children from two years up to the age of eligibility to attend public school, five years by September 30.
- "School age" means children eligible to attend public school, age five or older by September 30 of that same year. Four- or five-year-old children included in a group of

school-age children may be considered school age during the summer months if the children will be entering kindergarten that year.

"Attendance" means the actual presence of an enrolled child.

"Balanced mixed-age grouping" means a program [*using a curriculum designed to meet the needs and interests of children in the group and is*] planned for [*children who enter the program at*] three [-] through five [~~-year-old children~~] years of age. *The enrollment in the balance mixed-age grouping comprises a relatively even allocation of children* in [~~which the enrollment in the group is comprised of 1/3 of~~] each of three ages [*(three to six years)*] and is designed for children and staff to remain together with turnover planned only for the replacement of [~~graduating older children with incoming younger children exiting students with children of ages that maintain the class balance~~].

"Body fluids" means urine, feces, saliva, blood, nasal discharge, eye discharge, and injury or tissue discharge.

"Camp" means a child day camp *that is a child day center for school age children that operates during the summer vacation months only. Four-year-old children who will be five by September 30 of the same year may be included in a camp for school age children.*

"Center" means a child day center.

"Child" means any individual under 18 years of age.

~~"Child day camp" means a child day center for school age children that operates during the summer vacation months only. Four year old children who will be five by September 30 of that same year may be included in a camp for school age children.~~

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

Exemptions (§ 63.2-1715 of the Code of Virginia):

1. A child day center that has obtained an exemption pursuant to § 63.2-1716 of the Code of Virginia;
2. A program where, by written policy given to and signed by a parent or guardian, children are free to enter and leave the premises without permission or supervision. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure;
3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period;

4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed 1-1/2 hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation;

5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week;

6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, *as amended* (20 USC § [~~1470~~ 1400] et seq.), and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language;

7. Education and care programs provided by public schools ~~which that~~ are not exempt pursuant to subdivision 6 of this definition shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the commissioner;

8. Early intervention programs for children eligible under Part H C of the Individuals with Disabilities Education Act, *as amended* (20 USC § ~~1470~~ 1400 et seq.), wherein no child attends for more than a total of six hours per week;

9. Practice or competition in organized competitive sports leagues;

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services;

11. Child-minding services which are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day; (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes; and (iii) is receiving or providing services or participating in activities offered by the establishment;

12. A certified preschool or nursery school program operated by a private school ~~which that~~ is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; *the American Association of Christian Schools*; the National Early Childhood Program Accreditation; the National Accreditation Council for Early Childhood Professional Personnel and Programs; the

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International Academy for Private Education; ~~Standards for the American Montessori Society Accreditation~~; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission and ~~which that~~ complies with the provisions of § 63.2-1717 of the Code of Virginia; or

13. By policy, a child day center that is required to be programmatically licensed by another state agency for that service.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

Note: This does not include programs such as drop-in playgrounds or clubs for children when there is no service arrangement with the child's parent.

~~"Children with disabilities special needs" means those children evaluated as having autism, deaf blindness, a developmental delay, a hearing impairment which may include deafness, mental retardation, multiple disabilities, an orthopedic impairment, a serious emotional disturbance, a severe or profound disability, a specific learning disorder, a speech or language impairment, a traumatic brain injury, or a visual impairment which may include blindness with developmental disabilities, mental retardation, emotional disturbance, sensory or motor impairment, or significant chronic illness who require special health surveillance or specialized programs, interventions, technologies, or facilities.~~

"Cleaned" means treated in such a way to reduce the amount of filth through the use of water with soap or detergent or the use of an abrasive cleaner on inanimate surfaces.

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

"Communicable disease" means a disease caused by a microorganism (bacterium, virus, fungus, or parasite) that can be transmitted from person to person via an infected body fluid or respiratory spray, with or without an intermediary agent (such as a louse, mosquito) or environmental object (such as a table surface). Some communicable diseases are reportable to the local health authority.

"Department" means the Virginia Department of Social Services.

"Department's representative" means an employee or designee of the Virginia Department of Social Services, acting as the authorized agent of the commissioner.

"Evening care" means care provided in a center after 7 p.m. but not through the night.

"Good character and reputation" means knowledgeable and objective people agree that the individual (i) maintains business, professional, family, and community relationships which are characterized by honesty, fairness, and truthfulness and (ii) demonstrates a concern for the well-being of others to

the extent that the individual is considered suitable to be entrusted with the care, guidance, and protection of children. Relatives by blood or marriage and people who are not knowledgeable of the individual, such as recent acquaintances, shall not be considered objective references.

"Group of children" means the children assigned to a staff member or team of staff members [~~occupying an individual classroom or well defined space within a larger room~~].

"High school program completion or the equivalent" means an individual has earned a high school diploma or General Education Development (G.E.D.) certificate, or has completed a program of home instruction equivalent to high school completion.

"Independent contractor" means an ~~individual who~~ *entity that* enters into an agreement to provide specialized services or staff for a specified period of time.

"Individual service, education or treatment plan" means a plan identifying the child's strengths, needs, general functioning and plan for providing services to the child. The service plan includes specific goals and objectives for services, accommodations and intervention strategies. The service, education or treatment plan clearly shows documentation and reassessment/evaluation strategies.

"Intervention strategies" means a plan for staff action that outlines methods, techniques, cues, programs, or tasks that enable the child to successfully complete a specific goal.

"Licensee" means any individual, partnership, association, public agency, or corporation to whom the license is issued.

"Minor injury" means a wound or other specific damage to the body such as, but not limited to, ~~a small scratch, cut or scrape, minor bruise or discoloration of the skin abrasions, splinters, bites that do not break [skins the skin], and bruises.~~

"Overnight care" means care provided after 7 p.m. and through the night.

"Parent" means the biological or adoptive parent or parents or legal guardian or guardians of a child enrolled in or in the process of being admitted to a center.

"Physician" means an individual licensed to practice medicine in any of the 50 states or the District of Columbia.

"Physician's designee" means a physician, licensed nurse practitioner, licensed physician assistant, licensed nurse (R.N. or L.P.N.), or health assistant acting under the supervision of a physician.

"Primitive camp" means a camp where places of abode, water supply system, or permanent toilet and cooking facilities are not usually provided.

~~"Programmatic experience in the group care of children" means time spent working directly with children in a group, in a child day center or family day home regulated by the state Department of Social Services, the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or the state Department of Education; provided that "regulated" shall specifically include, without limitation, day care centers qualifying for exemption from licensure under ss~~

~~63.2-1716 and 63.2-1717 of the Code of Virginia that is located away from the child's home. Work time shall be computed on the basis of full-time work experience during the period prescribed or equivalent work time over a longer period. Experience settings may include but not be limited to a child day program, family day home, child day center, boys and girls club, field placement, elementary school [,] or a faith-based organization.~~

"Resilient surfacing" means:

~~(i) 1. For [indoor and] outdoor use underneath and surrounding equipment [,] mats manufactured for such use that meet the guidelines of the Consumer Product Safety Commission and the standards of the American Society for Testing Materials or at least six inches of materials, such as, but not limited to, loose sand, wood chips, wood mulch, or pea gravel [-impact absorbing surfacing materials that comply with minimum safety standards when tested in accordance with the procedures described in the American Society for Testing and Materials' standard F1292-99 as shown in Figures 2 (Compressed Loose Fill Synthetic Materials Depth Chart) and 3 (Use Zones for Equipment) on pages 6-7 of the National Program for Playground Safety's "Selecting Playground Surface Materials: Selecting the Best Surface Material for Your Playground," February 2004.]~~

~~[a. At least nine inches of loose-fill, impact absorbing surfacing material such as wood chips, double shredded bark mulch, engineered wood fibers, fine or coarse sand, and rounded, fine or medium gravel;~~

~~b. At least six inches of shredded rubber or tires; or~~

~~c. Unitary, impact absorbing surfacing material such as rubber mats and poured in place compositions that meet minimum safety standards when tested in accordance with the procedures described in the American Society for Testing and Materials standard F 1292-99 and has a critical height value (less than 200 G's and less than 1,000 HIC or Head Injury Criteria) equal to or greater than the highest designated play surface on the equipment, and]~~

~~(ii) [2. For indoor use underneath and surrounding equipment,] padding of two or more inches [impact absorbing surfacing material specifically designed and tested as playground surfacing such as rubber mats, rubber tiles and poured in place rubber compositions that meet minimum safety standards when tested in accordance with the procedures described in the American Society for Testing and Materials standard F 1292-99 and has a critical height value (less than 200 G's and less than 1,000 HIC or Head Injury Criteria) equal to or greater than the highest designated play surface on the equipment.]~~

~~Natural [2.] Hard surfaces such as asphalt, concrete, dirt, grass and compacted materials or flooring covered by carpet or gym mats do not qualify as resilient surfacing.~~

~~"Sanitized" means washed to reduce the amount of filth and harmful micro-organisms through the use of (i) hot water with soap, detergent or abrasive cleaners or (ii) a chemical sanitizing solution treated in such a way to remove bacteria and viruses from inanimate surfaces through using a~~

~~disinfectant solution (i.e., bleach solution or commercial chemical disinfectant) or physical agent (e.g., heat). The surface of item is sprayed or dipped into the disinfectant solution and allowed to air dry [between-uses after use of the disinfectant solution].~~

~~"Serious injury" means a wound or other specific damage to the body such as, but not limited to, unconsciousness; broken bones; dislocation; deep cut requiring stitches; concussion; foreign object lodged in eye, nose, ear, or other body orifice.~~

~~["Shelter-in-place" means the facility or building in which a child day center is located.]~~

~~"Short-term program" means a child day center that operates less than 12 weeks a year.~~

~~"Significant injury" means a wound or other specific damage to the body such as, but not limited to, head injuries, dislocations, sprains.~~

~~"Special needs child day program" means a program exclusively serving children with disabilities special needs.~~

~~"Specialty camps" means those centers [which that] have an educational or recreational focus on one subject such as dance, drama, music, or sports.~~

~~"Sponsor" means an individual, partnership, association, public agency, corporation or other legal entity in whom the ultimate authority and legal responsibility is vested for the administration and operation of a center subject to licensure.~~

~~"Staff" means administrative, activity, and service personnel including the licensee when the licensee is an individual who works in the center, and any persons counted in the staff-to-children ratios or any persons working with a child without sight and sound supervision of a staff member.~~

~~"Staff positions" are defined as follows:~~

~~1. "Aide" means the individual designated to be responsible for helping the program leader/child care supervisor in supervising children and in implementing the activities and services for children. Aides may also be referred to as assistant teachers or child care assistants.~~

~~2. "Program leader" or "child care supervisor" means the individual designated to be responsible for the direct supervision of children and for implementation of the activities and services for a group of children. Program leaders may also be referred to as child care supervisors or teachers.~~

~~3. "Program director" means the primary, on-site director or coordinator designated to be responsible for developing and implementing the activities and services offered to children, including the supervision, orientation, training, and scheduling of staff who work directly with children, whether or not the program director personally performs performing these functions.~~

~~EXCEPTION: The administrator may perform staff orientation or training or program development functions if the administrator meets the qualifications of 22 VAC 15-30-230 and a written delegation of responsibility specifies the duties of the program director.~~

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4. "Administrator" means a manager or coordinator designated to be in charge of the total operation and management of one or more centers. The administrator may be responsible for supervising the program director or, if appropriately qualified, may concurrently serve as the program director. *The administrator may perform staff orientation or training or program development functions if the administrator meets the qualifications of 22 VAC 15-30-230 and a written delegation of responsibility specifies the duties of the program director.*

"Therapeutic child day program" means a specialized program, including but not limited to therapeutic recreation programs, exclusively serving children with disabilities special needs when an individual service, education or treatment plan is developed and implemented with the goal of improving the functional abilities of the children in care.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV), and other bloodborne pathogens.

"Volunteer" means a person who works at the center and:

1. Is not paid;
2. Is not counted in the staff-to-children ratios; and
3. Is in sight and sound supervision of a staff member when working with a child.

["] Any unpaid person not meeting this definition shall be considered ["] staff *and shall meet staff requirements.*

22 VAC 15-30-30. Purpose and applicability.

A. The purpose of these ~~minimum~~ standards is to protect children under the age of 13 who are separated from their parents during a part of the day by:

1. Ensuring that the activities, services, and facilities of centers are conducive to the well-being of children; and
2. Reducing risks in the environment.

B. The ~~minimum~~ standards in this chapter apply to child day centers as defined in 22 VAC 15-30-10 serving children under the age of 13.

PART II. ADMINISTRATION.

22 VAC 15-30-50. Operational responsibilities.

A. Applications for licensure shall conform with Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2 of the Code of Virginia [*and the regulation entitled General Procedures and Information for Licensure, 22 VAC 40-80*].

B. Pursuant to §§ ~~63.2-1702, 63.2-1719, 63.2-1721 and 63.2-1722~~ of the Code of Virginia, the sponsor, who may be represented by the individual proprietor, partners, officers, and managers delegated authority to act for the sponsor, shall be of good character and reputation and shall not have been

~~convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults 63.2-1719 and 63.2-1721 [and the regulation entitled Background Checks for Child Welfare Agencies, 22 VAC 40-191], the applicant and any agent at the time of application who is or will be involved in the day-to-day operations of the center or who is or will be alone with, in control of, or supervising one or more of the children, shall be of good character and reputation and shall not be guilty of an offense. Offenses are barrier crimes, conviction of any other felony not included in the definition of barrier crime unless five years have elapsed since conviction, and a founded complaint of child abuse or neglect.~~

~~[C. The applicant for licensure shall satisfactorily complete department sponsored training established for potential licensees up to a possible 10 hours of training before receiving an initial license unless:~~

- ~~1. The department does not offer the training;~~
- ~~2. The applicant for licensure has previously owned or managed a licensed center in strong compliance with the center standards as determined by the department; or~~
- ~~3. The commissioner or his agents decide to issue a license conditional upon the applicant's completion of the required training.]~~

[C. ~~D.~~] The sponsor shall afford the commissioner or his agents the right at all reasonable times to inspect facilities and to interview his agents, employees, and any child or other person within his custody or control, provided that no private interviews may be conducted with any child without prior notice to the parent of such child.

[D. ~~E.~~] The license shall be posted in a place conspicuous to the public (§ 63.2-1701 of the Code of Virginia).

[E. ~~F.~~] The operational responsibilities of the licensee shall include, but not be limited to, ensuring that the center's activities, services, and facilities are maintained in compliance with these ~~minimum~~ standards, *the center's own policies and procedures that are required by these standards*, and the terms of the current license issued by the department.

[F. ~~G.~~] Every center shall ensure that any advertising is not misleading or deceptive as required by § 63.2-1713 of the Code of Virginia.

[~~H.~~ G.] *The center shall meet the proof of child identity and age requirements as stated in § 63.2-1809 of the Code of Virginia.*

~~G.~~ [~~I.~~ H.] The sponsor shall maintain public liability insurance for bodily injury for each center site with a minimum limit of at least \$500,000 each occurrence and with a minimum limit of \$500,000 aggregate.

[1.] A public sponsor may have equivalent self-insurance [~~which that~~] is in compliance with the Code of Virginia.

[2.] Evidence of insurance coverage shall be made available to the department's representative upon request.

H. [~~J.~~ I.] The center shall develop written procedures for injury prevention.

[~~These~~ *J. Injury prevention*] procedures shall be *updated at least annually* based on documentation of injuries and a review of the activities and services.

~~K.~~ *K.* The center shall develop written playground safety procedures which shall include:

1. Provision for active supervision by staff *to include positioning of staff in strategic locations, scanning play activities, and circulating among children*; and
2. Method of maintaining resilient surface.

~~L.~~ *L.* Hospital-operated centers may temporarily exceed their licensed capacity during a natural disaster or other catastrophe or emergency situation [~~—Such centers and~~] shall develop a written plan for emergency operations, for submission to and approval by the Department of Social Services.

~~M.~~ *M.* When children 13 years or older are enrolled in the program and receive supervision in the licensed program, they shall be counted in the number of children receiving care and the center shall comply with the standards for these children.

22 VAC 15-30-70. General recordkeeping; reports.

A. Staff and children's records shall be treated confidentially. Exception: Children's records shall be made available to ~~the~~ *the custodial parent* ~~parents~~ on request, *unless otherwise ordered by the court.*

B. Records and reports on children and staff required by this chapter shall be maintained and made accessible for two years after termination of services or separation from employment unless specified otherwise.

[C.] Records may be kept at a central location except as stated otherwise in these standards.

22 VAC 15-30-80. Children's records.

[A.] Each center shall maintain and keep at the center a separate record for each child enrolled which shall contain the following information:

1. Name, nickname (if any), sex, and birth date of the child;
2. Name, home address, and home phone number of each parent who has custody;
3. When applicable, work phone number and place of employment of each parent who has custody;
4. Name and phone number of child's physician;
5. Name, address, and phone number of two designated people to call in an emergency if a parent cannot be reached;
6. Names of persons authorized to pick up the child. Appropriate legal paperwork shall be on file when the custodial parent requests the center not to release the child to the other parent;
7. Allergies and intolerance to food, medication, or any other substances, and actions to take in an emergency situation;

8. Chronic physical problems and pertinent developmental information and any special accommodations needed;

9. Health information as required by 22 VAC 15-30-150 through 22 VAC 15-30-170;

Exception: When a center is located on the same premises where a child attends school and the child's record has a statement verifying the school's possession of the health record, the center is not required to maintain duplicates of the school's health record for that child provided the school's records are accessible during the center's hours of operation.

10. Written agreements between the parent and the center as required by 22 VAC 15-30-110 ~~A and B~~;

~~11. Documentation of [semiannual] child updates [, staff request for parent feedback,] and confirmation of up-to-date information in the child's record as required by 22 VAC 15-30-490 E 3;~~

~~12.~~ *12.* Any blanket permission slips and opt out requests;

13. Previous child day care and schools attended by the child;

~~14.~~ *14.* Name of any additional programs or schools that the child is concurrently attending and the grade or class level; ~~and~~

15. Documentation of viewing proof of the child's identity and age; and

~~16.~~ *16.* First and last dates of attendance.

[*B. The proof of identity, if reproduced or retained by the child day program or both, shall be destroyed upon the conclusion of the requisite period of retention. The procedures for the disposal, physical destruction or other disposition of the proof of identity containing social security numbers shall include all reasonable steps to destroy such documents by (i) shredding, (ii) erasing, or (iii) otherwise modifying the social security numbers in those records to make them unreadable or indecipherable by any means.]*

22 VAC 15-30-90. Staff records.

[A.] The following staff records shall be kept for each staff person:

1. Name, address, verification of age requirement, job title, and date of employment or volunteering; and name, address and telephone number of a person to be notified in an emergency which shall be kept at the center.
2. For staff hired after March 1, 1996, documentation that two or more references as to character and reputation as well as competency were checked before employment or volunteering. If a reference check is taken over the phone, documentation shall include [:]
 - [a.] Dates of contact [; ;]
 - [b.] Names of persons contacted [; ;]
 - [c.] The firms contacted [; ;]
 - [d.] Results [; ;] and

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[e.] Signature of person making call.

3. ~~A criminal record check Background checks as required by the regulation for Criminal Record entitled Background Checks for Child Welfare Agencies Licensed Child Day Centers (22 VAC 15-55-10 et seq. 22 VAC 15-51).~~

4. Written information to demonstrate that the individual possesses the education, orientation training, staff development, certification, and experience required by the job position.

5. First aid, *cardiopulmonary resuscitation* and other ~~certification~~ *certifications* as required by the responsibilities held by the staff member.

6. Health information as required by 22 VAC 15-30-180 and 22 VAC 15-30-190.

7. Information, to be kept at the center, about any health problems which may interfere with fulfilling the job responsibilities.

8. Date of separation from employment.

[B.] ~~Exception: [Centers may allow Background check records for] independent contractors [to keep records on its employees or students when the center has a signed written statement that the contractor agrees to maintain the required files and will make them available to a department representative upon request must be kept in accordance with 22 VAC 15-51-70 of the background check regulation].~~

22 VAC 15-30-110. Parental agreements.

A. A written agreement between the parent and the center shall be in each child's record by the first day of the child's attendance. The agreement shall be signed by the parent and include:

1. An authorization for emergency medical care should an emergency occur when the parent cannot be located immediately unless the parent states *in writing* an objection to the provision of such care on religious or other grounds; ~~and~~

2. A statement that the center will notify the parent when the child becomes ill and that the parent will arrange to have the child picked up as soon as possible if so requested by the center; ~~and~~

3. *A statement that the parent will inform the center within 24 hours or the next business day after his child or any member of the immediate household has developed any reportable communicable disease, as defined by the State Board of Health, except for life threatening diseases which must be reported [within 24 hours immediately].*

~~B. If a parent wishes a school age child to leave the center unaccompanied, written permission from the parent authorizing the child to leave the center shall be secured and the center shall maintain a record of the child leaving unaccompanied.~~

[22 VAC 15-30-140. Individual service, education or treatment plan for therapeutic child day programs.

A. An individual service, education or treatment plan:

1. Shall be developed for each child by the director or his designee and primary staff responsible for plan implementation; ;

2. ~~Implementation of the plan shall begin~~ *be implemented* within 60 days after the first day of the child's attendance.

B. The child's individual service, education or treatment plan shall be developed, reviewed, and revised every three months and rewritten annually by the director or his designee and primary staff responsible for plan implementation. This shall be done in partnership with the parent, residential care provider or advocate.

C. A copy of the initial plan and subsequent or amended service, education or treatment plans shall be maintained in the child's record and a copy given to the child's parent.]

22 VAC 15-30-150. Immunizations for children.

A. The center shall obtain documentation that each child has received the immunizations required by the State Board of Health before the child can attend the center.

Exemptions (subsection C of § 22.1-271.2 of the Code of Virginia and 12 VAC 5-110-110 of the Regulations for the Immunizations of School Children): Documentation of immunizations is not required for any child whose (i) parent submits an affidavit to the center, on the form entitled "Certification of Religious Exemption," stating that the administration of immunizing agents conflicts with the parent's or child's religious tenets or practices, or (ii) physician or a local health department states on a MCH 213B or MCH 213C, *or other Department of Health-approved* form that one or more of the required immunizations may be detrimental to the child's health.

~~B. Updated information on~~ *The center shall obtain documentation of* additional immunizations ~~shall be obtained~~ once every six months for children under the age of two years.

~~C. Updated information on~~ *The center shall obtain documentation of* additional immunizations ~~shall be obtained~~ once between each child's fourth and sixth birthdays.

22 VAC 15-30-160. Physical examinations for children.

[A.] Each child shall have a physical examination by or under the direction of a physician [:]

[1.] Before the child's attendance [;] or

[2.] Within one month after attendance. ~~The schedules for examinations prior to attendance for children are listed~~

[B.] *If the child has had a physical examination prior to attendance, it shall be within the time period prescribed below:*

1. Within two months prior to attendance for children six months of age and younger;

2. Within three months prior to attendance for children aged seven months through 18 months;

3. Within six months prior to attendance for children aged 19 months through 24 months; and

4. Within 12 months prior to attendance for children two years of age through five years of age.

[C.] Exceptions:

1. Children transferring from a facility licensed by the Virginia Department of Social Services, certified by a local department of public welfare or social services, registered as a small family day home by the Virginia Department of Social Services or by a contract agency of the Virginia Department of Social Services, or approved by a licensed family day system:

- a. If the initial report or a copy of the initial report of immunizations is available to the admitting facility, no additional examination is required.
- b. If the initial report or a copy of the initial report is not available, a report of physical examination and immunization is required in accordance with 22 VAC 15-30-150 and this section.

2. Pursuant to subsection D of § 22.1-270 of the Code of Virginia, physical examinations are not required for any child whose parent objects on religious grounds. The parent must submit a signed statement noting that the parent objects on religious grounds and certifying that to the best of the parent's knowledge the child is in good health and free from communicable or contagious disease.

22 VAC 15-30-180. Tuberculosis screening for staff and independent contractors.

A. Each staff member and *individual from an independent contractor* shall obtain a screening for tuberculosis and submit documentation of a negative Purified Protein Derivative (PPD) tuberculosis screening conducted within the last two years.

Documentation of the screening shall be submitted no later than 21 days after employment or volunteering and shall have been completed within 12 months prior to or 21 days after employment or volunteering.

~~Exceptions: For staff who have a contraindication to a Purified Protein Derivative screening, as in the case of those who have received a TB vaccination, documentation of the contraindication and a determination of noncommunicable tuberculosis status from a physician, his designee, or an official of a local health department shall be obtained and submitted every two years to the center. Staff who test positive to the Purified Protein Derivative screening shall meet the requirements of subsection D of this section.~~

B. *Acceptable forms of documentation [of or] tuberculosis screenings shall include screening are:*

- 1. ~~Negative results of the Purified Protein Derivative screening~~ *A clearance statement signed by a physician, the physician's designee or an official of the local health department. This statement shall include language that the individual does not have any current symptoms of active tuberculosis, does not have either a risk factor for acquiring tuberculosis infection or a risk factor for progression to active tuberculosis disease as defined by the local health department, or has been treated for these conditions in the past, and is currently free of tuberculosis in a communicable form. Individuals who have [either] a risk factor for progression to active tuberculosis disease as defined by the*

Virginia Department of Health shall submit documentation as stated in subdivision 2 or 3 of this subsection;

~~2. The signature of the physician, the physician's designee, or an official of the local health department; and The results of a negative tuberculin skin test (TST). The documentation shall include the date the test was given and results of the test and be signed by a physician, physician's designee or an official of the local health department.~~

~~3. The date the screening was evaluated~~ *The results of a chest x-ray negative for active tuberculosis disease. The documentation shall include the date of the test and location where the examination was performed.*

~~C. Each staff member shall obtain and submit a negative Purified Protein Derivative screening in accordance with subsections A and B of this section~~ *At least every two years from the date of the first initial screening or testing, or more frequently as if recommended by a licensed physician or the local health department, staff members and individuals from independent contractors shall obtain and submit the results of a follow-up tuberculosis screening as stated in subsection B of this section.*

~~D. Any staff member or individual from an independent contractor who comes in contact with a known case of tuberculosis, who develops progressive respiratory symptoms or who tests positive to the tuberculosis screening shall, regardless of the date of the last screening, obtain and submit within one month of such incident, a determination of noncontagious by a physician or a local health department official. Until such determination is made, that staff member shall not have direct contact with children or food served to the children develops symptoms compatible with active tuberculosis disease, regardless of the date of the last tuberculosis screening or assessment, shall obtain and submit within 14 days a determination of noncontagiousness by a physician or local health department.~~

[1.] *Until such determination is made, that staff member may not be permitted to work at the center.*

[2.] *Any staff member or individual from an independent contractor who comes in contact with a known active case of tuberculosis or who tests positive on a tuberculin skin test, regardless of the date of the last tuberculosis screening or assessment, shall submit within 30 days a statement indicating that all needed follow-up for the incident has been completed and that the individual is free of tuberculosis in a communicable form. This statement shall be signed by a physician, physician's designee or an official of the local health department.*

[22 VAC 15-30-190. Physical and mental health of staff and volunteers.

A. When there is evidence that the safety of children may be jeopardized by contact with a staff member or volunteer because of the physical health or mental health of such staff member or volunteer, the licensee shall, at a minimum, prohibit the employee or volunteer from engaging in contact with the children or participation in the food service program until a physician or a clinical psychologist skilled in the diagnosis and treatment of mental illness confirms that any

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risk has been eliminated or can be reduced to an acceptable level by reasonable accommodations.

~~This B.~~ *The requirement of subsection A of this section should not be construed as a mandatory precondition to any other employment action that an employer may otherwise take.]*

22 VAC 15-30-200. General qualifications.

A. No staff shall ~~have been convicted of a felony or a misdemeanor related to abuse, neglect, or exploitation of children or adults be guilty of an offense, as defined in § 63.2-1719 of the Code of Virginia.~~

B. Staff shall be:

1. Of good character and reputation;
2. Capable of carrying out assigned responsibilities;
3. Capable of accepting training and supervision; and
4. Capable of communicating effectively both orally and in writing as applicable to the job responsibility.

C. Staff who work directly with children shall be capable of communicating with emergency personnel ~~[and] understanding [following instructions on a prescription bottle].~~

D. ~~Staff who drive a vehicle transporting children shall disclose any traffic violation that occurred prior to or during employment or assignment as a driver.~~

~~E.~~ For therapeutic child day programs and special needs child day programs, staff who work with children shall have knowledge of the groups being served and skills specific to the ~~disabilities~~ *special needs* of the children in care including, but not limited to, functional abilities, accommodations, assessment techniques, behavior management, and medical and health concerns.

22 VAC 15-30-230. Program director qualifications.

A. Program directors shall be at least 21 years of age and shall ~~have meet one of the following:~~

1. A graduate degree in a child-related field *such as, but not limited to, elementary education, nursing, or recreation* from ~~an accredited~~ a college or university and six months of programmatic experience ~~in the group care of children;~~
2. An endorsement or bachelor's degree in a child-related field *such as, but not limited to, elementary education, nursing, or recreation* from ~~an accredited~~ a college or university and one year of programmatic experience ~~in the group care of children;~~
3. Forty-eight semester hours or 72 quarter hours of college credit ~~in a child-related field~~ from ~~an accredited~~ a college or university of which 12 semester hours or 18 quarter hours are *in child-related subjects* and one year of programmatic experience ~~in the group care of children;~~
4. Two years of programmatic experience ~~in the group care of children~~ with one year in a staff supervisory capacity and at least one of the following ~~educational~~ education backgrounds:

a. A one-year early childhood certificate from ~~an accredited~~ a college or university that consists of at least 30 semester hours;

b. A child development credential ~~by an organization approved by the department that requires [; :]~~

(1) *High school program completion or the equivalent;*

(2) *480 hours [of a supervised practicum] working with children in a group [which could include a supervised practicum]; and*

~~[(3) Determination of competency in promoting children's development, providing a safe and healthy environment, managing the classroom environment and/or childhood program, and promoting positive and productive relationships with parents/guardians; and]~~

~~[(3) (4)]~~ *At least 120 clock hours of child-related training taught by an individual [with or by an organization with expertise in early childhood teacher preparation provided that the training facilitator:*

(a) *Documents the student's mastery and competence;*

(b) *Observes the student's application of competence in a classroom setting;*

(c) *Has] a combination of at least six years of [either] education [() leading to a degree or credential in a child-related field ()] or programmatic experience [as long as the person; and*

(d) *Has at least 12 semester hours [or 180 clock hours] in a child-related field, a child development [associate] credential or equivalent, and two years of programmatic experience with one year in a staff supervisory capacity; or*

c. A certification of qualification from an internationally or nationally recognized Montessori organization; or

5. Three years of programmatic experience ~~in the group care of children with~~ including one year in a staff supervisory capacity and ~~fulfilled a high school diploma program completion or G.E.D. or verification of completion of a home school program approved by the state the equivalent.~~

[a.] *Such programmatic experience shall be obtained in a [regulated] child day center that offers a staff training program that includes: written goals and objectives; assessment of the [employees employee's] participation in the training; and the subject areas of first aid, human growth and development ~~birth to age 12 years, health and safety issues~~ and behavioral management of children. ~~Such training shall be completed by the employee and documented by the center.~~*

[b.] *Such employees shall complete 120 hours of training during this three-year period and provide documentation of completing the training.*

~~[Three years after the effective date of this regulation c. Effective June 1, 2008],~~ program directors shall meet a

qualification as stated in [~~subdivision~~ subdivisions] 1 through 4 of this subsection.

[6.] Exception [(a)]: Program directors hired before [~~the effective date of this regulation~~ June 1, 2005,] who do not meet the qualifications may continue to be program directors as long as the program director: (i) obtains each year [~~six three~~] semester hours or [~~nine six~~] quarter hours of college credit related to children until meeting a qualification option or (ii) is enrolled in and regularly works toward a child development credential as specified in [~~subdivision~~] 4 b of this subsection, which credential must be awarded [~~within two years of the effective date of the regulation~~ by June 1, 2009].

[~~Exception~~ (b)]: Program directors hired or promoted on or after June 1, 2005, until June 1, 2006, who do not meet the qualifications may continue to be program directors as long as the program director: (i) obtains each year six semester hours or nine quarter hours of college credit related to children until meeting a qualification option or (ii) is enrolled in and regularly works toward a child development credential as specified in subdivision 4 b of this subsection, which credential must be awarded no later than June 1, 2007.]

B. Program directors without management experience shall have one college course in a business-related field [~~or,~~] 10 clock hours of management training [~~Such management training shall increase according to the following:~~], or one child care management course that satisfactorily covers the management functions of:

1. Planning;
2. Budgeting;
3. Staffing; and
4. Monitoring.

*Note: Management experience is defined as at least six months of on-the-job training in an administrative position that requires supervising, orienting, training, and scheduling staff.]

[One year after [the effective date of the regulation]]	20 hours
[Two years after [the effective date of the regulation]]	30 hours
[Three years after [the effective date of the regulation]]	40 hours]

B. C. For program directors of therapeutic child day programs and special needs child day programs, education and programmatic experience shall be in the group care of children with ~~disabilities~~ special needs.

G. D. Notwithstanding subsection A of this section, a person between 19 and 21 years of age may serve as a program director at a short-term program serving only school age children if the program director has daily supervisory contact by a person at least 21 years of age who meets one of the program director qualification options.

22 VAC 15-30-250. Program directors and back-up for program directors.

[A.] The center shall have a qualified program director or a qualified back-up program director who meets one of the director qualifications who shall regularly be on site at least 50% of the center's hours of operation, ~~provided that if the program employs.~~

[B.] For centers offering multiple shifts a qualified program director or qualified back-up director shall regularly be on site at least 50% of the day shift and at least two hours during the evening shift and two hours during the night shift.

[C.] For centers employing one or more program leaders ~~or child care supervisors~~ who are qualified under subsection C of 22 VAC 15-30-260 but not under subsection A of that section, the qualified program director or qualified back-up program director shall be on site at least 75% of the center's hours of operation.

22 VAC 15-30-260. Program leader and ~~child care supervisor~~ qualifications.

A. Program leaders ~~and child care supervisors~~ shall be at least 18 years of age, [have] fulfilled a high school program completion or the equivalent, and shall meet one of the program director qualifications in 22 VAC 15-30-230 or have following:

1. [Have] one of the program director qualifications in 22 VAC 15-30-230;
2. Have an endorsement or bachelor's degree in a child-related field such as, but not limited to, elementary education, nursing, or recreation, from a college or university;
4. 3. Have three months of programmatic experience ~~in the group care of children~~ and at least one of the following educational education backgrounds:
 - a. A one year early childhood certificate from an ~~an~~ accredited college or university that consists of at least 30 semester hours;
 - b. A child development credential by an organization approved by the department listed in § 63.2-1738 of the Code of Virginia;
 - c. A teaching diploma from an internationally or nationally recognized Montessori organization; or
2. 4. A high school diploma or G.E.D. or verification of completion of a home school program approved by the state, ~~and~~ Have six months of supervised programmatic experience ~~in the group care of children.~~

[a.] Within six months before being promoted or beginning work or one month after being promoted or beginning work, a minimum of 12 hours of training shall be received related to the care of children, including but not limited to:

- [~~a.~~ (1)] Child development [~~;~~]
- [~~b.~~ (2)] Playground safety [~~;~~ and ;]

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~~[(3)] Health and safety issues [;] including [;] and
[(4)] Preventing and reporting child abuse and neglect shall be received.~~

[b.] Such training may take place on site while not supervising children. *Such training hours shall increase according to the following:*

[(1)] Program leaders hired or promoted
~~[one year after the effective date of the regulations after June 1, 2006]~~ 16 hours

[(2)] Program leaders hired or promoted
~~[two years after the effective date of the regulations after June 1, 2007]~~ 20 hours

[(3)] Program leaders hired or promoted
~~[three years after the effective date of the regulations after June 1, 2008]~~ 24 hours

B. For program leaders and ~~child care supervisors~~ of therapeutic child day programs and special needs child day programs, at least three months of programmatic experience shall be in the group care of children with ~~disabilities~~ special needs.

C. Notwithstanding the experience requirements in subsection A of this section, program leaders at short-term programs may have only one season of programmatic or general experience ~~[in the group care of children]~~, provided that this experience shall include at least ~~[250]~~ 200 hours, of which up to 24 hours can be formal training, working directly with children in a group.

22 VAC 15-30-290. Independent contractors; volunteers.

A. Individuals from independent contractors shall not be counted in the staff-to-children ratios unless they meet the qualifications for the applicable position.

B. Individuals from independent contractors who do not meet staff qualifications shall, when in the presence of children, be within sight and sound supervision of a staff member.

C. Volunteers who work with children shall be at least 13 years of age.

22 VAC 15-30-310. Staff orientation training and development.

A. Staff shall receive the following training by the end of their first day of assuming job responsibilities:

1. Job responsibilities and to whom they report;
2. The policies and procedures listed in subsection B of this section and 22 VAC 15-30-490 A that relate to the staff member's responsibilities;
3. The center's playground safety procedures unless the staff member will have no responsibility for playground activities or equipment;
4. Recognizing child abuse and neglect and the ~~[law]~~ legal requirements for reporting suspected child abuse as required by § 63.2-1509 of the Code of Virginia;

4- 5. Confidential treatment of personal information about children in care and their families; and

~~5- 6. The minimum standards in this chapter which that relate to the staff member's responsibilities.~~

B. By the end of the first day of supervising children, staff shall be provided in writing with the information listed in 22 VAC 15-30-490 A and the following:

1. Procedures for supervising a child who may arrive after scheduled classes or activities including field trips have begun;

2. Procedures to confirm absence of a child when the child is scheduled to arrive from another program or from an agency responsible for transporting the child to the center;

3. Procedures for identifying where attending children are at all times, including procedures to ensure that all children are accounted for before leaving a field trip site and upon return to the center;

4. Procedures for action in case of lost or missing children, ill or injured children, medical emergencies and general emergencies;

5. Policy for any administration of medication; and

6. Procedures for response to natural and man-made disasters.

~~C. In addition to first aid and orientation training required elsewhere in this chapter, Program directors and staff who work directly with children shall annually attend eight 10 hours of staff development activities that shall be related to child safety and development and the function of the center. Such training hours shall increase according to the following:~~

~~[One year after the effective date of the regulation 1. June 1, 2006]~~ 12 hours

~~[Two years after the effective date of the regulation 2. June 1, 2007]~~ 14 hours

~~[Three years after the effective date of the regulation 3. June 1, 2008]~~ 16 hours

[4.] Staff development activities to meet this subsection may ~~[not]~~ include [up to two hours of] training in first aid [; or] cardiopulmonary resuscitation [; . Staff development activities to meet this subsection may not include] rescue breathing and first responder as required by 22 VAC 15-30-590 and training in medication administration and daily health observation of children as required by subsection D of this section.

[5.] Exception (a): Staff who drive a vehicle transporting children and do not work with a group of children at the center do not need to meet the annual training requirement.

[Exception (b): Parents who participate in cooperative preschool centers shall complete four hours of orientation training per year.

Exception (c): Staff who are employed at a short-term program shall obtain 10 hours of staff training per year.]

D. ~~There always shall be at least one staff member on duty who has obtained within the last 12 months instruction in medication administration and performing the daily health observation of children. This instruction shall be obtained from a physician,] registered nurse [R.N., L.P.N., or health department medical personnel] at three-year intervals [and, for medication administration training it may be obtained from a pharmacist. Staff with] this [daily health observation training shall observe daily each child for signs and symptoms of illness. Medication administration training shall include but not be limited to the procedural aspects of medication administration, the safe handling and storage of medications, and documentation.~~ 1. To safely perform medication administration practices listed in 22 VAC 15-30-580, effective June 1, 2007, whenever the center has agreed to administer prescribed or over-the-counter medications other than topical skin gel, cream, or ointment, the administration must be performed by a staff member or independent contractor who has satisfactorily completed a training course developed or approved by the Department of Social Services in consultation with the Department of Health and the Board of Nursing and taught by an R.N., L.P.N., physician, or pharmacist. Exception: Persons who do not ordinarily administer medications but who supervise children needing emergency medications, such as but not limited to albuterol, glucagon, and epipens, shall be required to complete only the portion of the curriculum designated for that purpose.

a. The course, which shall include competency guidelines, shall reflect currently accepted safe medication administration practices, including instruction and practice in topics such as, but not limited to, reading and following prescriptions and prescriber's orders; observing relevant laws, policies and regulations; and demonstrating knowledge of safe practices for medication storage and disposal, recording and reporting responsibilities, and side effects and emergency recognition and response. The course shall designate portions required for persons who might be required only to administer emergency medications.

b. The approved training curriculum and materials shall be reviewed by the department at least every three years and revised as necessary.

c. Staff required to have the training shall be retrained at three-year intervals, with interim refresher training and practice demonstrations annually.

2. The decision to administer medicines at a facility may be limited by center policy to:

- a. Prescribed medications;
- b. Over-the-counter or nonprescription medications; or
- c. No medications except those required for emergencies or by law.

3. Effective until June 1, 2007, any staff member or independent contractor that administers prescription or over-the-counter medication, with the exception of topical skin gel, cream, or ointment, shall be trained by an R.N., L.P.N., physician, or pharmacist to:

a. Check to be sure that the name of the child on the medication and the child receiving the medication are the same;

b. Read and understand the label or prescription directions in English, including the measured dose, frequency, and other circumstances relative to administration (e.g., taking a medication with meals);

c. Administer the medication according to the prescribed methods and the prescribed dose on the prescription or manufacturer's label;

d. Observe, record, and report to the parent any adverse reactions and side effects from medications; and

e. Document the administration of each dose in accordance with 22 VAC 15-30-580.

4. Any child for whom emergency medications (such as but not limited to albuterol, glucagon, and epipen) have been prescribed shall always be in the care of a provider that has been trained in the administration of emergency medication specific to each such child's condition.

5. There shall always be at least one staff member on duty who has obtained within the last three years instruction in performing the daily health observation of children.

6. Daily health observation training shall include:

a. Components of daily health check for children;

b. Inclusion and exclusion of the child from the class when the child is exhibiting physical symptoms that indicate possible illness;

c. Descriptions of how diseases are spread and the procedures or methods for reducing the spread of disease;

d. Information concerning the Virginia Department of Health Notification of Reportable Diseases pursuant to 12 VAC 5-90-80 and 12 VAC 5-90-90, also available from the local health department and the website of the Virginia Department of Health; and

e. Staff occupational health and safety practices in accordance with Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogens regulation.]

E. Before assuming job responsibilities, staff who work with children in therapeutic child day programs and special needs child day programs shall receive training in:

- 1. Universal precautions procedures;
- 2. Activity adaptations;
- 3. Medication administration;
- 4. Disabilities precautions and health issues; and
- 5. Appropriate intervention strategies.

F. For therapeutic child day programs and special needs child day programs, staff who work directly with children shall annually attend 24 hours of staff development activities. At

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least eight hours of this training shall be on topics related to the care of children with ~~disabilities~~ *special needs*.

PART IV. PHYSICAL PLANT.

22 VAC 15-30-320. Approval from other agencies; requirements prior to initial licensure.

A. Before issuance of the first license and before use of newly constructed, renovated, remodeled, or altered buildings or sections of buildings, written documentation of the following shall be provided by the ~~applicant or licensee~~ *center* to the licensing representative:

1. Approval ~~from~~ *by* the ~~appropriate~~ authority *having jurisdiction that the buildings meet each building meets* building and fire codes or that a plan of correction has been approved; and

Exception: Any building which is currently approved for school occupancy and which houses a public or private school during the school year shall be considered to have met the requirements of subdivision 1 of this subsection when housing a center only serving children two and a half years of age or older.

2. Approval from the local health department, or approval of a plan of correction, for meeting requirements for:

- a. Water supply;
- b. Sewage disposal system; and
- c. Food service, if applicable.

B. For buildings built before 1978, *the following shall be submitted before the initial license is issued:*

1. A written statement from a person licensed in Virginia as an asbestos inspector and management planner ~~shall be submitted before the first license is issued. The statement shall comply with~~ *as required by* § 63.2-1811 of the Code of Virginia and the requirements of the Asbestos Hazard Emergency Response Act (15 USC § 2641 et seq.); *and*

2. A written statement that the response actions to abate any risk to human health have been or will be initiated in accordance with a specific schedule and plan as recommended by the asbestos management planner in accordance with § 63.2-1811 of the Code of Virginia.

C. ~~The administrator shall post~~ A notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review *shall be posted*.

Exception: The provisions of subsections B and C of this section do not apply to centers located in buildings required to be inspected according to Article 5 (§ 2.2-1162 et seq.) of Chapter 11 of Title 2.2 of the Code of Virginia.

D. Before the first license is issued, camps shall notify the ~~closest responsible~~ fire department and the ~~closest rescue squad or similar emergency service organization~~ *responsible emergency medical service* of the camp location and hours of operation.

22 VAC 15-30-330. Approval from other agencies; requirements subsequent to initial licensure.

A. ~~The center shall provide to the licensing representative an annual fire inspection report shall be provided to the licensing representative~~ from the appropriate fire official *having jurisdiction*.

Exception: If a center is located in a building currently housing a public or private school, the school's annual fire inspection report shall be accepted ~~instead of the requirements of this subsection~~.

B. After the first license, annual approval from the health department shall be provided, or approvals of a plan of correction, for meeting requirements for:

1. Water supply;
2. Sewage disposal system; and
3. Food service, if applicable.

C. For those buildings where asbestos containing materials are detected and not removed, ~~the administrator shall:~~

1. ~~Submit to the department~~ A signed, written statement that the center is following the recommendations of the management plan *shall be submitted to the department before subsequent licenses are issued*; and

2. ~~Post a~~ The notice regarding the presence and location of asbestos containing materials and advising that the asbestos inspection report and management plan are available for review *shall continue to be posted*.

[3.] Exception: The provisions of this subsection do not apply to child day centers located in buildings required to be inspected according to Article 5 (§ 2.2-1162 et seq.) of Chapter 11 of Title 2.2 of the Code of Virginia.

22 VAC 15-30-340. Building maintenance.

A. Areas and equipment of the center, inside and outside, shall be maintained in a clean, safe and operable condition. *Unsafe conditions shall include, but not be limited to, splintered, cracked or otherwise deteriorating wood; chipped or peeling paint; visible cracks, bending or warping, rusting or breakage of any equipment; head entrapment hazards; and protruding nails, bolts or other components that could entangle clothing or snag skin.*

B. Heat shall be supplied from an ~~officially approved~~ a heating system *approved in accordance with the Uniform Statewide Building Code (USBC, 13 VAC 5-62)* except for camps. The heating system shall:

1. Be installed to prevent accessibility of children to the system; and
2. Have appropriate barriers to prevent children from being burned, shocked, or injured from heating equipment. In addition, proper supervision shall be available to prevent injury.

[3.] Exception: In case of emergency, portable heaters may be used in accordance with the manufacturer's instructions.

C. In inside areas occupied by children, the temperature shall be maintained no lower than 68°F.

D. Fans or other cooling systems shall be used when the temperature of inside areas occupied by children exceeds 80°F.

E. Drinking fountains or individual disposable cups with safe drinking water shall be accessible at all times.

F. Equipment shall include, but not be limited to, the following:

1. Outside lighting provided at entrances and exits used by children before sunrise or after sundown; and
2. An in-service, nonpay telephone.

22 VAC 15-30-350. Hazardous substances and other harmful agents.

A. No center shall be located where conditions exist that would be hazardous to the health and safety of children.

B. Hazardous substances such as cleaning materials, insecticides, and pesticides shall be kept in a locked place using a safe locking method that prevents access by children.

[1.] If a key is used, the key shall not be accessible to the children.

[2.] *Exception: Cleaning supplies to clean and sanitize the diapering area or toilet chairs do not need to be kept locked during diapering or toilet training time as long as they are inaccessible to children.*

C. Pesticides or insecticides shall not be stored in areas used by children or in areas used for food preparation or storage.

D. Cleaning *and sanitizing* materials shall not be located above food, food equipment, utensils or single-service articles and shall be stored in areas physically separate from food.

E. Cleaning materials (e.g., detergents, sanitizers and polishes) and insecticides/pesticides shall be stored in areas physically separate from each other.

F. Hazardous substances shall be stored in the original container unless this container is of such a large size that its use would be impractical.

G. If hazardous substances are not kept in original containers, the substitute containers shall clearly indicate their contents and shall not resemble food or beverage containers.

H. Cosmetics, medications, or other harmful agents shall not be stored in areas, purses or pockets that are accessible to children.

I. Hazardous art and craft materials shall not be used with children.

J. Smoking shall be prohibited in the interior of a center that is not used for residential purposes.

[K.] In residential areas of the center and outside the center, smoking shall be prohibited in the presence of children.

22 VAC 15-30-360. General physical plant requirements for centers serving children of preschool age or younger.

In areas used by children of preschool age or younger, the following shall apply:

~~1. Steps with three or more risers and a total height of more than 20 inches shall have a guardrail or barrier and a handrail having a minimum and maximum height of 30 inches and 38 inches respectively. The distance between any posts shall be no greater than 3 inches. Guardrails and handrails shall be provided in accordance with the USBC (13 VAC 5-62) in effect at time of first occupancy or construction.~~

2. Fans, when used, shall be out of reach of children and cords shall be secured so as not to create a tripping hazard.

3. Electrical outlets shall have protective covers that are of a size that cannot be swallowed by children.

22 VAC 15-30-370. General physical plant requirements for centers serving school age children.

A. Any building which is currently approved for school occupancy and which houses a school during the school year shall be considered to have met the building requirements in this regulation when housing a center only serving school age children.

B. Portable camping equipment for heating or cooking that is not required to be approved by the building official shall bear the label of a nationally recognized inspection agency and be used in accordance with the manufacturer's specifications, except for charcoal and wood burning cooking equipment.

C. No cooking or heating shall occur in tents except as provided by the USBC (13 VAC 5-62).

22 VAC 15-30-380. Areas.

~~A. [There shall be 25 square feet of indoor space available per child. Two years after [the effective date of the regulation], there shall be 30 square feet of indoor space per child. Five years after [the effective date of the regulation], there shall be 35 square feet of indoor space per child. Indoor space shall be measured inside wall-to-wall excluding spaces not routinely used by children as referenced in subdivisions 1 and 2 of this subsection:]~~

1. Areas not routinely used for children's activities shall not be calculated as available space.

[2.] Space not calculated shall include, but not be limited to, offices, hallways, restrooms, kitchens, storage rooms or closets.

~~[B. There shall be 25 square feet of indoor space available per child until subdivisions 1 and 2 of this subsection take effect.~~

1. Effective June 1, 2008, applicants must have 35 square feet of indoor wall-to-wall space per child.

2. Current licensees and subsequent licensees at currently licensed facilities may continue to provide 25 square feet per child.

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3. *New additions shall have 35 square feet of indoor wall-to-wall space per child effective June 1, 2008.*]

[~~2.~~ C.] Space in areas used by infants shall be calculated separately from space for older children. There shall be a minimum of 25 square feet of space per infant excluding space occupied by cribs and changing tables or a minimum of 35 square feet of available space per infant including space occupied by cribs and changing tables.

[~~3.~~ D.] Camps for school age children are not required to meet this space requirement. However, when weather prevents outdoor activities, ~~25 square feet of the required~~ indoor space per child shall be provided either at the program site or at a predesignated, approved location off site.

[~~B.~~ E.] When children are on the outdoor play area, at least 75 square feet of space per child shall be provided at any one time.

[~~C.~~ F.] Centers licensed for the care of infants and toddlers shall provide a separate playground area for these children ~~which that~~ has at least 25 square feet of unpaved surface per infant/toddler on the outdoor area at any one time. This space may be counted as part of the 75 square feet required in subsection B of this section.

[~~D.~~ G.] A separate space shall be designated for children who are ill or injured.

22 VAC 15-30-390. Restroom areas and furnishings.

A. Centers shall be provided with at least two toilets and two sinks.

B. Each restroom area provided for children shall:

1. Be within a contained area, readily available and within the building used by the children (Exception: Restrooms used by school age children at camps are not required to be located within the building);
2. Have toilets that are flushable;
3. Have sinks *located* near the toilets and that are supplied with running *warm* water ~~which that~~ does not exceed 120°F (Exception: Camps are exempt from the requirement that *running water be warm*); and
4. Be equipped with soap, toilet paper, and disposable towels or an air dryer within reach of children.

C. For restrooms available to males, urinals shall not be substituted for more than one-half the required number of toilets.

D. An adult size toilet with privacy shall be provided for staff use. Staff toilets may be counted in the number of required toilets for children only if children are allowed unrestricted access to them.

Exception: Primitive camps are not required to have a toilet with privacy for staff.

E. Centers shall be provided with at least one toilet and one sink per 20 preschool children and at least one standard size toilet and one sink per 30 school age children. When sharing restroom areas with other programs, the children in those

programs shall be included in the toilet and sink ratio calculations. The toilet and sink ratio appropriate to the younger age group shall apply.

F. When child size toilets, urinals, and low sinks are not available in restrooms used by children of preschool age and younger, one or more platforms or sets of steps shall be provided.

G. School age children of the opposite sex shall not use the same restroom at the same time.

H. A restroom used for school age children that contains more than one toilet shall have at least one toilet enclosed.

I. Restrooms used by school age children at primitive camps are not required to have:

1. Sinks, if adequate water, supplies, and equipment for hand washing are available; and
2. Flushable toilets, if the number of sanitary privies or portable toilets constructed and operated in accordance with the applicable law and regulations of the Virginia Department of Health meets the toilet ratio stated in subsection E of this section. No privy or outdoor toilet shall be located within 75 feet of other buildings or camp activities.

22 VAC 15-30-410. Play areas.

A. Playgrounds shall be located and designed to protect children from hazards.

B. Where playground equipment is provided, resilient surfacing shall [*comply with minimum safety standards when tested in accordance with the procedures described in the American Society for Testing and Materials standard F1292-99 as shown in Figures 2 (Compressed Loose Fill Synthetic Materials Depth Chart) and 3 (Use Zones for Equipment) on pages 6-7 of the National Program for Playground Safety's "Selecting Playground Surface Materials: Selecting the Best Surface Material for Your Playground," February 2004, and shall*] be under equipment with moving parts or climbing apparatus to create a fall zone free of hazardous obstacles. Fall zones are defined as the area underneath and surrounding equipment that requires a resilient surface. A fall zone shall encompass sufficient area to include the child's trajectory in the event of a fall while the equipment is in use. [*Falls zones shall not include barriers for resilient surfacing. Where steps are used for accessibility, resilient surfacing is not required.*]

C. Ground supports shall be covered with materials that protect children from injury.

D. Swing seats shall be constructed with flexible material.

[1.] *Exceptions: Nonflexible* molded swing seats may be used only in a separate infant or toddler play area.

[2.] *Swings made specifically for a child with a special need shall be permitted in any area as long as a staff member [~~stays within arm's length of any hard molded swing when in use and~~] is positioned to see and protect other children who might walk into the path of the swing.*

E. Sandboxes with bottoms which prevent drainage shall be covered when not in use.

F. A shady area shall be provided on playgrounds [during the months of June, July, and August].

PART V.
STAFFING AND SUPERVISION.

22 VAC 15-30-430. Supervision of children.

A. When staff are supervising children, they shall always ensure their care, protection, and guidance.

B. During the center's hours of operation, one adult on the premises shall be in charge of the administration of the center. This person shall be either the administrator or an adult appointed by the licensee or designated by the administrator.

C. During the stated hours of operation, there always shall be on the premises and on field trips when one or more children are present one staff member who meets the qualifications of a program leader, ~~child care supervisor~~, or program director and an immediately available staff member, volunteer or other employee who is at least 16 years of age, with direct means for communication between the two of them. The volunteer or other employee shall have received instruction in how to contact appropriate authorities if there is an emergency.

D. In each grouping of children at least one staff member who meets the qualifications of a program leader, ~~child care supervisor~~, or program director shall be regularly present. Such ~~staff member~~ [a] program leader shall supervise no more than two aides.

[E.] *Exception: A program leader is not required in each grouping of children during the first and last hour of operation when a center operates more than six hours per day and during the designated rest period if the following are met: (i) there is a staff member in the group who is over 18 years of age and has at least three months of programmatic experience at the center; (ii) there is an additional staff person on site who meets program leader qualifications, is not counted in the staff-to-children ratios and is immediately available to help if needed; and (iii) there is a direct means for communicating between these two staff members.*

[~~E.~~ F.] Children under 10 years of age always shall be within actual sight and sound supervision of staff, except that staff need only be able to hear a child who is using the restroom provided that:

1. There is a system to assure that individuals who are not staff members or persons allowed to pick up a child in care do not enter the restroom area while in use by children; and

2. Staff check on a child who has not returned from the restroom after five minutes. *Depending on the location and layout of the restroom, staff may need to provide intermittent sight supervision of the children in the restroom area during this five-minute period to assure the safety of children and to provide assistance to children as needed.*

[~~F.~~ G.] Children 10 years of age and older shall be within actual sight and sound supervision of staff except when the following requirements are met:

1. Staff can hear or see the children (video equipment, intercom systems, or other technological [~~device~~ devices] shall not substitute for staff being able to directly see or hear children);

2. Staff are nearby so they can provide immediate intervention if needed;

3. There is a system to ensure that staff know where the children are and what they are doing;

4. There is a system to ensure that individuals who are not staff members or persons allowed to pick up children in care do not enter the areas where children are not under sight supervision; and

5. Staff provide sight and sound supervision of the children at variable and unpredictable intervals not to exceed 15 minutes.

[~~G.~~ H.] When the outdoor activity area is not adjacent to the center, there shall be at least two staff members on the outdoor activity area whenever one or more children are present.

[~~H.~~ I.] Staff shall greet each child upon arrival at the center and oversee each child's departure from the center.

[~~I.~~ J.] Staff [~~may~~ shall] not allow a child to leave the center unsupervised.

22 VAC 15-30-440. Staff-to-children ratio requirements [and group size requirements].

A. Staff shall be counted in the required staff-to-children ratios only when they are directly supervising children.

B. A child volunteer 13 years of age or older not enrolled in the program shall not be counted as a child in the staff-to-children ratio requirements.

C. When children are regularly in ongoing mixed age groups, the staff-to-children ratio [~~and the group size requirement~~] applicable to the youngest child in the group shall apply to the entire group.

D. During the designated rest period *and the designated sleep period of evening and overnight care programs*, the ratio of staff to children may be double the number of children to each staff required by subdivisions E 2 through 4 and [~~6~~ 7] of this section if:

1. A staff person is within sight and sound of the resting/sleeping children;

2. Staff counted in the overall rest period ratio are within the building and available to ensure safe evacuation in an emergency; and

3. An additional person is present at the center to help, if necessary.

E. The following ratios of staff to children are required wherever children are in care:

1. For children from birth to the age of 16 months: one staff member for every four children;

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2. For children 16 months old to two years: one staff member for every five children;

3. For ~~two-year-old~~ children ~~from two years to four years~~: one staff member for every ~~40~~ *eight* children [*effective June 1, 2006*];

4. For children from ~~four~~ *three* years to the age of eligibility to attend public school, five years by September 30: one staff member for every ~~42~~ *10* children [*effective June 1, 2006*];

5. For [~~school-age~~] children [*from age of eligibility to attend public school through eight years*], one staff member for every ~~20~~ *18* children; and

[~~6.~~ *For children from nine years through 12 years, one staff member for every 20 children effective June 1, 2006.*]

[~~6.~~ *7.*] Notwithstanding subdivisions ~~3 through 4~~ and 5 of this subsection and subsection C of this section, the ratio for balanced mixed-age groupings of children [~~ages three through six years of age~~] shall be one staff member for every ~~45~~ *14* children, provided:

a. If the program leader ~~or child care supervisor~~ has an extended absence, there shall be sufficient substitute staff to meet a ratio of one staff member for every 12 children.

b. The center shall have readily accessible and in close classroom proximity auxiliary persons sufficient to maintain a 1:10 adult-to-child ratio for all three-year-olds who are included in balanced mixed-age groups to be available in the event of emergencies.

c. The program leader ~~or child care supervisor~~ has received training in classroom management of balanced mixed-age groupings of at least eight hours.

F. With a parent's written permission and a written assessment by the program director and ~~child care supervisor~~ ~~or~~ program leader, a center may choose to assign a child to a different age group if such age group is more appropriate for the child's developmental level and the staff-to-children ratio shall be for the established age group.

[*1.*] If such developmental placement is made for a child with a ~~disability~~ *special need*, a written assessment by a recognized agency or professional shall be required at least annually. *These assignments are intended to be a permanent new group and staff members for the child.*

[*2.*] *A center may [not] temporarily reassign a child from his regular group and staff members for reasons of administrative [convenience or otherwise necessity but not] casually or repeatedly disrupt a child's schedule and attachment to his staff members and group.*

G. For therapeutic child day programs, in each grouping of children of preschool age or younger, the following ratios of staff to children are required according to the ~~disabilities~~ *special needs* of the children in care:

1. For children with severe and profound disabilities, multiple ~~disabilities~~ *special needs*, *serious medical need*, or

serious emotional disturbance: one staff member to three children.

2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities, or with autism: one staff member to four children.

3. For children diagnosed as educable mentally retarded (EMR) or developmentally delayed or diagnosed with attention deficit/hyperactivity disorder (AD/HD): one staff member to five children.

4. For children diagnosed with specific learning disabilities: one staff member to six children.

5. When children with varied ~~disabilities~~ *special needs* are regularly in ongoing groups, the staff-to-children ratio applicable to the child with the most significant ~~disability~~ *special need* in the group shall apply to the entire group.

[*6.*] Note: Whenever 22 VAC 15-30-440 E requires more staff than 22 VAC 15-30-440 G because of the children's ages, 22 VAC 15-30-440 E shall take precedence over 22 VAC 15-30-440 G.

H. For therapeutic child day programs, in each grouping of school age children, the following ratios of staff to children are required according to the ~~disabilities~~ *special needs* of the children in care:

1. For children with severe and profound disabilities, autism, multiple ~~disabilities~~ *special needs*, *serious medical need*, or serious emotional disturbance: one staff member to four children.

2. For children diagnosed as trainable mentally retarded (TMR), or with physical and sensory disabilities; attention deficit/hyperactivity disorder (AD/HD), or other health impairments: one staff member to five children.

3. For children diagnosed as educable mentally retarded (EMR), or developmentally delayed: one staff member to six children.

4. For children diagnosed with specific learning disabilities, or speech or language impairments: one staff member to eight children.

5. When children with varied ~~disabilities~~ *special needs* are regularly in ongoing groups, the staff-to-children ratio applicable to the child with the most significant ~~disability~~ *special need* in the group shall apply to the entire group.

[~~1.~~ *Two years after [the effective date of the regulation], the maximum number of children present for ongoing groups of children shall be:*

~~1.~~ *12 for children from birth to the age of 16 months;*

~~2.~~ *15 for children 16 months old to two years;*

~~3.~~ *16 for two-year-old children;*

~~4.~~ *20 for three-year-old children to the age of eligibility to attend public school, five years by September 30; and*

~~5.~~ *27 for balanced mixed-age groupings.*

~~J. Each school age child shall be assigned to a staff member or team of staff members in which each staff member is assigned no more than 18 children or each team of staff members are assigned no more than 36 children. Each staff shall assume the role, responsibility and identity of primary guide and caregiver for his assigned children. Centers shall establish a means to promote timely and appropriate communication between primary caregivers and staff members who provide guidance and support to the children during activities supervised by the latter staff members.~~

~~Notes: Subsections I and J of this section do not prohibit larger numbers of children being together when groups of children join for collective activities. Centers using an open classroom approach may submit for approval a plan to segment the space into suitable areas for defined groups of children or request a variance to this standard.]~~

PART VI.
PROGRAMS.

22 VAC 15-30-451. Daily activities.

A. The variety of daily activities for all age groups shall be age and stage appropriate and provide opportunities for teacher-directed, self-directed, and self-chosen tasks and activities; a balance of active and quiet activities; individual and group activities; and curiosity and exploration.

Exception: Specialty camps do not need to provide opportunities for self-chosen tasks and curiosity and exploration.

B. For a child who cannot move without help, staff shall offer to change the places and position of the child at least every 30 minutes or more frequently depending on the child's individual needs.

C. Children shall be allowed to sleep or rest as individually needed.

~~D. For a child in a therapeutic child day program, daily activities shall be in accordance [~~to~~-with] the program's individual plan for such child.~~

22 VAC 15-30-461. Daily activities for infants.

There shall be a flexible daily schedule for infants based on their individual needs. During the day, infants shall be provided with:

1. Sleep as needed.
 - a. When an infant is placed in his crib, he shall be placed on his back (supine).

[b.] When an infant is able to easily turn over from the back (supine) to the belly (prone) position and he is placed in his crib, he shall still be put on his back (supine) but allowed to adopt whatever position he prefers. This applies unless otherwise directed by the infant's physician in writing.
 - [c. ~~However,~~] If the side position is used, caregivers shall bring the dependent arm forward to lessen the likelihood of the infant rolling into a belly (prone) position.

[~~b. d.~~] Resting or sleeping infants shall be individually checked every ~~30~~ 15-20 minutes.

[~~e. e.~~] An infant who falls asleep in a play space ~~not his~~ crib, cot, mat, or bed shall be moved to his own crib, cot, mat or bed if he is uncomfortable or unsafe ~~specified in subdivision 5 a of this section may remain [in that space] if comfortable and safe.~~

2. Food as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.

3. Outdoor time if weather and air quality allow [based upon the Air Quality Color Code Chart as provided by the Department of Environmental Quality].

~~3- 4.~~ Comfort as needed.

4- 5. Play spaces.

a. Play spaces may include, but are not limited to, cribs, infant seats, play yards, exercise chairs or saucers (but not walkers), infant swings, high chairs, and floor space.

b. The variety of play spaces shall cumulatively offer:

- (1) Room for extensive movement (rolling, crawling, or walking) and exploration;
- (2) A diversity of sensory and perceptual experiences; and
- (3) Equipment and toys that support large and small motor development.

c. Staff shall provide frequent opportunities for infants to creep, crawl, toddle and walk.

d. Infants shall be protected from older children.

e. Staff shall provide awake infants not playing on the floor or ground a change in play space at least every 30 minutes or more often as determined by the individual infant's needs.

f. Staff shall change the position of an awake infant playing on the floor or ground and the selection of toys available to the infant every 30 minutes or more often as determined by the individual infant's needs.

g. Infants, who cannot turn themselves over and are awake, shall be placed on their stomachs a total of 30 minutes each day to facilitate upper body strength and to address misshapen head concerns.

~~5- 6.~~ Stimulation and language development activities, including but not limited to staff reading, talking to, *showing pictures [~~and to,~~] naming objects [for], [playing with and engaging in positive interactions (such as smiling, cuddling, [and] making eye contact [~~, smiling and playing~~)] with infants.*

22 VAC 15-30-471. Daily activities for toddlers and preschoolers.

A. There shall be a posted daily schedule that allows for flexibility as children's needs require. The daily schedule need not apply on days occupied a majority of the time by a field trip

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or other special event. The daily schedule shall include opportunities for:

1. Outdoor activity, weather *and air quality* allowing, for at least:
 - a. Fifteen minutes per day or session if the center operates up to three hours per day or session;
 - b. Thirty minutes per day or session if the center operates between three and five hours per day or session; or
 - c. One hour per day or session if the center operates more than five hours per day or session.
2. Sleep or rest.
 - a. Centers operating five or more hours per day shall have a designated rest period for at least one hour but no more than two hours.
 - [(1)] Cribs, cots, beds, or mats shall be used.
 - [(2)] After the first 30 minutes, children not sleeping may engage in quiet activities.
 - b. A child who falls asleep in a place other than his designated sleeping location ~~shall be moved to such location if uncomfortable or unsafe~~ may remain [*in that space*] *if comfortable and safe*.
 - c. Sleeping toddlers shall be individually checked every 30 minutes.
3. Meals and snacks as specified in 22 VAC 15-30-620 and 22 VAC 15-30-630.
4. Small and large motor activities, language and communication experiences, sensory experiences, art or music activities, and play acting or social living.

B. Staff shall encourage language development by ~~personal~~ *having* conversations ~~giving~~ *with* children ~~that give them~~ time to initiate and respond, *by* labeling and describing objects and events, *having storytelling time* and *by* expanding ~~their~~ *language the children's vocabulary*.

22 VAC 15-30-490. Parental involvement.

- A. Before the child's first day of attending, parents shall be provided in writing the following:
1. The center's philosophy and any religious affiliation;
 2. Operating information, including the hours and days of operation and holidays or other times closed, and the phone number where a message can be given to staff;
 3. ~~Transportation safety policies and those for the arrival and departure of children. Such policies shall include procedures for picking up children after closing, for when a child is not picked up, for release of children only to those who have been authorized in writing, and street safety.~~ The center's transportation policy;
 4. *The center's policies for the arrival and departure of children [,] including procedures for verifying that only [authorized] persons [authorized by the parent] are allowed to pick up the child, picking up children after closing, [for] when a child is not picked up for emergency*

situations including but not limited to inclement weather or natural disasters [, and for release of children only to those who have been authorized in writing];

- ~~4-~~ 5. The center's policy regarding any medication or medical procedures that will be given;
6. *The center's policy regarding application of:*
 - a. *Sunscreen;*
 - b. *Diaper ointment or cream; and*
 - c. *Insect repellent.*
- ~~5-~~ 7. Description of established lines of authority for staff;
- ~~6-~~ 8. Policy for ~~paid staff to report~~ *reporting* suspected child abuse as required by § 63.2-1509 of the Code of Virginia;
9. *The custodial parent's right to be admitted to the center as required by § 63.2-1813 of the Code of Virginia;*
- ~~7-~~ 10. Policy for communicating an emergency situation with parents;
- ~~8-~~ 11. The appropriate general daily schedule for the age of the enrolling child;
- 9- 12. Food policies;
- ~~10-~~ 13. Discipline policies including acceptable and unacceptable discipline measures; and
- ~~14-~~ 14. Termination policies.

B. Staff shall promptly inform parents when persistent behavioral problems are identified; such notification shall include any disciplinary steps taken in response.

C. A custodial parent shall be admitted to any child day program. Such right of admission shall apply only while the child is in the child day program (§ 63.2-1813 of the Code of Virginia).

D. The center shall provide opportunities for parental involvement in center activities.

E. Communication.

1. For each infant, the center shall post a daily record which can be easily accessed by both the parent and the staff working with the child. The record shall contain the following information:
 - a. The amount of time the infant slept;
 - b. The amount of food consumed and the time;
 - c. A description and time of bowel movements; ~~and~~
 - d. Developmental milestones; *and*
 - e. *For infants, who are awake and cannot turn over by themselves, the amount of time spent on their stomachs.*
2. If asked by parents, staff shall provide feedback about daily activities, physical well-being, and developmental milestones.
3. Parents shall be provided at least semiannually, ~~either orally or in writing;~~ information on their child's development,

behavior, adjustment, and needs [~~and staff shall request parent confirmation that the required information in the child's record is up to date and.~~

a. Staff shall] provide [~~an opportunity at least semiannual scheduled opportunities]~~ for parents to provide feedback on their children and the center's program.

[b. Staff shall request at least annually parent confirmation that the required information in the child's record is up to date.]

[c.] Such sharing of information shall be documented.

[d.] Short-term programs (as defined in 22 VAC 15-30-10) are exempt from this requirement.

4. Parents shall be informed of reasons for termination of services.

22 VAC 15-30-500. Equipment and materials.

A. Furnishings, equipment, and materials shall be of an appropriate size for the child using it.

B. Materials and equipment available shall be age and stage appropriate for the children and shall include an adequate supply as appropriate for each age group of arts and crafts materials, texture materials, construction materials, music and sound materials, books, social living equipment, and manipulative equipment.

C. Play equipment used by children shall meet the following requirements:

1. Openings above the ground or floor which allow a 3-1/2 inch by 6-1/4 inch rectangle to fit through shall also allow a nine-inch circle to fit through;

2. ~~Have closed~~ S-hooks where provided *may not be open more than the thickness of a penny*; and

3. Have no protrusions, sharp points, shearing points, or pinch points.

D. The *unenclosed* climbing portion of slides and climbing equipment used by toddlers and preschool children shall not be more than seven feet high [*and must be located over resilient surfacing*] where outdoors [,] and shall not be more than five feet high where indoors.

[E.] Centers may not install after [~~the effective date of the regulation June 1, 2005,~~] any slide or climbing equipment to be used by preschoolers or toddlers when the climbing portion of the equipment is more than six feet in height.

[F.] The climbing portions of indoor slides and climbing equipment over 18 inches shall not be over bare flooring.

[G.] The climbing portions of indoor slides and climbing equipment 36 inches or more shall be located over a resilient surface.

[~~E.~~ H.] Trampolines may not be used.

~~E.~~ [F. I.] If combs, toothbrushes, or other personal articles are used, they shall be individually assigned.

~~F.~~ [G. J.] Disposable products shall be used once and discarded.

~~G.~~ [H. K.] Provision shall be made for an individual place for each child's personal belongings.

~~H.~~ [I. L.] Infant walkers shall not be used.

~~I.~~ [J. M.] Play yards where used shall:

1. Meet the Juvenile Products Manufacturers Association (JPMA) and the American Society for Testing and Materials (ASTM) requirements [*and shall retain the manufacturer's label documenting product compliance with current safety standards*] at the time they were manufactured;

2. Not be used after recalled;

~~2-~~ 3. Not use any pillows or filled comforters;

~~3-~~ 4. Not be used for *the designated* sleeping areas;

4- 5. Not be occupied by more than one child; and

~~5-~~ 6. Be ~~cleaned~~ *sanitized* each day of use ~~with an antibacterial agent~~ or more often as needed.

[K. N.] *Upon being informed that a product has been recalled [by the Consumer Product Safety Commission], center staff shall remove the item from the center.*

~~J.~~ [L. O.] Where portable water coolers are used, they shall be of cleanable construction, maintained in a *sanitary cleaned* condition, kept securely closed and so designed that water may be withdrawn from the container only by water tap or faucet.

~~K.~~ [M. P.] Drinking water which is transported to camp sites shall be in closed containers.

~~L.~~ [N. Q.] Therapeutic child day programs and special needs child day programs serving children who use wheelchairs shall provide cushioned vinyl-covered floormats for use when activities require children to be out of their wheelchairs.

22 VAC 15-30-510. Cribs, cots, rest mats, and beds.

A. Cribs, cots, rest mats or beds shall be provided for children during the designated rest period and *not be occupied by more than one child at a time* ~~shall occupy a crib, cot, rest mat, or bed.~~

B. Cribs, cots, rest mats, and beds shall be identified for use by a specific child.

C. Double decker cribs, cots, or beds, or other sleeping equipment when stacked shall not be permitted.

D. Occupied cribs, cots, rest mats, and beds shall be at least [~~≥~~ 2-1/2] feet from any heat producing appliance.

E. There shall be at least 12 inches of space between occupied cots, beds, and rest mats.

Exception: Twelve inches of space are not required where cots, beds, or rest mats are located adjacent to a wall or a ~~screen~~ *divider* as long as one side is open at all times to allow for passage.

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F. If rest mats are used, they shall have cushioning and be sanitized ~~between each use on all sides weekly [or before use by another child]~~.

G. Cribs shall be used for children under 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot or mat.

H. Cribs shall meet the following requirements:

1. They shall meet the Consumer Product Safety Commission Standards at the time they were ~~made~~ *manufactured*;

2. ~~They shall not have been recalled~~;

~~2.~~ 3. There shall be no more than six centimeters or 2-3/8 inches of space between slats;

~~3.~~ 4. There shall be no more than one inch between the mattress and the crib; and

~~4.~~ 5. End panel cut-outs in cribs shall be of a size not to cause head entrapment.

I. Cribs shall be placed where objects outside the crib such as cords from blinds or curtains are not within reach of infants or toddlers.

J. There shall be at least:

1. Twelve inches of space between the sides and ends of occupied cribs except where they touch the wall; and

2. Thirty inches of space between service sides of occupied cribs and other furniture where that space is the walkway for staff to gain access to any occupied crib.

K. Crib sides shall be up and the fastenings secured when a child is in the crib, except when [a] staff [*member*] is giving the child immediate attention.

L. Pillows and filled comforters shall not be used by children under two years of age.

M. Use of crib bumper pads shall be prohibited.

[*N.*] *Toys or objects hung over an infant in a crib and crib gyms that are strung across the crib may not be used for infants over five months of age or infants who are able to push up on their hands and knees.*

22 VAC 15-30-520. Linens.

A. Cribs, cots, *mats* and beds used by children *other than infants during the designated rest period or during evening and overnight care* shall have linens consisting of a top cover and a bottom cover or a one-piece covering which is open on three edges. *Cribs when being used by infants shall have a bottom cover.*

B. Linens shall be assigned for individual use.

C. Linens shall be clean ~~and sanitary~~ and shall be washed at least weekly.

[1.] ~~Crib sheets shall be cleaned and sanitized~~ *clean and washed* daily.

[2.] *When centers wash the linens, the water shall be above 140°F or the dryer shall heat the linens above 140°F*

as verified by the manufacturer or a sanitizer shall be used according to the manufacturer's instructions.

D. Pillows when used shall be assigned for individual use and covered with pillow cases.

E. Mattresses when used shall be covered with a waterproof material which can be *cleaned and* sanitized.

22 VAC 15-30-540. Swimming and wading activities; staff and supervision.

A. The staff-to-children ratios required by 22 VAC 15-30-440 E, G and H shall be maintained while children are participating in swimming or wading activities.

[1.] Notwithstanding the staff-to-children ratios already indicated, at no time shall there be fewer than two staff members supervising the activity.

[2.] The designated ~~water safety instructor or senior lifesaver~~ *certified lifeguard* shall not be counted in the staff-to-children ratios.

B. If a pool, lake, or other swimming area has a water depth of more than two feet, a ~~water safety instructor or senior lifesaver~~ *certified lifeguard* holding a current certificate shall be on duty supervising the children participating in swimming or wading activities at all times when one or more children are in the water.

[C.] The [*lifeguard*] certification shall be obtained from an organization such as, but not limited to, the American Red Cross, the YMCA, or the Boy Scouts.

22 VAC 15-30-550. Pools and equipment.

A. When permanent swimming or wading pools are located on the premises of the center, the following shall apply:

1. The manufacturer's specifications for operating the pool shall be followed as well as any local ordinances and any Department of Health requirements for swimming pools;

2. Pools constructed, renovated, or remodeled after April 1, 1986, shall have a statement in writing of their inspection and approval from the local building official when such approval is required;

3. Outdoor swimming pools shall be enclosed by safety fences and gates which are in compliance with the applicable edition of the Virginia ~~Uniform Statewide Building Code USBC (13 VAC 5-61-10 et seq. 13 VAC 5-62)~~ and shall be kept locked when the pool is not in use;

4. Entrances to indoor swimming pools shall be locked when the pool is not in use; and

5. A whistle or other audible signaling device, a buoy or a lemon line, a reach pole, and a backboard shall be available at the swimming or wading site.

B. If children are allowed to swim in a lake or other place other than a pool, safe swimming areas shall be clearly marked and there shall be appropriate water safety equipment.

C. Piers, floats, and platforms shall be in good repair and where used for diving, the minimum water depth shall be stated on the deck or planking.

D. If portable wading pools *without integral filter systems* are used, they shall be emptied ~~of dirty water after the use of each group of children, rinsed,~~ and filled with clean water ~~for each day's use and,~~ or more frequently as necessary.

[~~E.~~] Children who are not toilet trained may not use [~~these~~ portable wading] pools.

[~~E. F.~~] After each day's use, portable wading pools shall be emptied, sanitized, and stored in a position to keep them clean and dry.

22 VAC 15-30-560. Swimming and wading; general.

A. The center shall have emergency procedures and written safety rules for swimming or wading *or follow the posted rules of public pools* that are:

1. Posted in the swimming area when the pool is located on the premises of the center; and
2. Explained to children participating in swimming or wading activities.

B. The center shall maintain (i) written permission from the parent of each child who participates in swimming or wading, ~~which shall include and~~ (ii) a statement *from the parent* advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.

C. Staff shall have a system for accounting for all children in the water.

D. Outdoor swimming activities shall occur only during daylight hours unless underwater and deck lighting is provided.

~~E. Children who are not toilet trained shall not use portable wading pools.~~

PART VII.

SPECIAL CARE PROVISIONS AND EMERGENCIES.

22 VAC 15-30-570. Preventing the spread of disease.

~~A. If a child arrives at the center with the signs or symptoms listed in subsection B of this section, the child shall not be allowed to attend for that day.~~

~~B. A. Unless otherwise instructed by the child's health care provider, that child shall be excluded. A child shall not be allowed to attend the center for the day if he has:~~

1. ~~If he has~~ A temperature over 100°F 101 °F;
2. ~~If he has~~ Recurrent vomiting or diarrhea; or
3. ~~As recommended in the Virginia Department of Health's current~~ A communicable disease chart.

~~C. B. If a child needs to be excluded according to subsection B A of this section, the following shall apply:~~

1. Arrangements shall be made for the child to leave the center as soon as possible after the signs or symptoms are noticed; and
2. The child shall remain in the designated quiet area until leaving the center.

~~D. C. When a child children at the center has have been exposed to a communicable disease [listed in the Department of Health's current communicable disease chart], the parent parents shall be informed notified within 24 hours or the next business day of the [center being center's having been] informed unless forbidden by law [,] except for life threatening diseases, which must be reported [within 24 hours to parents immediately].~~

~~[D.] The center shall consult the local department of health if there is a question about the communicability of a disease.~~

~~[D. E.] When any surface has been contaminated with body fluids, it shall be cleaned and sanitized.~~

22 VAC 15-30-575. Hand washing and toileting procedures.

A. Hand washing.

1. Children's hands shall be washed with soap and *running* water or disposable wipes before and after eating meals or snacks.

[2.] Children's hands shall be washed with soap and *running* water after toileting; and after any contact with ~~body fluids blood, feces or urine.~~

[2- 3.] Staff shall wash their hands with soap ~~or germicidal cleansing agent and water~~ and *running* water before and after helping a child use the toilet or a diaper change, after the staff member uses the toilet, after any contact with body fluids, and before feeding or helping children with feeding.

[4.] *Exception: If running water is not available on [field trips or playgrounds], a germicidal cleansing agent administered per manufacturer's instruction may be used.*

B. Diapering; soiled clothing.

1. The diapering area shall ~~allow for sight and sound supervision of other children in the classroom or~~ be accessible and within the building used by children ~~if the required staff to children ratios are maintained while children are being diapered.~~

[2.] *There shall be sight and sound supervision for all children when a child is being diapered.*

[2- 3.] The diapering area shall be provided with the following:

- a. A sink with running warm water not to exceed 120°F;
- b. Soap ~~or germicidal cleaning agent~~, disposable towels and single use gloves such as surgical or examination gloves;
- c. A nonabsorbent surface for diapering ~~which, for or changing shall be used.~~ For children younger than three years, *this surface* shall be a changing table or countertop *designated for changing*;
- d. The appropriate disposal container as required by subdivision 5 of this subsection; and
- e. A *leakproof* covered receptacle for soiled linens.

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~~[3- 4.]~~ When a child's clothing or diaper becomes wet or soiled, ~~it shall be changed immediately. The child's soiled area shall be thoroughly cleaned with a disposable wipe or sanitized washcloth for each child the child shall be cleaned and changed immediately.~~

[4- 5.] Disposable diapers shall be used unless the child's skin reacts adversely to disposable diapers.

~~[5- 6.]~~ Disposable diapers shall be disposed in a leakproof or plastic-lined storage system that is ~~not hand~~ *either foot-operated or used in such a way that [neither] the staff member's hand [or nor] the soiled diaper [does not touch touches] an exterior surface of the storage system during disposal.*

[7.] When cloth diapers are used, a separate leakproof storage system ~~that is not hand-operated as specified in this subdivision~~ shall be used.

~~[6- 8.]~~ The diapering surface shall ~~only~~ be used *only* for diapering or cleaning children, and it shall be ~~washed~~ *cleaned* with soap and ~~warm~~ *at least room temperature* water ~~or a germicidal cleansing agent and sanitized~~ after each use. Tables used for children's activities or meals shall not be used for changing diapers.

[Exception: Individual disposable barriers may be used between each diaper change. If the changing surface becomes soiled, the surface shall be cleaned and sanitized before another child is diapered.]

~~[7- 9.]~~ Staff shall ensure the immediate safety of a child during diapering.

C. Toilet training. For every 10 children in the process of being toilet trained, there shall be at least one toilet chair or one child-sized toilet, or at least one adult sized toilet with a platform or steps and adapter seat.

[1.] The location of these items shall allow for sight and sound supervision of children in the classroom if necessary for the required staff-to-children ratios to be maintained.

[2.] Toilet chairs shall be emptied promptly and *cleaned and* sanitized after each use.

22 VAC 15-30-580. Medication.

A. Prescription and nonprescription medication shall be given to a child [:]

[1.] According to the center's written medication policies ~~and ;~~

[2.] Only with written authorization from the parent [:] *and*

[3.] *Administered by the staff member trained in accordance with 22 VAC 15-30-310 D.*

B. The center's procedures for administering medication shall include:

1. *Include* any general restrictions of the center.

2. *Be consistent with the manufacturer's instructions for age, duration and dosage.*

~~2- 3.~~ *Include* duration of the parent's authorization for medication, provided that it shall expire or be renewed after 10 work days. Long-term prescription drug use *and over-the-counter medication* may be allowed with written authorization from the child's physician and parent.

~~3- 4.~~ Methods to prevent use of outdated medication.

C. The medication authorization shall be available to staff during the entire time it is effective.

D. Medication shall be labeled with the child's name, the name of the medication, the dosage amount, and the time or times to be given.

E. Medication shall be in the original container with the prescription label or direction label attached.

F. When needed, medication shall be refrigerated.

[G.] When medication is stored in a refrigerator used for food, the medications shall be stored together in a container or in a clearly defined area away from food.

~~[G- H.]~~ Medication, *except for those prescriptions designated otherwise by written physician's order*, including refrigerated medication and staff's personal medication, shall be kept in a locked place using a safe locking method that prevents access by children.

[I.] If a key is used, the key shall not be accessible to the children.

~~[H- J.]~~ Centers shall keep a record of medication given children [,] which shall include the following:

1. Child to whom medication was administered;
2. Amount and type of medication administered to the child;
3. The day and time the medication was administered to the child;
4. Staff member administering the medication;
5. Any adverse reactions; and
6. Any medication error.

~~[I- K.]~~ Staff shall inform parents immediately of any adverse reactions to medication administered and any medication error.

~~[J- L.]~~ *Medication shall be returned to the parent as soon as the medication is no longer being administered. When an authorization for medication expires, the parent shall be notified that the medication needs to be picked up [within 14 days or the parent must renew the authorization. Medications that are not picked up by the parent within 14 days will be disposed of by the center by either dissolving the medication down the sink or flushing it down the toilet].*

22 VAC 15-30-585. Over-the-counter skin products.

[A. *All nonprescription drugs and over-the-counter skin products shall be used in accordance with the manufacturer's recommendations. Nonprescription drugs and over-the-counter skin products shall not be kept or used beyond the expiration date of the product.*]

[~~A. B.~~] If sunscreen is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;
2. Sunscreen shall be in the original container and labeled with the child's name;
3. Sunscreen does not need to be kept locked but shall be inaccessible to children under five years of age or those children in a therapeutic child day program or special needs child day program; [~~and~~]
4. Any center-kept sunscreen shall be hypo-allergenic and have a minimum SPF of 15 [;]
- [5. Staff members without medication administration training may apply sunscreen, unless it is prescription sunscreen, in which case the storing and application of sunscreen must meet medication-related requirements; and
6. Children nine years of age and older may administer their own sunscreen if supervised.]

[~~B. C.~~] If diaper ointment or cream is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;
2. These products shall be in the original container and labeled with the child's name;
3. These products do not need to be kept locked but shall be inaccessible to children; [~~and~~]
4. A record shall be kept that includes the child's name, date of use, frequency of application and any adverse reactions [; and
5. Staff members without medication administration training may apply diaper ointment, unless it is prescription diaper ointment, in which case the storing and application of diaper ointment must meet medication-related requirements] .

[~~C. D.~~] If insect repellent is used, the following requirements shall be met:

1. Written parent authorization noting any known adverse reactions shall be obtained;
2. Insect repellent shall be in the original container and labeled with the child's name;
3. Insect repellent does not need to be kept locked but shall be inaccessible to children;
4. A record shall be kept that includes the child's name, date of use, frequency of application and any adverse reactions; [~~and~~]
5. Manufacturer's instructions for age, duration and dosage shall be followed [; and
6. Staff members without medication administration training may apply insect repellent, unless it is prescription insect repellent, in which case the storing and application of insect repellent must meet medication-related requirements] .

22 VAC 15-30-590. First aid training, cardiopulmonary resuscitation (CPR) and rescue breathing.

A. There shall be at least one staff member trained in first aid, cardiopulmonary resuscitation, and rescue breathing as appropriate to the age of the children in care who is on the premises during the center's hours of operation and also one person on field trips and wherever children are in care.

[1.] This person shall be available to children [;] and meet one of the following qualifications: 1. Has a

[2. This person shall] have current certification by the American Red Cross, American Heart Association, National Safety Council, or other designated program approved by the Department of Social Services; ~~or.~~

~~2. Is a R.N. or L.P.N. with a current license from the Board of Nursing.~~

B. Primitive camps shall have a staff member on the premises during the hours of operation who has successfully completed at least current certification in first responder training within the past three years.

22 VAC 15-30-600. First aid and emergency supplies.

A. A first aid kit shall be:

1. On each floor of each building used by children;
2. Accessible to outdoor play areas;
3. On field trips; and
4. Wherever children are in care.

B. Each first aid kit shall be easily accessible to staff but not to children.

~~B. C.~~ The required first aid kits shall include at a minimum:

1. Scissors;
2. Tweezers;
3. Gauze pads;
4. Adhesive tape;
5. Band-aids, assorted types;
6. An antiseptic cleansing solution [/pads];
7. Thermometer;
8. Triangular bandages;
9. Single use gloves such as surgical or examination gloves; and
10. The first aid instructional manual.

~~C. Each first aid kit shall be stored so that it is not accessible to children but is easily accessible to staff.~~

D. The following emergency supplies shall be required at the center and be available on field trips:

1. [Syrup of ipecac or ~~and~~] Activated charcoal preparation (to be used only on the advice/direction of a physician or the [center's local] poison control center); and

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2. An ice pack or cooling agent.

E. The following *nonmedical* emergency supplies shall be required:

1. A One working, battery-operated flashlight on each floor of each building that is used by children; and
2. One working, battery-operated radio in each building used by children and any camp location without a building.

22 VAC 15-30-610. Procedures for emergencies.

A. The center shall have an emergency ~~evacuation~~ *preparedness* plan that addresses staff responsibility and facility readiness with respect to: *emergency evacuation and shelter-in-place*. The plan [, which] shall be developed in consultation with local or state authorities [~~that~~ ,] addresses the most likely to occur emergency scenario or scenarios [(, including but not limited to) natural disaster, chemical spills, intruder, [and] terrorism [, ~~etc.~~] specific to the locality.

B. The emergency preparedness plan shall contain procedural components for:

1. Sounding of ~~fire~~ alarms and (intruder, shelter-in-place such as for tornado, or chemical hazard);

2. Emergency communication to include:

a. Establishment of center emergency officer and back-up officer to include 24-hour contact telephone number for each;

b. Notification of local authorities (fire and rescue, law enforcement, emergency medical services, poison control, health department, etc.), parents, and local media; and

c. Availability and primary use of communication tools;

~~2-~~ 3. Evacuation ~~procedures including~~ to include:

a. Assembly points, head counts, primary and secondary means of egress, and ~~checking to ensure~~ complete evacuation of the buildings;

b. Securing of essential documents (sign-in record, parent contact information, etc.) and special healthcare supplies to be carried off-site on immediate notice; and

c. Method of communication after the evacuation;

4. Shelter-in-place to include:

a. Scenario applicability, inside assembly points, head counts, primary and secondary means of access [and egress];

b. Securing essential documents (sign-in records, parent contact information, etc.) and special health supplies to be carried into the designated assembly points; and

c. Method of communication after the shelter-in-place;

~~3-~~ 5. ~~Fire~~ Facility containment procedures, (e.g., closing of fire doors or other barriers) and shelter-in-place scenario (e.g., intruders, tornado, or chemical spills); and

6. Staff training requirement, drill frequency, and plan review and update; and

4- 7. Other special procedures developed with local authorities.

~~B-~~ C. Emergency evacuation and shelter-in-place procedures/maps shall be posted in a location conspicuous to staff and children on each floor of each building.

~~C-~~ D. The center shall implement ~~these emergency evacuation procedures through a monthly practice drills evacuation drill~~ and a minimum of two shelter-in-place practice drills per year for the most likely to occur [~~scenario~~ scenarios].

E. The center shall maintain a record of the dates of the ~~monthly practice~~ drills for one year. For centers offering multiple shifts, the ~~evacuation procedures simulated drills~~ shall be divided evenly among the various shifts.

~~D-~~ F. A generic emergency number such as 911 shall be posted in a conspicuous place near each telephone. If a generic number is not available, the following numbers shall be posted near each phone: A 911 or local dial number for police, fire and emergency medical services and the number of the regional poison control center shall be posted in a visible place at each telephone.

1. A physician or hospital;

2. An ambulance or rescue squad service;

3. The local fire department; and

4. The local police department.

~~E-~~ The number of a regional poison control center shall be posted in a conspicuous place near each phone.

~~F-~~ If an ambulance service is not readily available within 10 to 15 minutes, other transportation, such as a private automobile, shall be available in case of emergency.

G. Each camp location shall have an emergency preparedness plan and warning system.

H. The center shall prepare a [~~sheet~~ document] containing local emergency contact information, potential shelters, hospitals, evacuation routes, etc., [~~of sites that pertain to each site~~] frequently visited or of routes frequently driven by center staff for center business (such as field trips, pick-up/drop off of children to or from schools, etc.). [This document must be kept in vehicles that centers use to transport children to and from the center.]

I. Parents shall be informed of the center's emergency preparedness plan.

J. Based on local authorities and documented normal ambulance operation, if an ambulance service is not readily accessible within 10 to 15 minutes, other transportation shall be available for use in case of emergency.

~~G-~~ K. The center or other appropriate official shall notify the parent immediately if a child is lost, has a serious injury, needs emergency medical care, or dies requires emergency medical treatment or sustains a serious injury.

[L.] The center shall notify the parent by the end of the day of any known significant minor injuries.

[M.] The center shall maintain a written record of children's serious and ~~significant~~ *minor* injuries in which entries are made the day of occurrence. The record shall include the following:

1. Date and time of injury;
2. Name of injured child;
3. Type and circumstance of the injury;
4. Staff present and treatment;
5. *Date and time* when parents were notified; ~~and~~
6. Any future action to prevent recurrence of the injury;
7. *Staff and parent signatures or two staff signatures; and*
8. *Documentation on how parent was notified.*

~~H. The camp shall have a warning system. Staff and campers shall be trained in this warning system.~~

PART VIII. SPECIAL SERVICES.

22 VAC 15-30-620. Nutrition and food services.

A. Centers shall schedule appropriate times for snacks or meals, or both, based on the hours of operation and time of the day [; () e.g., a center open only for after school care shall schedule an afternoon snack; a center open from 7 a.m. to 1 p.m. shall schedule a morning snack and midday meal ()].

B. The center shall ensure that children arriving from a half-day, morning program who have not yet eaten lunch receive a lunch.

C. The center shall schedule snacks or meals so there is a period of at least 1-1/2 hours but no more than three hours between each meal or snack unless there is a scheduled rest or sleep period for children between the meals and snacks.

D. Drinking water or other beverage not containing caffeine shall be offered at regular intervals to nonverbal children.

E. In environments of 80°F or above, attention shall be given to the fluid needs of children at regular intervals. Children in such environments shall be encouraged to drink fluids as *outlined in subsection D of this section.*

F. When centers choose to provide meals or snacks, the following shall apply:

1. Centers shall follow the most recent, *age-appropriate* nutritional requirements of a recognized authority such as the Child and Adult Care Food Program of the United States Department of Agriculture (USDA).
2. *Children shall be allowed second helpings of food listed in the USDA's child and adult care meal patterns.*
- ~~2-~~ 3. Centers offering both meals and snacks shall serve a variety of nutritious foods and shall serve at least three sources of vitamin A and at least three sources of vitamin C on various days each week.

4. *Children three years of age or younger may not be offered foods that are considered to be potential choking hazards.*

~~3-~~ 5. A menu listing foods to be served for meals and snacks during the current one-week period shall:

- a. Be dated;
- b. Be posted in a location conspicuous to parents or given to parents;
- c. List any substituted food; and
- d. Be kept on file for one week at the center.

~~4-~~ 6. Powdered milk shall not be used except for cooking.

G. When food is brought from home, the following shall apply:

1. The food container shall be *sealed and* clearly *dated and* labeled in a way that identifies the owner;

2. The center shall have extra food or shall have provisions to obtain food to serve to children so they can have an appropriate snack or meal if they forget to bring food from home, bring an inadequate meal or snack, or bring perishable food; and

3. Unused portions of *opened* food shall be discarded by the end of the day or returned to the parent.

H. If a catering service is used, it shall be approved by the local health department.

I. Food shall be prepared, *stored, and transported* in a clean and sanitary manner.

J. Contaminated or spoiled food shall not be served to children.

K. *Tables and high chair trays shall be:*

1. *Sanitized [immediately] before [and after each] use for feeding; and*
2. ~~[Washed after used for feeding]~~ *Cleaned at least daily*].

~~K-~~ L. Children shall be encouraged to feed themselves.

[M.] Staff shall sit with children during meal times.

[N.] No child shall be allowed to drink or eat while walking around.

22 VAC 15-30-630. Special feeding needs.

A. High chairs, infant carrier seats, or feeding tables shall be used for children under 12 months who are not held while being fed.

[1.] Children using infant seats or high chairs shall be supervised during snacks and meals.

[2.] When a child is placed in an infant seat or high chair, the protective belt shall be fastened securely.

B. Bottle fed infants who cannot hold their own bottles shall be held when fed. Bottles shall not be propped *or used while the child is in his designated sleeping location.*

C. The record of each child on formula shall contain:

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1. The brand of formula; and
 2. The child's feeding schedule.
- D. Infants shall be fed on demand or in accordance with parental instructions.
- E. Prepared infant formula shall be refrigerated, *dated* and labeled with the child's name.
- [F.] Heated formula and baby food shall be stirred or shaken and tested for temperature before serving to children.
- [G.] *Milk, formula or breast milk [may shall] not be heated or warmed directly in a microwave. Note: Water for warming milk, formula, or breast milk may be heated in a microwave.*
- [~~F. Formula, bottled breast milk,~~ and H.] Prepared baby food not consumed *during that feeding* by an infant may be used by that same infant later in the same day, [~~if provided that the food is not served out of the baby jar and is~~] dated and stored in the refrigerator; otherwise, it shall be discarded or returned to the parent at the end of the day. *Formula or breast milk shall not remain unrefrigerated for more than [~~one hour~~ two hours and may not be reheated] .*
- [~~G. I.] A one-day's emergency supply of disposable bottles, nipples, and commercial formulas appropriate for the children in care shall be maintained at the center.~~
- [~~H. J.] Breastfeeding shall be permitted.~~
- [~~I. K.] Staff shall feed semisolid food with a spoon unless written instructions from a physician or physician's designee state differently.~~
- [~~J. L.] For therapeutic child day programs and special needs child day programs, the consistency of food shall be appropriate to a child's special feeding needs. Necessary and adaptive feeding equipment and feeding techniques shall be used for children with special feeding needs.~~

22 VAC 15-30-640. Transportation and field trips.

- A. If the center provides transportation, the center shall be responsible from the time the child boards the vehicle until returned to the parents or person designated by the parent.
- B. Any vehicle used by the center for the transportation of children shall meet the following requirements:
1. The vehicle shall be manufactured for the purpose of transporting people seated in an enclosed area;
 2. The vehicle's seats shall be attached to the floor;
 3. The vehicle shall be insured with at least the minimum limits established by Virginia state statutes;
 4. The vehicle shall meet the safety standards set by the Department of Motor Vehicles and shall be kept in satisfactory condition to assure the safety of children; and
 5. If volunteers supply personal vehicles, the center is responsible for ensuring that the requirements of this subsection are met.
- C. The center shall ensure that during transportation of children:

1. Virginia state statutes about safety belts and child restraints are followed [*and stated maximum number of passengers in a given vehicle shall not be exceeded*];
 2. The children remain seated and each child's arms, legs, and head remain inside the vehicle;
 3. Doors are closed properly and locked unless locks were not installed by the manufacturer of the vehicle;
 4. At least one staff member or the driver always ~~remain~~ *remains* in the vehicle when children are present;
 5. The following information is in transportation vehicles:
 - a. Emergency numbers as specified in 22 VAC 15-30-610 ~~D F~~ and ~~E H~~;
 - b. The center's name, address, and phone number; and
 - c. A list of the names of the children being transported.
- D. When entering and leaving vehicles, children shall enter and leave the vehicle from the curb side of the vehicle or in a protected parking area or driveway.
- E. Children shall cross streets at corners or crosswalks or other designated safe crossing point if no corner or crosswalk is available.
- F. The staff-to-children ratios of 22 VAC 15-30-440 E, G and H shall be followed on all field trips. The staff-to-children ratios need not be followed during transportation of [*school-age*] children to and from the center [~~as long as there is.~~] *One staff member or adult [is necessary] in addition to the driver when 16 or more [preschool or younger] children are being transported in the vehicle.*
- G. The center shall make provisions for providing children on field trips with adequate food and water.
- H. If perishable food is taken on field trips, the food shall be stored in insulated containers with ice packs to keep the food cold.
- I. Before leaving on a field trip, a schedule of the trip's events and locations shall be posted and visible at the center site.
- J. There shall be a communication plan between center staff and staff who are transporting children or on a field trip.
- K. Staff shall verify that all children have been removed from the vehicle at the conclusion of any trip.*
- ~~K. L. Parental permission for transportation and field trips shall be secured before the scheduled activity.~~
- [M.] If a blanket permission is used instead of a separate written permission, the following shall apply:
1. Parents shall be notified of the field trip; and
 2. Parents shall be given the opportunity to withdraw their children from the field trip.
- ## **22 VAC 15-30-650. Transportation for nonambulatory children.**
- A. For therapeutic child day programs and special needs child day programs providing transportation, nonambulatory

children shall be transported in a vehicle which is equipped with a ramp or hydraulic lift to allow entry and exit.

B. Wheelchairs shall be equipped with ~~seat belts~~ *restraining devices* and shall be securely fastened to the floor when used to seat children in a vehicle.

C. Arrangements of wheelchairs in a vehicle shall not impede access to exits.

D. For therapeutic child day programs and special needs child day programs, when the center is responsible for providing transportation, the center shall develop a plan based on the needs of the children in care to assure their safe supervision during on-loading, off-loading and transporting ~~and~~.

E.] When 16 or more children are being transported, there shall be at least one center aide or adult besides the driver, for each group of 16.

[~~E. F.]~~ For therapeutic child day programs and special needs child day programs, if a child has a known seizure disorder or neurological, genetic or physiological disability causing increased medical risk and that child is being transported, one center aide or adult who is not the driver and who is trained in CPR shall be present in the vehicle.

22 VAC 15-30-660. Animals and pets.

A. Animals that are kept on the premises of the center shall be vaccinated, if applicable, against diseases which present a hazard to the health *or safety* of children.

B. Animals which are, or are suspected of being, ill or infested with external lice, fleas and ticks or internal worms shall be removed from contact with children.

C. If a child is bitten by an animal, an attempt shall be made to confine the animal for observation or laboratory analysis for evidence of rabies.

[D.] The site of the bite shall be washed with soap and water immediately, and the child's physician or local health department shall be contacted as soon as possible for medical advice.

[E.] The center shall report the animal bite incident to the local health department.

[~~D. F.]~~ Manure shall be removed from barns, stables and corrals at least once a day and stored and disposed of in a manner to prevent the breeding of flies.

22 VAC 15-30-670. Evening and overnight care.

A. For evening care, beds with mattresses or cots with at least one inch of dense padding shall be used by children who sleep longer than two hours and are not required to sleep in cribs.

Exception: Camps providing evening ~~or overnight~~ care to ~~school-age children~~ on an occasional basis are not required to meet the requirements of this subsection if sleeping bags or cots are used.

B. For overnight care, beds with mattresses or cots with at least two inches of dense padding shall be used by children who are not required to sleep in cribs.

Exception: Camps providing evening ~~or overnight~~ care to ~~school-age children~~ on an occasional basis are not required to meet the requirements of this subsection if sleeping bags or cots are used.

C. For overnight care which occurs for a child on a weekly or more frequent basis, beds with mattresses shall be used.

D. In addition to 22 VAC 15-30-520 about linens, bedding appropriate to the temperature and other conditions of the rest area shall be provided.

E. For evening and overnight care, separate sleeping areas shall be provided for children of the opposite sex eight years of age or older.

F. If sleeping bags are used, 22 VAC 15-30-510 A through E about rest furnishings shall also apply to the use of sleeping bags.

G. Camps may use bunk beds if children are at least eight years of age.

H. In centers providing overnight care, an operational tub or shower with heated and cold water shall be provided.

Exception: Primitive camps are not required to have a tub or shower.

I. When bath towels are used, they shall be assigned for individual use.

J. Activities for children in evening or overnight care shall include, as time allows, age-appropriate activities as described in 22 VAC 15-30-451 through 22 VAC 15-30-481.

K. Quiet activities ~~and experiences~~ shall be available immediately before bedtime.

L. For children receiving evening or overnight care, the provider shall offer an evening snack.

NOTICE: The forms used in administering 22 VAC 15-30, Standards for Licensed Child Day Centers, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the office of the Department of Social Services, 7 North 8th Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

FORMS

Initial Application for a License to Operate a Child Day Center, ~~032-05-512/11~~ 032-05-512/12 (rev. 10/02).

Renewal Application for a License to Operate a Child Day Center, ~~032-05-225/10~~ 032-05-225/11 (rev. 10/02).

DOCUMENTS INCORPORATED BY REFERENCE

~~Communicable Disease Reference Chart for School Personnel, Virginia Department of Health, rev. 2/92.~~

~~Standard Consumer Safety Specification for Play Yards, American Society for Testing and Materials, ASTM designation: F 406-89, January 1990.~~

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F406-02 ASTM Standard Consumer Safety Specification for Non-Full-Size Baby Cribs/Play Yards [, October 2003].

F1292-99 ASTM Standard Specification for Impact Attenuation of Surface Systems Under and Around Playground Equipment [, August 10, 1999].

["Selecting Playground Surface Materials: Guidelines for Selecting the Best Surface Material for Your Playground," National Program for Playground Safety, University of Northern Iowa, February 2004.]

[Air Quality Color Code Chart, Virginia Department of Environmental Quality , April 2004.]

VA.R. Doc. No. R03-77; Filed February 1, 2005, 9 a.m.



FAST-TRACK REGULATIONS

Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Titles of Regulations: 8 VAC 20-680. **Regulations Governing the General Achievement Diploma (adding 8 VAC 20-680-10 and 8 VAC 20-680-20).**

Statutory Authority: § 22.1-253.13:4 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on April 22, 2005.

(See Calendar of Events section for additional information)

Effective Date: May 9, 2005.

Agency Contact: Charles Finley, Assistant Superintendent for Accountability, Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 786-9421, FAX (804) 225-2524, or e-mail cfinley@mail.vak12ed.edu.

Basis: Section 22.1-253.13:4 of the Code of Virginia requires the board to establish requirements for the award of a general achievement diploma for those persons who have (i) achieved a passing score on the GED examination; (ii) successfully completed an education and training program designated by the Board of Education; and (iii) satisfied other requirements as may be established by the board for the award of such diploma.

Purpose: The regulation is essential to protect the welfare of citizens because it defines the requirements for individuals who do not meet the requirements for other diplomas described in the Regulations Establishing Standards for Accrediting Public Schools in Virginia (8 VAC 20-131) or the Regulations Governing Adult High School Programs (8 VAC 20-30) and wish to earn a General Achievement Diploma.

Rationale for Using Fast-Track Process: The rationale for using the fast-track process is that the emergency regulations expired in November 2004. The normal time frame for the promulgation of new regulations is a minimum of 18 months. Even with filing the Notice of Intended Regulation Action (NOIRA) at the same time the emergency regulations were adopted, there would be a lapse in regulatory oversight for awarding these diplomas if the fast-track process is not used.

Substance: The General Achievement Diploma regulations set forth the credit and assessment requirements for graduation with a General Achievement Diploma. As specified in the regulations, individuals who meet one of the following criteria are eligible to earn the General Achievement Diploma: 1) Individuals who are at least 18 years of age and not enrolled in public school; or 2) Individuals who are not otherwise subject to the compulsory school attendance requirements set forth in § 22.1-254 of the Code of Virginia. The eligible individuals must participate in a General Education Development (GED) preparation program and may earn the required number of standard units of credit by

enrolling in a public school if the individual meets the age requirements. Credits may also be earned at a community college or other institution of higher education; and adult high school program; or correspondence, distance learning, and online courses.

Issues: The primary advantage to the public by adopting these regulations is that clear and concise direction is given to those who seek to earn this diploma. A secondary advantage is that this diploma provides another option to improve the status of citizens who otherwise may not have an opportunity to earn a high school diploma.

The advantage to the Commonwealth is that the promulgation of this regulation satisfies the statutory requirement imposed by the General Assembly.

There are no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact

Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

Summary of the proposed regulation. Pursuant to the 2003 General Assembly approved House Bill 1464 that amends sections §§ 22.1-253.13.4 and 22.1-254.2 of the Code of Virginia, the Board of Education (board) proposes to establish a General Achievement Diploma.

Estimated economic impact. In order to obtain a standard high school diploma students must obtain the credits detailed in Table 1. This information comes from 8 VAC 20-131, Regulations Establishing Standards for Accrediting Public Schools in Virginia.

Table 1: Credits Required for Standard Diploma

Discipline Area	Standard Units	Verified Units
English	4	2
Mathematics	3	1
Laboratory Science	3	1
History and Social Science	3	1
Health and Physical Education	2	Not applicable
Fine Arts or Practical Arts	1	Not applicable
Electives	6	Not applicable

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Student Selected Test	Not applicable	1
Total	22	6

Standard units of credit are obtained by passing high school courses. Verified credits are obtained by passing Standards of Learning examinations (SOLs).

The Regulations Establishing Standards for Accrediting Public Schools in Virginia also describe the Modified Standard Diploma program. "The Modified Standard Diploma program is intended for certain students at the secondary level who have a disability and are unlikely to meet the credit requirements for a Standard Diploma. Eligibility and participation in the Modified Standard Diploma program shall be determined by the student's Individual Education Program (IEP) team and the student, where appropriate, at any point after the student's eighth grade year." In order to obtain a modified standard high school diploma students must obtain the credits detailed in Table 2.

Table 2: Credits Required for Modified Standard Diploma

Discipline Area	Standard Units	Verified Units
English	4	Not applicable
Mathematics	3	Not applicable
Science	2	Not applicable
History and Social Science	2	Not applicable
Health and Physical Education	2	Not applicable
Fine Arts or Practical Arts	1	Not applicable
Electives	6	Not applicable
Student Selected Test	Not applicable	Not applicable
Total	20	0

Pursuant to the 2003 General Assembly approved House Bill 1464, the board proposes to establish a General Achievement Diploma (GAD). The board proposes that in order for an individual to obtain the GAD, she must achieve a passing score on the GED examination and obtain the credits detailed in Table 3.

Table 3: Credits Required for General Achievement Diploma

Discipline Area	Standard Units	Verified Units
English	4	Not applicable
Mathematics	3	Not applicable
Science	2	Not applicable
History and Social Science	2	Not applicable
Electives	9	Not applicable
Total	20	0

Comparing Table 3 and Table 2 indicates that the proposed required credits for the GAD are comparable with the required credits for a modified standard diploma. Neither diploma requires verified credits; both require four English credits, three math credits, two science credits, and two history and social science credits; and both require a total of twenty standard credits. The requirements only differ in that six elective credits plus two health and physical education and

one fine arts or practical arts credit are required for the Modified Standard Diploma, while the board proposes that the GAD require nine elective credits.

According to the Department of Education (department), the GAD is not designed for students who have passed all their classes, but cannot obtain verified credit (pass the SOLs). Department staff believe that essentially anyone that can achieve a passing score on the GED examination can pass the SOLs and obtain the verified credit necessary for a standard diploma. According to the department, the GAD is designed for someone who dropped out some time ago and now wants to now get more than a diploma equivalent (the GED).

The introduction of the GAD will be beneficial for the public. Obtaining a GED can be worthwhile for high school dropouts, but the economic returns of possessing a GED are considerably below that of holding a high school diploma. In perhaps the best-known paper on the labor market benefits of the GED credential, Cameron and Heckman (1993) found that "GED recipients lie between dropouts and graduates in their economic standing but are much closer to dropouts."¹ The GAD represents a greater accomplishment than the GED since it requires completing the standard credits necessary to obtain a diploma. If employers become aware of the GAD, they will know that possessors of the credential have made the extra effort necessary to complete those credits. Employers can use that information in trying to judge the work ethic of potential employees. Since the GAD is considered a high school diploma rather than an equivalent, it may also open opportunities where a high school diploma (but not a GED) is considered required. Obtaining the GAD could thus potentially permit holders of the credential to increase their earnings.

Businesses and entities affected. All 136 school divisions and local school boards, students, and employers are potentially affected by these proposed regulations.

Localities particularly affected. All localities are affected by these proposed regulations.

Projected impact on employment. The proposed regulations are unlikely to significantly affect total employment. A small number of individuals may obtain improved job prospects.

Effects on the use and value of private property. Some individuals will likely take additional high school level coursework in order to obtain the GAD.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The agency agrees with the Economic Impact Analysis done by DPB. The agency will continue to examine the economic and administrative impact of the regulations as they progress through the Administrative Process Act process.

¹ Cameron, Stephen V, and James J. Heckman, "The Nonequivalence of High School Equivalents," Journal of Labor Economics, 1993, 11(1): 1-47.

Summary:

The regulation establishes an individual's eligibility for a General Achievement Diploma and the course, credit and assessment requirements for the diploma.

CHAPTER 680.
REGULATIONS GOVERNING THE GENERAL
ACHIEVEMENT DIPLOMA.

8 VAC 20-680-10. Eligibility requirements for the General Achievement Diploma.

The General Achievement Diploma is intended to provide a diploma option for individuals who exit high school without a diploma. It should not be a first option for high school students.

Individuals who meet one of the following criteria shall be eligible to earn the General Achievement Diploma:

1. Individuals who are at least 18 years of age and not enrolled in public school; or
2. Individuals who are not otherwise subject to the compulsory school attendance requirements set forth in § 22.1-254 of the Code of Virginia.

8 VAC 20-680-20. Course, credit, and assessment requirements.

A. Credit and assessment requirements for graduation with a General Achievement Diploma are as follows:

Discipline Area	Standard Units of Credit Required
English	4
Mathematics	3
Science	2
History and Social Sciences	2
Electives	9
TOTAL	20

Assessment required: Achieve a passing score on the GED examination

B. Courses completed to satisfy the requirements in mathematics and science shall include content in courses that incorporate or exceed the content of courses approved by the Board of Education (board) to satisfy any other board-recognized diploma.

C. Courses completed to satisfy the history/social science requirements shall include one unit of credit in Virginia and U.S. History and one unit of credit in Virginia and U.S. Government in courses that incorporate or exceed the content of courses approved by the board to satisfy any other board-recognized diploma.

D. Courses completed to satisfy the electives requirement shall include at least two sequential electives in an area of concentration or specialization, which may include career and technical education and training.

E. The required number of standard units of credit may be earned by enrolling in:

1. A public school if the individual meets the age requirements;
 2. A community college or other institution of higher education;
 3. An adult high school program; or
 4. Correspondence, distance learning, and online courses.
- F. Diploma candidates shall participate in GED preparation.

VA.R. Doc. No. R05-122; Filed February 1, 2005, 3:12 p.m.

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

Title of Regulation: **12 VAC 5-410. Regulations for the Licensure of Hospitals in Virginia (amending 12 VAC 5-410-10).**

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until April 22, 2005.
(See Calendar of Events section for additional information)

Effective Date: May 9, 2005.

Agency Contact: Rene Cabral-Daniels, Director, Office of Health Policy and Planning, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7425, FAX (804) 864-7440, or e-mail rene.cabraldaniels@vdh.virginia.gov.

Basis: Section 32.1-12 of the Code of Virginia provides that the Board of Health may make, adopt, promulgate and enforce such regulations and provide for reasonable variances and exemptions therefrom as may be necessary to carry out the provisions of Title 32.1 of the Code of Virginia and other laws of the Commonwealth administered by it, the commissioner or the department.

Section 32.1-127 of the Code of Virginia provides that the regulations promulgated by the Board of Health to carry out the provisions of Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1 of the Code of Virginia, which relates to hospital and nursing home licensure and inspection, shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.) of Chapter 5 of Title 32.1 of the Code of Virginia.

Following the 2000 census, the federal Office of Management and Budget (OMB) reclassified a number of rural Virginia counties as Metropolitan Statistical Areas (MSA). The MSA reclassification was effective October 1, 2004. The Code of Federal Regulations (CFR) has provisions for hospitals that

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wish to be reclassified as rural. One of the conditions of reclassification is that the hospital be designated as a rural hospital by state law or regulation (42 CFR 412.103(a)(2)). However, the reclassification provisions only applied to prospective payment hospitals, not to critical access hospitals (CAH). In the "Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 2005 Rates; Final Rule" published in the August 11, 2004, Federal Register, the Center for Medicare and Medicaid Services (CMS) revised 42 CFR 485.610 by adding a new paragraph (b)(3) to provide special treatment for CAHs. Under the new paragraph, a CAH that is located in a county that in FY 2004 was not part of an MSA as defined by the OMB, but as of FY 2005 was included as part of an MSA as a result of the most recent census data, would nonetheless be considered to meet the rural location requirement and could continue operating as a CAH from October 1, 2004, until the earlier of the date on which the CAH obtains a rural designation under 42 CFR 412.103(a)(2) or December 31, 2005. The August 11 Federal Register notice also amended 42 CFR 412.103 to clarify that such a CAH is eligible for rural designation under that section.

Purpose: The Social Security Act distinguishes between urban and rural hospitals for the purposes of reimbursement from Medicare and Medicaid and for other purposes. "Rural" is defined at § 1886(d)(2)(D) of the Act as outside of an area designated by the Office of Management and Budget as a metropolitan statistical area (MSA). The OMB designations are based on the U.S. Census, changes to which in 2000 created new MSA designations for a number of rural counties in Virginia. Virginia hospitals in counties formerly classified as rural may lose federal benefits contingent on the rural designation unless they are designated as rural in state statute or regulation.

Rationale for Using Fast-Track Process: Critical access hospitals in counties reclassified by the OMB as an MSA will lose their federal status as CAHs unless they can cite a state regulation or statute that classifies the hospital or the county as rural before December 31, 2005. No such regulation or statute currently exists in Virginia.

Substance: The proposed regulation will amend 12 VAC 5-410-10 to include a definition of "rural hospital" and will ensure that federal reclassification of rural areas to MSAs will not have an adverse impact on Virginia hospitals that receive federal benefits based on their rural classification.

Issues: The primary advantage to the public is that hospitals in rural areas that have been reclassified as MSAs following the 2000 census will continue to be able to receive federal grant assistance for rural hospitals. These grants support hospital operations and help ensure the financial viability of rural hospitals. In regard to critical access hospitals, the primary advantage to the community will be that the hospital will not lose its CAH designation and thus will continue to receive a higher reimbursement rate from Medicare than it would if it were not a CAH. The higher reimbursement rate will help ensure financial stability for the hospital. The proposed regulation presents no known disadvantages to the public.

The primary advantage to the Commonwealth is the financial stability of rural hospitals that provide essential health care

services to Virginians in rural and medically underserved areas of the Commonwealth. The proposed regulation presents no known disadvantages to the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis: The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H 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 change will add a definition for "rural hospital" to current regulations in order to prevent some Virginia hospitals from losing their rural designation for Medicare reimbursement purposes.

Estimated economic impact. Critical Access Hospitals (CAHs) receive cost-based Medicare reimbursements, which are higher than the prospective Medicare payments. By federal statute, CAH hospitals must be located in rural areas. Thus, the rural designation has significant revenue implications for CAH hospitals serving Medicare patients. The federal Office of Management and Budget (OMB) reclassified 19 rural Virginia counties as Metropolitan Statistical Areas, effective October 1, 2004, based on the 2000 census. CAH Hospitals in reclassified counties currently face the possibility of losing their rural status and therefore their CAH designation if the county in which they are located is not classified as rural as of December 31, 2005. However, federal regulations (42 CFR 412.103 (a) (2)) allow these hospitals to maintain their rural designations provided they are designated as a rural hospital by state law or regulation. Originally, this federal provision applied only to prospective payment hospitals and not to critical access hospitals. In August 2004, Center for Medicare and Medicaid services revised federal regulations (42 CFR 485.610 (b) (3)) to allow the critical access hospitals as well to maintain their rural designations provided they are designated as a rural hospital by state law or regulation. The purpose of this action is to add a definition for rural hospitals so that hospitals in affected counties including critical access hospitals could maintain their rural designation and continue to receive higher cost-based Medicare reimbursements.

According to Virginia Department of Health (VDH), only one critical access hospital is currently facing the possibility of losing its rural designation as a result of the OMB reclassification. Medicare patients make up approximately 66% of the 1,085 total patients served in 2003 at this hospital. Based on 2003 data, this hospital would lose approximately 26% of its Medicare revenues or approximately \$1.7 million if it were to lose its rural designation. This potential loss from Medicare payments represents approximately 12% of its total

patient revenues, which is significant.¹ In fact, VDH believes that such a significant revenue loss could lead to the closure of this particular hospital. If a closure were to materialize, not only 711 Medicare patients, but also approximately 374 other patients would lose access to services offered by this hospital. Additionally, approximately 164 employment positions at this hospital would be lost. Thus, the proposed addition of the rural hospital definition is expected to produce economic benefits in terms of avoided loss of access to services and in terms of avoided loss of employment positions. These two main economic benefits could also provide other ancillary benefits such as improved productivity as a result of maintaining access to hospital services or avoided social costs as a result of maintaining employment positions. Furthermore, as Medicare is fully funded by the federal government, any loss of Medicare revenues is a net loss for the Virginia economy and is likely to result in a much larger negative impact through the economic multiplier process.

In addition to the definitive impact on one critical access hospital as discussed, the proposed change might also impact other hospitals receiving federal grants under the Small Rural Hospital Improvement Grant Program (SHIP). VDH notes that the agency responsible for administering the CAH program, the Health Resources and Services Administration (HRSA) also is responsible for administering the SHIP program. The SHIP program provides about \$10,000 per SHIP hospital to be used exclusively for patient safety programs, Health Insurance Portability and Accountability Act compliance, and technical capacity development for the submission of electronic claims for prospective payment system payment. Thus, the proposed rural hospital definition could accommodate an additional 20 hospitals and allow them to continue to participate in the SHIP program. However, the possibility that the Center for Medicare and Medicaid might provide a similar option for the additional 20 hospitals is no more than a speculation at this time.

Businesses and entities affected. The proposed change is expected to affect only one critical access hospital. However, there is chance that an additional 20 small federal grant hospitals could be affected depending on the future regulatory actions of HRSA.

Localities particularly affected. The proposed regulations apply throughout the Commonwealth. However, the only hospital expected to be definitely affected is located in Pearisburg.

Projected impact on employment. The proposed change will help one critical access hospital to avoid significant Medicare revenue losses and consequently could avoid its closure. The number of full time equivalent positions in this hospital was 164 in 2003. Even though some of the employees could find jobs elsewhere if the hospital were closed, the net impact on employment would be positive.

Effects on the use and value of private property. The proposed regulations should not have an impact on the value and use of real property. There should be a positive impact on the asset value of the only hospital known to be affected as its Medicare revenues would be maintained at their current

levels. In addition, there could be a positive impact on the asset value of an additional 20 Virginia small federal grant hospitals if HRSA revises its regulations as anticipated.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: VDH concurs substantially with the analysis prepared by DPB on this proposed regulation.

Summary:

The amendment adds a definition of "rural hospital" to allow hospitals in rural areas that have been reclassified by the federal Office of Management and Budget as metropolitan statistical areas following the 2000 census to continue to receive federal grant assistance for rural hospitals.

12 VAC 5-410-10. Definitions.

As used in this chapter, the words and terms shall have meanings respectively set forth unless the context clearly requires a different meaning.

"Board" means the State Board of Health.

"Chief executive officer" means a job descriptive term used to identify the individual appointed by the governing body to act in its behalf in the overall management of the hospital. Job titles may include administrator, superintendent, director, executive director, president, vice-president, and executive vice-president.

"Commissioner" means the State Health Commissioner.

"Consultant" means one who provides services or advice upon request.

"Department" means an organized section of the hospital.

"Direction" means authoritative policy or procedural guidance for the accomplishment of a function or activity.

"Facilities" means building(s), equipment, and supplies necessary for implementation of services by personnel.

"Full-time" means a 37-1/2 to 40 hour work week.

"General hospital" means institutions as defined by § 32.1-123(1) of the Code of Virginia with an organized medical staff; with permanent facilities that include inpatient beds; and with medical services, including physician services, dentist services and continuous nursing services, to provide diagnosis and treatment for patients who have a variety of medical and dental conditions which may require various types of care, such as medical, surgical, and maternity.

"Home health care department/service/program" means a formally structured organizational unit of the hospital which is designed to provide health services to patients in their place of residence and meets Part II of the regulations adopted by the board for the licensure of home health agencies in Virginia.

"Licensing agency" means the State Department of Health.

"Medical" means pertaining to or dealing with the healing art and the science of medicine.

"Nursing care unit" means an organized jurisdiction of nursing service in which nursing services are provided on a continuous basis.

¹ This estimate is calculated based on the net patient revenue information provided by Virginia Health Information.

Fast-Track Regulations

VA.R. Doc. No. R05-115; Filed January 27, 2005, 1:51 p.m.

"Nursing home" means an institution or any identifiable component of any institution as defined by § 32.1-123(2) of the Code of Virginia with permanent facilities that include inpatient beds and whose primary function is the provision, on a continuing basis, of nursing and health related services for the treatment of patients who may require various types of long term care, such as skilled care and intermediate care.

"Nursing services" means patient care services pertaining to the curative, palliative, restorative, or preventive aspects of nursing that are prepared or supervised by a registered nurse.

"Office" means the Office of Health Facilities Regulation of the Department of Health.

"Organized" means administratively and functionally structured.

"Organized medical staff" means a formal organization of physicians and dentists with the delegated responsibility and authority to maintain proper standards of medical care and to plan for continued betterment of that care.

"Outpatient hospital" means institutions as defined by § 32.1-123(1) of the Code of Virginia which primarily provide facilities for the performance of surgical procedures on outpatients. Such patients may require treatment in a medical environment exceeding the normal capability found in a physician's office, but do not require inpatient hospitalization. Outpatient abortion clinics are deemed a category of outpatient hospitals.

"Ownership/person" means any individual, partnership, association, trust, corporation, municipality, county, governmental agency, or any other legal or commercial entity which owns or controls the physical facilities and/or manages or operates a hospital.

"Rural hospital" means any general hospital in a county classified by the federal Office of Management and Budget (OMB) as rural, any hospital designated as a critical access hospital, any general hospital that is eligible to receive funds under the federal Small Rural Hospital Improvement Grant Program, or any general hospital that notifies the commissioner of its desire to retain its rural status when that hospital is in a county reclassified by the OMB as a metropolitan statistical area as of June 6, 2003.

"Service" means a functional division of the hospital. Also used to indicate the delivery of care.

"Special hospital" means institutions as defined by § 32.1-123(1) of the Code of Virginia which provide care for a specialized group of patients or limit admissions to provide diagnosis and treatment for patients who have specific conditions (e.g., tuberculosis, orthopedic, pediatric, maternity).

"Special care unit" means an appropriately equipped area of the hospital where there is a concentration of physicians, nurses, and others who have special skills and experience to provide optimal medical care for patients assigned to the unit.

"Staff privileges" means authority to render medical care in the granting institution within well-defined limits, based on the individual's professional license and the individual's experience, competence, ability and judgment.

"Unit" means a functional division or facility of the hospital.

EMERGENCY REGULATIONS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-720. **Pertaining to Restrictions on Oyster Harvest (amending 4 VAC 20-720-10, 4 VAC 20-720-20, 4 VAC 20-720-40, 4 VAC 20-720-50, 4 VAC 20-720-60 and 4 VAC 20-720-110).**

Statutory Authority: §§ 28.2-201, 28.2-507 and 28.2-518 of the Code of Virginia.

Effective Dates: February 1, 2005, through February 28, 2005.

Agency Contact: Katherine Leonard, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2120, FAX (757) 247-2002 or e-mail kathy.leonard@mrc.virginia.gov.

Summary:

The amendments establish a boundary line at the mouth of the Nansemond River for the James River Hand Scrape Area; eliminate minimum teeth spacing of three inches for the standard oyster dredge; and extend the public oyster harvest oyster season in the Rappahannock River Hand Scrape Area, the Rappahannock River Drumming Ground Hand Scrape Area, the Rappahannock River Temples Bay Hand Scrape Area, and the Thomas Rock Hand Scrape Area.

4 VAC 20-720-10. Purpose.

The purpose of this *emergency* chapter is to protect and conserve Virginia's oyster resource and promote the preservation of oyster broodstock, which has been depleted by disease, harvesting, and natural disasters.

4 VAC 20-720-20. Definitions.

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

"Blackberry Hangs Hand Scrape Area" means the area in Public Ground No. 118 in the Upper Chesapeake Bay, south from the Smith Point Light to the Great Wicomico Light.

"Deep Rock Patent Tong Area" means the area described as follows: starting at Cherry Point, Gwynns Island, thence northeast to G"1P" along the south side of the channel to Piankatank River; thence east-southeast to G"1R"; thence southwest to Sandy Point, Gwynns Island, North of Hole-in-the-Wall (see map).

"Deep Water Shoal State Replenishment Seed Area (DWS)" in the James River (574.66 Acres) means the areas beginning at a point approximately 530 feet west of Deep Water Shoal Light, said point being Corner 1 as located by Virginia State Plane Coordinates, South Zone, NAD 1927, north 302,280.00, east 2,542,360.00; thence north azimuth 30°49'59", 4,506.99 feet to Corner 2, north 306,150.00, east 2,544,670.00; thence north azimuth 135°08'57", 5,430.60 feet to Corner 3, north 302,300.00, east 2,548,500.00; thence north azimuth

212°13'54", 3,487.42 feet to Corner 4, north 299,350.00, east 2,546,640.00; thence north azimuth 269°10'16", 2,765.29 feet to Corner 5, north 299,310.00, east 2,543,875.00; thence north azimuth 332°58'26", 3,334.09 feet to Corner 1, being the point of beginning.

"Great Wicomico River Hand Scrape Area" means that area of a line drawn from Sandy Point to Cockrell Point.

"Hand scrape" means any device or instrument with a catching bar having an inside measurement of no more than 22 inches, which is used or usable for the purpose of extracting or removing shellfish from a water bottom or the bed of a body of water.

"James River Hand Scrape Area" means ~~that area~~ those public oyster grounds of the James River west of the Monitor and Merrimac Bridge Tunnel and northeast of the Mills E. Godwin/Nansemond River Bridge (Route 17) to the James River Bridge (Route 17).

"Pocomoke and Tangier Sounds Management Area (PTSMA)" means the area as defined in § 28.2-524 of the Code of Virginia.

"Pocomoke Sound" means that area northeast from a line from Beach Island Light to the house on the Great Fox Island.

"Public oyster ground" means all those grounds defined in § 28.2-551 of the Code of Virginia, all ground set aside as public oyster ground by court order, and all ground set aside as public oyster ground by order of the Marine Resources Commission.

"Rappahannock River Drumming Ground Hand Scrape Area" means that portion of the Rappahannock and Corrotoman River, west of the Route 3 bridge (Norris Bridge), and north of a line from the center of the Route 3 bridge (Norris Bridge) following westward along the channel to Towles Point at Buoy "R6," excluding the Corrotoman River north of a line from Balls Point to Corrotoman Point. (See map.)

"Rappahannock River Hand Scrape Area" means that area including all public grounds between a line extending from the eastern-most point of Long Point thence in an easterly direction to flashing red buoy #8; thence due east to Rogue Point, upriver to a line extending from Tarpley Point; thence in a southwesterly direction to flashing green buoy #13; thence south-southwesterly to Jones Point. (See map.)

"Rappahannock River Temples Bay Hand Scrape Area" means that area in the Rappahannock River, west of the Route 3 bridge (Norris Bridge) and south of a line drawn from the center of the Route 3 bridge (Norris Bridge) upriver to Towles Point continuing the line upriver to red buoy #8; thence across to the southside of the river to Long Point, thence back to the Route 3 bridge (Norris Bridge) along the southern shoreline. (See map.)

"Standard oyster dredge" means any device or instrument having a maximum weight of 150 pounds with attachments, maximum width of 50 inches; *and* maximum tooth length of four inches, ~~and minimum teeth spacing of three inches.~~

"Tangier Sound" means that area from Tangier Light North to the Maryland-Virginia line (red buoy #6).

Emergency Regulations

"Tangier Sound Hand Tong Area" means that area in the PTSMA south and west of a line from Fishbone Island thence southeast to bell buoy #5, thence south southwest to buoy #3 (such area to include all of Public Ground 3 and Flat Rock) and shall be a hand tong area only (see map) and Cod Harbor (approximately 1,124 acres) beginning at a point of East Point Marsh, said point having the Virginia state coordinates, south section, coordinates of north 555,414.89, east 2,730,388.85; thence south 79°59', east 2,260 feet to a line designating the western extent of the PTSMA as described in § 28.2-524 of the Code of Virginia; thence south 10°16', west 2,800 feet; thence south 28°46', west 8,500 feet to a point on Sand Spit, position north 545,131.78, east, 2,728,014.94; thence along the mean low water line of Cod Harbor in a west, north and northeast direction crossing Canton Creek and Mailboat Harbor from headland to headland to the point of beginning. (See map.)

"Thomas Rock Hand Scrape Area" means an area in the James River with an eastern boundary being the James River, Route 17 bridge and a western boundary being a line drawn from the south side of the river at Rainbow Farm Point; thence to the channel buoy green #5; and thence to Blunt Point on the north side of the river.

"Unassigned ground" means all grounds other than public oyster ground as defined by this *emergency* chapter and which have not been set aside or assigned by lease, permit, or easement by the Marine Resources Commission.

"York River Hand Scrape Area" means an area above the Route 17 or Coleman Bridge in Public Ground No. 30, along the north side of the river, to just above Aberdeen Creek.

4 VAC 20-720-40. Open season and areas.

The lawful seasons and areas for the harvest of oysters from the public oyster grounds and unassigned grounds are as follows:

1. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and James River Jail Island and Point of Shoals Clean Cull Areas: October 1, 2004, through April 30, 2005.
2. Seaside of Eastern Shore: for clean cull oysters only, November 1, 2004, through January 31, 2005.
3. The Rappahannock River Hand Scrape Area; the Rappahannock River Drumming Ground Hand Scrape Area; the Rappahannock River Temples Bay Hand Scrape Area: October 15, 2004, through January 15, 2005, and February 1, 2005, through March 31, 2005.
4. That area of the Rappahannock River, west of the line drawn from Tarpley Point to green buoy #13 to Jones Point and the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line (PRV6A to PRV6B; and PRV5A to PRV5C, respectively); that area of the Coan River to the Virginia-Maryland state line (PRV1A to PRV1B), except for that area above a line from Walnut Point (Survey Station Walnut) to Stephens Point (Survey Station Arthur); that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; that area of the Piankatank River, west of

the Route 3 bridge; and Little Wicomico River: October 15, 2004, through January 15, 2005.

5. The following areas of the PTSMA in Tangier Sound, from Tangier Light north to the Maryland-Virginia Line (red buoy #6) and in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island, excluding the Tangier Sound Hand Tong Areas: December 1, 2004, through February 28, 2005.

6. Great Wicomico River Hand Scrape Area and James River Hand Scrape Area: February 1, 2005, through March 31, 2005.

7. ~~Thomas Rock Hand Scrape Area~~; Upper Chesapeake Bay, Blackberry Hangs Hand Scrape Area and in the York River Hand Scrape Area: December 1, 2004, through January 31, 2005. *Thomas Rock Hand Scrape Area: December 1, 2004, through March 31, 2005.*

8. Lower Chesapeake Bay, Deep Rock Patent Tong Area: February 1, 2005, through March 31, 2005.

4 VAC 20-720-50. Closed harvest season and areas.

It shall be unlawful for any person to harvest oysters from the following areas during the specified periods:

1. All public oyster grounds and unassigned grounds in the Chesapeake Bay and its tributaries, including the tributaries of the Potomac River, except those areas listed in 4 VAC 20-720-40, are closed: October 1, 2004, through September 30, 2005.
2. James River Seed Area, including the Deep Water Shoal State Replenishment Seed Area and the James River Jail Island and Point of Shoals Clean Cull Areas: May 1, 2005, through September 30, 2005.
3. All public oyster grounds and unassigned grounds on the Seaside of Eastern Shore: for clean cull oysters, October 1, 2004, through October 31, 2004, and February 1, 2005, through September 30, 2005, and for seed oysters, all year. Oyster harvest from leased oyster ground and fee simple oyster ground shall require a permit from the Marine Resources Commission as set forth in 4 VAC 20-720-90.
4. That area of the Rappahannock River west of the line drawn from Tarpley Point to green buoy #13 to Jones Point; the area of the Corrotoman River, north of the line drawn from Balls Point to Corrotoman Point; ~~the Rappahannock River Hand Scrape Area; the Rappahannock River Drumming Ground Hand Scrape Area; the Rappahannock River Temples Bay Hand Scrape Area~~; that area of the Nomini and Lower Machodoc Rivers to the Virginia-Maryland state line; that area of the Coan River to the Virginia-Maryland state line, except for above a line from Walnut Point to Stephens Point; that area of the Piankatank River west of the Route 3 bridge; and that area of the Yeocomico River inside Public Grounds 102, 104, 107, 112 and 113; and Little Wicomico River: October 1, 2004, through October 14, 2004, and January 16, 2005, through September 30, 2005. *The Rappahannock River Hand Scrape Area, the Rappahannock River Temples Bay Hand Scrape Area, and the Rappahannock River Drumming Ground Hand Scrape Area: October 1, 2004, through October 14, 2004, and*

January 16, 2005, through January 31, 2005, and April 1, 2005, through September 30, 2005.

5. The following areas of the PTSMA: in Tangier, from Tangier Light north to the Maryland-Virginia line, and in the area of the PTSMA in the Pocomoke Sound, northeast from a line from Beach Island Light to the house on the Great Fox Island: October 1, 2004, through November 30, 2004, and March 1, 2005, through September 30, 2005.

6. Great Wicomico River Hand Scrape Area and the James River Hand Scrape Area: October 1, 2004, through January 31, 2005, and April 1, 2005, through September 30, 2005.

7. The ~~Thomas Rock Hand Scrape Area~~; Upper Chesapeake Bay, Blackberry Hangs Hand Scrape Area and the York River Hand Scrape Area: October 1, 2004, through November 30, 2004, and February 1, 2005, through September 30, 2005. *The Thomas Rock Hand Scrape Area: October 1, 2004, through November 30, 2004, and April 1, 2005, through September 30, 2005.*

8. Lower Chesapeake Bay, Deep Rock Patent Tong Area: October 1, 2004, through January 31, 2005, and April 1, 2005, through September 30, 2005.

4 VAC 20-720-60. Day and time limit.

A. It shall be unlawful to take, catch or possess oysters on Saturday and Sunday from the public oyster grounds or unassigned grounds in the waters of the Commonwealth of Virginia, except that this provision shall not apply to any person harvesting no more than one bushel per day by hand for household use only during the season when the public oyster grounds or unassigned grounds are legally open for harvest. The presence of any gear normally associated with the harvesting of oysters on board the boat or other vehicle used during any harvesting under this exception shall be prima facie evidence of violation of this *emergency* chapter.

B. It shall be unlawful for any person to harvest or attempt to harvest oysters prior to sunrise or after 2 p.m. from the areas described in subdivisions 1 and 3 through 8 of 4 VAC 20-720-40.

C. It shall be unlawful for a boat with an oyster dredge aboard to leave the dock until one hour before sunrise or return to the dock after sunset.

D. It shall be unlawful for a boat with a hand scrape aboard to leave the dock until one-half hour before sunrise or return to the dock after sunset.

4 VAC 20-720-110. Penalty.

A. As set forth in § 28.2-903 of the Code of Virginia, any person violating any provision of this *emergency* chapter shall be guilty of a Class 3 misdemeanor and a second or subsequent violation of any provision of this *emergency* chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. In addition to the penalty prescribed by law, any person violating the provisions of this *emergency* chapter shall return all oysters in possession to the water, shall cease harvesting

on that day, and all harvesting apparatus shall be subject to seizure.

VA.R. Doc. No. R05-121; Filed January 31, 2005, 11:25 a.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Titles of Regulations: 12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-490).

12 VAC 30-120. Waivered Services (amending 12 VAC 30-120-700, 12 VAC 30-120-710, 12 VAC 30-120-720, 12 VAC 30-120-730, 12 VAC 30-120-740, 12 VAC 30-120-750, 12 VAC 30-120-752, 12 VAC 30-120-753, 12 VAC 30-120-754, 12 VAC 30-120-756, 12 VAC 30-120-758, 12 VAC 30-120-760, 12 VAC 30-120-762, 12 VAC 30-120-764, 12 VAC 30-120-766, 12 VAC 30-120-768, 12 VAC 30-120-770, 12 VAC 30-120-772, 12 VAC 30-120-774, 12 VAC 30-120-776; and repealing 12 VAC 30-120-780 and 12 VAC 30-120-790).

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

Effective Dates: February 1, 2005, through January 31, 2006.

Agency Contact: Suzanne Klaas, Division of Long-Term Care and Quality Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4239, FAX (804) 786-1680, or e-mail Suzanne.Klaas@dmas.virginia.gov.

Preamble:

Section 2.2-4011 of the Administrative Process Act states that an emergency situation is (i) a situation involving an imminent threat to public health or safety or (ii) a situation in which Virginia statutory law, the Virginia appropriation act, or federal law requires that a regulation shall be effective in 280 days or less from its enactment, or in which federal regulation requires a regulation to take effect no later than 280 days from its effective date.

This regulatory action qualifies as an emergency because it is responding to a mandate in the 2004 Virginia Appropriations Act (Item 326.W) that "Contingent upon approval by the Centers for Medicare and Medicaid Services (CMS) to implement the renewal of the Individual and Family Developmental Disabilities Support Waiver as developed by the Department and stakeholders, the Department of Medical Assistance Services shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act. The department shall implement the necessary regulatory changes to be consistent with federal approval of the waiver application renewal." CMS approved the renewal of the IFDDS Waiver in February 2004. The approval included suggested changes to the waiver that are included in this emergency regulation.

Emergency Regulations

The Individual and Family Developmental Disabilities Support (IFDDS) Waiver regulations were revised to (i) provide clarity and guidance to providers and other stakeholders; (ii) conform to the IFDDS Waiver renewal application as approved by CMS in February of 2004; (iii) comply with Department of Mental Health, Mental Retardation, and Substance Abuse Services (DMHMRSAS) and Department of Social Services (DSS) provider licensing standards; (iv) follow recommendations made by the Office of the Attorney General; and (v) support individual choice. Throughout this document there are several references made to regulation language changes made "to be consistent with the MR Waiver." In most cases this is a reference to changing language to conform it to MR Waiver language concerning the same issue in both waivers. In other cases changes were made to conform IFDDS procedures to match the same process already being carried out in the MR waiver.

12 VAC 30-50-490. Case management (support coordination) for individuals with developmental disabilities, including autism.

A. Target group. Medicaid-eligible recipients individuals with related conditions who are six years of age and older and who are eligible to receive on the waiting list or are receiving services under the Individual and Family Developmental Disabilities Support (IFDDS) Waiver.

1. An active client for case management shall mean an individual for whom there is a plan of care in effect that requires regular direct or client-related contacts or communication or activity with the client, family, service providers, significant others and others including at least one face-to-face contact every 90 days. Billing can be submitted for an active client only for months in which direct or client-related contacts, activity or communications occur.

2. The unit of service is one month. There shall be no maximum service limits for case management services except case management services for individuals residing in institutions or medical facilities. For these individuals, reimbursement for case management for institutionalized individuals may be billed for no more than two months in a twelve month cycle.

B. Services will be provided in the entire state.

C. Services are not comparable in amount, duration, and scope. Authority of § 1915(g)(1) of the Social Security Act (Act) is invoked to provide services without regard to the requirements of § 1902(a)(10)(B) of the Act.

D. Definition of services. Support coordination Case management services will be provided for recipients Medicaid eligible individuals with related conditions who are on the waiting list for or participants in the home and community-based care IFDDS Waiver. Support coordination Case management services to be provided include:

1. Assessment and planning services, to include developing a consumer service plan (does not include performing medical and psychiatric assessment but does include referral for such assessments);

2. Linking the recipient individual to services and supports specified in the consumer service plan;

3. Assisting the recipient individual directly for the purpose of locating, developing, or obtaining needed services and resources;

4. Coordinating services with other agencies and providers involved with the recipient individual;

5. Enhancing community integration by contacting other entities to arrange community access and involvement, including opportunities to learn community living skills and use vocational, civic, and recreational services;

6. Making collateral contacts with the recipient's individual's significant others to promote implementation of the service plan and community adjustment;

7. Following up and monitoring to assess ongoing progress and ensure services are delivered;

8. Education and counseling that guides the recipient individual and develops a supportive relationship that promotes the service plan; and

9. Benefits counseling.

E. Qualifications of providers. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, specific provider qualifications are:

1. To qualify as a provider of services through DMAS for IFDDS Waiver support coordination case management, the service provider must meet these criteria:

a. Have the administrative and financial management capacity to meet state and federal requirements;

b. Have the ability to document and maintain recipient case records in accordance with state and federal requirements; and

c. Be certified enrolled as an IFDDS support coordination case management agency by DMAS.

2. Providers may bill for Medicaid support coordination case management only when the services are provided by qualified support coordinators case managers. The support coordinator case manager must possess a combination of developmental disability work experience or relevant education, which indicates that the individual possesses the following knowledge, skills, and abilities, at the entry level. These must be documented or observable in the application form or supporting documentation or in the interview (with appropriate documentation).

a. Knowledge of:

(1) The definition, causes, and program philosophy of developmental disabilities;

(2) Treatment modalities and intervention techniques, such as behavior management, independent living skills, training, supportive counseling, family education,

crisis intervention, discharge planning and service coordination;

(3) Different types of assessments and their uses in program planning;

(4) ~~Recipients'~~ *Individuals'* rights;

(5) Local service delivery systems, including support services;

(6) Types of developmental disability programs and services;

(7) Effective oral, written, and interpersonal communication principles and techniques;

(8) General principles of record documentation; and

(9) The service planning process and the major components of a service plan.

b. Skills in:

(1) Interviewing;

(2) Negotiating with ~~recipients~~ *individuals* and service providers;

(3) Observing, recording, and reporting behaviors;

(4) Identifying and documenting a ~~recipient's~~ *an individual's* needs for resources, services, and other assistance;

(5) Identifying services within the established service system to meet the ~~recipient's~~ *individual's* needs;

(6) Coordinating the provision of services by diverse public and private providers;

(7) Analyzing and planning for the service needs of developmentally disabled persons;

(8) Formulating, writing, and implementing ~~recipient~~ *individual*-specific ~~individual~~ service plans to promote goal attainment for recipients with developmental disabilities; and

(9) Using assessment tools.

c. Abilities to:

(1) Demonstrate a positive regard for ~~recipients~~ *individuals* and their families (e.g., ~~treating recipients as individuals~~, allowing risk taking, avoiding stereotypes of developmentally disabled people, respecting ~~recipients'~~ *individuals'* and families' privacy, believing ~~recipients~~ *individuals* can grow);

(2) Be persistent and remain objective;

(3) Work as a team member, maintaining effective inter- and intra-agency working relationships;

(4) Work independently, performing positive duties under general supervision;

(5) Communicate effectively, orally and in writing; and

(6) Establish and maintain ongoing supportive relationships.

3. *In addition, case managers who enroll with DMAS to provide case management services after the effective date of these regulations must possess a minimum of an undergraduate degree in a human services field. Providers who currently have a Medicaid participation agreement to provide case management may continue to provide case management using the KSA requirements in the previous application.*

4. *Case managers who are employed by an organization must receive supervision within the same organization. Case managers who are self-employed must obtain one hour of documented supervision every three months when the case manager has active cases. The individual who provides the supervision to the case manager must have a Masters' level degree in a human services field and/or have five years of satisfactory experience in the field working with individuals with related conditions as defined in 42 CFR 435.1009. A case management provider cannot supervise another case management provider.*

5. *Case managers must complete 8 hours of training annually in one or a combination of the areas described in the Knowledge, Skills and Abilities (KSA). Case managers must have documentation to demonstrate training is completed. The documentation must be maintained by the case manager for the purposes of utilization review.*

6. *Parents, spouses, or any person living with the individual may not provide direct case management services for their child, spouse or the individual with whom they live or be employed by a company that provides case management for their child, spouse, or the individual with whom they live.*

7. *A case manager may provide services facilitation services. In these cases, the case manager must meet all the case management provider requirements as well as the service facilitation provider requirements. Individuals and family/caregivers have the right to choose whether the case manager may provide services facilitation or to have a separate services facilitator. If case managers are not a service facilitation provider, the case manager must assist the individual and family/caregiver to locate an available services facilitator.*

F. The state assures that the provision of case management (~~support coordination~~) services will not restrict an individual's free choice of providers in violation of § 1902(a)(23) of the Act.

1. Eligible recipients will have free choice of the providers of ~~support coordination~~ case management services.

2. Eligible recipients will have free choice of the providers of other medical care under the plan.

G. Payment for case management (~~support coordination~~) services under the plan does not duplicate payments made to public agencies or private entities under other program authorities for this same purpose.

Emergency Regulations

12 VAC 30-120-700. Definitions.

"Activities of daily living (ADL)" means personal care tasks, e.g., bathing, dressing, toileting, transferring, and eating/feeding. ~~A recipient's~~ *An individual's* degree of independence in performing these activities is a part of determining appropriate level of care and services.

"Appeal" means the process used to challenge adverse actions regarding services, benefits, and reimbursement provided by Medicaid pursuant to 12 VAC 30-110 and 12 VAC 30-20-500 through 12 VAC 30-20-560.

"Assistive technology" means specialized medical equipment and supplies including those devices, controls, or appliances specified in the ~~consumer service~~ *plan of care* but not available under the State Plan for Medical Assistance that enable recipients *individuals* to increase their abilities to perform activities of daily living, ~~or~~ *and* to perceive, control, or communicate with the environment in which they live or that are necessary to ~~their~~ *the* proper functioning of the specialized equipment.

~~"Attendant care" means long term maintenance or support services necessary to enable the recipient to remain at or return home rather than enter or remain in an Intermediate Care Facility for the Mentally Retarded (ICF/MR). The recipient will be responsible for hiring, training, supervising and firing the personal attendant. If the recipient is unable to independently manage his own attendant care, a family caregiver can serve as the employer on behalf of the recipient. Recipients with cognitive impairments will not be able to manage their own care.~~

"Behavioral health authority" or "BHA" means the local agency, established by a city or county or a combination of counties or cities or cities and counties under § 37.1-194 et seq. of the Code of Virginia, that plans, provides, and evaluates mental health, mental retardation, and substance abuse services in the jurisdiction or jurisdictions it serves.

"CARF" means *the Rehabilitation Accreditation Commission, formerly known as the Commission on Accreditation of Rehabilitation Facilities.*

"Case management" means services as defined in 12 VAC 30-50-490.

~~"Case manager" means the individual on behalf of the community services board or behavioral health authority staff possessing a combination of mental retardation work experience and relevant education that indicates that the individual possesses the knowledge, skills and abilities, at the entry level, as established by the Department of Medical Assistance Services, 12 VAC 30-50-450 the provider of case management services as defined in 12 VAC 30-50-490.~~

"Centers for Medicare and Medicaid Services" or "CMS" means the unit of the federal Department of Health and Human Services that administers the Medicare and Medicaid programs.

~~"Community-based care waiver services" or "waiver services" means the range of community support services approved by the Centers for Medicare and Medicaid Services (CMS) pursuant to § 1915(c) of the Social Security Act to be offered~~

~~to developmentally disabled recipients who would otherwise require the level of care provided in an ICF/MR a variety of home and community-based services reimbursed by DMAS as authorized under a § 1915(c) waiver designed to offer individuals an alternative to institutionalization. Individuals may be preauthorized to receive one or more of these services either solely or in combination, based on the documented need for the service or services to avoid ICF/MR placement.~~

"Community Services Board" or "CSB" means the local agency established by a city or county or combination of counties or cities, or cities and counties, under § 37.1-194 et seq. of the Code of Virginia, that plans, provides, and evaluates mental health, mental retardation, and substance abuse services in the jurisdiction or jurisdictions it serves.

~~"Companion aide" means, for the purpose of these regulations, a domestic servant who is also exempt from workers' compensation person who provides companion services.~~

"Companion services" means nonmedical care, supervision and socialization, provided to a functionally or cognitively impaired adult *age 18 and older*. The provision of companion services does not entail hands-on nursing care and is provided in accordance with a therapeutic goal in the ~~consumer service plan of care. This shall not be the sole service used to divert recipients from institutional care.~~

~~"Consumer directed companion care" means nonmedical care, supervision and socialization provided to a functionally or cognitively impaired adult. The provision of companion services does not entail hands on nursing care and is provided in accordance with a therapeutic goal in the consumer service plan. This shall not be the sole service used to divert recipients from institutional care. The recipient will be responsible for hiring, training, supervising, and firing the companion. If the recipient is unable to independently manage his own consumer directed care, a family caregiver can serve as the employer on behalf of the recipient.~~

~~"Consumer directed respite care" means services given to caretakers of eligible individuals who are unable to care for themselves that are provided on an episodic or routine basis because of the absence or need for relief of those persons residing with the recipient who normally provide the care. The recipient will be responsible for hiring, training, supervising, and firing the personal attendant. If the recipient is unable to independently manage his own consumer directed respite care, a family caregiver can serve as the employer on behalf of the recipient.~~

~~"Consumer-directed employee" means, for purposes of these regulations, a person who provides consumer-directed services, personal care, companion services and/or respite care, who is also exempt from workers' compensation.~~

~~"Consumer-directed services" means personal care, companion services and/or respite care services where the individual or family/caregiver is responsible for hiring, training, supervising, and firing of the employee or employees.~~

~~"Consumer-directed (CD) services facilitator" means the provider contracted by enrolled with DMAS that who is~~

responsible for ensuring development and monitoring of the CSP, management training, and review activities as required by DMAS for attendant care, consumer-directed companion care, and consumer-directed respite care services.

"Consumer service plan" or "CSP" means that document addressing all needs of recipients of home and community-based care developmental disability services, in all life areas. Supporting documentation developed by service providers is to be incorporated in the CSP by the support coordinator. Factors to be considered when these plans are developed may include, but are not limited to, recipients' ages and levels of functioning.

"Crisis stabilization" means direct intervention to for persons with developmental disabilities related conditions who are experiencing serious psychiatric or behavioral problems challenges, or both, that jeopardize their current community living situation. This service must provide temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional placement or prevent other out-of-home placement. This service shall be designed to stabilize recipients individuals and strengthen the current living situations so that recipients can individuals may be maintained in the community during and beyond the crisis period.

"Current functional status" means recipients' an individual's degree of dependency in performing activities of daily living.

"DMAS" means the Department of Medical Assistance Services.

"DMAS staff" means individuals DMAS employees who perform utilization review, recommendation of preauthorization for preauthorize service type and intensity, provide technical assistance, and review of recipient individual level of care criteria.

"DMHMRSAS" means the Department of Mental Health, Mental Retardation and Substance Abuse Services.

"DRS" means the Department of Rehabilitative Services.

"DSS" means the Department of Social Services.

"Day support" means training in intellectual, sensory, motor, and affective social development including awareness skills, sensory stimulation, use of appropriate behaviors and social skills, learning and problem solving, communication and self care, physical development, services and support activities. These services take place outside of the individual's home/residence.

"Direct marketing" means either (i) conducting directly or indirectly door-to-door, telephonic, or other "cold call" marketing of services at residences and provider sites; (ii) mailing directly; (iii) paying "finders' fees"; (iv) offering financial incentives, rewards, gifts, or special opportunities to eligible individuals or family/caregivers as inducements to use the providers' services; (v) continuous, periodic marketing activities to the same prospective individual or family/caregiver, for example, monthly, quarterly, or annual giveaways as inducements to use the providers' services; or (vi) engaging in marketing activities that offer potential

customers rebates or discounts in conjunction with the use of the providers' services or other benefits as a means of influencing the individual's or family/caregiver's use of the providers' services.

"Entrepreneurial model" means a small business employing eight or fewer individuals with disabilities on a shift and may involve interactions with the public and coworkers with disabilities.

"Environmental modifications" means physical adaptations to a house, place of residence, primary vehicle or work site, when the work site modification exceeds reasonable accommodation requirements of the Americans with Disabilities Act, necessary to ensure recipients' individuals' health and safety or enable functioning with greater independence when the adaptation is not being used to bring a substandard dwelling up to minimum habitation standards and is of direct medical or remedial benefit to recipients individuals.

"EPSDT" means the Early Periodic Screening, Diagnosis and Treatment program administered by DMAS for children under the age of 21 according to federal guidelines which prescribe specific preventive and treatment services for Medicaid-eligible children as defined in 12 VAC 30-50-130.

"Face-to-face visit" means the case manager or service provider must meet with the individual in person.

"Family/caregiver training" means training and counseling services provided to families or caregivers of recipients individuals receiving services in the IFDDS Waiver.

"Fiscal agent" means an agency or organization contracted by DMAS to handle entity handling employment, payroll, and tax responsibilities on behalf of recipients individuals who are receiving consumer-directed attendant, respite, and companion services.

"Home" means, for purposes of the IFDDS Waiver, an apartment or single family dwelling in which no more than two individuals who require services live with the exception of siblings living in the same dwelling with family. This does not include an assisted living facility or group home.

"Home and community-based care waiver services" means a variety of in-home and community-based services reimbursed by DMAS as authorized under a § 1915(c) waiver designed to offer recipients individuals an alternative to institutionalization. Recipients Individuals may be preauthorized to receive one or more of these services either solely or in combination, based on the documented need for the service or services to avoid ICF/MR placement.

"ICF/MR" means a facility or distinct part of a facility certified as meeting the federal certification regulations for an Intermediate Care Facility for the Mentally Retarded and persons with related conditions. These facilities must address the residents' total needs including physical, intellectual, social, emotional, and habilitation. An ICF/MR must provide active treatment, as that term is defined in 42 CFR 483.440(a).

Emergency Regulations

"IFDDS Waiver" means the Individual and Family Developmental Disabilities Support Waiver.

"IFDDS screening team" means the persons employed by the entity under contract with DMAS who are responsible for performing level of care screenings for the IFDDS Waiver.

"In-home residential support services" means support provided primarily in the developmentally disabled recipient's individual's home, which includes training, assistance, and specialized supervision in enabling to enable the recipient individual to maintain or improve his health; assisting in performing recipient individual care tasks; training in activities of daily living; training and use of community resources; providing life skills training; and adapting behavior to community and home-like environments.

"Instrumental activities of daily living (IADL)" means social tasks (e.g., meal preparation, shopping, housekeeping, laundry, money management). A recipient's degree of independence in performing these activities is part of determining appropriate level of care and services.

"Legal guardian" means a person who has been legally invested with the authority and charged with the duty to take care of, manage the property of, and protect the rights of a recipient who has been declared by the circuit court to be incapacitated and incapable of administering his own affairs. The powers and duties of the guardian are defined by the court and are limited to matters within the areas where the recipient has been determined to be incapacitated.

"Mental retardation" or "MR" means, a disability as defined by the American Association on Mental Retardation (AAMR), being substantially limited in present functioning as characterized by significantly subaverage intellectual functioning, existing concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure, and work. Mental retardation manifests itself before age 18. A diagnosis of mental retardation is made if the person's intellectual functioning level is approximately 70 to 75 or below, as diagnosed by a licensed clinical professional; and there are related limitations in two or more applicable adaptive skill areas; and the age of onset is 18 or below. If a valid IQ score is not possible, significantly subaverage intellectual capabilities means a level of performance that is less than that observed in the vast majority of persons of comparable background. In order to be valid, the assessment of the intellectual performance must be free of errors caused by motor, sensory, emotional, language, or cultural factors.

"MR Waiver" means the mental retardation waiver.

"Nursing services" means skilled nursing services listed in the consumer service plan which are ordered by a physician and required to prevent institutionalization, not otherwise available under the State Plan for Medical Assistance, are within the scope of the state's Nurse Practice Act (Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.)) of the Code of Virginia, and are provided by a registered professional nurse or by a licensed practical nurse under the supervision of a registered nurse who is licensed to practice in the state.

"Participating provider" means an institution, facility, agency, partnership, corporation, or association entity that meets the standards and requirements set forth by DMAS, and has a current, signed contract provider participation agreement with DMAS.

~~"Personal attendant" means, for purposes of this regulation, a domestic servant who is also exempt from Workers' Compensation.~~

"Pend" means delaying the consideration of an individual's request for authorization of services until all required information is received by DMAS.

"Personal care agency provider" means a participating provider that renders services designed to prevent or reduce inappropriate institutional care by providing eligible recipients individuals with personal care aides who to provide personal care services.

"Personal care services" means long-term maintenance or support services necessary to enable recipients individuals to remain in or return to the community rather than enter an Intermediate Care Facility for the Mentally Retarded. Personal care services include assistance with activities of daily living, nutritional support, and the environmental maintenance necessary for recipients to remain in their homes and in the community instrumental activities of daily living, access to the community, medication or other medical needs, and monitoring health status and physical condition. This does not include skilled nursing services with the exception of skilled nursing tasks that may be delegated in accordance with 18 VAC 90-20-420 through 18 VAC 90-20-460.

Person-centered planning" means a process, directed by the family or the individual with long term care needs, intended to identify the strengths, capacities, preferences, needs and desired outcomes of the individual.

"Personal emergency response system (PERS)" is an electronic device that enables certain recipients individuals at high risk of institutionalization to secure help in an emergency. PERS services are limited to those recipients individuals who live alone or are alone for significant parts of the day and who have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.

"Plan of care" means a document developed by the individual or family/caregiver and the individual's case manager addressing all needs of individuals of home and community-based waiver services, in all life areas. Supporting documentation developed by waiver service providers is to be incorporated in the plan of care by the case manager. Factors to be considered when these plans are developed must include, but are not limited to, individuals' ages, levels of functioning, and preferences.

"Preauthorized" means the preauthorization agent has approved a service for initiation and reimbursement prior to the commencement of the service by the service provider.

"Qualified developmental disabilities professional (QDDP)" means a professional possessing (i) at least one year of documented experience working directly with individuals who have related conditions; (ii) is one of the following: a doctor of medicine or osteopathy, a registered nurse, a provider holding

~~at least a bachelor's degree in a human service field including, but not limited to, sociology, social work, special education, rehabilitation, counseling or psychology, or a provider who has documented equivalent qualifications; and (iii) the required Virginia or national license, registration, or certification in accordance with his profession, if applicable.~~

~~"Qualified mental health professional" means a professional having: (i) at least one year of documented experience working directly with recipients who have developmental disabilities; (ii) at least a bachelor's degree in a human services field including, but not limited to, sociology, social work, special education, rehabilitation counseling, or psychology; and (iii) the required Virginia or national license, registration, or certification in accordance with his profession.~~

"Related conditions" means those persons who have autism or who have a severe chronic disability that meets all of the following conditions identified in 42 CFR 435.1009:

1. It is attributable to:
 - a. Cerebral palsy or epilepsy; or
 - b. Any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons.
2. It is manifested before the person reaches age 22.
3. It is likely to continue indefinitely.
4. It results in substantial functional limitations in three or more of the following areas of major life activity:
 - a. Self-care.
 - b. Understanding and use of language.
 - c. Learning.
 - d. Mobility.
 - e. Self-direction.
 - f. Capacity for independent living.

"Respite care" means services provided ~~to~~ for unpaid ~~caretakers caregivers~~ of eligible recipients ~~individuals~~ who are unable to care for themselves ~~that is and are~~ provided on an episodic or routine basis because of the absence of or need for relief of those ~~unpaid~~ persons residing with the recipient ~~individual who normally routinely~~ provide the care.

"Respite care ~~agency provider~~" means a participating provider that renders services designed to prevent or reduce inappropriate institutional care by providing respite care services ~~to for unpaid caregivers living in the home of eligible recipients for their caregivers individuals.~~

"Screening" means the process ~~conducted by the IFDDS screening team~~ to evaluate the medical, nursing, and social needs of recipients ~~individuals~~ referred for screening; ~~and to determine Medicaid eligibility for an ICF/MR level of care; and authorize Medicaid-funded ICF/MR care or community-based~~

~~care for those recipients who meet ICF/MR level of care eligibility and require that level of care.~~

~~"Screening team" means the entity contracted with DMAS which is responsible for performing screening for the IFDDS Waiver.~~

~~"Skilled nursing services" means nursing services listed in the plan of care that do not meet home health criteria, required to prevent institutionalization, not otherwise available under the State Plan for Medical Assistance, are provided within the scope of the state's Nurse Practice Act (Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.)) of the Code of Virginia, and provided by a registered professional nurse or by a licensed practical nurse under the supervision of a registered nurse who is licensed to practice in the state. Skilled nursing services are to be used to provide training, consultation, nurse delegation as appropriate and oversight of direct care staff as appropriate.~~

~~"Slot" means an opening or vacancy of waiver services for an individual.~~

"State Plan for Medical Assistance" or "the Plan" means the document containing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

~~"Support coordination" means the assessment, planning, linking, and monitoring for recipients referred for the IFDDS community-based care waiver. Support coordination: (i) ensures the development, coordination, implementation, monitoring, and modification of consumer service plans; (ii) links recipients with appropriate community resources and supports; (iii) coordinates service providers; and (iv) monitors quality of care. Support coordination providers cannot be service providers to recipients in the IFDDS Waiver with the exception of consumer directed service facilitators.~~

"Supporting documentation" means the specific ~~service~~ plan of care developed by the recipient ~~individual and waiver~~ service provider related solely to the specific tasks required of that service provider. Supporting documentation helps to comprise the overall ~~GSP plan of care~~ for the recipient ~~individual, developed by the case manager and the individual.~~

"Supported employment" means training in specific skills related to paid employment and provision of ongoing or intermittent assistance and specialized supervision to enable ~~a recipient an individual~~ to maintain paid employment.

"Therapeutic consultation" means consultation provided by members of psychology, social work, ~~rehabilitation~~, behavioral analysis, speech therapy, occupational therapy, ~~psychiatry, psychiatric clinical nursing~~, therapeutic recreation, or physical therapy ~~disciplines~~ or behavior consultation to assist recipients ~~individuals~~, parents, family members, in-home residential support, day support and any other providers of support services in implementing a ~~GSP plan of care.~~

~~"VDH" means the Virginia Department of Health.~~

Emergency Regulations

12 VAC 30-120-710. General coverage and requirements for all home and community-based care waiver services.

A. Waiver service populations. Home and community-based services shall be available through a § 1915(c) waiver. Coverage shall be provided under the waiver for ~~recipients~~ *individuals* six years of age and older with related conditions as defined in ~~42 CFR 435.1009~~ 12 VAC 30-120-700, including autism, who have been determined to require the level of care provided in an ~~intermediate care facility for the mentally retarded~~ ICF/MR. The individual must not also have a diagnosis of mental retardation as defined by the American Association on Mental Retardation (AAMR). Mental Retardation (MR) Waiver recipients who are six years of age on or after October 1, 2002, who are determined to not have a diagnosis of mental retardation, and who meet all IFDDS Waiver eligibility criteria, shall be eligible for and shall transfer to the IFDDS Waiver effective with their sixth birthday. Psychological evaluations confirming diagnoses must be completed less than one year prior to the child's sixth birthday. These recipients transferring from the MR Waiver will automatically be assigned a slot in the IFDDS Waiver. Such slot shall be in addition to those slots available through the screening process described in 12 VAC 30-120-720 C and D.

B. ~~Coverage statement~~ Covered services.

1. Covered services shall include in-home residential supports, day support, *prevocational services*, supported employment, personal care (*both agency and consumer-directed*), ~~attendant care (consumer directed)~~, respite care (*both agency and consumer-directed*), assistive technology, environmental modifications, *skilled nursing services*, therapeutic consultation, crisis stabilization, personal emergency response systems (PERS), family/caregiver training, and companion ~~care services (both agency and consumer directed)~~.

2. These services shall be ~~medically~~ *medically* appropriate and *medically* necessary to maintain these ~~recipients~~ *individuals* in the community. Federal waiver requirements provide that the average per capita fiscal year expenditures under the waiver must not exceed the average per capita expenditures for the level of care provided in ~~Intermediate Care Facilities for the Mentally Retarded ICFs/MR~~ under the State Plan that would have been made had the waiver not been granted.

3. Under this § 1915(c) waiver, DMAS waives subdivision (a)(10)(B) of § 1902 of the Social Security Act related to comparability.

C. *Eligibility criteria for emergency access to the waiver. Subject to available funding and a finding of eligibility under 12 VAC 30-120-720, individuals must meet at least one of the emergency criteria below to be eligible for immediate access to waiver services without consideration to the length of time an individual has been waiting to access services. In the absence of waiver services, the individual would not be able to remain in his home. The criteria are as follows:*

1. *The primary caregiver has a serious illness, has been hospitalized, or has died;*

2. *The individual has been determined by the DSS to have been abused or neglected and is in need of immediate waiver services;*

3. *The individual demonstrates behaviors which present risk to personal or public safety;*

4. *The individual presents an extreme physical, emotional, or financial burden at home, and the family or caregiver is unable to continue to provide care; or*

5. *The individual lives in an institutional setting and has a viable discharge plan in place.*

G. *D. Appeals. Recipient Individual* appeals shall be considered pursuant to 12 VAC 30-110-10 through 12 VAC 30-110-380. Provider appeals shall be considered pursuant to 12 VAC 30-10-1000 and 12 VAC 30-20-500 through 12 VAC 30-20-599.

12 VAC 30-120-720. Recipient qualification and eligibility requirements; intake process.

A. ~~Recipients~~ *Individuals* receiving services under this waiver must meet the following requirements. Virginia will apply the financial eligibility criteria contained in the State Plan for the categorically needy. Virginia has elected to cover the optional categorically needy groups under 42 CFR 435.121 and 435.217. The income level used for 42 CFR 435.121 and 435.217 is 300% of the current Supplemental Security Income payment standard for one person.

1. Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. All ~~recipients~~ *individuals* under the waiver must meet the financial and nonfinancial Medicaid eligibility criteria and meet the institutional level of care criteria. The deeming rules are applied to waiver eligible ~~recipients~~ *individuals* as if the ~~recipient~~ *individual* were residing in an institution or would require that level of care.

2. Virginia shall reduce its payment for home and community-based *waiver services* provided to an individual who is eligible for Medicaid services under 42 CFR 435.217 by that amount of the individual's total income (including amounts disregarded in determining eligibility) that remains after allowable deductions for personal maintenance needs, deductions for other dependents, and medical needs have been made, according to the guidelines in 42 CFR 435.735 and § 1915(c)(3) of the Social Security Act as amended by the Consolidated Omnibus Budget Reconciliation Act of 1986. DMAS will reduce its payment for home and community-based waiver services by the amount that remains after the following deductions:

a. For ~~recipients~~ *individuals* to whom § 1924(d) applies, and for whom Virginia waives the requirement for comparability pursuant to § 1902(a)(10)(B), deduct the following in the respective order:

(1) The basic maintenance needs for an individual, which is equal to the SSI payment for one person. Due to expenses of employment, a working individual shall have an additional income allowance. For an individual

employed 20 hours or more per week, earned income shall be disregarded up to a maximum of 300% SSI; for an individual employed at least eight but less than 20 hours per week, earned income shall be disregarded up to a maximum of 200% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI.

(2) For an individual with a spouse at home, the community spousal income allowance determined in accordance with § 1924(d) of the Social Security Act.

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family determined in accordance with § 1924(d) of the Social Security Act.

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but not covered under the Plan.

b. For individuals to whom § 1924(d) does not apply and for whom Virginia waives the requirement for comparability pursuant to § 1902(a)(10)(B), deduct the following in the respective order:

(1) The basic maintenance needs for an individual, which is equal to the SSI payment for one person. Due to expenses of employment, a working individual shall have an additional income allowance. For an individual employed 20 hours or more per week, earned income shall be disregarded up to a maximum of 300% SSI; for an individual employed at least eight but less than 20 hours per week, earned income shall be disregarded up to a maximum of 200% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI.

(2) For an individual with a dependent child or children, an additional amount for the maintenance needs of the child or children which shall be equal to the *Title XIX* medically needy income standard based on the number of dependent children.

(3) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under

state law but not covered under the State Medical Assistance Plan.

B. Assessment and authorization of home and community-based ~~care~~ *waiver* services.

1. To ensure that Virginia's home and community-based ~~care~~ *waiver* programs serve only ~~recipients~~ *individuals* who would otherwise be placed in an ICF/MR, home and community-based ~~care~~ *waiver* services shall be considered only for individuals who are eligible for admission to an ICF/MR, absent a diagnosis of mental retardation *and are age six or older*. Home and community-based ~~care~~ *waiver* services shall be the critical service that enables the individual to remain at home rather than being placed in an ICF/MR.

2. The ~~recipient's~~ *individual's* status as an individual in need of IFDDS home and community-based ~~care~~ *waiver* services shall be determined by the IFDDS screening team after completion of a thorough assessment of the ~~recipient's~~ *individual's* needs and available ~~support~~ *supports*. Screening ~~of~~ *for* home and community-based ~~care~~ *waiver* services by the IFDDS screening team or DMAS staff is mandatory before Medicaid will assume payment responsibility of home and community-based ~~care~~ *waiver* services.

3. The IFDDS screening team shall gather relevant medical, ~~and social, and psychological~~ data and identify all services received by ~~and supports available to the recipient~~ *individual*. *The IFDDS screening team shall also gather psychological evaluations or refer the individual to a private or publicly funded psychologist for evaluation of the cognitive abilities of each screening applicant.* For children to transfer to the IFDDS Waiver at age six, case managers shall submit to DMAS the child's most recent Level of Functioning form, the ~~CSP~~ *plan of care*, and a psychological examination completed no more than one year prior to the child's sixth birthday if they are receiving MR Waiver services. Such documentation must demonstrate that no diagnosis of mental retardation exists in order for this transfer to the IFDDS Waiver to be approved.

4. The case manager shall be responsible for notifying DMAS, DMHMRSAS, and DSS, via the DMAS-122, when a child transfers from the MR Waiver to the IFDDS Waiver.

5. Children under six years of age shall not be screened until three months prior to the month of their sixth birthday. Children under six years of age shall not be added to the waiver/wait list until the month in which their sixth birthday occurs.

6. An essential part of the IFDDS screening team's assessment process is determining the level of care required by applying existing DMAS ICF/MR criteria (12 VAC 30-130-430 et seq.).

7. The *IFDDS screening* team shall explore alternative settings and services to provide the care needed by the individual. If placement in an ICF/MR or a combination of other services is determined to be appropriate, the IFDDS screening team shall initiate a referral for service *to DMAS*. If Medicaid-funded home and community-based ~~care~~ *waiver*

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services are determined to be the critical service to delay or avoid placement in an ICF/MR or promote exiting from an institutional setting, the IFDDS screening team shall initiate a referral for service to a ~~support coordinator~~ *case manager* of the ~~recipient's individual's~~ choice. *Referrals are based on the individual choosing either ICF/MR placement or home and community-based waiver services.*

8. Home and community-based ~~care~~ *waiver* services shall not be provided to any individual who ~~also~~ resides in a nursing facility, an ICF/MR, a hospital, an adult family home ~~licensed approved~~ by the DSS, a *group home licensed by DMHMRSAS*, or an assisted living facility licensed by the DSS.

9. Medicaid will not pay for any home and community-based ~~care~~ *waiver* services delivered prior to the authorization date approved by DMAS. Any ~~Consumer Service~~ plan of care for home- and community-based ~~care~~ *waiver* services must be pre-approved by DMAS prior to Medicaid reimbursement for waiver services.

10. The following five criteria shall apply to all IFDDS Waiver services:

a. Individuals qualifying for IFDDS Waiver services must have a demonstrated clinical need for the service resulting in significant functional limitations in major life activities. In order to be eligible, ~~a person~~ *an individual* must be six years of age or older, have a related condition as defined in these regulations and cannot have a diagnosis of mental retardation, and ~~who~~ would, in the absence of waiver services, require the level of care provided in an ICF/MR facility, the cost of which would be reimbursed under the *State Plan*;

b. The ~~Consumer Service~~ plan of care and services that are delivered must be consistent with the Medicaid definition of each service;

c. Services must be approved by the ~~support coordinator~~ *case manager* based on a current functional assessment tool approved by DMAS or other DMAS approved assessment and demonstrated need for each specific service;

d. Individuals qualifying for IFDDS Waiver services must meet the ICF/MR level of care criteria; and

e. The individual must be eligible for Medicaid as determined by the local office of DSS.

11. The IFDDS screening ~~teams~~ *team* must submit the results of the comprehensive assessment and a recommendation to DMAS staff for final determination of ICF/MR level of care and authorization for *home and community-based care waiver* services.

C. Screening for the IFDDS Waiver.

1. Individuals requesting IFDDS Waiver services will be screened and will receive services on a first-come, first-served basis in accordance with available funding based on the date the ~~recipients'~~ *individuals'* applications are received. Individuals who meet at least one of the emergency criteria pursuant to ~~42 VAC 30-120-790~~ *12 VAC*

~~30-120-710~~ shall be eligible for immediate access to waiver services if funding is available.

2. To be eligible for IFDDS Waiver services, the individual must:

a. Be determined to be eligible for the ICF/MR level of care;

b. Be six years of age or older,

c. Meet the related conditions definition as defined in 42 CFR 435.1009 or be diagnosed with autism; and

d. Not have a diagnosis of mental retardation as defined by the American Association on Mental Retardation (AAMR) ~~as contained in 12 VAC 30-120-710.~~

D. Waiver approval process: available funding.

1. In order to ensure cost effectiveness of the IFDDS Waiver, the funding available for the waiver ~~will be~~ *is* allocated between two budget levels. The budget ~~will be~~ *is* the cost of waiver services only and ~~will does~~ not include the costs of other Medicaid covered services. Other Medicaid services, however, must be counted toward cost effectiveness of the IFDDS Waiver. All services available under the waiver are available to both levels.

2. Level one ~~will be~~ *is* for individuals whose comprehensive ~~consumer service plan (CSP) is expected to~~ *plans of care* cost less than \$25,000 per fiscal year. Level two ~~will be~~ *is* for individuals whose ~~CSP is expected to cost~~ *plans of care costs* are equal to or more than \$25,000. There ~~will not be a~~ *is no* threshold for budget level two; however, if the actual cost of waiver services exceeds the average annual cost of ICF/MR care for an individual, the ~~recipient's individual's~~ care ~~will be~~ *is* coordinated by DMAS staff.

3. ~~Fifty-five~~ percent of available waiver funds ~~will be~~ *are* allocated to budget level one, and 40% of available waiver funds ~~will be~~ *are* allocated to level two in order to ensure that the waiver ~~will be~~ *is* cost effective. The remaining ~~5.0%~~ *10 percent* of available waiver funds ~~will be~~ *is* allocated for emergencies as defined in ~~42 VAC 30-120-790~~ *12 VAC 30-120-710*. ~~Recipients who have been placed in budget level one and who subsequently require additional services that would exceed \$25,000 per fiscal year must meet the emergency criteria as defined in 12 VAC 30-120-790 to receive additional funding for services. In order to transition an appropriate number of level one slots to emergency slots, every third level one slot that becomes available will convert to an emergency slot until the percentage of emergency slots reaches 10 percent. Half of emergency slots will be allocated for individuals in institutional settings who are discharge ready and have a discharge plan to transition into the community. If there are no such individuals who choose to discharge into the community when emergency slots are available for institutionalized individuals, the emergency slot will be allocated to an individual residing in the community who meets emergency criteria.~~

E. Waiver approval process: accessing services.

1. ~~The IFDDS Screening Team shall determine if an individual meets the functional criteria within 45 days of receiving the request for screening from DMAS. Once the IFDDS screening entity has determined team determines that an individual meets the eligibility criteria for IFDDS Waiver services and the individual has chosen this service, the IFDDS screening entity will team shall provide the individual with a list of available support coordinators case managers. For MR Waiver recipients transferring to the IFDDS Waiver, the case manager must provide the recipient or family/caregiver with a list of support coordinators. The individual or family/caregiver will shall choose a support coordinator case manager within 10 calendar days of receiving the list of support coordinators case managers and the IFDDS screening entity case manager will team shall forward the screening materials, CSP, and all MR Waiver related documentation within 10 calendar days of the coordinator's case manager's selection to the selected support coordinator case manager.~~

2. ~~The support coordinator will case manager shall contact the recipient individual within 10 calendar days of receipt of screening materials. The support coordinator and case manager must meet face-to-face with the recipient or recipient's family will meet individual and the individual's family/caregiver as appropriate within 30 calendar days to discuss the recipient's individual's needs, existing supports and to develop a preliminary consumer service plan (CSP) which will identify plan of care identifying needed services needed and will estimate estimating the annual waiver cost of the recipient's CSP individual's plan of care. If the recipient's individual's annual waiver services cost is expected to exceed the average annual cost of ICF/MR care for an individual, the recipient's support coordination will be managed individual's case management shall be provided by DMAS.~~

3. ~~Once the CSP plan of care has been initially developed, the support coordinator will case manager shall contact DMAS to receive prior authorization to enroll the recipient individual in the IFDDS Waiver. DMAS shall, within 14 days of receiving all supporting documentation, either approve for Medicaid coverage or deny for Medicaid coverage the CSP plan of care. DMAS shall only authorize a waiver slot services for the recipient individual if funding is available for the entire CSP a slot is available. Once this authorization has been received the case manager receives authorization from DMAS, the support coordinator case manager shall inform the recipient individual so that the recipient can individual may begin choosing waiver service providers for services listed in the CSP plan of care. The case manager shall also notify the local DSS by submitting a DMAS 122. If DMAS does not have the available funding a waiver slot for this recipient individual, the recipient will individual shall be held placed on the waiting list until such time as funds are available to cover the cost of the CSP a waiver slot becomes available.~~

4. ~~Once the recipient individual has been determined to be Medicaid eligible and authorized for the waiver, the recipient individual or support coordinator case manager shall contact waiver service providers and who shall initiate~~

~~waiver services within 60 days. During this time, the consumer individual, support coordinator case manager, and waiver service providers will shall meet to complete the CSP plan of care, again implementing a person-centered planning process. If services are not initiated within 60 days, the support coordinator case manager must submit information to DMAS demonstrating why more time is needed to initiate services and request in writing a 30-day extension for the initiation of waiver services. DMAS must receive the request for extension letter within the thirty day extension period being requested. DMAS will review the request for extension and make a determination within ten business days of receiving the request. DMAS has authority to approve or deny the 30-day extension request in 30-day extensions. The waiver service providers will shall develop supporting documentation for each waiver service and will shall submit a copy of these plans this documentation to the support coordinator case manager. The support coordinator will case manager shall monitor the waiver service providers' supporting documentation to ensure that all providers are working toward the identified goals of recipients the individual. The support coordinator will case manager shall review and sign off on the supporting documentation and will. The case manager shall contact DMAS the preauthorization agent for prior authorization of services and will shall notify the waiver service providers when waiver services are approved.~~

5. ~~The support coordinator will case manager shall contact the recipient individual at a minimum on a monthly basis and as needed to coordinate services and maintain the recipient's CSP conduct case management activities as defined in 12 VAC 30-50-490. DMAS will or the case manager, shall conduct annual level of care reviews in which the recipient individual is assessed to ensure he continues to meet continued waiver criteria eligibility. DMAS will shall review recipients' CSPs individuals' plans of care and will shall review the services provided by support coordinators as well as case managers and waiver service providers.~~

F. Reevaluation of service need and utilization review.

1. The plan of care.

a. ~~The case manager shall develop the plan of care, implementing a person-centered planning process with the individual, the individual's family/caregiver, other service providers, and other interested parties identified by the individual and/or family/caregiver, based on relevant, current assessment data. The plan of care development process determines the services to be provided for individuals, the frequency of services, the type of service provided, and a description of the services to be offered. All plans of care written by the case managers must be approved by DMAS prior to seeking authorization for services. DMAS is the single state authority responsible for the supervision of the administration of the home and community-based waiver.~~

b. ~~The case manager is responsible for continuous monitoring of the appropriateness of the individual's services by reviewing supporting documentation and~~

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revisions to the plan of care as indicated by the changing needs of the individual. At a minimum, every three months the case manager must:

- (i) review the plan of care face-to-face with the individual and family/caregiver, as appropriate, using a person-centered planning approach.
- (ii) review individual provider quarterly reports to ensure goals and objectives are being met, and
- (iii) determine whether any modifications to the plan of care are necessary.

c. At least once per plan of care year this review must be performed with the individual present, and family/caregivers as appropriate, in the individual's home environment.

d. DMAS staff shall review the plan of care every 12 months or more frequently as required to assure proper utilization of services. Any modification to the amount or type of services in the plan of care must be approved by DMAS.

2. Review of level of care.

a. DMAS or the case manager shall complete an annual comprehensive reassessment, in coordination with the individual, family, and service providers. If warranted, DMAS or the case manager will coordinate a medical examination and a psychological evaluation for every waiver individual. The reassessment, completed in a person-centered planning manner, must include an update of the assessment instrument and any other appropriate assessment data.

b. A medical examination must be completed for adults 18 years of age and older based on need identified by the individual, the family/caregiver, providers, the case manager, or DMAS staff. Medical examinations for children must be completed according to the recommended frequency and periodicity of the EPSDT program.

c. A psychological evaluation or standardized developmental assessment for children over six years of age and adults must reflect the current psychological status (diagnosis), adaptive level of functioning, and cognitive abilities. A new psychological evaluation is required whenever the individual's functioning has undergone significant change and the current evaluation no longer reflects the individual's current psychological status.

3. Documentation required.

a. The case management provider must maintain the following documentation for review by the DMAS staff for each waiver individual:

- (1) All assessment summaries and all plans of care completed for the individual are maintained for a period of not less than five years;
- (2) All supporting documentation from any provider rendering waiver services for the individual;

(3) All supporting documentation related to any change in the plan of care;

(4) All related communication with the individual, family/caregiver, providers, consultants, DMHMRSAS, DMAS, DSS, DRS, or other related parties;

(5) An ongoing log documenting all contacts related to the individual made by the case manager that relate to the individual;

(6) The individual's most recent, completed level of functioning;

(7) Psychologicals;

(8) Communications with DMAS;

(9) Documentation of rejection or refusal of services and potential outcomes resulting from the refusal of services communicated to the individual; and

(10) Annual DMAS 122s.

b. The waiver service providers must maintain the following documentation for review by the DMAS staff for each waiver individual:

(1) All supporting documentation developed for that individual and maintained for a period of not less than five years;

(2) An attendance log documenting the date and times services were rendered and the amount and the type of services rendered;

(3) Appropriate progress notes reflecting individual's status and, as appropriate, progress toward the identified goals on the supporting documentation;

(4) All communication relating to the individual. Any documentation or communication must be dated and signed by the provider;

(5) Prior authorization decisions;

(6) Plans of care specific to the service being provided; and

(7) Assessments/reassessments as required for the service being provided.

12 VAC 30-120-730. General requirements for home and community-based care participating providers.

A. Providers approved for participation shall, at a minimum, perform the following activities:

1. Immediately notify DMAS, in writing, of any change in the information that the provider previously submitted to DMAS.

2. Assure freedom of choice to recipients in for individuals seeking ~~medical care~~ services from any institution, pharmacy, practitioner, or other provider qualified to perform the service or services required and participating in the Medicaid Program at the time the service or services were performed.

3. Assure the recipient's individual's freedom to reject medical care and , treatment, and services, and document

that potential adverse outcomes that may result from refusal of services were discussed with the individual.

4. Accept referrals for services only when staff is available to initiate services *within thirty days* and perform such services on an ongoing basis.

5. Provide services and supplies ~~to recipients for individuals~~ in full compliance with Title VI of the Civil Rights Act of 1964, as amended (42 USC §§ 2000d through 2000d-4a *et seq.*), which prohibits discrimination on the grounds of race, color, or national origin; the Virginians with Disabilities Act (Title 51.5, § 51.5-1 *et seq.* of the Code of Virginia); § 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), which prohibits discrimination on the basis of a disability; and the Americans with Disabilities Act, as amended (42 USC §§ 12101 through 12213 *et seq.*), which provides comprehensive civil rights protections to ~~recipients~~ *individuals* with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

6. Provide services and supplies to ~~recipients~~ *individuals* of the same quality and in the same mode of delivery as provided to the general public.

7. Submit charges to DMAS for the provision of services and supplies ~~to recipients for individuals~~ in amounts not to exceed the provider's usual and customary charges to the general public. ~~The provider must and~~ accept as payment in full the amount established by DMAS payment methodology from the ~~first day of eligibility for the individual's authorization date~~ for waiver services.

8. Use program-designated billing forms for submission of charges.

9. Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the care provided.

a. ~~In general,~~ Such records shall be retained for at least five years from the last date of service or as provided by applicable state laws, whichever period is longer. However, if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved. Records of minors shall be kept for at least five years after such minor has reached the age of 18 years.

b. Policies regarding retention of records shall apply even if the provider discontinues operation. DMAS shall be notified in writing of storage, location, and procedures for obtaining records for review should the need arise. The location, agent, or trustee shall be within the Commonwealth of Virginia.

c. An attendance log or similar document must be maintained which indicates the date *services were rendered*, type of services rendered, and number of hours/units provided (including specific time frame).

10. The provider agrees to furnish information on request and in the form requested to DMAS, the Attorney General of Virginia or his authorized representatives, federal

personnel, and the State Medicaid Fraud Control Unit. The Commonwealth's right of access to provider ~~agencies~~ *premises* and records shall survive any termination of the provider *participation* agreement.

11. Disclose, as requested by DMAS, all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to ~~recipients of individuals enrolled in Medicaid~~.

12. *Pursuant to 42 CFR Part 431, Subpart F, 12 VAC 30-20-90, and any other applicable federal or state law, all providers shall hold confidential and use for DMAS authorized purposes only all medical assistance information regarding recipients individuals served.* A provider shall disclose information in his possession only when the information is used in conjunction with a claim for health benefits or the data is necessary for the functioning of DMAS *in conjunction with the cited laws.* DMAS shall not disclose medical information to the public.

13. Change of Ownership. When ownership of the provider ~~agency~~ changes, *the provider must notify DMAS shall be notified* at least 15 calendar days before the date of change.

14. For (ICF/MR) facilities covered by § 1616(e) of the Social Security Act in which respite care as a home and community-based ~~care~~ *waiver* service will be provided, the facilities shall be in compliance with applicable standards that meet the requirements for board and care facilities. Health and safety standards shall be monitored through the DMHMRSAS' licensure standards, ~~12 VAC 35-102-10 et seq or through DSS approved standards for adult foster care providers.~~

15. Suspected Abuse or Neglect. Pursuant to §§ ~~63.1-55.3 63.2-1509 and 63.1-248.3 63.2-1606~~ of the Code of Virginia, if a participating provider knows or suspects that a home and community-based ~~care recipient waiver service individual~~ is being abused, neglected, or exploited, the party having knowledge or suspicion of the abuse, neglect, or exploitation shall report this immediately from first knowledge to the local DSS adult or child protective services ~~worker and agency~~ to DMAS, *and to DMHMRSAS Offices of Licensing and Human Rights, as applicable.*

16. Adherence to provider ~~contract participation agreement~~ and the DMAS provider ~~service~~ manual. In addition to compliance with the general conditions and requirements, all providers enrolled by DMAS shall adhere to the conditions of participation outlined in their individual provider ~~contracts~~ *participation agreements* and in the DMAS provider manual.

17. *Direct marketing. Providers are prohibited from performing any type of direct marketing activities to Medicaid individuals or their family/caregivers.*

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12 VAC 30-120-740. Participation standards for home and community-based care participating providers.

A. Requests for participation. Requests will be screened to determine whether the provider applicant meets the basic requirements for participation.

B. Provider participation standards. For DMAS to approve ~~contracts~~ *provider participation agreements* with home and community-based ~~care waiver~~ providers, the following standards shall be met:

1. *For services that have licensure and certification requirements*, licensure and certification requirements pursuant to 42 CFR 441.352.
2. Disclosure of ownership pursuant to 42 CFR 455.104 and 455.105.
3. *The ability to document and maintain individual case records in accordance with state and federal requirements.*

C. Adherence to provider ~~contract~~ *participation agreements* and special participation conditions. In addition to compliance with the general conditions and requirements, all providers enrolled by DMAS shall adhere to the conditions of participation outlined in their provider ~~contracts~~ *participation agreements*.

D. ~~Recipient~~ *Individual* choice of provider ~~agencies~~ *entities*. The ~~recipient individual~~ will have the option of selecting the provider ~~agency~~ of his choice. *The case manager must inform the individual of all available waiver service providers in the community in which he desires services, and he shall have the option of selecting the provider of his choice.*

E. Review of provider participation standards and renewal of ~~contracts~~ *provider participation agreements*. DMAS is responsible for assuring continued adherence to provider participation standards. DMAS shall conduct ongoing monitoring of compliance with provider participation standards and DMAS policies and recertify each provider for ~~contract~~ *agreement* renewal with DMAS to provide home and community-based *waiver* services. A provider's noncompliance with DMAS policies and procedures, as required in the provider's ~~contract~~ *participation agreement*, may result in a written request from DMAS for a corrective action plan which details the steps the provider must take and the length of time permitted to achieve full compliance with the plan to correct the deficiencies which have been cited.

F. Termination of provider participation. A participating provider may voluntarily terminate his participation in Medicaid by providing 30 days' written notification. ~~DMAS shall be permitted to administratively terminate a provider from participation upon 30 days' written notification. DMAS may also cancel a contract immediately or may give notification in the event of a breach of the contract by the provider as specified in the DMAS contract. DMAS may terminate at will a provider's participation agreement on 30 days' written notice as specified in the DMAS participation agreement. DMAS may also immediately terminate a provider's participation agreement if the provider is no longer eligible to participate in the program as determined by DMAS. Such action precludes further payment by DMAS for services provided to recipients~~

for individuals subsequent to the date specified in the termination notice.

G. Reconsideration of adverse actions. A provider shall have the right to appeal adverse action taken by DMAS. Adverse ~~action includes~~ *actions may include*, but shall not be limited to, termination of the provider agreement by DMAS, and retraction of payments from the provider by DMAS for noncompliance with applicable law, regulation, policy, or procedure. All disputes regarding provider reimbursement or termination of the agreement by DMAS for any reason shall be resolved through administrative proceedings conducted at the office of DMAS in Richmond, Virginia. These administrative proceedings and judicial review of such administrative proceedings shall be conducted pursuant to the Virginia Administrative Process Act (§ ~~9-6-14.4~~ *2.2-4000* et seq. of the Code of Virginia), the State Plan for Medical Assistance provided for in § 32.1-325 of the Code of Virginia, and duly promulgated regulations. Court review of final agency determinations concerning provider reimbursement shall be made in accordance with the Administrative Process Act.

H. Termination of a provider ~~contract~~ *participation agreement* upon conviction of a felony. Section 32.1-325 ~~§ D(2)~~ of the Code of Virginia mandates that "any such Medicaid agreement or contract shall terminate upon conviction of the provider of a felony." A provider convicted of a felony in Virginia or in any other of the 50 states or Washington, D.C., must, within 30 days, notify the Medicaid Program of this conviction and relinquish its provider agreement. ~~Reinstatement will be contingent upon provisions of state law.~~ In addition, termination of a provider ~~contract~~ *participation agreement* will occur as may be required for federal financial participation.

I. ~~Support coordinator's~~ *Case manager's* responsibility for the ~~Recipient~~ *Patient* Information Form (DMAS-122). It is the responsibility of the ~~support coordinator~~ *case manager* to notify DMAS and DSS, in writing, when any of the following circumstances occur:

1. Home and community-based ~~care~~ *waiver* services are implemented.
2. ~~A recipient~~ *An individual* dies.
3. ~~A recipient~~ *An individual* is discharged or terminated from services.
4. Any other circumstances (including hospitalization) that cause home and community-based ~~care~~ *waiver* services to cease or be interrupted for more than 30 days.
5. *A selection by the individual or family/caregiver of a different case management provider.*

J. Changes or termination of care. It is the DMAS staff's responsibility to authorize any changes to supporting documentation of a ~~recipient's CSP~~ *an individual's plan of care* based on the recommendations of the ~~support coordinator~~ *case manager*. ~~Agencies providing direct Waiver service providers~~ are responsible for modifying the supporting documentation ~~if the recipient or parent/legal guardian agrees with the involvement of the individual or family/caregiver.~~ The provider ~~will~~ *shall* submit the supporting documentation to the

~~support coordinator~~ *case manager* any time there is a change in the ~~recipient's~~ *individual's* condition or circumstances that may warrant a change in the amount or type of service rendered. The ~~support coordinator will~~ *case manager shall* review the need for a change and ~~will shall~~ sign the supporting documentation if he agrees to the changes. The ~~support coordinator will~~ *case manager shall* submit the revised supporting documentation to the DMAS staff to receive approval for that change. The DMAS staff has the final authority to approve or deny the requested change to ~~recipient's~~ *individual's* supporting documentation. *DMAS shall notify the individual or family/caregiver in writing of their right to appeal the decision or decisions to reduce, terminate, suspend, or deny services pursuant to DMAS client appeals regulations, 12 VAC 30-110.*

1. Nonemergency termination of home and community-based ~~care~~ *waiver* services by the participating provider. The participating provider shall give the ~~recipient individual,~~ *and family/caregiver,* and ~~support coordinator~~ *case manager* 10 days' written notification of the intent to terminate services. The *notification* letter shall provide the reasons for and effective date of the termination. The effective date of services termination shall be at least 10 days from the date of the termination notification letter.

2. Emergency termination of home and community-based ~~care~~ *waiver* services by the participating provider. In an emergency situation when the health and safety of the ~~recipient individual or provider agency personnel~~ is endangered, the ~~support coordinator~~ *case manager* and DMAS must be notified prior to termination. The 10-day written notification period shall not be required. *When appropriate, the local DSS adult protective services or child protective services agency must be notified immediately. DMHMRSAS Offices of Licensing and Human Rights must also be notified as required under the provider's license.*

3. The DMAS termination of eligibility to receive home and community-based ~~care~~ *waiver* services. DMAS shall have the ultimate responsibility for assuring appropriate placement of the ~~recipient individual~~ in home and community-based ~~care~~ *waiver* services and the authority to terminate such services to the ~~recipient individual~~ for the following reasons:

- a. The home and community-based ~~care~~ *waiver* service is not the critical alternative to prevent or delay institutional (ICF/MR) placement;
- b. The ~~recipient individual~~ no longer meets the institutional level of care criteria;
- c. The ~~recipient's individual's~~ environment does not provide for his health, safety, and welfare; or
- d. An appropriate and cost-effective *CSP plan of care* cannot be developed.

4. *In the case of termination of home and community-based waiver services by DMAS staff:*

- a. *individuals shall be notified of their appeal rights by DMAS pursuant to 12 VAC 30-110.*

b. *Individuals identified by the case manager who no longer meet the level of care criteria or for whom home and community-based waiver services must be referred by the case manager to DMAS for review.*

12 VAC 30-120-750. In-home residential support services.

A. Service description. In-home residential support services shall be based *primarily* in the ~~recipient's individual's~~ home. The service shall be designed to enable ~~recipients qualifying for individuals enrolled in the IFDDS Waiver to be maintained~~ in their homes and shall include: (i) training in or ~~reinforcement of engagement and interaction with functional skills and~~ appropriate behavior related to a ~~recipient's individual's~~ health and safety, personal care, activities of daily living and use of community resources; (ii) assistance with medication management and monitoring the ~~recipient's individual's~~ health, nutrition, and physical condition; (iii) life skills training; (iv) cognitive rehabilitation; ~~and~~ (v) assistance with personal care activities of daily living and use of community resources; *and (vi) specialized supervision to ensure the individual's health and safety.* Service providers shall be reimbursed only for the amount and type of in-home residential support services included in the ~~recipient's individual's~~ approved *CSP plan of care*. In-home residential support services shall not be authorized in the *CSP plan of care* unless the ~~recipient individual~~ requires these services and these services exceed services provided by the family or other caregiver. Services ~~will are not be~~ provided by *paid staff of the In-Home Residential Supports provider* for a continuous 24-hour period.

1. This service must be provided on a ~~recipient an individual-specific~~ basis according to the *CSP plan of care*, supporting documentation, and service setting requirements.

2. This service may not be provided to any ~~recipient individual~~ who simultaneously receives personal care ~~or attendant care services (agency or consumer-directed)~~ under the IFDDS Waiver or other residential program that provides a comparable level of care.

3. Room and board and general supervision shall not be components of this service.

4. This service shall not be used solely to provide routine or emergency respite care for the parent or parents or other *unpaid* caregivers with whom the ~~recipient individual~~ lives.

B. Criteria.

1. All ~~recipients individuals~~ must meet the following criteria in order for Medicaid to reimburse *providers* for in-home residential support services. The ~~recipient individual~~ must meet the eligibility requirements for this waiver service as ~~herein~~ defined. The ~~recipient individual~~ shall have a demonstrated need for supports to be provided by staff who are paid by the in-home residential support provider.

2. A functional assessment must be conducted to evaluate each ~~recipient individual~~ in his home environment and community settings.

3. Routine supervision/oversight of direct care staff. To provide additional assurance for the protection or

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preservation of a ~~recipient's~~ *an individual's* health and safety, there are specific requirements for the supervision and oversight of direct care staff providing *in-home* residential support as outlined below. For all in-home residential support services provided under a DMHMRSAS license or CARF accreditation:

a. An employee of the ~~agency~~ *provider*, typically by position, must be formally designated as the supervisor of each direct care staff person ~~who is~~ providing in-home residential support services.

b. The supervisor must have and document at least one supervisory contact ~~per month~~ with each *direct care* staff person *per month* regarding service delivery and *direct care* staff performance.

c. The supervisor must observe each *direct care* staff person delivering services at least semi-annually. Staff performance ~~and~~, service delivery ~~according to in accordance with the CSP should be documented, along with plan of care and evaluation of~~ and evidence of ~~recipient~~ *the individual's* satisfaction with service delivery by *direct care* staff *must be documented*.

d. ~~Providers of in-home residential supports~~ *The supervisor must also have complete* and document at least one monthly contact with the ~~recipient individual or family/caregiver~~ *recipient individual or family/caregiver* regarding satisfaction with services delivered by each *direct care* staff person. ~~If the recipient has a guardian, the guardian should be contacted.~~

4. The in-home residential support supporting documentation must indicate the necessary amount and type of activities required by the ~~recipient individual~~, the schedule of *in-home* residential support services, the total number of hours per day, and the total number of hours per week of in-home residential support. *A formal, written behavioral program is required to address behaviors, including self injury, aggression or self stimulation.*

5. Medicaid reimbursement is available only for in-home residential support services provided when the ~~recipient individual~~ is present and when a qualified provider is providing the services.

C. Service units and service limitations. In-home residential supports shall be reimbursed on an hourly basis for time the in-home residential support *direct care* staff is working directly with the ~~recipient individual~~. Total monthly billing cannot exceed the total hours authorized in the *CSP plan of care*. The provider must maintain documentation of the date ~~and~~, times ~~that the services are provided~~, the services that were provided, and specific circumstances ~~which prevented preventing the provision of all of the any scheduled services.~~

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based ~~care waiver services~~ participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, each in-home residential support service provider must be licensed by DMHMRSAS as a provider of supportive residential services or have CARF ~~certification accreditation~~. The provider must also have training in the characteristics of ~~developmental disabilities individuals with related conditions~~ and appropriate

interventions, strategies, and support methods for ~~persons with developmental disabilities~~ *individuals with related conditions* and functional limitations.

1. For DMHMRSAS licensed programs, a *CSP plan of care* and ongoing documentation of *service delivery* must be consistent with licensing regulations.

2. Documentation must confirm attendance and the *individual's* amount of time in services and provide specific information regarding the ~~recipient's~~ *individual's* response to various settings and supports as agreed to in the supporting documentation objectives. Assessment results must be available in at least a daily note or a weekly summary. Data must be collected as described in the *CSP plan of care*, analyzed, summarized, and then clearly addressed in the regular supporting documentation.

3. The supporting documentation must be reviewed by the provider with the ~~recipient individual~~, and this *written* review submitted to the ~~support coordinator~~ *case manager*, at least semi-annually, with goals, objectives, and activities modified as appropriate.

4. Documentation must be maintained for routine supervision and oversight of all in-home residential support *direct care* staff. All significant contacts described in this section must be documented. *A Qualified Developmental Disabilities Professional must provide supervision of direct service staff.*

5. Documentation of *supervision* must be completed ~~and~~, signed by the staff person designated to perform the supervision and oversight, and include *the following*:

a. Date of contact or observation;

b. Person or persons contacted ~~or~~ *monthly and direct care* staff observed;

c. A ~~note regarding summary about direct care~~ staff performance and ~~supporting documentation~~ service delivery for monthly ~~contact~~ *contacts* and semi-annual home visits;

d. Semi-annual observation documentation must also address ~~recipient individual~~ satisfaction with service provision; ~~and~~

e. Any action planned or taken to correct problems identified during supervision and oversight; ~~and~~

f. *Copy of the most recently completed DMAS-122 form. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.*

12 VAC 30-120-752. Day support services.

A. Service description. Day support services shall include a variety of training, *assistance*, support, and *specialized* supervision offered in a setting (other than the home or ~~recipient individual~~ residence), which allows peer interactions and community integration *for the acquisition, retention, or improvement of self-help, socialization, and adaptive skills*. When services are provided through alternative payment sources, the ~~consumer service~~ *plan of care* shall not authorize them as a waiver funded expenditure. Service providers are

reimbursed only for the amount and type of day support services included in the recipient's individual's approved CSP plan of care based on the setting, intensity, and duration of the service to be delivered. *This does not include prevocational services.*

B. Criteria. For day support services, recipients individuals must demonstrate the need for functional training, assistance, and specialized training supervision offered in settings other than the recipient's individual's own residence that allow an opportunity for being productive and contributing members of communities. In addition, day support services will be available for recipients individuals who cannot can benefit from supported employment services and , but who need the services for accessing in-home supported living services, increasing levels of independent skills within current daily living situations, or sustaining skills necessary for continuing the level of independence in current daily living situations as an appropriate alternative or in addition to supported employment services.

1. A functional assessment should must be conducted by the provider to evaluate each recipient individual in his home environment and community settings.

2. Levels of day support. The amount and type of day support included in the recipient's consumer service individual's plan of care is determined according to the services required for that recipient individual. There are two types of day support: center-based, which is provided partly or entirely in a segregated setting primarily at one location/building; or noncenter-based, which is provided entirely primarily in community settings. Both types of day support may be provided at either intensive or regular levels. To be authorized at the intensive level, the recipient individual must have extensive disability-related difficulties and require additional, ongoing support to fully participate in programming and to accomplish his service goals; or the recipient requires extensive constant supervision to reduce or eliminate behaviors that preclude full participation in the program meet at least one of the following criteria: (i) requires physical assistance to meet the basic personal care needs (toileting, feeding, etc.); (ii) has extensive disability-related difficulties and requires additional, ongoing support to fully participate in programming and to accomplish his service goals; or (iii) requires extensive, constant supervision to reduce or eliminate behaviors that preclude full participation in the program. A formal, written behavioral program is required to address behaviors such as, but not limited to, withdrawal, self-injury, aggression, or self-stimulation.

C. Service units and service limitations. Day support cannot be regularly or temporarily (e.g., due to inclement weather or recipient illness) provided in a recipient's an individual's home or other residential setting (e.g., due to inclement weather or individual's illness) without prior written prior approval from DMAS. If prevocational services are offered, the plan of care must contain documentation regarding whether prevocational services are available in vocational rehabilitation agencies through § 110 of the Rehabilitation Act of 1973 or in Special Education services through § 602 (16) and (17) of the Individuals with Disabilities Act. When services are provided

through these sources, the plan of care shall not authorize them as a waiver expenditure. Compensation for prevocational services can only be made when the individual's productivity is less than 50% of the minimum wage. Noncenter-based day support services must be separate and distinguishable from either both in-home residential support services or and personal care services. There must be separate supporting documentation for each service and each must be clearly differentiated in documentation and corresponding billing. The supporting documentation must provide an estimate of the amount of day support required by the recipient individual. The maximum is 780 units per calendar plan of care year. If this service is used in combination with prevocational and/or supported employment services, the combined total units for these services can not exceed 780 units per plan of care year. Transportation shall not be billable as a day support service.

1. One unit shall be 1 to 3.99 hours of service a day.
2. Two units are 4 to 6.99 hours of service a day.
3. Three units are 7 or more hours of service a day.

Services shall normally be furnished four or more hours per day on a regularly scheduled basis for one or more days per week unless provided as an adjunct to other day activities included in an individual's plan of care.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care waiver services participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, day support providers need to must meet additional the following requirements.

1. For DMHMRSAS programs licensed as day support programs, the CSP plan of care, supporting documentation, and ongoing documentation must be consistent with licensing regulations. For programs certified accredited by CARF as day support programs, there must be supporting documentation, which contains at a minimum, the following elements:

- a. The recipient's individual's strengths, desired outcomes, required or desired supports and training needs;
- b. The recipient's individual's goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;
- c. Services to be rendered and the frequency of services to accomplish the above goals and objectives;
- d. All individuals or organizations entities that will provide the services specified in the statement of services;
- e. A timetable for the accomplishment of the recipient's individual's goals and objectives;
- f. The estimated duration of the recipient's individual's needs for services; and
- g. The individual or individuals entities responsible for the overall coordination and integration of the services specified in the CSP plan of care.

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2. Documentation must confirm the recipient's individual's attendance and, the amount of the individual's time in services, and provide specific information regarding the recipient's individual's response to various settings and supports as agreed to in the supporting documentation objectives. Assessment results shall be available in at least a daily note or a weekly summary.

a. The provider must review the supporting documentation must be reviewed by the provider with the recipient individual or family/caregiver, and this written review submitted to the support coordinator case manager at least semi-annually with goals, objectives, and activities modified as appropriate. For the annual review and anytime the supporting documentation is modified, the revised supporting documentation must be reviewed with the individual or family/caregiver.

b. An attendance log or similar document must be maintained that indicates the date, type of services rendered, and the number of hours and units provided (including specific time frame).

c. Documentation must indicate whether the services were center-based or noncenter-based and regular or intensive level.

d. If intensive day support services are requested, in order to verify which of these criteria the recipient individual met, documentation must be present in the recipient's individual's record to indicate the specific supports and the reasons they are needed. For reauthorization of intensive day support services, there must be clear documentation of the ongoing needs and associated staff supports.

e. In instances where day support staff are required to ride with the individual to and from day support, the day support staff time may be billed as day support, provided that the billing for this time does not exceed 25% of the total time spent in the day support activity for that day. Documentation must be maintained to verify that billing for day support staff coverage during transportation does not exceed 25% of the total time spent in the day support for that day.

f. Copy of the most recently completed DMAS-122 form. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.

3. Supervision of direct service staff must be provided by a Qualified Developmental Disabilities Professional.

12 VAC 30-120-753. ~~Reserved.~~ Prevocational services.

A. Service Description. Prevocational services are services aimed at preparing an individual for paid or unpaid employment, but are not job-task oriented. Prevocational services are provided for individuals who are not expected to be able to join the general work force without supports or to participate in a transitional, sheltered workshop within one year of beginning waiver services (excluding supported employment services or programs). Activities included in this service are not primarily directed at teaching specific job skills but at underlying rehabilitative goals such as accepting

supervision, attendance, task completion, problem solving, and safety.

B. Criteria. In order to qualify for prevocational services, the individual shall have a demonstrated need for support in skills that are aimed toward preparation for paid employment that may be offered in a variety of community settings.

C. Service units and service limitations. Billing is for one unit of service. This service is limited to 780 units per plan of care year. If this service is used in combination with day support and/or supported employment services, the combined total units for these services cannot exceed 780 units per plan of care year. Prevocational services may be provided in center or noncenter-based settings. There must be documentation about whether prevocational services are available in vocational rehabilitation agencies through § 110 of the Rehabilitation Act of 1973 or through the Individuals with Disabilities Education Act (IDEA). When services are provided through these sources, they will not be authorized as a waiver service. Prevocational services may only be provided when the individual's compensation is less than 50% of the minimum wage.

1. One unit shall be 1 to 3.99 hours of service a day.

2. Two units are 4 to 6.99 hours of service a day.

3. Three units are 7 or more hours of service a day.

Services shall normally be furnished 4 or more hours per day on a regularly scheduled basis for 1 or more days per week unless provided as an adjunct to other day activities included in an individual's plan of care.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based services participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, prevocational services providers must also meet the following requirements:

1. The prevocational services provider must be a vendor of extended employment services, long-term employment services, or supported employment services for DRS, or be licensed by DMHMRSAS as a day support services provider. Providers must ensure and document that persons providing prevocational services have training in the characteristics of related conditions, appropriate interventions, training strategies, and support methods for individuals with related conditions and functional limitations.

2. Required documentation in the individual's record. The provider must maintain a record for each individual receiving prevocational services. At a minimum, the record must contain the following:

a. A functional assessment conducted by the provider to evaluate each individual in the prevocational environment and community settings.

b. A plan of care containing, at a minimum, the following elements: (New DMHMRSAS licensing regulations require the following for plans of care.)

(1) The individual's needs and preferences;

(2) *Relevant psychological, behavioral, medical, rehabilitation, and nursing needs as indicated by the assessment;*

(3) *Individualized strategies including the intensity of services needed;*

(4) *A communication plan for individuals with communication barriers including language barriers; and*

(5) *The behavior treatment plan, if applicable.*

c. *The plan of care must be reviewed by the provider quarterly, annually, and more often as needed, modified as appropriate, and with written results of these reviews submitted to the case manager. For the annual review and in cases where the plan of care is modified, the plan of care must be reviewed with the individual or family/caregiver.*

d. *Documentation must confirm the individual's attendance, amount of time spent in services, type of services rendered, and provide specific information about the individual's response to various settings and supports as agreed to in the plan of care.*

e. *In instances where prevocational staff are required to ride with the individual to and from prevocational services, the prevocational staff time may be billed for prevocational services, provided that the billing for this time does not exceed 25% of the total time spent in prevocational services for that day. Documentation must be maintained to verify that billing for prevocational staff coverage during transportation does not exceed 25% of the total time spending the prevocational services for that day.*

f. *A copy of the most recently completed DMAS-122. The provider must clearly document efforts to obtain the completed DMAS-122 from the case manager.*

12 VAC 30-120-754. Supported employment services.

A. Service description.

1. Supported employment services shall include training in specific skills related to paid employment and provision of ongoing or intermittent assistance or specialized training to enable a recipient an individual to maintain paid employment. Each supporting documentation must contain documentation regarding confirm whether supported employment services are available in vocational rehabilitation agencies through the Rehabilitation Act of 1973 or in special education services through 20 USC § 1401 of the Individuals with Disabilities Education Act (IDEA). Providers of these DRS and IDEA services cannot be reimbursed by Medicaid with the IFDDS Waiver funds. Waiver service providers are reimbursed only for the amount and type of habilitation services included in the recipient's individual's approved CSP plan of care based on the intensity and duration of the service delivered. Reimbursement shall be limited to actual interventions by the provider of supported employment, not for the amount of

time the recipient individual is in the supported employment environment.

2. Supported employment can may be provided in one of two models. Recipient Individual supported employment is defined as intermittent support, usually provided one on one by a job coach to a recipient for an individual in a supported employment position. Group supported employment is defined as continuous support provided by staff to for eight or fewer recipients individuals with disabilities in an enclave, work crew, or bench work/entrepreneurial model. The recipient's individual's assessment and CSP plan of care must clearly reflect the recipient's individual's need for training and supports.

B. Criteria for receipt of services.

1. Only job development tasks that specifically include the recipient individual are allowable job search activities under the IFDDS Waiver supported employment and only after determining this service is not available from DRS or IDEA.

2. In order to qualify for these services, the recipient individual shall have a demonstrated need for training, specialized supervision, or assistance in paid employment and for whom competitive employment at or above the minimum wage is unlikely without this support and who, because of the disability, needs ongoing support, including supervision, training and transportation to perform in a work setting.

3. A functional assessment should must be conducted to evaluate each recipient individual in his home work environment and related community settings.

4. The supporting documentation must provide document the amount of supported employment required by the recipient individual. Service providers are reimbursed only for the amount and type of supported employment included in the recipient's CSP individual's plan of care based on the intensity and duration of the service delivered.

C. Service units and service limitations.

1. Supported employment for recipient individual job placement will be billed on an hourly basis is provided in one hour units. Transportation cannot be billable billed as a supported employment service when it is provided between supported employment sites as a component of the supported employment service.

2. Group models of supported employment (enclaves, work crews, bench work, and entrepreneurial model of supported employment) will be billed at the unit rate.

a. One unit is 1 to 3.99 hours of service a day.

b. Two units are 4 to 6.99 or more hours of service a day.

c. Three units are 7 or more hours of service a day.

3. Supported employment services are limited to 780 units per plan of care year. If used in combination with prevocational and day support services, the combined total units for these services cannot exceed 780 units per plan of care year.

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3- 4. For the ~~recipient~~ *individual* job placement model, reimbursement of supported employment will be limited to actual documented interventions or collateral contacts by the provider, not the amount of time the ~~recipient~~ *individual* is in the supported employment situation.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, ~~specific provider qualifications are as follows~~ *supported employment providers must meet the following requirements:*

1. Supported employment services shall be provided by agencies that are programs certified by CARF to provide supported employment services or are DRS vendors of supported employment services.

2. ~~Recipient~~ *Individual* ineligibility for supported employment services through DRS or ~~Special Education services IDEA~~ must be documented in the ~~recipient's~~ *individual's* record, as applicable. If the ~~recipient~~ *individual* is older than 22 years and, therefore, not eligible for ~~Special Education IDEA~~ funding, documentation is required only for lack of DRS funding. Acceptable documentation would include a copy of a letter from DRS or the local school system or a record of a phone call (name, date, person contacted) documented in the ~~support coordinator's case manager's~~ case notes, Consumer Profile/Social assessment or on the supported employment supporting documentation. Unless the ~~recipient's~~ *individual's* circumstances change, the original verification ~~can~~ *may* be forwarded into the current record or repeated on the supporting documentation or revised ~~Consumer Profile/Social Assessment~~ on an annual basis.

3. Supporting documentation and ongoing documentation consistent with licensing regulations, if a DMHMRSAS licensed program.

4. For non-DMHMRSAS programs certified as supported employment programs, there must be supporting documentation that contains, at a minimum, the following elements:

- a. The ~~recipient's~~ *individual's* strengths, desired outcomes, required/desired supports and training needs;
- b. The ~~recipient's~~ *individual's* goals and, for a training goal, a sequence of measurable objectives to meet the above identified outcomes;
- c. Services to be rendered and the frequency of services to accomplish the above goals and objectives;
- d. All ~~individuals or organizations~~ *entities* that will provide the services specified in the statement of services;
- e. A timetable for the accomplishment of the ~~recipient's~~ *individual's* goals and objectives;
- f. The estimated duration of the ~~recipient's~~ *individual's* needs for services; and
- g. ~~Individuals~~ *Entities* responsible for the overall coordination and integration of the services specified in the plan.

5. Documentation must confirm *the individual's* attendance, *the amount of time the individual spent in services*, and *must* provide specific information regarding the ~~recipient's~~ *individual's* response to various settings and supports as agreed to in the supporting documentation objectives. Assessment results should be available in at least a daily note or weekly summary.

6. ~~The provider must review the supporting documentation must be reviewed by the provider with the recipient individual, and this written review submitted to the support coordinator case manager, at least semi-annually, with goals, objectives and activities modified as appropriate. For the annual review and in cases where the plan of care is modified, the plan of care must be reviewed with the individual or family/caregiver.~~

7. *In instances where supported employment staff are required to ride with the individual to and from supported employment activities, the supported employment staff time may be billed for supported employment provided that the billing for this time does not exceed 25% of the total time spent in supported employment for that day. Documentation must be maintained to verify that billing supported employment staff coverage during transportation does not exceed 25% of the total time spent in supported employment for that day.*

8. *There must be a copy of the completed DMAS-122 form in the record. Providers must clearly document efforts to obtain the DMAS-122 form from the case manager.*

12 VAC 30-120-756. Therapeutic consultation.

A. Service description. ~~Therapeutic consultation is available under the waiver for Virginia licensed or certified practitioners in provides expertise, training, and technical assistance in any of the following specialty areas to assist family members, caregivers, and service providers in supporting the individual. The specialty areas include the following: psychology, social work, occupational therapy, physical therapy, therapeutic recreation, rehabilitation, psychiatry, psychiatric clinical nursing, and speech/language therapy. Behavior consultation performed by these individuals may also be a covered waiver service. These services may be provided, based on the recipient's CSP individual's plan of care, for those recipients individuals for whom specialized consultation is clinically necessary to enable their utilization of waiver services and who have additional challenges restricting their ability to function in the community. Therapeutic consultation services may be provided in in-home residential or day support settings or in office settings the individual's home, in other appropriate community settings, and in conjunction with another waiver service. Only behavior consultation may be offered in the absence of any other waiver service when the consultation provided to informal caregivers is determined to be necessary to prevent institutionalization. These services are intended to facilitate implementation of the individual's desired outcomes as identified in their plan of care. Therapeutic consultation service providers are reimbursed according to the amount and type of service authorized in the CSP plan of care based on an hourly fee for service.~~

B. Criteria. In order to qualify for these services, the ~~recipient~~ *individual* shall have a demonstrated need for consultation in any of these services. Documented need must indicate that the ~~CSP plan of care~~ cannot be implemented effectively and efficiently without such consultation from this service.

1. The ~~recipient's CSP~~ *individual's plan of care* must clearly reflect the ~~recipient's individual's~~ needs, as documented in the social assessment, for specialized consultation provided to *family/caregivers and providers* in order to implement the ~~CSP plan of care~~ effectively.

2. Therapeutic consultation services may ~~neither not~~ include direct therapy provided to ~~waiver recipients individuals, or monitoring activities, and may not~~ duplicate the activities of other services that are available to the ~~recipient individual~~ through the State Plan of Medical Assistance.

C. Service units and service limitations. The unit of service shall equal one hour. The services must be explicitly detailed in the supporting documentation. Travel time, written preparation, and telephone communication are in-kind expenses within this service and are not billable as separate items. Therapeutic consultation may not be billed solely for purposes of monitoring. *Therapeutic consultations shall be available to individuals who are receiving at least one other waiver service and case management services.*

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, professionals rendering therapeutic consultation services, including behavior consultation services, shall meet all applicable state licensure or certification requirements. Persons providing rehabilitation consultation shall be rehabilitation engineers or certified rehabilitation specialists. *Behavioral consultation may be performed by professionals based on the professional's knowledge, skills, and abilities as defined by DMAS.*

1. Supporting documentation for therapeutic consultation. The following information is required in the supporting documentation:

- a. Identifying information: ~~recipient's individual's~~ name and Medicaid number; provider name and provider number; responsible person and telephone number; effective dates for supporting documentation; and semi-annual review dates, if applicable;
- b. Targeted objectives, time frames, and expected outcomes;
- c. Specific consultation *activities*; and
- d. ~~The expected outcomes~~ *A written support plan detailing the interventions or support strategies.*

2. Monthly and contact notes shall include:

- a. Summary of consultative activities for the month;
- b. Dates, locations, and times of service delivery;
- c. Supporting documentation objectives addressed;
- d. Specific details of the activities conducted;

e. Services delivered as planned or modified; and

f. Effectiveness of the strategies and ~~recipients' individuals'~~ and caregivers' satisfaction with service.

3. Semi-annual reviews are required by the service provider if consultation extends three months or longer, are to be forwarded to the ~~support coordinator~~ *case manager*, and must include:

- a. Activities related to the therapeutic consultation supporting documentation;
- b. ~~Recipient Individual~~ status and satisfaction with services; and
- c. Consultation outcomes and effectiveness of support plan.

4. If consultation services extend less than three months, the provider must forward monthly contact notes or a summary of them to the ~~support coordinator~~ *case manager* for the semi-annual review.

5. A written support plan, detailing the interventions and strategies for ~~staff providers~~, family, or caregivers to use to better support the ~~recipient individual~~ in the service.

6. A final disposition summary must be forwarded to the ~~support coordinator~~ *case manager* within 30 days following the end of this service and must include:

- a. Strategies utilized;
- b. Objectives met;
- c. Unresolved issues; and
- d. Consultant recommendations.

12 VAC 30-120-758. Environmental modifications.

A. Service description. ~~Environmental modifications shall be available to recipients who are receiving at least one other waiver service.~~ Environmental modifications shall be defined as those physical adaptations to the *individual's primary home or primary vehicle used by the individual, required by documented in the individual's CSP plan of care*, that are necessary to ensure the health, welfare, and safety of the individual, or that enable the individual to function with greater independence in the *primary home* and, without which, the individual would require institutionalization. Such adaptations may include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized ~~electric electrical~~ and plumbing systems ~~which~~ *that* are necessary to accommodate the medical equipment and supplies that are necessary for the welfare of the individual. Excluded are those adaptations or improvements to the home that are of general utility and are not of direct medical or remedial benefit to the individual, such as carpeting, roof repairs, central air conditioning, etc. Adaptations that add to the total square footage of the home shall be excluded from this benefit. All services shall be provided *in the individual's primary home* in accordance with applicable state or local building codes. *All modifications must be prior authorized by the prior authorization agent.* Modifications ~~can~~ may be made to a vehicle if it is the primary

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vehicle being used by the individual. *This service does not include the purchase of vehicles.*

B. Criteria. In order to qualify for these services, the recipient individual must have a demonstrated need for equipment or modifications of a remedial or medical benefit offered primarily in a recipient's an individual's primary home, primary vehicle used by the individual, community activity setting, or day program to specifically improve the recipient's individual's personal functioning. This service shall encompass those items not otherwise covered in the State Plan for Medical Assistance or through another program. *Environmental modifications shall be covered in the least expensive, most cost-effective manner.*

C. Service units and service limitations. *Environmental modifications shall be available to individuals who are receiving at least one other waiver service and case management services.* A maximum limit of \$5,000 may be reimbursed per calendar plan of care year. Costs for environmental modifications shall not be carried over from year to year. All environmental modifications must be prior authorized by DMAS. *Modifications may not be used to bring a substandard dwelling up to minimum habitation standards. Also excluded are modifications that are reasonable accommodation requirements of the Americans with Disabilities Act, the Virginians with Disabilities Act, and the Rehabilitation Act.*

Case managers must, upon completion of each modification, meet face-to-face with the individual and the individual's family as appropriate to ensure that the modification is completed satisfactorily and is able to be used by the individual.

D. Provider requirements. In addition to meeting the general conditions and requirements for HCBC home and community-based waiver services participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, environmental modifications must be provided in accordance with all applicable state or local building codes by contractors who have a provider agreement with DMAS. *Providers may not be spouses or parents of the individual.*

12 VAC 30-120-760. Skilled nursing services.

A. Service description. Skilled nursing services shall be provided for recipients individuals with serious medical conditions and complex health care needs ~~who~~ that require specific skilled nursing services that cannot be provided by non-nursing personnel. Skilled nursing may be provided in the recipient's home or other community setting ~~on a regularly scheduled or intermittent need basis.~~ *It may include consultation and training for other providers.*

B. Criteria. In order to qualify for these services, the recipient individual must demonstrated complex health care needs that require specific skilled nursing services ordered by a physician and that cannot be otherwise accessed under the Title XIX State Plan for Medical Assistance. The recipient's CSP individual's plan of care must stipulate that this service is necessary in order to prevent institutionalization and is not available under the State Plan for Medical Assistance.

C. Service units and service limitations. Skilled nursing services to be rendered by either registered or licensed practical nurses are provided in hourly units.

D. Provider requirements. Skilled nursing services shall be provided by either a DMAS enrolled private duty nursing provider, an enrolled home care organization provider or a home health provider, or a licensed registered nurse or a licensed practical nurse under the supervision of a licensed registered nurse that is contracted or employed by a ~~Community Services Board DMHMRSAS licensed day support, respite, or residential provider.~~ In addition to meeting the general conditions and requirements for home and community-based care waiver participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, in order to be approved for enrolled as a skilled nursing contracts provider, the provider must:

1. If a home health agency, be certified by the VDH for Medicaid participation and have a current DMAS contract provider participation agreement for private duty nursing;
2. Demonstrate a prior successful health care delivery business or practice;
3. Operate from a business office; and
4. If community services boards or a behavioral health authority employ or subcontract with and directly supervise a registered nurse (RN) or a licensed practical nurse (LPN) with a current and valid license issued by the Virginia State Board of Nursing, the RN or LPN must have at least two years of related clinical nursing experience that may include work in an acute care hospital, public health clinic, home health agency, or nursing home.

12 VAC 30-120-762. Assistive technology.

A. Service description. Assistive technology (AT) is available to recipients who are receiving at least one other waiver service and may be provided in a residential or nonresidential setting. *Assistive technology (AT) is the specialized medical equipment and supplies including those devices, controls, or appliances, specified in the plan of care, but not available under the State Plan for Medical Assistance, which enable individuals to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live. This service also includes items necessary for life support, ancillary supplies, and equipment necessary to the proper functioning of such items.*

B. Criteria. In order to qualify for these services, the recipient individual must have a demonstrated need for equipment or modification for remedial or direct medical benefit primarily in a recipient's an individual's primary home, primary vehicle used by the individual, community activity setting, or day program to specifically serve to improve the recipient's individual's personal functioning. This shall encompass those items not otherwise covered under the State Plan for Medical Assistance. Assistive technology shall be covered in the least expensive, most cost-effective manner.

C. Service units and service limitations. *Assistive technology (AT) is available to individuals receiving at least one other waiver service and may be provided in the individual's home or community setting.* A maximum limit of \$5,000 may be

reimbursed per ~~calendar plan of care~~ year. Costs for assistive technology cannot be carried over from year to year *and must be preauthorized each plan of care year*. AT will not be approved for purposes of convenience of the caregiver/provider or restraint of the individual. An independent, professional consultation must be obtained from qualified professionals who are knowledgeable of that item for each AT request prior to approval by DMAS. All assistive technology must be prior authorized by DMAS. *Also excluded are modifications that are reasonable accommodation requirements of the Americans with Disabilities Act, the Virginians with Disabilities Act, and the Rehabilitation Act.*

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, assistive technology shall be provided by ~~agencies providers under contract with~~ *having a current provider participation agreement with* DMAS as durable medical equipment and supply providers. Independent, professional consultants ~~shall be include~~ speech/language therapists, physical therapists, occupational therapists, physicians, behavioral therapists, certified rehabilitation specialists, or rehabilitation engineers. *Providers that supply assistive technology for an individual may not perform assessment/consultation, write specifications, or inspect the assistive technology for that individual. Providers of services may not be spouses or parents of the individual.*

12 VAC 30-120-764. Crisis stabilization services.

A. Service description. *Crisis stabilization services involve direct interventions which provide temporary, intensive services and supports that avert emergency, psychiatric hospitalization or institutional placement of individuals who are experiencing serious psychiatric or behavioral problems that jeopardize their current community living situation. Crisis stabilization services shall provide include, as appropriate, neuropsychological, psychiatric, psychological and other functional assessments and stabilization techniques, medication management and monitoring behavior assessment and support, and intensive care coordination with other agencies and providers. This service is designed to stabilize the individual and strengthen the current living situation so that the individual remains in the community during and beyond the crisis period.* These services shall be provided to:

1. Assist planning and delivery of services and supports to ~~maintain community placement of the recipient; enable the individual to remain in the community.~~
2. Train family members ~~and~~, other care givers, and service providers in ~~positive behavioral~~ supports to maintain the ~~recipient individual~~ in the community; and
3. Provide temporary crisis supervision to ensure the safety of the ~~recipient individual~~ and others;

B. Criteria.

1. In order to receive crisis stabilization services, the ~~recipient individual~~ must meet at least one of the following criteria:

- a. The ~~recipient individual~~ is experiencing marked reduction in psychiatric, adaptive, or behavioral functioning;
- b. The ~~recipient individual~~ is experiencing extreme increase in emotional distress;
- c. The ~~recipient individual~~ needs continuous intervention to maintain stability; or
- d. The ~~recipient individual~~ is causing harm to self or others.

2. The ~~recipient individual~~ must be at risk of at least one of the following:

- a. Psychiatric hospitalization;
- b. Emergency ICF/MR placement;
- c. Disruption of community status (living arrangement, day placement, or school); or
- d. Causing harm to self or others.

C. Service units and service limitations. Crisis stabilization services must be authorized following a documented face-to-face assessment conducted by a qualified ~~mental health developmental disabilities~~ professional (QDDP).

1. The unit for each component of the service is one hour. ~~This~~ Each service may be authorized in 15-day increments, but no more than 60 days in a ~~calendar plan of care~~ year may be used. The actual service units per episode shall be based on the documented clinical needs of the ~~recipients individuals~~ being served. Extension of services beyond the 15-day limit per authorization must be authorized following a documented face-to-face reassessment conducted by a qualified professional as described in Part D of this section.

2. Crisis stabilization services may be provided directly in the following settings (the following examples are not exclusive):

- a. The home of a ~~recipient an individual~~ who lives with family or other primary caregiver or caregivers;
- b. The home of a ~~recipient an individual~~ who lives independently or semi-independently to augment any current services and support;
- c. A day program or setting to augment current services and supports; or
- d. A respite care setting to augment current services and supports.

3. Crisis supervision may be provided as a component of this service only if clinical or behavioral interventions allowed under this service are also provided during the authorized period. *Crisis supervision must be provided one-on-one and face-to-face with the individual. Crisis supervision must be provided face to face with the recipient, if provided as a part of this service, shall be billed separately in hourly service units.*

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4. Crisis stabilization services shall not be used for continuous long-term care. Room and board and general supervision are not components of this service.

5. If appropriate, the assessment and any reassessments shall be conducted jointly with a licensed mental health professional or other appropriate professional or professionals.

D. Provider requirements. In addition to the general conditions and requirements for home and community-based care waiver services participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, the following specific crisis stabilization provider qualifications requirements apply:

1. Crisis stabilization services shall be provided by agencies entities licensed by DMHMRSAS as a provider of outpatient, residential, supportive residential in-home services, or day support services. The provider agency must employ or utilize qualified licensed mental health professionals or other qualified personnel competent to provide crisis stabilization and related activities to recipients for individuals with developmental disabilities related conditions who are experiencing serious behavioral problems requiring crisis stabilization services. Supervision of direct service staff must be provided by a QDDP. Crisis supervision providers must be licensed by DMHMRSAS as providers of residential services, supportive in-home services, or day support services.

2. Crisis stabilization supporting documentation must be developed (or revised, in the case of a request for an extension) and submitted to the support coordinator case manager for authorization within 72 hours of the face-to-face assessment or reassessment.

3. Documentation indicating the dates and times of crisis stabilization services and , the amount and type of service provided, and specific information about the individual's response to the services and supports as agreed to in the supporting documentation must be recorded in the recipient's individual's record.

4. Documentation of qualifications of providers provider qualifications must be maintained for review by DMAS staff. This service shall be designed to stabilize the recipient individual and strengthen the current semi-independent living situation, or situation with family or other primary care givers, so the recipient individual can be maintained during and beyond the crisis period.

12 VAC 30-120-766. Personal care services.

A. Service description. Personal care services may be offered to recipients individuals in their homes and communities as an alternative to more costly institutional care to enable an individual to maintain the health status and functional skills necessary to live in the community or participate in community activities. Personal care services substitute for the absence, loss, diminution, or impairment of a physical, behavioral, or cognitive function. This service shall provide care to recipients individuals with activities of daily living, instrumental activities of daily living (IADL), access to the community, monitoring of self-medication or other medical needs or , and

the monitoring of health status or physical condition. Recipients In order to receive personal care services, the individual must require assistance with their ADLs. This service does not include skilled nursing services with the exception of skilled nursing tasks that may be delegated in accordance with Virginia administrative regulations 18 VAC 90-20-420 through 18 VAC 90-20-460. When specified in the plan of care, personal care services may include assistance with IADL. Assistance with IADL must be essential to the health and welfare of the individual, rather than the individual's family/caregiver. Individuals shall be permitted to share service hours for no more than two individuals with one other individual living in the same home. An additional component to personal care is work or school-related personal care. This allows the personal care provider to provide assistance and supports for individuals in the workplace and for those individuals attending post-secondary educational institutions. Workplace or school supports through the IFDDS Waiver are not provided if they are services that should be provided by the Department of Rehabilitative Services, under IDEA, or if they are an employer's responsibility under the Americans with Disabilities Act or Section 504 of the Rehabilitation Act. Work related personal assistance services cannot duplicate services provided under supported employment.

B. Criteria. In order to qualify for these services, the individual must demonstrate a need for such personal care in activities of daily living.

C. Service units and service limitations. The unit of service for personal care is one hour. Recipients can Individuals may have personal care and in-home residential support services in their service plan of care but cannot receive in-home residential supports and personal care services at the same time. Each recipient individual must have an emergency a back-up plan in case the personal care aide does not show up for work as expected or terminates employment without prior notice. Individuals must need assistance with ADLs in order to receive IADL care through this service. Respite care services may be provided in community settings or in camps.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, personal care providers must meet additional the following provider requirements.

1. Personal care services shall be provided by a DMAS certified enrolled personal care/respice care provider or by a DMHMRSAS licensed residential support supportive in-home provider. All personal care aides must pass the DMHMRSAS objective standardized test of knowledge, skills, and abilities developed by DMHMRSAS and administered according to DMHMRSAS policies. For DMHMRSAS-licensed providers, a residential supervisor shall provide on-going supervision for all personal care aides.

2. The personal care provider must:

- Demonstrate a prior successful health care delivery business.
- Operate from a business office.

c. Employ or subcontract with and directly supervise an RN ~~or an LPN~~ who will provide ongoing supervision of all personal care aides.

(1) The supervising RN ~~and LPN~~ must be currently licensed to practice in the Commonwealth and have at least two years of related clinical nursing experience that may include work in an acute care hospital, public health clinic, home health agency, *ICF/MR* or nursing facility.

(2) The RN supervisor must make ~~an initial assessment~~ ~~comprehensive~~ a home visit to ~~conduct an initial assessment~~ prior to the start of care for all ~~new recipients admitted to~~ *individuals requesting* personal care services. The RN supervisor must also perform any subsequent reassessments or changes to the supporting documentation.

(3) The RN ~~or LPN~~ supervisor must make supervisory visits as often as needed to ensure both quality and appropriateness of services. The minimum frequency of these visits is every 30 to 90 days depending on ~~recipient~~ *individual* needs.

(4) *The supervisor shall identify any gaps in the assistant's ability to provide services as identified in the individual's plan of care and provide training as indicated based on continuing evaluations of the aide's performance and the individual's needs.*

(4) (5) The supervising RN ~~or LPN~~ must maintain current documentation. This may be done as a summary and must note:

- (a) Whether personal care services continue to be appropriate;
- (b) Whether the ~~plan~~ *supporting documentation* is adequate to meet the ~~need~~ *individual's needs* or if changes are indicated in the ~~plan~~ *supporting documentation*;
- (c) Any special tasks performed by the aide and the aide's qualifications to perform these tasks;
- (d) ~~Recipient's~~ *Individual's* satisfaction with the service;
- (e) Any hospitalization or change in *the individual's* medical condition or functioning status;
- (f) Other services received and their amount; and
- (g) The presence or absence of the aide in the home during the RN's ~~or LPN's~~ visit.

(5) (6) Employ and directly supervise personal care aides ~~who will provide~~ *providing* direct care to *individuals receiving* personal care recipients. Each aide hired by the provider ~~agency~~ shall be evaluated by the provider ~~agency~~ to ensure compliance with minimum qualifications as required by DMAS. Each aide must:

- (a) *Be 18 years of age or older;*

(ab) Be able to read and write *English to the degree necessary to perform the tasks required*;

(bc) ~~Have completed 40 hours of~~ *Complete a personal care aide training curriculum* consistent with the DMAS standards. Prior to assigning an aide to a ~~recipient an individual~~, the provider ~~agency~~ must ensure that the aide has satisfactorily completed a training program consistent with DMAS standards. *DMAS requirements may be met in any of the following ways:*

- (i) *Registration as a certified nurse aide (DMAS enrolled personal care/respice care providers);*
- (ii) *Graduation from an approved educational curriculum that offers certificates qualifying the student as a nursing assistant, geriatric assistant or home health aide (DMAS enrolled personal care/respice care providers);*
- (iii) *Completion of provider-offered training that is consistent with the basic course outline approved by DMAS (DMAS enrolled personal care/respice care providers);*
- (iv) *Completion and passing of the DMHMRSAS standardized test (DMHMRSAS licensed providers).*

(ed) Be physically able to do the work;

(de) Have a satisfactory work record as evidenced by two references from prior job experiences, including no evidence of possible abuse, neglect, or exploitation of aged or incapacitated adults or children; ~~and~~

~~(e) Not be a member of the recipient's family (family is defined as parents of minor children, spouses, or legally responsible relatives.~~

(f) *Personal care aides may not be the parents of individuals who are minors, or the individual's spouse. Payment will not be made for services furnished by other family members living under the same roof as the individual receiving services unless there is objective written documentation as to why there are no other providers available to provide the care. Family members who are approved to be reimbursed for providing this service must meet the personal care provider qualifications; and*

(g) *Be evaluated in his job performance by the supervisor.*

3. Provider inability to render services and substitution of aides.

a. When a personal care aide is absent ~~and the agency has no other aide available to provide services, the provider agency is responsible for ensuring that services continue to recipients.~~ the ~~agency~~ provider may either obtain *another aide*, *obtain* a substitute aide from another ~~agency~~ provider, if the lapse in coverage is to be less than two weeks in duration, or transfer the ~~recipient~~

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individual's services to another agency provider. The personal care provider that has the authorization to provide services for the individual must notify the preauthorization agent of the transfer within ten calendar days of the transfer date.

b. During temporary, short-term lapses in coverage not to exceed two weeks in duration, the following procedures must apply:

(1) The personal care ~~agency provider~~ having ~~recipient individual~~ responsibility must provide the RN or LPN supervision for the substitute aide.

(2) The ~~agency provider~~ providing the substitute aide must send a copy of the aide's ~~signed~~ daily records signed by *both the recipient individual and the aide* to the personal care ~~agency provider~~ having ~~recipient individual~~ care responsibility.

(3) The provider ~~agency~~ having ~~recipient individual~~ responsibility must bill DMAS for services rendered by the substitute aide.

c. If a provider ~~agency~~ secures a substitute aide, the provider ~~agency~~ is responsible for ensuring that all DMAS requirements continue to be met including documentation of services rendered by the substitute aide and documentation that the substitute aide's qualifications meet DMAS' requirements.

4. Required documentation in ~~recipients' individuals'~~ records. The provider ~~agency~~ must maintain all records of each *individual receiving* personal care ~~recipient~~. At a minimum these records must contain:

a. The most recently updated ~~GSP plan of care~~ and supporting documentation, all provider ~~agency~~ documentation, and all DMAS-122 forms;

~~b. All the DMAS utilization review forms;~~

~~c. b.~~ Initial assessment by the RN supervisory nurse completed prior to or on the date services are initiated ~~and~~, subsequent reassessments, and changes to the supporting documentation by the RN supervisory nurse;

~~d. c.~~ ~~Nurses~~ *Nurses' summarizing* notes recorded and dated during any contacts with the personal care aide and during supervisory visits to the ~~recipient's individual's~~ home;

~~e. d.~~ All correspondence to the ~~recipient individual~~ and to DMAS;

~~f. Reassessments made during the provision of services; and~~

~~g. e.~~ Contacts made with family, physicians, DMAS, formal and informal service providers, and all professionals concerning the ~~recipient individual~~; and

~~h. f.~~ All personal care aide records. The personal care aide record must contain:

(1) The specific services delivered to the ~~recipient individual~~ by the aide and the ~~recipient's individual's~~ responses;

(2) The aide's arrival and departure times;

(3) The aide's weekly comments or observations about the ~~recipient individual~~ to include observations of the ~~recipient's individual's~~ physical and emotional condition, daily activities, and responses to services rendered; and

(4) The aide's and ~~recipient's individual's~~ weekly signatures to verify that personal care services during that week have been rendered.

~~i. (5)~~ Signatures, times, and dates shall not be placed on the aide record prior to the last date of the week that the services are delivered.

Copies of all aide records shall be subject to review by state and federal Medicaid representatives.

12 VAC 30-120-768. Respite care services.

A. Service description. Respite care means services specifically designed to provide a temporary but periodic or routine relief to the unpaid primary caregiver *living in the home of a recipient an individual* who is incapacitated or dependent due to physical or cognitive disability. Respite care services include assistance with personal hygiene, nutritional support, and environmental maintenance authorized as either episodic, temporary relief, or as a routine periodic relief of the *primary caregiver*. ~~Persons can~~ *Individuals may* have respite care and in-home residential support services in their ~~service~~ plan of care but cannot receive in-home residential supports and respite care services simultaneously.

B. Criteria. Respite care may only be offered to ~~recipients individual's~~ who have a primary unpaid caregiver living in the home who requires temporary relief to avoid institutionalization of the ~~recipient individual~~. Respite care is designed to focus on the need of the caregiver for temporary relief and to help prevent the breakdown of the caregiver due to the physical burden and emotional stress of providing continuous support and care to the dependent ~~recipient individual~~.

C. Service units and service limitations. Respite care services are limited to a maximum of ~~30 days or~~ 720 hours per year.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, *respite care* providers must meet the following qualifications:

1. Respite care services shall be provided by a DMAS certified personal care provider, a DMHMRSAS licensed supportive in-home residential support provider, respite care services provider (ICF/MR), or in-home respite care provider.

2. The respite care provider must employ or subcontract with and directly supervise an RN ~~or an LPN~~ who will provide ongoing supervision of all respite care aides.

a. The RN ~~and LPN~~ must be currently licensed to practice in the Commonwealth and have at least two years of related clinical nursing experience, which may include

work in an acute care hospital, public health clinic, home health agency, or nursing facility.

b. Based on continuing evaluations of the aides' performances and ~~recipients'~~ *individuals'* needs, the RN ~~or LPN~~ supervisor shall identify any gaps in the aides' abilities to function competently and shall provide training as indicated.

c. The RN supervisor must make an initial, *comprehensive* assessment visit prior to the start of care for any ~~recipient~~ *individual* admitted to respite care. The RN supervisor must also perform any subsequent reassessments or changes to the supporting documentation.

d. The RN ~~or LPN~~ must make supervisory visits as often as needed to ensure both quality and appropriateness of services.

(1) When respite care services are received on a routine basis, the minimum acceptable frequency of these supervisory visits shall be every 30 to 90 days.

(2) When respite care services are not received on a routine basis, but are episodic in nature, the RN ~~or LPN~~ is not required to conduct a supervisory visit every 30 to 90 days. Instead, the ~~nurse~~ RN supervisor must conduct the initial home visit with the respite care aide immediately preceding the start of care and make a second home visit within the respite care period.

(3) When respite care services are routine in nature and offered in conjunction with personal care, the 30 to 90 day supervisory visit conducted for personal care may serve as the RN ~~or LPN~~ visit for respite care. However, the RN ~~or LPN~~ supervisor must document supervision of respite care separately. For this purpose, the same ~~recipient~~ *individual* record can be used with a separate section for respite care documentation.

e. The RN ~~or LPN~~ must document in a summary note:

(1) Whether respite care services continue to be appropriate.

(2) Whether the supporting documentation is adequate to meet the ~~recipient's~~ *individual's* needs or if changes need to be made.

(3) The ~~recipient's~~ *individual's* satisfaction with the service.

(4) Any hospitalization or change in medical condition or functioning status.

(5) Other services received and the amount.

(6) The presence or absence of the aide in the home during the visit.

(7) *Any special tasks performed by the aide and the aide's qualifications to perform these tasks.*

3. Employ and directly supervise respite care aides who provide direct care to respite care ~~recipients~~ *individuals*.

Each aide hired by the provider ~~agency~~ shall be evaluated by the provider ~~agency~~ to ensure compliance with minimum qualifications *as required by DMAS*. Each aide must:

a. Be able to read and write *English to the degree necessary to perform the tasks required*;

b. Have completed 40 hours of training consistent with the DMAS standards. Prior to assigning an aide to a ~~recipient~~ *an individual*, the provider ~~agency~~ must ensure that the aide has satisfactorily completed a training program consistent with the DMAS standards;

c. Be evaluated in his job performance by the RN ~~or LPN~~ supervisor;

d. Be physically able to do the work;

e. Have a satisfactory work record as evidenced by two references from prior job experiences, including no evidence of possible abuse, neglect or exploitation of aged or incapacitated adults or children; and

f. ~~Not be a member of a recipient's family (family is defined as parents of minor children, spouses, or legally responsible relatives. Respite care aides may not be the parents of individuals who are minors, or the individual's spouse. Payment will not be made for services furnished by other family members unless there is objective, written documentation as to why there are no other providers available to provide the care.~~

4. Inability to provide services and substitution of aides. When a respite care aide is absent and the respite care provider ~~agency~~ has no other aide available to provide services ~~the provider agency is responsible for ensuring that services continue to recipients.~~

a. If a provider ~~agency~~ cannot supply a respite care aide to render authorized services, the ~~agency~~ *provider* may either obtain a substitute aide from another ~~agency~~ *provider*, if the lapse in coverage is to be less than two weeks in duration, or may transfer the ~~recipient's~~ *individual's* care to another ~~agency~~ *provider*.

b. If no other provider ~~agency~~ is available who can supply an aide, the provider ~~agency~~ shall notify the ~~recipient~~ *individual* or family so that they may contact the ~~support coordinator~~ *case manager* to request a screening if ICF/MR placement is desired.

c. During temporary, short-term lapses in coverage, not to exceed two weeks in duration, a substitute aide may be secured from another respite care provider ~~agency~~ *or other home care agency*. Under these circumstances, the following requirements apply:

(1) The respite care ~~agency~~ *provider* having ~~recipient~~ *individual* responsibility is responsible for providing the RN ~~or LPN~~ supervision for the substitute aide.

(2) The respite care ~~agency~~ *provider* having ~~recipient~~ *individual* care responsibility must obtain a copy of the aide's daily records signed by the ~~recipient~~ *individual* and the substitute aide from the respite care ~~agency~~ *provider* providing the substitute aide. All

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documentation of services rendered by the substitute aide must be in the ~~recipient's individual's~~ record. The documentation of the substitute aide's qualifications must also be obtained and recorded in the personnel files of the ~~agency provider~~ having ~~recipient individual~~ care responsibility. The two ~~agencies providers~~ involved are responsible for negotiating the financial arrangements of paying the substitute aide.

(3) Only the provider ~~agency~~ having ~~recipient individual~~ responsibility may bill DMAS for services rendered by the substitute aide.

d. Substitute aides obtained from other ~~agencies providers~~ may be used only in cases where no other arrangements can be made for ~~recipient individual~~ respite care services coverage and may be used only on a temporary basis. If a substitute aide is needed for more than two weeks, the case must be transferred to another respite care provider ~~agency~~ that has the aide capability to serve the ~~recipient individual or recipients individuals~~.

5. Required documentation for ~~recipients' individual's~~ records. The provider ~~agency~~ must maintain all records of each ~~individual receiving~~ respite care ~~recipient~~. These records must be separated from those of other nonwaiver services, such as home health services. These records will be reviewed periodically by the DMAS staff. At a minimum these records must contain:

a. The most recent ~~CSP plan of care~~ and supporting documentation, all respite care assessments and ~~reassessments~~, and all DMAS-122 forms;

~~b. All DMAS utilization review forms;~~

~~e. b.~~ Initial assessment by the RN supervisory nurse completed prior to or on the date services are initiated ~~and~~, subsequent reassessments, and changes to supporting documentation by the RN supervisory nurse;

~~d. c.~~ Nurses' notes recorded and dated during significant contacts with the respite care aide and during supervisory visits to the ~~recipient's home respite site~~;

~~e. d.~~ All correspondence to the ~~recipient individual~~ and to DMAS; ~~and~~

~~f. Reassessments made during the provision of services; and~~

~~g. e.~~ Significant contacts made with family, physicians, DMAS, and all professionals concerning the ~~recipient individual~~.

6. Respite care aide record of services rendered and ~~recipient's individual's~~ responses. The aide record must contain:

a. The specific services delivered to the ~~recipient individual~~ by the respite care aide and the ~~recipient's response. individual's responses~~;

b. The arrival and departure time of the aide for respite care services only;

c. Comments or observations recorded weekly about the ~~recipient individual~~. Aide comments must include, at a

minimum, observation of the ~~recipient's individual's~~ physical and emotional condition, daily activities, and the ~~recipient's individual's~~ response to services rendered;

d. The ~~signature~~ ~~weekly signatures~~ of the aide and the ~~recipient once each week to verify individual verifying~~ that respite care services have been rendered; ~~and~~

e. Signatures, times, and dates shall not be placed on the aide record prior to the last date of the week that the services are delivered.

7. Copies of all aide records shall be subject to review by state and federal Medicaid representatives.

12 VAC 30-120-770. Consumer-directed services: attendant personal care, companion care services, and respite care.

A. Service definition.

1. a. ~~Attendant Consumer-directed (CD) personal care~~ services include hands-on care specific to the needs of a ~~recipient an individual. Attendant CD personal care~~ includes assistance with ADLs, bowel/bladder programs, range of motion exercises, routine wound care that does not include sterile technique, and external catheter care. ~~Supportive~~ These services are those that substitute for the absence, loss, diminution, or impairment of a physical or cognitive function. When specified, supportive services may include assistance with instrumental activities of daily living (IADLs) that are incidental to the care furnished, or that are essential to the health and welfare of the ~~recipient individual. Attendant CD personal care~~ does not include either practical or professional nursing services or those practices regulated in Chapters 30 (§ 54.1-3000 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia, as appropriate ~~with the exception of skilled nursing tasks that may be delegated in accordance with 18 VAC 90-20-420 through 12 VAC 90-20-460. Recipients can~~ Individuals may have ~~attendant CD personal care~~ and in-home residential support services in their ~~service~~ plan of care but cannot receive these two services simultaneously.

b. An additional component to ~~attendant CD personal care will be is work and school-related attendant services CD personal care~~. This service will extend the ability of the ~~personal attendant CD employee~~ to provide assistance in the workplace ~~and in educational institutions beyond secondary education~~. These services include filing, retrieving work materials that are out of reach, providing travel assistance for a consumer with a mobility impairment, helping a consumer with organizational skills, reading handwritten mail to a consumer with a visual impairment, or ensuring that a sign language interpreter is present during staff meetings to accommodate an employee with a hearing impairment.

2. Consumer-directed respite care means services specifically designed to provide a temporary but periodic or routine relief to the primary unpaid caregiver ~~living in the home of a recipient an individual~~ who is incapacitated or dependent due to frailty or physical disability. Respite care services ~~includes include~~ assistance with personal hygiene, nutritional support, and environmental maintenance

authorized as either episodic, temporary relief, or as a routine periodic relief of the caregiver. *Respite care services may be provided in community settings or in camps.*

3. *Consumer directed companion care service* is a covered service when its purpose is to supervise or monitor those individuals who require the physical presence of an aide to insure their safety during times when no other supportive individuals are available.

4. DMAS shall contract for the services of a fiscal agent for ~~attendant consumer-directed personal care, companion care, and consumer-directed respite care services.~~ The fiscal agent will be reimbursed by DMAS to perform certain tasks as an agent for the ~~recipient individual/~~employer who is receiving consumer-directed services. The fiscal agent will handle responsibilities for the ~~recipient individual~~ for employment taxes. The fiscal agent will seek and obtain all necessary authorizations and approvals of the Internal Revenue Services in order to fulfill all of these duties.

5. *Service Facilitation Provider is an entity that enrolls with DMAS as a provider of service facilitation services that are performed by service facilitators meeting the stated qualifications. Service facilitators assist the individual or family/caregiver as they become employers for consumer directed services. This function includes providing the individual or family/caregiver with management training, review and explanation of the Employee Management Manual, and routine visits to monitor the employment process. The service facilitator assists the individual/employer with employer issues as they arise.*

B. Criteria.

1. In order to qualify for ~~attendant consumer-directed personal care,~~ the ~~recipient individual~~ must demonstrate a need for personal care in activities of daily living, *access to the community, reminders to take medication or other medical needs, or monitoring health status or physical condition.*

2. Consumer-directed respite care may only be offered to ~~recipients individuals~~ who have a primary unpaid caregiver living in the home who requires temporary relief to avoid institutionalization of the ~~recipient, and it individual.~~ *This service is designed to focus on the need of the caregiver for temporary relief.*

3. The inclusion of *consumer-directed companion care* in the *GSP plan of care* is appropriate only when the ~~recipient individual~~ cannot be left alone at any time due to mental or severe physical incapacitation. This includes ~~recipients who cannot individuals~~ unable to use a phone to call for help due to a physical or neurological disability. ~~Recipients can Individuals~~ may only receive companion ~~care services~~ due to their inability to call for help if PERS is not appropriate for them. *This cannot be received simultaneously with personal care.*

4. ~~Attendant Consumer-directed personal care, companion care, and consumer-directed respite care services are available to recipients for individuals~~ who would otherwise require the level of care provided in an ICF/MR. ~~Recipients~~

~~Individuals~~ who are eligible for consumer-directed services must have the capability to hire and train their ~~own personal attendants or companions consumer-directed employees~~ and supervise the ~~attendant's or companion's employee's~~ work performance. ~~Recipients with cognitive impairments will not be able to manage their own care.~~ If a ~~recipient an individual~~ is unable to direct his own care, a family caregiver may serve as the employer on behalf of the ~~recipient individual.~~ ~~Recipients Individuals~~ are permitted to share hours for no more than two individuals living in the same home.

5. Responsibilities as employer. The ~~recipient individual,~~ or if the ~~recipient individual~~ is unable, then a family caregiver, is the employer in this service and is responsible for hiring, training, supervising, and firing ~~personal attendants and companions consumer-directed employees.~~ Specific duties include checking references of ~~personal attendants/companions employees,~~ determining that ~~personal attendants/companions employees~~ meet basic qualifications, training ~~personal attendants/companions employees,~~ supervising the ~~personal attendant's/companion's employees' performance,~~ and submitting timesheets to the ~~service coordinator and~~ fiscal agent on a consistent and timely basis. The ~~recipient individual~~ or family caregiver must have an emergency back-up plan in case the ~~personal attendant/companion employee~~ does not show up for work as ~~expected or terminates employment without prior notice.~~

C. Service units and service limitations.

1. *Service facilitation services are provided on an as needed basis as determined by the individual, family/caregiver, and service facilitator. This must be documented in the supporting documentation for consumer directed services and the service facilitation provider bills accordingly.*

4- 2. Consumer-directed respite care services are limited to a maximum of ~~30 days or~~ 720 hours per calendar year.

2- 3. The amount of companion ~~care services~~ time included in the *GSP plan of care* must be no more than is necessary to prevent the physical deterioration or injury to the ~~recipient individual.~~ In no event may the amount of time relegated solely to companion ~~care services~~ on the *GSP plan of care* exceed eight hours per day.

3- 4. ~~Recipients can Individuals~~ may have consumer-directed respite care and ~~attendant consumer-directed personal care,~~ and in-home residential support services in their *service plans of care* but cannot receive these services simultaneously.

4- 5. For ~~attendant care and consumer-directed respite care consumer-directed services,~~ ~~recipients individuals~~ or family caregivers will hire their own ~~personal attendants employees~~ and manage and supervise the ~~attendants' employees' performances.~~

The ~~attendant/companion consumer-directed employee~~ must meet the following requirements:

- a. Be 18 years of age or older;

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b. Have the required skills to perform consumer-directed services as specified in the ~~recipient's individual's~~ supporting documentation;

c. Possess basic math, reading, and writing skills *to the degree necessary to perform the tasks required*;

d. Possess a valid Social Security number;

e. Submit to a criminal records check and, if the ~~recipient individual~~ is a minor, the child protective services registry. The ~~personal attendant/companion employee~~ will not be compensated for services provided to the ~~recipient individual~~ if the records check verifies the ~~personal attendant/companion employee~~ has been convicted of crimes described in ~~§ 32.1-162.9:4~~ § 37.1-183.3 of the Code of Virginia or if the ~~personal attendant/companion employee~~ has a complaint confirmed by the DSS child protective services registry.

f. Be willing to attend training at the ~~recipient's individual's~~ or family caregiver's request;

g. Understand and agree to comply with the DMAS ~~IFDDS Waiver consumer-directed services~~ requirements; *and*

h. Receive periodic TB screening, CPR training and an annual flu shot; ~~and (unless medically contraindicated) within 90 days of employment.~~

~~i. Be willing to register in a personal attendant registry, which will be maintained by the consumer directed services facilitator chosen by the recipient or recipient's parent or guardian.~~

5. Restrictions. ~~Attendants cannot be spouses, parents of minor children, or legally responsible relatives. Employees may not be the parents of individuals who are minors, or the individual's spouse.~~ Payment will not be made for services furnished by other family members unless there is objective written documentation as to why there are no other providers available to provide the care. *Family/caregivers acting as employer on behalf of the individual may not also be the consumer-directed employee.*

6. Retention, hiring, and substitution of ~~attendants employees~~. Upon the ~~recipient's individual's~~ request, the CD services facilitation provider shall provide the ~~recipient individual~~ or family caregiver with a list of ~~persons consumer-directed employees~~ on the ~~personal attendant consumer-directed employee~~ registry ~~who can that may~~ provide temporary assistance until the ~~attendant employee~~ returns or the ~~recipient individual~~ or family caregiver is able to select and hire a new ~~personal attendant employee~~. If a ~~recipient an individual~~ or family caregiver is consistently unable to hire and retain the employment of an ~~attendant employee~~ to provide ~~attendant or consumer-directed respite~~ services, the service ~~coordination provider facilitator~~ must contact the ~~support coordinator case manager~~ and DMAS to transfer the ~~recipient individual~~, at the ~~recipient's individual's~~ or family caregiver's choice, to a provider that provides Medicaid-funded agency-directed personal care, companion care or respite care services. The CD services facilitation provider will make arrangements with the ~~support~~

~~coordinator case manager~~ to have the ~~recipient individual~~ transferred.

D. Provider qualifications. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, ~~provider service facilitation providers~~ must meet the following qualifications:

1. To be enrolled as a Medicaid CD services facilitation provider and maintain provider status, the CD services facilitation provider must operate from a business office and have sufficient qualified staff who will function as CD services facilitators to perform the ~~needed plans of care development and monitoring, reassessments, service coordination, facilitation~~ and support activities as required.

It is preferred that the employee of the CD services facilitation provider possess a minimum of an undergraduate degree in a human services field or be a registered nurse currently licensed to practice in the Commonwealth. In addition, it is preferable that the ~~individual have CD service facilitator~~ has two years of satisfactory experience in the human services field working with ~~persons individuals~~ with ~~developmental disabilities related conditions~~.

2. The ~~individual CD service facilitator~~ must possess a combination of work experience and relevant education which indicates possession of the following knowledge, skills, and abilities. Such knowledge, skills and abilities must be documented on the application form, found in supporting documentation, or be observed during the job interview. Observations during the interview must be documented. The knowledge, skills, and abilities include:

a. Knowledge of:

~~(1) Types of functional limitations and health problems that are common to different disability types and the aging process as well as strategies to reduce limitations and health problems;~~

~~(2) Physical assistance typically required by people with developmental disabilities, such as transferring, bathing techniques, bowel and bladder care, and the approximate time those activities normally take;~~

~~(3) Equipment and environmental modifications commonly used and required by people with developmental disabilities that reduce the need for human help and improves safety;~~

~~(4-1) Various long-term care program requirements, including nursing home, ICF/MR, and assisted living facility placement criteria, Medicaid waiver services, and other federal, state, and local resources that provide personal care services;~~

~~(5 2) IFDDS Waiver DMAS consumer-directed services requirements, as well as and the administrative duties for which the recipient individual will be responsible;~~

~~(6) Conducting assessments (including environmental, psychosocial, health, and functional factors) and their uses in care planning;~~

(7 3) Interviewing techniques;

(8 4) The ~~recipient's~~ *individual's* right to make decisions about, direct the provisions of, and control his ~~attendant care~~ and consumer-directed ~~respite care~~ services, including hiring, training, managing, approving time sheets, and firing an ~~attendant employee~~;

(9 5) The principles of human behavior and interpersonal relationships; and

(10 6) General principles of record documentation.

b. Skills in:

(1) Negotiating with ~~recipients~~ *individuals*, *family/caregivers*, and service providers;

(2) Observing, recording, and reporting behaviors;

(3) Identifying, developing, or providing services to persons with developmental disabilities; and

(4) Identifying services within the established services system to meet the ~~recipient's~~ *individual's* needs.

c. Abilities to:

(1) Report findings of the assessment or onsite visit, either in writing or an alternative format for persons who have visual impairments;

(2) Demonstrate a positive regard for ~~recipients~~ *individuals* and their families;

(3) Be persistent and remain objective;

(4) Work independently, performing position duties under general supervision;

(5) Communicate effectively, orally and in writing; ~~and~~

(6) Develop a rapport and communicate with different types of persons from diverse cultural backgrounds; ~~and~~

(7) *Interview.*

~~2. If the CD services facilitation staff employed by the CD services facilitation provider is not an RN, the CD services facilitation provider must have RN consulting services available, either by a staffing arrangement or through a contracted consulting arrangement. The RN consultant is to be available as needed to consult with recipients and CD services facilitation providers on issues related to the health needs of the recipient.~~

~~3. If the CD services facilitator is not an RN, the CD services facilitator must inform the primary health care provider that services are being provided and request skilled nursing consultation as needed.~~

~~3. 4. Initiation of services and service monitoring.~~

a. ~~Attendant Consumer-directed personal care services:-~~

(1) The CD services facilitation provider must make an initial ~~comprehensive home visit to develop the supporting documentation~~ with the *recipient individual*

or family caregiver ~~and to provide management training.~~

(2) After the initial visit, two routine ~~onsite~~ visits must occur ~~in the recipient's home~~ within 60 days of the initiation of care or the initial visit to monitor the ~~supporting documentation~~ *employment process*.

(3) The CD services facilitation provider will continue to monitor ~~the supporting documentation~~ on an as needed basis, not to exceed a maximum of one routine ~~onsite~~ visit every 30 days but no less than the minimum of one routine ~~onsite~~ visit every 90 days per *recipient individual*.

The initial ~~comprehensive visit management training~~ is done only once upon the ~~recipient's~~ *individual's* entry into the service. If ~~a an individual served under the waiver recipient~~ changes CD services facilitation ~~agencies providers~~, the new CD services facilitation provider must bill for a ~~reassessment regular management training~~ in lieu of a ~~comprehensive visit initial management training~~.

b. Consumer-directed respite and companion services:-

(1) The CD services facilitation provider must make an initial ~~comprehensive home visit to develop the supporting documentation~~ with the *recipient individual* or family caregiver ~~and will to provide management training.~~

(2) After the initial visit, the CD services facilitator will periodically review the utilization of companion services at a minimum of every six months or, for respite services, either every six months or upon the use of 300 respite care hours, whichever comes first.

(3) The initial ~~comprehensive visit management training~~ is done only once upon the ~~recipient's~~ *individual's* entry into the service. If ~~a an individual served under the waiver recipient~~ changes CD services facilitation agencies, the new CD services facilitation provider must bill for a ~~reassessment regular management training~~ in lieu of a ~~comprehensive visit the initial management training~~.

~~4. CD services facilitator reassessments for consumer directed services. A reassessment of the recipient's level of care will occur six months after initial entry into the program, and subsequent reevaluations will occur at a minimum of every six months. During visits to the recipient's home, the CD services facilitation provider must observe, evaluate, and document the adequacy and appropriateness of personal attendant services with regard to the recipient's current functioning and cognitive status, medical, and social needs. The CD services facilitation provider's summary must include, but not necessarily be limited to:~~

a. ~~Whether attendant care or consumer directed respite care services continue to be appropriate and medically necessary to prevent institutionalization;~~

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~~b. Whether the service is adequate to meet the recipient's needs;~~

~~c. Any special tasks performed by the attendant/companion and the attendant's/companion's qualifications to perform these tasks;~~

~~d. Recipient's satisfaction with the service;~~

~~e. Hospitalization or change in medical condition, functioning, or cognitive status;~~

~~f. Other services received and their amount; and~~

~~g. The presence or absence of the attendant in the home during the CD services facilitator's visit.~~

5. The CD services facilitation provider must be available to the recipient individual or family/caregiver by telephone or have an approved back-up CD services facilitator.

6. The CD services facilitation provider must submit a criminal record check *within 10 days* pertaining to the ~~personal attendant/companion~~ consumer-directed employees on behalf of the recipient individual or family/caregiver and report findings of the criminal record check to the recipient individual or the family/caregiver and the program's fiscal agent. ~~Personal attendants/companions~~ Consumer-directed employees will not be reimbursed for services provided to the recipient individual effective with the date the criminal record check confirms a ~~personal attendant~~ an employee has been found to have been convicted of a barrier crime as described in § 32.1-162.9:1 of the Code of Virginia or if the ~~personal attendant/companion~~ employee has a confirmed record on the DSS Child Protective Services Registry. If the recipient individual is a minor, the ~~personal attendant/companion~~ employee must also be screened through the DSS child protective services registry.

7. The CD services facilitation provider shall verify bi-weekly timesheets signed by the recipient individual or the family caregiver and the ~~personal attendant/companion~~ employee to ensure that the number of GSP plan of care approved hours are not exceeded. If discrepancies are identified, the CD services facilitation provider must contact the recipient individual to resolve discrepancies and must notify the fiscal agent. If a recipient an individual is consistently being identified as having discrepancies in his timesheets, the CD services facilitation provider must contact the ~~support coordinator~~ case manager to resolve the situation. The CD services facilitation provider cannot verify timesheets for ~~personal attendants/companions~~ employees who have been convicted of crimes described in § 32.1-162.9:1 of the Code of Virginia or who have a confirmed case with the DSS Child Protective Services Registry and must notify the fiscal agent.

8. ~~Personal attendant~~ Consumer-directed employee registry. The CD services facilitation provider must maintain a ~~personal attendant~~ consumer-directed employee registry, updated on an ongoing basis.

9. Required documentation in recipients' individuals' records. The CD services facilitation provider must

maintain all records of each recipient individual. At a minimum these records must contain:

a. All copies of the GSP plan of care, all supporting documentation related to consumer-directed services, and all DMAS-122 forms.

~~b. All DMAS utilization review forms.~~

~~c. b.~~ CD services facilitation provider's notes contemporaneously recorded and dated during any contacts with the recipient and during visits to the recipient's home at the time of service delivery.

~~d. c.~~ All correspondence to the recipient individual, others concerning the individual, and to DMAS.

~~e. Reassessments made during the provision of services.~~

~~f. Records of contacts made with family, physicians, DMAS, formal and informal service providers, and all professionals concerning the recipient.~~

~~g. d.~~ All training provided to the ~~personal attendant/companion~~ or attendants/companions consumer-directed employees on behalf of the recipient individual or family caregiver.

~~h. e.~~ All management training provided to the recipients individuals or family caregivers, including the recipient's individual's or family caregiver's responsibility for the accuracy of the timesheets.

~~i. f.~~ All documents signed by the recipient individual or the recipient's individual's family caregivers that acknowledge the responsibilities of the services.

12 VAC 30-120-772. Family/caregiver training.

A. Service description. Family or caregiver training is the provision of provider identified training and education related to disabilities, community integration, family dynamics, stress management, behavior interventions and mental health to a parent, other family members or primary caregiver. For purposes of this service, "family" is defined as the persons unpaid people who live with or provide care to or support a ~~waiver recipient~~ an individual served on the waiver, and may include a parent, spouse, children, relatives, a legal guardian, foster family, or in-laws. "Family" does not include individuals people who are employed to care for the recipient individual. All family/caregiver training must be included in the recipient's individual's written GSP plan of care.

B. Criteria. The need for the training and the content of the training in order to assist family or caregivers with maintaining the recipient at home must be documented in the recipient's GSP individual's plan of care. The training must be necessary in order to improve the family or caregiver's ability to give care and support.

C. Service units and service limitations. Services will be billed hourly and must be prior authorized. Recipients, Individuals and family, as defined in this section, may receive up to 80 hours of family/caregiver training per calendar plan of care year.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based

care waiver services participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, family/caregiver training providers must meet the following qualifications requirements:

1. Family/caregiver training must be provided on an individual basis, in small groups or through seminars and conferences provided by ~~Medicaid-certified~~ DMAS-enrolled family and caregiver training providers.

2. Family/caregiver training must be provided by ~~individuals providers~~ with expertise ~~who work for an agency with~~ in experience in, or demonstrated knowledge of the training topic ~~identified in the plan of care~~, and who work for an agency or organization that ~~has~~ have a provider participation agreement with DMAS to provide these services. ~~Individuals~~ Providers must also have the appropriate licensure or certification as required for the specific professional field associated with the training area. ~~Licensed practical counselors, licensed clinical social workers, and licensed psychologists can enroll as individual practitioners with DMAS to provide family/caregiver training.~~ Providers include the following: *qualified staff of home health agencies; qualified staff of community developmental disabilities agencies; qualified staff of community mental health centers; qualified staff of public health agencies; psychologists; licensed clinical social workers; and, licensed professional counselors. Qualified staff of provider agencies must be licensed and include occupational therapists, physical therapists, speech/language pathologists, physicians, psychologists, licensed clinical social workers, licensed professional counselors, registered nurses, and special education teachers. Provision of services is monitored by the individual, family/caregiver, and/or the case manager.*

12 VAC 30-120-774. Personal emergency response system (PERS).

A. Service description. PERS is a service which ~~electronically~~ monitors ~~recipient individual~~ safety in the home and provides access to emergency ~~crisis intervention~~ assistance for medical or environmental emergencies through the provision of a two-way voice communication system that dials a 24-hour response or monitoring center upon activation and via the ~~recipient's individual's~~ home telephone line. *PERS may also include medication monitoring devices.*

B. Criteria. PERS ~~can~~ may be authorized when there is no one else in the home who is competent ~~and~~ or continuously available to call for help in an emergency. ~~If the recipient's caregiver has a business in the home, such as a day care center, PERS will only be approved if the recipient is evaluated as being dependent in orientation and behavior pattern.~~

C. Service units and service limitations.

1. A unit of service shall include administrative costs, time, labor, and supplies associated with the installation, maintenance, ~~and~~ monitoring, ~~and~~ adjustments of the PERS. A unit of service is one-month rental price set by DMAS. The one-time installation of the unit includes

installation, account activation, ~~recipient individual~~ and caregiver instruction, and removal of PERS equipment.

2. PERS services must be capable of being activated by a remote wireless device and be connected to the ~~recipient's individual's~~ telephone line. The PERS console unit must provide hands-free voice-to-voice communication with the response center. The activating device must be waterproof, automatically transmit to the response center an activator low battery alert signal prior to the battery losing power, and be able to be worn by the ~~recipient individual~~.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, providers must also meet the following ~~qualifications~~ requirements:

1. A PERS provider is a certified home health or personal care agency, a durable medical equipment provider, a hospital or a PERS manufacturer that has the ability to provide PERS equipment, direct services (i.e., installation, equipment maintenance and service calls), and PERS monitoring.

2. The PERS provider must provide an emergency response center staff with fully trained operators that are capable of receiving signals for help from a ~~recipient's an individual's~~ PERS equipment 24 hours a day, 365, or 366 as appropriate, days per year; of determining whether an emergency exists; and of notifying an emergency response organization or an emergency responder that the PERS ~~recipient individual~~ needs emergency help.

3. A PERS provider must comply with all applicable Virginia statutes ~~and~~, all applicable regulations of DMAS, and all other governmental agencies having jurisdiction over the services to be performed.

4. The PERS provider has the primary responsibility to furnish, install, maintain, test, and service the PERS equipment, as required to keep it fully operational. The provider shall replace or repair the PERS device within 24 hours of the ~~recipient's individual's~~ notification of a malfunction of the console unit, activating devices or medication-monitoring unit while the original equipment is being repaired.

5. The PERS provider must properly install all PERS equipment into a ~~PERS recipient's the~~ functioning telephone line of an individual receiving PERS and must furnish all supplies necessary to ensure that the system is installed and working properly.

6. The PERS installation includes local seize line circuitry, which guarantees that the unit will have priority over the telephone connected to the console unit should the phone be off the hook or in use when the unit is activated.

7. A PERS provider must maintain all installed PERS equipment in proper working order.

8. A PERS provider must maintain a data record for each ~~individual receiving PERS recipient~~ at no additional cost to DMAS. The record must document all of the following:

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- a. Delivery date and installation date of the PERS;
 - b. ~~Enrollee~~ *Individual or family/caregiver* signature verifying receipt of PERS device;
 - c. Verification by a test that the PERS device is operational, monthly or more frequently as needed;
 - d. Updated and current ~~recipient individual~~ responder and contact information, as provided by the ~~recipient individual~~ *individual or the recipient's individual's care provider, or case manager, and*
 - e. A case log documenting ~~recipient system the individual's utilization and recipient of the system and contacts and communications with the individual, family/caregiver, case manager or responder contacts and communications.~~
9. The PERS provider must have back-up monitoring capacity in case the primary system cannot handle incoming emergency signals.
10. *Standards for PERS Equipment.* All PERS equipment must be approved by the Federal Communications Commission and meet the Underwriters' Laboratories, Inc. (UL) safety standard Number 1635 for Digital Alarm Communicator System Units and Number 1637, which is the UL safety standard for home health care signaling equipment. The UL listing mark on the equipment will be accepted as evidence of the equipment's compliance with such standard. The PERS device must be automatically reset by the response center after each activation ensuring that subsequent signals can be transmitted without requiring manual reset by the ~~recipient individual~~.
11. A PERS provider must furnish education, data, and ongoing assistance to DMAS *and case managers* to familiarize staff with the service, allow for ongoing evaluation and refinement of the program, and must instruct the ~~recipient individual, family/caregiver, and responders~~ in the use of the PERS service.
12. The emergency response activator must be activated either by breath, by touch, or by some other means, and must be usable by persons who are visually or hearing impaired or physically disabled. The emergency response communicator must be capable of operating without external power during a power failure at the ~~recipient's individual's~~ *individual's* home for a minimum period of 24 hours and automatically transmit a low battery alert signal to the response center if the back-up battery is low. The emergency response console unit must also be able to self-disconnect and redial the back-up monitoring site without the ~~recipient individual~~ resetting the system in the event it cannot get its signal accepted at the response center.
13. Monitoring agencies must be capable of continuously monitoring and responding to emergencies under all conditions, including power failures and mechanical malfunctions. It is the PERS provider's responsibility to ensure that the monitoring agency and the agency's equipment meets the following requirements. The monitoring agency must be capable of simultaneously responding to multiple signals for help from ~~recipients'~~

multiple individuals' PERS equipment. The monitoring agency's equipment must include the following:

- a. A primary receiver and a back-up receiver, which must be independent and interchangeable;
- b. A back-up information retrieval system;
- c. A clock printer, which must print out the time and date of the emergency signal, the PERS ~~recipient's~~ *individual's* identification code, and the emergency code that indicates whether the signal is active, passive, or a responder test;
- d. A back-up power supply;
- e. A separate telephone service;
- f. A toll free number to be used by the PERS equipment in order to contact the primary or back-up response center; and
- g. A telephone line monitor, which must give visual and audible signals when the incoming telephone line is disconnected for more than 10 seconds.

14. The monitoring agency must maintain detailed technical and operations manuals that describe PERS elements, including the installation, functioning, and testing of PERS equipment; emergency response protocols; and recordkeeping and reporting procedures.

15. The PERS provider shall document and furnish *within 30 days of the action taken* a written report to the ~~support coordinator case manager~~ *case manager* for each emergency signal that results in action being taken on behalf of the ~~recipient individual~~. This excludes test signals or activations made in error.

16. *The PERS provider is prohibited from performing any type of direct marketing activities.*

12 VAC 30-120-776. Companion ~~care~~ services agency-directed model of care.

A. Service description. Companion ~~care~~ *services* is a covered service when its purpose is to supervise or monitor those individuals who require the physical presence of an aide to ensure their safety during times when no other supportive ~~individuals~~ *people* are available.

B. Criteria.

1. The inclusion of companion ~~care~~ *services* in the *GSP plan of care* is appropriate only when the ~~recipient individual~~ cannot be left alone at any time due to mental or severe physical incapacitation. This includes ~~recipients~~ *individuals* who cannot use a phone to call for help due to a physical or neurological disability. ~~Recipients can only~~ *Individuals may* receive companion ~~care~~ *services* due to their inability to call for help if PERS is not appropriate for them.

2. ~~Recipients who have~~ *Individuals having* a current, uncontrolled medical condition ~~which would make~~ *making* them unable to call for help during a rapid deterioration ~~can~~ *may* be approved for companion ~~care~~ *services* if there is documentation that the ~~recipient individual~~ has had recurring attacks during the two-month period prior to the

authorization of companion ~~care~~ services. Companion ~~care~~ services shall not be covered if required only because the ~~recipient individual~~ does not have a telephone in the home or because the ~~recipient individual~~ does not speak English.

3. There must be a clear and present danger to the ~~recipient individual~~ as a result of being left unsupervised. Companion ~~care~~ services cannot be authorized for ~~persons~~ individuals whose only need for companion ~~care~~ services is for assistance exiting the home in the event of an emergency.

C. Service units and service limitations.

1. The amount of companion ~~care~~ service time included in the ~~GSP plan of care~~ must be no more than is necessary to prevent the physical deterioration or injury to the ~~recipient individual~~. In no event may the amount of time relegated solely to companion ~~care~~ service on the ~~GSP plan of care~~ exceed eight hours per day.

2. A companion ~~care~~ aide cannot provide supervision to ~~recipients who are individuals~~ on ventilators or , requiring continuous tube feedings, or ~~those who require~~ requiring suctioning of their airways.

3. Companion ~~care~~ service will be authorized for family members to sleep either during the day or during the night when the ~~recipient individual~~ cannot be left alone at any time due to the ~~recipient's individual's~~ severe agitation and/or physically wandering behavior. Companion ~~aid~~ services must be necessary to ensure the ~~recipient's individual's~~ safety if the ~~recipient individual~~ cannot be left unsupervised due to health and safety concerns.

4. Companion ~~care~~ services may be authorized when no one else is in the home who is competent to call for help in an emergency.

D. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based care participating providers as specified in 12 VAC 30-120-730 and 12 VAC 30-120-740, companion service providers must meet the following ~~qualifications~~ requirements:

1. Companion providers include DMHMRSAS-licensed residential services providers; DMHMRSAS-licensed supportive, in-home residential service providers; DMHMRSAS-licensed day support service providers; DMHMRSAS-licensed respite service providers; and DMAS-enrolled personal care/respite care providers.

2. Companion ~~aid~~ qualifications. Agencies must Providers employ individuals staff to provide companion ~~care~~ who meet services meeting the following requirements:

- a. Be at least 18 years of age;
- b. Possess basic math skills and English reading, and writing skills, and math skills to the degree necessary to perform the tasks required;
- c. Be capable of following a ~~care~~ plan of care with minimal supervision;
- d. Submit to a criminal history record check. The companion will not be compensated for services provided

to the ~~recipient individual~~ if the records check verifies the companion has been convicted of crimes described in ~~§ 32-1-162.9-1~~ 37.1-183.3 of the Code of Virginia;

e. Possess a valid Social Security number; and

f. Be capable of aiding in the activities of daily living or instrumental activities of daily living.

3. Companion service providers may not be the individual's spouse. Other family members living under the same roof as the individual being served may not provide companion services unless there is objective, written documentation as to why there are no other providers available to provide the services. Companion services shall not be provided by adult foster care/family care providers or any other paid caregivers.

4. Family members who are reimbursed to provide companion services must meet the companion qualifications.

5. Companions will be are employees of agencies entities that will contract enroll with DMAS to provide companion services. Agencies will be Providers are required to have a companion ~~care~~ services supervisor to monitor companion ~~care~~ services. The supervisor must be a ~~certified Home Health Aide~~, an LPN, or an RN, and must have a current license or certification to practice in the Commonwealth, and have at least one year of experience working with individuals with related conditions; or must have a bachelor's degree in a human services field and at least one year of experience working with individuals with related conditions.

6. The provider agency must conduct an initial home visit within the first three days of prior to initiating companion ~~care~~ services to document the efficacy and appropriateness of services and to establish a service plan of care for the ~~recipient individual~~. The agency provider must provide follow-up home visits quarterly or as often as needed to monitor the provision of services every four months or as often as needed. The ~~recipient individual~~ must be reassessed for services every six months.

7. Required documentation. The provider must maintain a record of each individual receiving companion services. At a minimum these records must contain the following:

a. An initial assessment completed prior to or on the date services are initiated and subsequent reassessments and changes to the supporting documentation.

b. The supporting documentation must be reviewed by the provider quarterly, annually, and more often, as needed, modified as appropriate, and the written results of these reviews submitted to the case manager. For the annual review and in cases where the supporting documentation is modified, the plan of care must be reviewed with the individual or family/caregiver.

c. All correspondence to the individual, family/caregiver, case manager, and DMAS.

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d. Contacts made with family/caregiver, physicians, formal and informal service providers, and all professionals concerning the individual.

e. The companion services supervisor must document in the individual's record a summary note following significant contacts with the companion and quarterly home visits with the individual. This summary must include the following at a minimum:

- i. Whether companion services continue to be appropriate;*
- ii. Whether the plan is adequate to meet the individual's needs or changes are indicated in the plan;*
- iii. The individual's satisfaction with the service; and*
- iv. The presence or absence of the companion during the supervisor's visit.*

f. All companion records. The companion record must contain the following:

- i. The specific services delivered to the individual by the companion, dated the day of service delivery, and the individual's response;*
- ii. The companion's arrival and departure times;*
- iii. The companion's weekly comments or observations about the individual to include observations of the individual's physical and emotional condition, daily activities, and responses to services rendered; and*
- iv. The companion's and individual's or family/caregiver's weekly signatures recorded on the last day of service delivery for any given week to verify that companion services during that week have been rendered.*

g. A copy of the most recently completed DMAS-122 form. The provider must clearly document efforts to obtain the completed DMAS-122 form from the case manager.

12 VAC 30-120-780. Reevaluation of service need and utilization review. (Repealed.)

A. The Consumer Service Plan (CSP).

~~1. The CSP shall be developed by the support coordinator mutually with other service providers, the recipient, the recipient's parents or legal guardians for minors, consultants, and other interested parties based on relevant, current assessment data. The CSP process determines the services to be rendered to recipients, the frequency of services, the type of service provider, and a description of the services to be offered. All CSPs developed by the support coordinators are subject to approval by DMAS. DMAS is the single state authority responsible for the supervision of the administration of the community based care waiver.~~

~~2. The support coordinator is responsible for continuous monitoring of the appropriateness of the recipient's supporting documentation and revisions to the CSP as indicated by the changing needs of the recipient. At a minimum, the support coordinator must review the CSP~~

~~every three months to determine whether service goals and objectives are being met and whether any modifications to the CSP are necessary.~~

~~3. The DMAS staff shall review the CSP every 12 months or more frequently as required to assure proper utilization of services. Any modification to the amount or type of services in the CSP must be authorized by DMAS.~~

B. Review of level of care.

~~1. DMAS shall complete an annual comprehensive reassessment, in coordination with the recipient, family, and service providers. If warranted, DMAS will coordinate a medical examination and a psychological evaluation for every waiver recipient. The reassessment must include an update of the assessment instrument and any other appropriate assessment data.~~

~~2. A medical examination must be completed for adults based on need identified by the provider, recipient, support coordinator, or DMAS staff. Medical examinations for children must be completed according to the recommended frequency and periodicity of the EPSDT program.~~

~~3. A psychological evaluation or standardized developmental assessment for children over six years of age must reflect the current psychological status (diagnosis), adaptive level of functioning, and cognitive abilities. A new psychological evaluation is required whenever the recipient's functioning has undergone significant change and is no longer reflective of the past psychological evaluation.~~

C. Documentation required.

~~1. The support coordination agency must maintain the following documentation for review by the DMAS staff for each waiver recipient:~~

~~a. All assessment summaries and all CSPs completed for the recipient and maintained for a period of not less than five years;~~

~~b. All individual providers' supporting documentation from any provider rendering waiver services to the recipient;~~

~~c. All supporting documentation related to any change in the CSP;~~

~~d. All related communication with the providers, recipient, consultants, DMHMRSAS, DMAS, DSS, DRS or other related parties; and~~

~~e. An ongoing log which documents all contacts made by the support coordinator related to the waiver recipient.~~

~~2. The recipient service providers must maintain the following documentation for review by the DMAS staff for each waiver recipient:~~

~~a. All supporting documentation developed for that recipient and maintained for a period of not less than five years;~~

~~b. An attendance log which documents the date services were rendered and the amount and type of services rendered; and~~

~~e. Appropriate progress notes reflecting recipient's status and, as appropriate, progress toward the goals on the supporting documentation.~~

12 VAC 30-120-790. Eligibility criteria for emergency access to the waiver. (Repealed.)

~~A. Subject to available funding, individuals must meet at least one of the emergency criteria to be eligible for immediate access to waiver services without consideration to the length of time an individual has been waiting to access services. In the absence of waiver services, the individual would not be able to remain in his home.~~

~~B. The criteria are:~~

- ~~1. The primary caregiver has a serious illness, has been hospitalized, or has died;~~
- ~~2. The individual has been determined by the DSS to have been abused or neglected and is in need of immediate waiver services;~~
- ~~3. The individual has behaviors which present risk to personal or public safety; or~~
- ~~4. The individual presents extreme physical, emotional, or financial burden at home and the family or caregiver is unable to continue to provide care.~~

/s/ Mark R. Warner
Governor
Date: January 21, 2005

VA.R. Doc. No. R05-120; Filed January 27, 2005, 4:36 p.m.

* * * * *

Title of Regulation: **12 VAC 30-120. Waivered Services (adding Part XII (12 VAC 30-120-900 through 12 VAC 30-120-990); repealing Part I (12 VAC 30-120-10 through 12 VAC 30-120-60) and Part IX (12 VAC 30-120-490 through 12 VAC 30-120-550)).**

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia; Chapter 460 of the 2003 Acts of Assembly.

Effective Dates: February 1, 2005, through January 31, 2006.

Agency Contact: Vivian Horn, Division of Long-Term Care and Quality Assurance, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 786-0527, FAX (804) 786-1680, or e-mail vivian.horn@dmas.virginia.gov.

Preamble:

Section 2.2-4011 of the Code of Virginia allows a state agency to promulgate emergency regulations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. The combining of the Elderly and Disabled (E&D) Waiver with the Consumer-Directed Personal Attendant Services (CDPAS) Waiver was mandated by Chapter 460 of the 2003 Acts of Assembly. This provision directed DMAS to secure federal approval of

the combined E&D and the CDPAS Waivers and then to promulgate emergency regulations.

With the implementation of this regulatory change, the E&D Waiver services (agency-directed personal care, agency-directed respite, adult day health care, and personal emergency response systems) will be combined with the CDPAS Waiver services (consumer directed personal assistance and consumer directed respite).

Under the former E&D waiver, in order for an individual to be eligible for services they had to be at imminent risk of being placed in a nursing facility. The combined waiver does not have this criterion; it is replaced under the new waiver with the requirement that the individual require a nursing facility level of care, making all services available to all clients. Because all services are still limited by medical necessity under the new combined waiver, DMAS projects no cost increase for services. Combining the two waivers simplifies waiver administration and is more cost effective for DMAS. Therefore, while remaining cost effective, the new waiver enables all clients greater freedom to choose to direct their own personal care and respite services, to choose agency-directed care for all their services, or a combination of the two.

The combining of these two waivers is resulting from the specific request of consumers and family/caregivers. With the combining of these two waivers, recipients will have more options of service delivery models for their care. Recipients will now be able to choose consumer directed (service delivery model) personal assistance services for more than 42 hours of care each week if their needs indicate more hours of service are required. A consumer may also choose to receive consumer-directed and agency-directed care simultaneously as long as the service hours do not exceed the approved care plan hours.

~~PART I.
HOME AND COMMUNITY BASED WAIVER SERVICES FOR ELDERLY AND DISABLED INDIVIDUALS.~~

12 VAC 30-120-10 through 12 VAC 30-120-60. (Repealed).

~~PART IX.
CONSUMER DIRECTED PERSONAL ATTENDANT SERVICES FOR ELDERLY AND DISABLED INDIVIDUALS.~~

12 VAC 30-120-490 through 12 VAC 30-120-550. (Repealed).

~~PART XII.
ELDERLY OR DISABLED WITH CONSUMER DIRECTION WAIVER.~~

12 VAC 30-120-900. Definitions.

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

"Activities of daily living" or "ADLs" means tasks, e.g., bathing, dressing, toileting, transferring, and eating/feeding. An individual's degree of independence in performing these

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activities is a part of determining appropriate level of care and service needs.

"Americans with Disabilities Act" or "ADA" means the United States Code pursuant to § 42 U.S.C. 12101 et seq, as amended.

"Adult day health care center" or "ADHC" means a DMAS-enrolled provider that offers a community-based day program providing a variety of health, therapeutic, and social services designed to meet the specialized needs of those elderly and disabled individuals at risk of placement in a nursing facility. The ADHC must be licensed by DSS as an ADHC.

"Adult day health care services" means services designed to prevent institutionalization by providing participants with health, maintenance, and coordination of rehabilitation services in a congregate daytime setting.

"Agency-directed services" means services provided by a personal care agency.

"Appeal" means the process used to challenge adverse actions regarding services, benefits, and reimbursement provided by Medicaid pursuant to 12 VAC 30-110-10 et seq. and 12 VAC 30-20-500 through 12 VAC 30-20-560.

"Barrier crime" means those crimes as defined at § 37.1-183.3 of the COV.

"CMS" means the Centers for Medicare and Medicaid Services, which is the unit of the U.S. Department of Health and Human Services that administers the Medicare and Medicaid programs.

"Cognitive impairment" means a severe deficit in mental capability that affects an individual's areas of functioning such as thought processes, problem solving, judgment, memory, or comprehension which interferes with such things as reality orientation, ability to care for self, ability to recognize danger to self or others, or impulse control.

"Consumer-directed services" means services for which the individual or family/caregiver is responsible for hiring, training, supervising, and firing of the personal care aide.

"Consumer-directed (CD) services facilitator" or "facilitator" means the DMAS-enrolled provider who is responsible for supporting the individual and family/caregiver by ensuring the development and monitoring of the Consumer-Directed Services Plan of Care, providing employee management training, and completing ongoing review activities as required by DMAS for consumer-directed personal care and respite services.

"DMAS" means the Department of Medical Assistance Services.

"DMAS staff" means persons employed by the Department of Medical Assistance Services.

"DRS" means the Department of Rehabilitative Services.

"DSS" means the Department of Social Services.

"Designated preauthorization contractor" means DMAS or the entity that has been contracted by DMAS to perform preauthorization of services.

"Direct marketing" means either (i) conducting either directly or indirectly door-to-door, telephonic, or other "cold call" marketing of services at residences and provider sites; (ii) direct mailing; (iii) paying "finders fees"; (iv) offering financial incentives, rewards, gifts, or special opportunities to eligible individuals or family/caregivers as inducements to use the providers' services; (v) continuous, periodic marketing activities to the same prospective individual or family/caregiver, for example, monthly, quarterly, or annual giveaways as inducements to use the providers' services; or (vi) engaging in marketing activities that offer potential customers rebates or discounts in conjunction with the use of the providers' services or other benefits as a means of influencing the individual's or family/caregiver's use of the providers' services.

"Elderly or Disabled with Consumer Direction Waiver" or "EDCD waiver" means the CMS-approved waiver that covers a range of community support services offered to individuals who are elderly or disabled who would otherwise require a nursing facility level of care.

"Fiscal agent" means an agency or division within DMAS or contracted by DMAS to handle employment, payroll, and tax responsibilities on behalf of individuals who are receiving consumer-directed personal care services and respite services.

"Home and community-based waiver services" or "waiver services" means the range of community support services approved by the CMS pursuant to § 1915(c) of the Social Security Act to be offered to persons who are elderly or disabled who would otherwise require the level of care provided in a nursing facility. DMAS or the designated preauthorization contractor shall only give preauthorization for medically necessary Medicaid reimbursed home and community care.

"Individual" means the person receiving the services established in these regulations.

"Instrumental activities of daily living" or "IADLs" means tasks such as meal preparation, shopping, housekeeping and laundry. An individual's degree of independence in performing these activities is a part of determining appropriate level of care and service needs.

"Medication monitoring" means an electronic device, that is only available in conjunction with Personal Emergency Response Systems, that enables certain individuals at high risk of institutionalization to be reminded to take their medications at the correct dosages and times.

"Participating provider" means an entity that meets the standards and requirements set forth by DMAS, and has a current, signed provider participation agreement with DMAS.

"Personal care services" means long-term maintenance or support services necessary to enable the individual to remain at or return home rather than enter a nursing facility. Personal care services are provided to individuals in the areas of activities of daily living, access to the community, monitoring of self-administered medications or other medical needs, and the monitoring of health status and physical condition. Where the individual requires assistance with activities of daily living,

and where specified in the plan of care, such supportive services may include assistance with instrumental activities of daily living. Services may be provided in home and community settings to enable an individual to maintain the health status and functional skills necessary to live in the community or participate in community activities.

"Personal care aide" means a person who provides personal care services.

"Personal care agency" means a participating provider that provides personal care services.

"Personal emergency response system (PERS)" means an electronic device and monitoring service that enable certain individuals at high risk of institutionalization to secure help in an emergency. PERS services are limited to those individuals who live alone or are alone for significant parts of the day and who have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.

"PERS provider" means a certified home health or a personal care agency, a durable medical equipment provider, a hospital, or a PERS manufacturer that has the ability to provide PERS equipment, direct services (i.e., installation, equipment maintenance, and services calls), and PERS monitoring. PERS providers may also provide medication monitoring.

"Plan of care" means the written plan developed by the provider related solely to the specific services required by the individual to ensure optimal health and safety while remaining in the community.

"Preadmission screening" means the process to: (i) evaluate the functional, nursing, and social supports of individuals referred for preadmission screening; (ii) assist individuals in determining what specific services the individuals need; (iii) evaluate whether a service or a combination of existing community services are available to meet the individuals' needs; and (iv) refer individuals to the appropriate provider for Medicaid-funded nursing facility or home and community-based care for those individuals who meet nursing facility level of care.

"Preadmission Screening Committee/Team" means the entity contracted with DMAS that is responsible for performing preadmission screening pursuant to COV § 32.1-330.

"Respite care agency" or "facility" means a participating provider that renders respite services.

"Respite services" means those short-term personal care services provided to individuals who are unable to care for themselves, because of the absence of or need for the relief of those unpaid caregivers who normally provide the care.

"State Plan for Medical Assistance" or "Plan" means the regulations identifying the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

"Uniform Assessment Instrument" or "UAI" means the standardized multidimensional questionnaire, that is

completed by the Preadmission Screening Team, which assesses an individual's physical health, mental health, social, and functional abilities to determine if the individual meets the nursing facility level of care.

12 VAC 30-120-905. General coverage and requirements for Elderly or Disabled with Consumer-Direction waiver services.

A. EDCD waiver services populations. Home and community-based waiver services shall be available through a § 1915(c) of the Social Security Act waiver for the following Medicaid eligible individuals who have been determined to be eligible for waiver services and to require the level of care provided in a nursing facility:

1. Individuals who are elderly as defined by the Social Security Act § 1614; or
2. Individuals who are disabled as defined by the Social Security Act § 1614.

B. Covered services.

1. Covered services shall include: adult day health care, personal care (both consumer- and agency-directed), respite services (both consumer-directed, agency-directed, and facility-based), and PERS.

2. These services shall be medically appropriate and medically necessary to maintain the individual in the community and prevent institutionalization.

3. A recipient of EDCD Waiver services may receive personal care (agency- and consumer-directed), respite care (agency- and consumer-directed), adult day health care, and PERS services in conjunction with hospice services, regardless of whether the hospice provider receives reimbursement from Medicare or Medicaid for the services covered under the hospice benefit. Services under this waiver will not be available to hospice recipients unless the hospice can document the provision of at least 21 hours per week of homemaker/home health aide services and that the recipient needs personal care-type services which exceed this amount.

4. Under this §1915(c) waiver, DMAS waives §§ 1902(a)(10)(B) and 1902(a)(10)(C) of the Social Security Act related to comparability of services.

12 VAC 30-120-920. Individual eligibility requirements.

A. The Commonwealth has elected to cover low-income families with children as described in § 1931 of the Social Security Act; aged, blind, or disabled individuals who are eligible under 42 CFR 435.121; optional categorically needy individuals who are aged and disabled who have incomes at 80% of the Federal Poverty Level; the special home and community-based waiver group under 42 CFR 435.217; and the medically needy groups specified in 42 CFR 435.320, 435.322, 435.324, and 435.330.

1. Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. All recipients under

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the waiver must meet the financial and nonfinancial Medicaid eligibility criteria and meet the institutional level of care criteria. The deeming rules are applied to waiver eligible individuals as if the individual were residing in an institution or would require that level of care.

2. Virginia shall reduce its payment for home and community-based services provided to an individual who is eligible for Medicaid services under 42 CFR 435.217 by that amount of the individual's total income (including amounts disregarded in determining eligibility) that remains after allowable deductions for personal maintenance needs, deductions for other dependents, and medical needs have been made, according to the guidelines in 42 CFR 435.735 and § 1915(c)(3) of the Social Security Act as amended by the Consolidated Omnibus Budget Reconciliation Act of 1986. DMAS will reduce its payment for home and community-based waiver services by the amount that remains after the deductions listed below:

a. For individuals to whom § 1924(d) applies (Virginia waives the requirement for comparability pursuant to § 1902(a)(10)(B)), deduct the following in the respective order:

(1) An amount for the maintenance needs of the individual which is equal to the SSI income limit for one individual. Working individuals have a greater need due to expenses of employment; therefore, an additional amount of income shall be deducted. Earned income shall be deducted within the following limits: (i) for individuals employed 20 hours or more per week, earned income shall be disregarded up to a maximum of both earned and unearned income up to 300% of SSI and (ii) for individuals employed at least eight but less than 20 hours per week, earned income shall be disregarded up to a maximum of both earned and unearned income up to 200% of SSI. However, in no case, shall the total amount of income (both earned and unearned) that is disregarded for maintenance exceed 300% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI (The guardianship fee is not to exceed 5.0% of the individual's total monthly income.)

(2) For an individual with only a spouse at home, the community spousal income allowance determined in accordance with § 1924(d) of the Social Security Act;

(3) For an individual with a family at home, an additional amount for the maintenance needs of the family determined in accordance with § 1924(d) of the Social Security Act; and

(4) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party, including Medicare and other health insurance premiums, deductibles, or coinsurance charges and

necessary medical or remedial care recognized under the state law but not covered under the State Plan.

b. For individuals to whom § 1924(d) does not apply, deduct the following in the respective order:

(1) An amount for the maintenance needs of the individual which is equal to the SSI income limit for one individual. Working individuals have a greater need due to expenses of employment; therefore, an additional amount of income shall be deducted. Earned income shall be deducted within the following limits: (i) for individuals employed 20 hours or more, earned income shall be disregarded up to a maximum of 300% of SSI and (ii) for individuals employed at least eight but less than 20 hours, earned income shall be disregarded up to a maximum of 200% of SSI. However, in no case, shall the total amount of income (both earned and unearned) that is disregarded for maintenance exceed 300% of SSI. If the individual requires a guardian or conservator who charges a fee, the fee, not to exceed an amount greater than 5.0% of the individual's total monthly income, is added to the maintenance needs allowance. However, in no case shall the total amount of the maintenance needs allowance (basic allowance plus earned income allowance plus guardianship fees) for the individual exceed 300% of SSI (The guardianship fee is not to exceed 5.0% of the individual's total monthly income.)

(2) For an individual with a family at home, an additional amount for the maintenance needs of the family which shall be equal to the medically needy income standard for a family of the same size; and

(3) Amounts for incurred expenses for medical or remedial care that are not subject to payment by a third party including Medicare and other health insurance premiums, deductibles, or coinsurance charges and necessary medical or remedial care recognized under state law but not covered under the State Plan.

B. Assessment and authorization of home and community-based services.

1. To ensure that Virginia's home and community-based waiver programs serve only Medicaid eligible individuals who would otherwise be placed in a nursing facility, home and community based waiver services shall be considered only for individuals who are eligible for admission to a nursing facility. Home and community-based waiver services shall be the critical service to enable the individual to remain at home and in the community rather than being placed in a nursing facility.

2. The individual's eligibility for home and community-based services shall be determined by the Preadmission Screening Team after completion of a thorough assessment of the individual's needs and available support. If an individual meets nursing facility criteria, the Preadmission Screening Team shall provide the individual and family/caregiver with the choice of Elderly or Disabled with Consumer Direction waiver services or nursing facility placement.

3. The Preadmission Screening Team shall explore alternative settings or services to provide the care needed by the individual. When Medicaid-funded home and community-based care services are determined to be the critical services necessary to delay or avoid nursing facility placement, the Preadmission Screening Team shall initiate referrals for services.

4. Medicaid will not pay for any home and community-based care services delivered prior to the individual establishing Medicaid eligibility and prior to the date of the preadmission screening by the Preadmission Screening Team and the physician signature on the Medicaid Funded Long-Term Care Services Authorization Form (DMAS-96).

5. Before Medicaid will assume payment responsibility of home and community-based services, preauthorization must be obtained from the designated preauthorization contractor on all services requiring preauthorization. Providers must submit all required information to the designated preauthorization contractor within ten business days of initiating care. If the provider submits all required information to the designated preauthorization contractor within ten business days of initiating care, services may be authorized beginning from the date the provider initiated services but not preceding the date of the physician's signature on the Medicaid-Funded Long-Term Care Services Authorization Form (DMAS-96). If the provider does not submit all required information to the designated preauthorization contractor within ten business days of initiating care, the services may be authorized beginning with the date all required information was received by the designated preauthorization contractor, but in no event preceding the date of the Preadmission Screening Team physician's signature on the DMAS-96.

6. Once services for the individual have been authorized by the designated preauthorization contractor, the provider/service facilitator will submit a DMAS-122, along with a written confirmation of level of care eligibility from the designated preauthorization contractor, to the local DSS to determine financial eligibility for the waiver program and any patient pay responsibilities. After the provider/service facilitator has received written notification of Medicaid eligibility by DSS and written enrollment from the designated preauthorization contractor, the provider/service facilitator shall inform the individual or family/caregiver so that services may be initiated.

7. The provider/service facilitator with the most billable hours must request an updated DMAS-122 form from the local DSS annually and forward a copy of the updated DMAS-122 to all service providers when obtained.

8. Home and community-based care services shall not be offered or provided to any individual who resides in a nursing facility, an intermediate care facility for the mentally retarded, a hospital, an assisted living facility licensed by DSS or an Adult Foster Care provider certified by DSS, or a group home licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services. Additionally, home and community-based care services shall not be provided to any individual who resides outside

of the physical boundaries of the Commonwealth, with the exception of brief periods of time as approved by DMAS or the designated preauthorization contractor. Brief periods of time may include, but are not necessarily restricted to, vacation or illness.

C. Appeals. Recipient appeals shall be considered pursuant to 12 VAC 30-110-10 through 12 VAC 30-110-380. Provider appeals shall be considered pursuant to 12 VAC 30-10-1000 and 12 VAC 30-20-500 through 12 VAC 30-20-560.

12 VAC 30-120-930. General requirements for home and community-based participating providers.

A. Requests for participation will be screened by DMAS or the designated DMAS contractor to determine whether the provider applicant meets these basic requirements for participation and demonstrates the abilities to perform, at a minimum, the following activities:

1. Immediately notify DMAS, in writing, of any change in the information that the provider previously submitted to DMAS;
2. Assure freedom of choice to individuals in seeking services from any institution, pharmacy, practitioner, or other provider qualified to perform the service or services required and participating in the Medicaid Program at the time the service or services are performed;
3. Assure the individual's freedom to refuse medical care, treatment, and services;
4. Accept referrals for services only when staff is available to initiate and perform such services on an ongoing basis;
5. Provide services and supplies to individuals in full compliance with Title VI of the Civil Rights Act of 1964, as amended (42 USC § 2000 et seq.), which prohibits discrimination on the grounds of race, color, religion, or national origin; the Virginians with Disabilities Act (§ 51.5-1 et seq. of the Code of Virginia); § 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794), which prohibits discrimination on the basis of a disability; and the Americans with Disabilities Act of 1990, as amended (42 USC § 12101 et seq.), which provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications;
6. Provide services and supplies to individuals of the same quality and in the same mode of delivery as is provided to the general public;
7. Submit charges to DMAS for the provision of services and supplies to individuals in amounts not to exceed the provider's usual and customary charges to the general public and accept as payment in full the amount established by DMAS payment methodology beginning with the individual's authorization date for the waiver services;
8. Use only DMAS-designated forms for service documentation. The provider must not alter the DMAS forms in any manner unless approval from DMAS is obtained prior to using the altered forms.

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9. Use DMAS-designated billing forms for submission of charges;

10. Not perform any type of direct marketing activities to Medicaid individuals;

11. Maintain and retain business and professional records sufficient to document fully and accurately the nature, scope, and details of the services provided;

a. In general, such records shall be retained for at least five years from the last date of service or as provided by applicable state laws, whichever period is longer. However, if an audit is initiated within the required retention period, the records shall be retained until the audit is completed and every exception resolved. Records of minors shall be kept for at least five years after such minor has reached the age of 18 years.

b. Policies regarding retention of records shall apply even if the provider discontinues operation. DMAS shall be notified in writing of the storage location and procedures for obtaining records for review should the need arise. The location, agent, or trustee shall be within the Commonwealth.

12. Furnish information on request and in the form requested, to DMAS, the Attorney General of Virginia or his authorized representatives, federal personnel, and the state Medicaid Fraud Control Unit. The Commonwealth's right of access to provider agencies and records shall survive any termination of the provider agreement.

13. Disclose, as requested by DMAS, all financial, beneficial, ownership, equity, surety, or other interests in any and all firms, corporations, partnerships, associations, business enterprises, joint ventures, agencies, institutions, or other legal entities providing any form of health care services to recipients of Medicaid;

14. Pursuant to 42 CFR 431.300, et. seq., 12 VAC 30-20-90, and any other applicable federal or state law, all providers shall hold confidential and use for authorized DMAS purposes only all medical assistance information regarding individuals served. A provider shall disclose information in his possession only when the information is used in conjunction with a claim for health benefits, or the data is necessary for the functioning of DMAS in conjunction with the cited laws;

15. Change of ownership. When ownership of the provider changes, DMAS shall be notified in writing at least 15 calendar days before the date of change;

16. Pursuant to §§ 63.2-1509 and 63.2-1606 of the Code of Virginia, if a participating provider knows or suspects that a home and community-based waiver services individual is being abused, neglected, or exploited, the party having knowledge or suspicion of the abuse, neglect, or exploitation must report this immediately from first knowledge to the local DSS adult or child protective services worker as applicable; and

17. In addition to compliance with the general conditions and requirements, all providers enrolled by DMAS shall adhere to the conditions of participation outlined in their

individual provider participation agreements and in the applicable DMAS provider manual. DMAS shall conduct ongoing monitoring of compliance with provider participation standards and DMAS policies. A provider's noncompliance with DMAS policies and procedures may result in a retraction of Medicaid payment or termination of the provider agreement, or both.

18. Minimum qualifications of staff. All employees must have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of abuse, neglect, or exploitation of incapacitated or older adults and children. The criminal record check shall be available for review by DMAS staff who are authorized by the agency to review these files. DMAS will not reimburse the provider for any services provided by an employee who has committed a barrier crime as defined herein. Providers are responsible for complying with § 32.1-162.9:1 of the COV regarding criminal record checks.

B. For DMAS to approve provider agreements with home and community-based waiver providers, providers must meet staffing, financial solvency, disclosure of ownership, and assurance of comparability of services requirements as specified in the applicable provider manual.

C. The individual shall have the option of selecting the provider of his choice from among those providers who are approved and who can appropriately meet his needs.

D. A participating provider may voluntarily terminate his participation in Medicaid by providing 30 day's written notification.

E. DMAS may terminate at-will a provider's participation agreement on 30-days written notice as specified in the DMAS participation agreement. DMAS may immediately terminate a provider's participation agreement if the provider is no longer eligible to participate in the Medicaid program. Such action precludes further payment by DMAS for services provided to individuals on or after the date specified in the termination notice.

F. A provider shall have the right to appeal adverse actions taken by DMAS. Provider appeals shall be considered pursuant to 12 VAC 30-10-1000 and 12 VAC 30-20-500 through 12 VAC 30-20-560.

G. The Medicaid provider agreement shall terminate upon conviction of the provider of a felony pursuant to § 32.1-325 of the COV. A provider convicted of a felony in Virginia or in any other of the 50 states, the District of Columbia or, the U.S. territories, must, within 30 days, notify the Virginia Medicaid Program of this conviction and relinquish the provider agreement.

H. It is the provider/service facilitator's responsibility for the Patient Information Form (DMAS-122). It shall be the responsibility of the service provider/service facilitator's provider to notify the designated preauthorization contractor and DMAS, in writing, when any of the following circumstances occur. Furthermore, it shall be the responsibility of the designated preauthorization contractor to update DMAS, as requested, when any of the following events occur:

1. Home and community-based waiver services are implemented;
2. An individual dies;
3. An individual is discharged from EDCD waiver services;
4. Any other circumstances (including hospitalization) that cause home and community-based waiver services to cease or be interrupted for more than 30 days; or
5. The initial selection by the individual or family/caregiver of a provider/service facilitator to provide services, or a change by the individual or family/caregiver of a provider/service facilitator, if it affects the individual's patient pay amount.

I. Changes or termination of services.

1. The provider may decrease the amount of authorized care if the revised plan of care is appropriate, and based on the needs of the individual. If the individual disagrees with the proposed decrease, the individual has the right to appeal to DMAS. The participating provider is responsible for developing the new plan of care and calculating the new hours of service delivery. The individual or person responsible for supervising the individual's care shall discuss the decrease in care with the individual or family/caregiver, document the conversation in the individual's record, and notify the designated preauthorization contractor and the individual or family of the change by letter. This letter shall clearly state to the individual's right to appeal.

2. If a change in the individual's condition necessitates an increase in care, the participating provider must assess the need for increase and, if appropriate, develop a plan of care for services to meet the changed needs. The provider may implement the increase in personal/respite care hours without approval from DMAS, or the designated preauthorization contractor, if the amount of services does not exceed the amount established by DMAS, or the designated preauthorization contractor, as the maximum for the level of care designated for that individual on the plan of care. Any increase to an individual's plan of care that exceeds the number of hours allowed for that individual's level of care or any change in the individual's level of care must be preauthorized by DMAS or the designated preauthorization contractor.

3. In an emergency situation when the health and safety of the individual or provider personnel is endangered, DMAS, or the designated preauthorization contractor, must be notified prior to discontinuing services. The written notification period shall not be required. If appropriate, the local DSS Adult or Child Protective Services must be notified immediately.

4. In a nonemergency situation, i.e. when the health and safety of the individual or provider personnel is not endangered, the participating provider, other than a PERS provider, shall give the individual or family/caregiver, or both, at least 10 days written notification plus three days for mailing of the intent to discontinue services. The notification letter shall provide the reasons for and the effective date the provider is discontinuing services. The effective date shall

be at least 10 days plus three days for mailing from the date of the notification letter. A PERS provider shall give the individual or family/caregiver at least 14 days' prior written notification of the intent to discontinue services. The letter shall provide the reasons for and the effective date of the action. The effective date shall be at least 14 days from the date of the notification letter.

5. In the case of termination of home and community-based waiver services by DMAS or the designated preauthorization contractor, individuals shall be notified of their appeal rights pursuant to 12 VAC 30-110-10 et seq. DMAS, or the designated preauthorization contractor, has the responsibility and the authority to terminate the receipt of home and community-based care services by the individual for any of the following reasons:

- a. The home and community-based care services are no longer the critical alternative to prevent or delay institutional placement;
- b. The individual is no longer eligible for Medicaid;
- c. The individual no longer meets the nursing facility criteria; or
- d. The individual's environment does not provide for his health, safety, and welfare.

J. DMAS will conduct annual level-of-care reviews for all waiver recipients.

12 VAC 30-120-950. Adult day health care services.

The following are specific requirements governing the provision of adult day health care (ADHC):

A. Adult day health care services may be offered to individuals in an ADHC setting. Adult day health care may be offered either as the sole home and community-based care service or in conjunction with personal care (agency- or consumer-directed), respite care (agency- or consumer-directed), or PERS.

B. Special provider participation conditions. In order to be a participating provider, the adult day health care center shall:

1. Be an adult day care center licensed by DSS. A copy of the current license shall be available to DMAS for verification purposes prior to the applicant's enrollment as a Medicaid provider and shall be available for DMAS review;
2. Adhere to DSS adult day health care center standards;
3. The following DMAS special participation standards are imposed in addition to DSS standards and shall be met in order to provide Medicaid adult day health care services:
 - a. Provide a separate room or an area equipped with one bed, cot, or recliner for every 12 Medicaid adult day health care participants;
 - b. Employ sufficient interdisciplinary staff to adequately meet the health, maintenance, and safety needs of each participant.

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c. The center shall maintain a minimum staff-to-participant ratio of at least one staff member to every six participants. This includes Medicaid and other participants;

d. There shall be at least two staff members awake and on duty at the ADHC at all times when there are Medicaid participants in attendance;

e. In the absence of the director, the activities director, registered nurse, or therapist shall be designated to supervise the program;

f. Volunteers can be included in the staff-to-participant ratio if these volunteers meet the qualifications and training requirements for compensated employees, and, for each volunteer so counted, there shall be at least one compensated employee included in the staff-to-participant ratio;

g. Any center that is co-located with another facility shall count only its own separate identifiable staff in the center's staff-to-participant ratio.

h. The adult day health care center shall employ the following:

(1) A director who shall be responsible for overall management of the center's programs. The director shall be the provider contact person for DMAS and the designated preauthorization contractor, and shall be responsible for responding to communication from DMAS and the designated preauthorization contractor.

i. The director shall be responsible for assuring the development of the plan of care for adult day health care individuals. The director has ultimate responsibility for directing the center program and supervision of its employees. The director can also serve as the activities director if they meet the qualifications for that position.

ii. The director shall assign himself, the activities director, registered nurse or therapist to act as adult day health care coordinator for each participant and shall document in the participant's file the identity of the care coordinator. The adult day health care coordinator shall be responsible for management of the participant's plan of care and for its review with the program aides.

iii. The director shall meet the qualifications specified in the DSS standards for adult day health care for directors.

(2) An activities director who shall be responsible for directing recreational and social activities for the adult day health care participants. The activities director shall:

i. Have a minimum of 48 semester hours or 72 quarter hours of post secondary education from an accredited college or university with a major in recreational therapy, occupational therapy, or a related field such as art, music, or physical education;

ii. Have one year of related experience which may include work in an acute care hospital, rehabilitation hospital, nursing facility, or have completed a course of study including any prescribed internship in occupational, physical, and recreational therapy or music, dance, art therapy, or physical education.

(3) Program aides who shall be responsible for overall care and maintenance of the participant (assistance with activities of daily living, social/recreational activities, and other health and therapeutic related activities). Each program aide hired by the provider shall be screened to ensure compliance with qualifications required by DMAS. The aide shall, at a minimum, have the following qualifications:

i. Be able to read and write in English to the degree necessary to perform the tasks expected;

ii. Be physically able to do the work;

iii. Have satisfactorily completed an educational curriculum related to the needs of the elderly and disabled. Acceptable curriculums are offered by educational institutions, nursing facilities, and hospitals. Training consistent with DMAS training guidelines may also be given by the center's professional staff. Curriculum titles include: Nurses Aide, Geriatric Nursing Assistant, and Home Health Aide. Documentation of successful completion shall be maintained in the aide's personnel file and be available for review by DMAS staff who are authorized by DMAS to review these files. Prior to assigning a program aide to a participant, the ADHC shall ensure that the aide has satisfactorily completed a DMAS-approved training program.

(4) Registered nurse (RN). The center shall employ or contract with a registered nurse who shall be responsible for administering to and monitoring the health needs of the participants. The nurse shall be responsible for the planning and implementation of the plan of care involving multiple services where specialized health care knowledge is needed. The nurse shall be present a minimum of eight hours each month at the center. DMAS may require the nurse's presence at the adult day health care center for more than this minimum standard depending on the number of participants in attendance and according to the medical and nursing needs of the participants. Although DMAS does not require that the registered nurse be a full-time staff position, there shall be a registered nurse available, either in person or by telephone, to the center's participants and staff during all times that the center is in operation. The registered nurse shall:

i. Be registered and licensed as a registered nurse to practice nursing in the Commonwealth;

ii. Have two years of related clinical experience, which may include work in an acute care hospital, public health clinic, home health agency, rehabilitation hospital, nursing facility, or as an LPN.

C. *Service responsibilities of the adult day health care center and staff shall be:*

1. *Aide responsibilities. The aide shall be responsible for assisting with activities of daily living, supervising the participant, and assisting with the management of the participant's plan of care.*

2. *RN responsibilities. The RN shall be responsible for:*

a. *Periodic evaluation of the nursing needs of each participant;*

b. *Provision of the indicated nursing care and treatment; and*

c. *Monitoring, recording, and administering of prescribed medications or supervising the participant in self-administered medication.*

3. *Rehabilitation services coordination responsibilities. These services are designed to ensure the participant receives all rehabilitative services deemed necessary to improve or maintain independent functioning, to include the coordination and implementation of physical therapy, occupational therapy, and speech-language therapy. Rendering of the specific rehabilitative therapy is not included in the center's fee for services but must be rendered as a separate service by a rehabilitative provider.*

4. *Nutrition responsibilities. The center shall provide one meal per day, which supplies one-third of the daily nutritional requirements established by the U.S. Department of Agriculture. Special diets and counseling shall be provided to Medicaid participants as necessary.*

5. *Adult day health care coordination. The designated adult day health care coordinator shall coordinate the delivery of the activities as prescribed in the participants' plans of care and keep them updated, record 30-day progress notes, and review the participants' daily records each week. If the individual's condition changes more frequently, more frequent reviews and recording of progress notes shall be required to reflect the participant's changing condition.*

6. *Recreation and social activities responsibilities. The center shall provide planned recreational and social activities suited to the individuals' needs and designed to encourage physical exercise, prevent deterioration of the individual's condition, and stimulate social interaction.*

D. *Documentation required. The ADHC shall maintain all records of each Medicaid participant. These records shall be reviewed periodically by DMAS staff who are authorized by the DMAS to review these files. At a minimum, these records shall contain:*

1. *The Long-Term Care Uniform Assessment Instrument, the Medicaid Long-Term Care Services Authorization form (DMAS-96), the Screening Team Plan of Care or Medicaid-Funded Long-Term Care, the DMAS-101A and the DMAS-101B (if applicable), and the most recent patient information from the DMAS-122;*

2. *Interdisciplinary plans of care developed by the ADHC's director, registered nurse, or therapist and relevant support persons, in conjunction with the participant;*

3. *Documentation of interdisciplinary staff meetings which shall be held at least every three months to reassess each participant and evaluate the adequacy of the adult day health care plan of care and make any necessary revisions;*

4. *At a minimum, 30-day goal oriented progress notes recorded by the designated adult day health care coordinator. If a participant's condition and treatment plan changes more often, progress notes shall be written more frequently than every 30 days;*

5. *The ADHC shall obtain a rehabilitative progress report and updated treatment plan from all professional disciplines involved in the participant's care every 30 days (physical therapy, speech therapy, occupational therapy, home health, and others);*

6. *Daily records of services provided. The daily record shall contain the specific services delivered by ADHC staff. The record shall also contain the arrival and departure times of the participant and be signed weekly by the director, activities director, registered nurse, or therapist employed by the center. The daily record shall be completed on a daily basis, neither before nor after the date of services delivery. At least once a week, a staff member shall chart significant comments regarding care given to the participant. If the staff member writing comments is different from the staff signing the weekly record, that staff member shall sign the weekly comments. A copy of this record must be given to the participant or family/caregiver weekly; and*

7. *All correspondence to the individual, DMAS, and the designated preauthorization contractor.*

12 VAC 30-120-960. Agency-directed personal care services.

The following requirements govern the provision of agency-directed personal care services.

A. *Service description. Personal care services are comprised of hands-on care of either a supportive or health-based nature and may include, but are not limited to, assistance with activities of daily living, access to the community, monitoring of self-administered medications or other medical needs, and the monitoring of health status and physical condition. Where the individual requires assistance with activities of daily living, and where specified in the plan of care, such supportive services may include assistance with instrumental activities of daily living. This service does not include skilled nursing services with the exception of skilled nursing tasks (i.e., catheterization) that may be delegated pursuant to the Virginia Administrative Code at 18 VAC 90-20-420 through 18 VAC 90-20-460. It may be provided in a home and community setting to enable an individual to maintain the health status and functional skills necessary to live in the community or participate in community activities. Personal care may be offered either as the sole home and community-based care service or in conjunction with adult day health care, respite care (agency or consumer-directed), or PERS.*

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B. Criteria. In order to qualify for these services, the individual must demonstrate a need for care with activities of daily living.

1. DMAS will also pay, consistent with the approved plan of care, for personal care that the personal care aide provides to the enrolled individual to assist him at work or post-secondary school. DMAS will not duplicate services that are required as a reasonable accommodation as a part of the Americans with Disabilities Act (ADA) (42 USC §§ 12131 through 12165) or the Rehabilitation Act of 1973.

2. DMAS or the designated preauthorization contractor will review the individual's needs and the complexity of the disability, as applicable, when determining the services that will be provided to him in the workplace or post-secondary school or both.

3. DMAS will not pay for the personal care aide to assist the enrolled individual with any functions related to the individual completing his job or post-secondary school functions or for supervision time during work or school or both.

4. There shall be a limit of 8 hours per 24-hour day for supervision services.

5. The provider must develop an individualized plan of care that addresses the individual's needs at home and work and in the community.

C. Special provider participation conditions. The personal care provider shall:

1. Operate from a business office;

2. Employees who have a satisfactory work record, as evidenced by references from prior job experience, including no evidence of abuse, neglect, or exploitation of incapacitated or older adults and children. Providers are responsible for complying with § 32.1-162.9:1 of the Code of Virginia regarding criminal record checks. The criminal record check shall be available for review by DMAS staff who are authorized by DMAS to review these files.

3. Employ (or contract with) and directly supervise a registered nurse who will provide ongoing supervision of all personal care aides.

a. The registered nurse shall be currently licensed to practice in the Commonwealth as an RN and have at least two years of related clinical nursing experience (which may include work in an acute care hospital, public health clinic, home health agency, rehabilitation hospital, nursing facility, or as a licensed practical nurse (LPN)).

b. The registered nurse supervisor shall make an initial home assessment visit on or before the start of care for all individuals admitted to personal care, when an individual is readmitted after being discharged from services, or if he is transferred from another provider, ADHC, or from a consumer-directed services.

c. The registered nurse supervisor shall make supervisory visits as often as needed, but no fewer visits than provided as follows, to ensure both quality and appropriateness of services.

(1) A minimum frequency of these visits is every 30 days for individuals with a cognitive impairment and every 90 days for individuals who do not have a cognitive impairment, as defined herein. The provider agency shall have the responsibility of determining if 30-day registered nurse supervisory visits are appropriate for the individual.

(2) The initial home assessment visit by the registered nurse shall be conducted to create the plan of care and assess the individual's needs. The registered nurse shall return for a follow-up visit within 30 days after the initial visit to assess the individual's needs and make a final determination that there is no cognitive impairment. This determination must be documented in the individual's record by the registered nurse. Individuals who are determined to have a cognitive impairment will continue to have supervisory visits every 30 days.

(3) If there is no cognitive impairment, the registered nurse may give the individual or family/caregiver the option of having the supervisory visit every 90 days or any increment in between, not to exceed 90 days, or the provider may choose to continue the 30-day supervisory visits based on the needs of the individual. The registered nurse supervisor must document in the individual's record this conversation and the option that was chosen. The individual or the family/caregiver must sign and date this document.

(4) If an individual's personal care aide is supervised by the provider's registered nurse supervisor less frequently than every 30 days and DMAS, or the designated preauthorization contractor, determines that the individual's health, safety, or welfare is in jeopardy, DMAS, or the designated preauthorization contractor, may require the provider's registered nurse supervisor to supervise the personal care aide every 30 days or more frequently than has been determined by the registered nurse supervisor. This will be documented by the provider and entered in the individual's record.

d. During visits to the individual's home, a registered nurse supervisor shall observe, evaluate, and document the adequacy and appropriateness of personal care services with regard to the individual's current functioning status, medical, and social needs. The personal care aide's record shall be reviewed and the individual's or family's/caregiver's satisfaction with the type and amount of services discussed. The registered nurse supervisor's summary shall note:

(1) Whether personal care services continue to be appropriate;

(2) Whether the plan of care is adequate to meet the individual's needs or if changes are indicated in the plan;

(3) Any special tasks performed by the personal care aide and the personal care aide's qualifications to perform these tasks;

(4) The individual's satisfaction with the services;

(5) Whether the individual has been hospitalized or there has been a change in the medical condition or functional status of the individual;

(6) Other services received by the individual and the amount; and

(7) The presence or absence of the personal care aide in the home during the registered nurse supervisor's visit.

e. A registered nurse supervisor shall be available to the personal care aide for conferences pertaining to individuals being served by the aide and shall be available to aide by telephone at all times that the aide is providing services to individuals.

f. The registered nurse supervisor shall evaluate the personal care aide's performance and the individual's needs to identify any insufficiencies in the personal care aide's abilities to function competently and shall provide training as indicated. This shall be documented in the individual's record.

g. If there is a delay in the registered nurses' supervisory visits because the individual was unavailable, the reason for the delay must be documented in the individual's record.

3. Employ and directly supervise personal care aides who provide direct care to individuals. Each aide hired for personal care shall be evaluated by the provider agency to ensure compliance with qualifications required by DMAS. Each personal care aide shall:

a. Be able to read and write in English to the degree necessary to perform the expected tasks;

b. Complete a minimum of 40 hours of training consistent with DMAS standards. Prior to assigning an aide to an individual, the provider agency shall ensure that the personal care aide has satisfactorily completed a DMAS-approved training program consistent with DMAS standards;

c. Be physically able to do the work;

d. Not be: (i) the parents of minor children who are receiving waiver services or (ii) spouses of individuals who are receiving waiver services; and

e. Payment may be made for services furnished by other family members when there is objective written documentation as to why there are no other providers or aides available to provide the care. These family members must meet the same requirements as personal care aides who are not family members.

D. Required documentation for individuals' records. The provider shall maintain all records for each individual receiving personal care services. These records shall be separate from those of nonhome and community-based care services, such as companion or home health services. These records shall be reviewed periodically by DMAS. At a minimum, the record shall contain:

1. The most recently updated Long-Term Care Uniform Assessment Instrument, the Medicaid-Funded Long-Term Care Services Authorization form (DMAS-96), the Screening Team Plan of Care for Medicaid-Funded Long-Term Care (DMAS-97), all provider plans of care (DMAS97-A), all Patient Information forms (DMAS-122), and all DMAS-101A and 101B forms (if applicable).

2. The initial assessment by a registered nurse or a RN supervisor completed prior to or on the date that services are initiated;

3. Registered nurse supervisor's notes recorded and dated during significant contacts with the personal care aide and during supervisory visits to the individual's home;

4. All correspondence to the individual, DMAS, and the designated preauthorization contractor;

5. Reassessments made during the provision of services;

6. Significant contacts made with family/caregivers, physicians, DMAS, the designated preauthorization contractor, formal, informal services providers and all professionals related to the individual's Medicaid services or medical care;

7. All personal care aides' records (DMAS-90). The personal care aide record shall contain:

a. The specific services delivered to the individual by the aide and his responses to this service;

b. The personal care aide's daily arrival and departure times;

c. The aide's weekly comments or observations about the individual, including observations of the individual's physical and emotional condition, daily activities, and responses to services rendered; and

d. The personal care aide's and individual's or responsible caregiver's weekly signatures, including the date, to verify that personal care services have been rendered during that week as documented in the record. An employee of the provider cannot sign for the individual unless he is a family/caregiver of the individual. This family member cannot be the same family member who is providing the service. Signatures, times and dates shall not be placed on the personal care aide record prior to the last date that the services are actually delivered; and

8. All of the individual's progress reports.

12 VAC 30-120-970. Agency-directed respite care services.

These requirements govern the provision of agency-directed respite care services.

A. Agency-directed respite care services are comprised of hands-on care of either a supportive or health-related nature and may include, but are not limited to, assistance with activities of daily living, access to the community, monitoring of self-administration of medications or other medical needs, monitoring health status and physical condition, and personal care services provided in a work environment. Where the

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individual requires assistance with activities of daily living, and where specified in the plan of care, such supportive services may include assistance with instrumental activities of daily living. This service does not include skilled nursing services with the exception of skilled nursing tasks (i.e., catheterization) that may be delegated pursuant to the Virginia Administrative Code at 18 VAC 90-20-420 through 18 VAC 90-20-460.

B. General. Respite care may only be offered to individuals who have a primary caregiver living in the home who requires temporary relief to avoid institutionalization of the individual. Respite care services may be provided in the individual's home or place of residence, or a facility licensed as a nursing facility and enrolled in Medicaid. The authorization of respite care (agency-directed and consumer-directed) is limited to a total of 720 hours per calendar year per individual. Reimbursement shall be made on an hourly basis.

C. Special provider participation conditions. To be approved as a respite care provider with DMAS, the respite care provider shall:

- 1. Operate from a business office.*
- 2. Have employees who have satisfactory work records, as evidenced by references from prior job experience, including no evidence of abuse, neglect, or exploitation of incapacitated or older adults and children. Providers are responsible for complying with § 32.1-162.9:1 of the COV regarding criminal record checks. The criminal record check shall be available for review by DMAS staff who are authorized by the agency to review these files. DMAS will not reimburse the provider for any services provided by an employee who has committed a barrier crime.*
- 3. Employ (or contract with) and directly supervise a registered nurse who will provide ongoing supervision of all respite care aides/LPNs.*
 - a. The registered nurse supervisor shall be currently licensed to practice in the Commonwealth as an RN and have at least two years of related clinical nursing experience (which may include work in an acute care hospital, public health clinic, home health agency, rehabilitation hospital, nursing facility, or as an LPN).*
 - b. Based on continuing evaluations of the aide's/LPN's performance and the individual's needs, the registered nurse supervisor shall identify any insufficiencies in the aide's/LPN's abilities to function competently and shall provide training as indicated.*
 - c. The registered nurse supervisor shall make an initial home assessment visit on or before the start of care for any individual admitted to respite care.*
 - d. A registered nurse supervisor shall make supervisory visits as often as needed to ensure both quality and appropriateness of services.*

(1) When respite care services are received on a routine basis, the minimum acceptable frequency of these supervisory visits shall be every 30 to 90 days dependent on the cognitive status of the individual. If an individual is also receiving personal care services,

the respite care RN supervisory visit may coincide with the personal care RN supervisory visits.

(2) When respite care services are not received on a routine basis, but are episodic in nature, a registered nurse supervisor shall not be required to conduct a supervisory visit every 30 to 90 days. Instead, a registered nurse supervisor shall conduct the initial home assessment visit with the aide/LPN on or before the start of care and make a second home visit during the second respite care visit. If an individual is also receiving personal care services, the respite care RN supervisory visit may coincide with the personal care RN supervisory visit.

(3) When respite care services are routine in nature and offered in conjunction with personal care, the RN supervisory visit conducted for personal care services may serve as the registered nurse supervisory visit for respite care. However, the registered nurse supervisor shall document supervision of respite care separately from the personal care documentation. For this purpose, the same individual record can be used with a separate section for respite care documentation.

e. During visits to the individual's home, the registered nurse supervisor shall observe, evaluate, and document the adequacy and appropriateness of respite care services with regard to the individual's current functioning status, medical, and social needs. The aide's/LPN's record shall be reviewed along with the individual's or family's satisfaction with the type and amount of services discussed. The registered nurse supervisor shall document in a summary note:

- (1) Whether respite care services continue to be appropriate;*
- (2) Whether the plan of care is adequate to meet the individual's needs or if changes need to be made to the plan of care;*
- (3) The individual's satisfaction with the services;*
- (4) Any hospitalization or change in the medical condition or functioning status of the individual;*
- (5) Other services received by the individual and the amount of the services received; and*
- (6) The presence or absence of the aide/LPN in the home during the RN supervisory visit.*

f. An RN supervisor shall be available to the aide/LPN for conference pertaining to individuals being served by the aide/LPN and shall be available to the aide/LPN by telephone at all times that the aide/LPN is providing services to respite care individuals.

g. If there is a delay in the registered nurse's supervisory visits, because the individual is unavailable, the reason for the delay must be documented in the individual's record.

4. Employ and directly supervise aides/LPNs who provide direct care to respite care individuals. Each aide/LPN hired by the provider shall be evaluated by the provider to ensure

compliance with qualifications as required by DMAS. Each aide must:

- a. Be at least 18 years of age or older;
- b. Be physically able to do the work;
- c. Be able to read and write in English to the degree necessary to perform the tasks expected;
- d. Have completed a minimum of 40 hours of DMAS-approved training consistent with DMAS standards. Prior to assigning an aide to an individual, the provider shall ensure that the aides has satisfactorily completed a training program consistent with DMAS standards;
- e. Be evaluated in his job performance by the registered nurse supervisor;
- f. Respite care aides may not be the parents of individuals who are minors or the individuals' spouses. Payment may not be made for services furnished by other family members living under the same roof as the individual receiving services unless there is objective written documentation as to why there are no other providers or aides available to provide the care. Family members who are approved to provide paid respite services must meet the qualifications for respite care aides.

5. Employ a licensed practical nurse (LPN) to perform skilled respite care services. Such services shall be reimbursed by DMAS under the following circumstances:

- a. The individual has a need for routine skilled care which cannot be provided by unlicensed personnel. These individuals would typically require a skilled level of care if in a nursing facility (e.g., individuals on a ventilator, individuals requiring nasogastric, or gastrostomy feedings, etc.);
- b. No other individual in the individual's support system is willing and able to supply the skilled component of the individual's care during the caregiver's absence;
- c. The individual is unable to receive skilled nursing visits from any other source which could provide the skilled care usually given by the caregiver; and
- d. The provider must document in the individual's record the circumstances which require the provision of services by an LPN.
- e. When an LPN is required, the LPN must also provide any of the services normally provided by an aide.

D. Required documentation for individuals' records. The provider shall maintain all records of each individual receiving respite services. These records shall be separated from those of nonhome and community-based care services, such as companion or home health services. These records shall be reviewed periodically by the DMAS staff who are authorized by DMAS to review these files. At a minimum these records shall contain:

1. The most recently updated Long-Term Care Uniform Assessment Instrument, the Medicaid-Funded Long-Term

Care Services Authorization form (DMAS-96), the Screening Team Plan of Care for Medicaid-Funded Long-Term Care (DMAS-97), all respite care assessments and plans of care, all aide records (DMAS-90), all LPN skilled respite records (DMAS-90A), all Patient Information forms (DMAS-122) and all DMAS-101A and DMAS-101B forms, as applicable;

2. The physician's order for services, obtained prior to the service begin date and updated every six months.
3. The initial assessment by a registered nurse completed prior to or on the date services are initiated;
4. Registered nurse supervisor's notes recorded and dated during significant contacts with the care aide and during supervisory visits to the individual's home;
5. All correspondence to the recipient, DMAS, and the designated preauthorization contractor;
6. Reassessments made during the provision of services;
7. Significant contacts made with family, physicians, DMAS, the designated preauthorization contractor, formal and informal services providers, and all professionals related to the individual's Medicaid services or medical care; and
8. All respite care records. The respite care record shall contain:

- a. The specific services delivered to the individual by the aide or LPN, and his response to this service;
- b. The daily arrival and departure times of the aide or LPN for respite care services;
- c. Comments or observations recorded weekly about the individual. Aide or LPN comments shall include but not be limited to observation of the individual's physical and emotional condition, daily activities, and the individual's response to services rendered;
- d. The signatures of the aide or LPN, and the individual, once each week to verify that respite care services have been rendered. Signature, times, and dates shall not be placed on the aide's record prior to the last date of the week that the services are delivered. If the individual is unable to sign the aide record, it must be documented in his record how or who will sign in his place. An employee of the provider shall not sign for the individual unless he is a family member or legal guardian of the recipient;
- e. Documentation signed by the LPN must be reviewed and signed by the supervising RN.
- f. All individual progress reports.

12 VAC 30-120-980. Personal emergency response system (PERS).

A. Service description. PERS is a service which monitors individual safety in the home and provides access to emergency assistance for medical or environmental emergencies through the provision of a two-way voice communication system that dials a 24-hour response or monitoring center upon activation and via the individual's

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home telephone line. PERS may also include medication monitoring devices.

B. Standards for PERS Equipment. All PERS equipment must be approved by the Federal Communications Commission and meet the Underwriters' Laboratories, Inc. (UL) safety standard Number 1635 for Digital Alarm Communicator System Units and Number 1637, which is the UL safety standard for home health care signaling equipment. The UL listing mark on the equipment will be accepted as evidence of the equipment's compliance with such standard. The PERS device must be automatically reset by the response center after each activation, ensuring that subsequent signals can be transmitted without requiring manual reset by the recipient.

C. Criteria. PERS services are limited to those individuals, ages 14 and older, who live alone or are alone for significant parts of the day and who have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision. PERS may only be provided in conjunction with personal care (agency or consumer-directed), respite (agency or consumer-directed), or adult day health care. An individual may not receive PERS if he has a cognitive impairment as defined in 12 VAC 30-120-900.

1. PERS can be authorized when there is no one else, other than the individual, in the home who is competent and continuously available to call for help in an emergency. If the individual's caregiver has a business in the home, such as, but not limited to, a day care center, PERS will only be approved if the individual is evaluated as being dependent in the categories of "Behavior Pattern" and "Orientation" on the Uniform Assessment Instrument (UAI).

2. Medication monitoring units must be physician ordered. In order to receive medication monitoring services, an individual must also receive PERS services. The physician orders must be maintained in the individual's file.

D. Services units and services limitations.

1. A unit of service shall include administrative costs, time, labor, and supplies associated with the installation, maintenance, adjustments, and monitoring of the PERS. A unit of service is one-month rental price is set by DMAS. The one-time installation of the unit includes installation, account activation, and individual and caregiver instruction. The one-time installation fee shall also include the cost of the removal of the PERS equipment.

2. PERS service must be capable of being activated by a remote wireless device and be connected to the individual's telephone line. The PERS console unit must provide hands-free voice-to-voice communication with the response center. The activating device must be waterproof, automatically transmit to the response center an activator low battery alert signal prior to the battery losing power, and be able to be worn by the individual.

3. In cases where medication monitoring units must be filled by the provider, the person filling the unit must be a registered nurse, a licensed practical nurse, or a licensed pharmacist. The units can be refilled every 14 days. There must be documentation of this in the individual's record.

E. Provider requirements. In addition to meeting the general conditions and requirements for home and community-based waiver participating providers as specified in 12 VAC 30-120-930, PERS providers must also meet the following qualifications:

1. A PERS provider must be either a personal care agency, a durable medical equipment provider, a hospital, a licensed home health provider, or a PERS manufacturer. All such providers shall have the ability to provide PERS equipment, direct services (i.e., installation, equipment maintenance, and service calls), and PERS monitoring;

2. The PERS provider must provide an emergency response center with fully trained operators who are capable of receiving signals for help from an individual's PERS equipment 24-hours a day, 365 or 366 days per year as appropriate; determining whether an emergency exists; and notifying an emergency response organization or an emergency responder that the PERS individual needs emergency help;

3. A PERS provider must comply with all applicable Virginia statutes, all applicable regulations of DMAS, and all other governmental agencies having jurisdiction over the services to be performed;

4. The PERS provider has the primary responsibility to furnish, install, maintain, test, and service the PERS equipment, as required, to keep it fully operational. The provider shall replace or repair the PERS device within 24 hours of the individual's notification of a malfunction of the console unit, activating devices, or medication monitoring unit, and shall provide temporary equipment while the original equipment is being repaired;

5. The PERS provider must properly install all PERS equipment into a PERS individual's functioning telephone line within seven days of the request unless there is appropriate documentation of why this timeframe cannot be met. The PERS provider must furnish all supplies necessary to ensure that the system is installed and working properly. The PERS provider must test the PERS device monthly, or more frequently if needed, to ensure that the device is fully operational;

6. The PERS installation shall include local seize line circuitry, which guarantees that the unit will have priority over the telephone connected to the console unit should the telephone be off the hook or in use when the unit is activated;

7. A PERS provider must maintain a data record for each PERS individual at no additional cost to DMAS or the individual. The record must document all of the following:

a. Delivery date and installation date of the PERS;

b. Individual/caregiver signature verifying receipt of the PERS device;

c. Verification by a test that the PERS device is operational, monthly or more frequently as needed;

- d. Updated and current individual responder and contact information, as provided by the individual or the individual's caregiver; and
- e. A case log documenting the individual's utilization of the system, all contacts, and all communications with the individual, caregiver, and responders;
8. The PERS provider must have back-up monitoring capacity in case the primary system cannot handle incoming emergency signals;
9. All PERS equipment must be approved by the Federal Communications Commission and meet the Underwriters' Laboratories, Inc. (UL) Safety Standard Number 1635 for Digital Alarm Communicator System Units and Safety Standard Number 1637 for Home Health Care Signaling Equipment. The UL listing mark on the equipment will be accepted as evidence of the equipment's compliance with such standard. The PERS device must be automatically reset by the response center after each activation, ensuring that subsequent signals can be transmitted without requiring a manual reset by the individual;
10. A PERS provider must furnish education, data, and ongoing assistance to DMAS and the designated preauthorization contractor to familiarize staff with the services, allow for ongoing evaluation and refinement of the program, and must instruct the individual, caregiver, and responders in the use of the PERS services;
11. The emergency response activator must be activated either by breath, by touch, or by some other means, and must be usable by individuals who are visually or hearing impaired or physically disabled. The emergency response communicator must be capable of operating without external power during a power failure at the individual's home for a minimum period of 24-hours and automatically transmit a low battery alert signal to the response center if the back-up battery is low. The emergency response console unit must also be able to self-disconnect and redial the back-up monitoring site without the individual resetting the system in the event it cannot get its signal accepted at the response center;
12. PERS providers must be capable of continuously monitoring and responding to emergencies under all conditions, including power failures and mechanical malfunctions. It is the PERS provider's responsibility to ensure that the monitoring agency and the monitoring agency's equipment meets the following requirements. The PERS provider must be capable of simultaneously responding to multiple signals for help from individuals' PERS equipment. The PERS provider's equipment must include the following:
- a. A primary receiver and a back-up receiver, which must be independent and interchangeable;
 - b. A back-up information retrieval system;
 - c. A clock printer, which must print out the time and date of the emergency signal, the PERS individual's identification code, and the emergency code that indicates whether the signal is active, passive, or a responder test;
- d. A back-up power supply;
- e. A separate telephone service;
- f. A toll-free number to be used by the PERS equipment in order to contact the primary or back-up response center; and
- g. A telephone line monitor, which must give visual and audible signals when the incoming telephone line is disconnected for more than 10 seconds;
13. The PERS provider must maintain detailed technical and operation manuals that describe PERS elements, including the installation, functioning, and testing of PERS equipment; emergency response protocols; and record keeping and reporting procedures;
14. The PERS provider shall document and furnish within 30 days of the action taken a written report for each emergency signal that results in action being taken on behalf of the individual. This excludes test signals or activations made in error. This written report shall be furnished to the personal care provider, the respite care provider, the CD services facilitation provider, or in cases where the individual only receives ADHC services, to the ADHC provider;
15. The PERS provider is prohibited from performing any type of direct marketing activities to Medicaid individuals; and
16. The PERS provider must obtain and keep on file a copy of the most recently completed Patient Information form (DMAS-122). Until the PERS provider obtains a copy of the DMAS-122, the PERS provider must clearly document efforts to obtain the completed DMAS-122 from the personal care, respite care, CD services facilitation provider, or the ADHC provider.
- 12 VAC 30-120-990. Consumer-directed services: personal care and respite services.**
- A. Service description.
1. Consumer-directed personal care services and respite care services are comprised of hands-on care of either a supportive or health-related nature and may include, but are not limited to, assistance with activities of daily living, access to the community, monitoring of self-administration of medications or other medical needs, monitoring health status and physical condition, and personal care services provided in a work environment. Where the individual requires assistance with activities of daily living, and where specified in the plan of care, such supportive services may include assistance with instrumental activities of daily living. This service does not include skilled nursing services with the exception of skilled nursing tasks (i.e., catheterization) that may be delegated pursuant to the Virginia Administrative Code at 18 VAC 90-20-420 through 18 VAC 90-20-460.

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2. *Consumer-directed respite services are specifically designed to provide temporary, periodic, or routine relief to the unpaid, live-in, primary caregiver of an individual. This service may be provided in the individual's home or other community settings.*

3. *DMAS shall either provide for fiscal agent services or contract for the services of a fiscal agent for consumer-directed services. The fiscal agent will be reimbursed by DMAS (if the service is contracted) to perform certain tasks as an agent for the individual/employer who is receiving consumer-directed services. The fiscal agent will handle responsibilities for the individual for employment taxes. The fiscal agent will seek and obtain all necessary authorizations and approvals of the Internal Revenue Services in order to fulfill all of these duties.*

4. *Individuals choosing consumer-directed services must receive support from a CD Service Facilitator. This is not a separate waiver service, but is required in conjunction with consumer-directed services. The CD Service Facilitator is responsible for assessing the individual's particular needs for a requested CD service, assisting in the development of the plan of care, providing training to the individual and family/caregiver on his responsibilities as an employer, and providing ongoing support of the consumer-directed services. The CD Service Facilitator cannot be the individual, direct service provider, spouse, or parent of the individual who is a minor child, or a family/caregiver employing the aide.*

B. Criteria.

1. *In order to qualify for consumer-directed personal care services, the individual must demonstrate a need for personal care services as defined in 12 VAC 30-120-900.*

2. *Consumer-directed respite services may only be offered to individuals who have an unpaid primary caregiver living in the home who requires temporary relief to avoid institutionalization of the individual. Respite services are designed to focus on the need of the unpaid primary caregiver for temporary relief and to help prevent the breakdown of the unpaid primary caregiver due to the physical burden and emotional stress of providing continuous support and care to the individual.*

3. *DMAS will also pay, consistent with the approved plan of care, for personal care that the personal care aide provides to the enrolled individual to assist him at work or post-secondary school. DMAS will not duplicate services that are required as a reasonable accommodation as a part of the Americans with Disabilities Act (ADA) (42 USC §§ 12131 through 12165) or the Rehabilitation Act of 1973.*

a. *DMAS or the designated preauthorization contractor will review the individual's needs and the complexity of the disability, as applicable, when determining the services that will be provided to him in the workplace or post-secondary school or both.*

b. *DMAS will not pay for the personal care aide to assist the enrolled individual with any functions related to the individual completing his job or post-secondary school*

functions or for supervision time during work or school or both.

4. *Individuals who are eligible for consumer-directed services must have, or have a family/caregiver who has, the capability to hire and train their own personal care aides and supervise the aide's performance. If an individual is unable to direct his own care or is under 18 years of age, a family/caregiver may serve as the employer on behalf of the individual.*

5. *The individual, or if the individual is unable, a family/caregiver, shall be the employer of consumer-directed services and therefore shall be responsible for hiring, training, supervising, and firing personal care aides. Specific employer duties include checking of references of personal care aides, determining that personal care aides meet basic qualifications, and maintains copies of timesheets to have available for review by the CD service facilitator and the fiscal agent on a consistent and timely basis. The individual or family/caregiver must have a back-up plan for the provision of services in case the aide does not show up for work as expected or terminates employment without prior notice.*

C. Service units and limitations.

1. *The unit of services for consumer-directed respite services is one hour. Consumer-directed respite services are limited to a maximum of 720 hours per calendar year. Individuals who receive consumer-directed respite services, agency-directed respite services and/or facility-based respite services, may not receive more than 720 hours combined, regardless of service delivery method.*

2. *The unit of service for consumer-directed personal care services is one hour.*

D. *Provider qualifications. In addition to meeting the general conditions and requirements for home and community-based services participating providers as specified in 12 VAC 30-120-930, the CD services facilitator must meet the following qualifications:*

1. *To be enrolled as a Medicaid CD services facilitator and maintain provider status, the CD services facilitator shall have sufficient resources to perform the required activities. In addition, the CD services facilitator must have the ability to maintain and retain business and professional records sufficient to fully and accurately document the nature, scope, and details of the services provided.*

2. *It is preferred that the CD services facilitator possess, at a minimum, an undergraduate degree in a human services field or be a registered nurse currently licensed to practice in the Commonwealth. In addition, it is preferable that the CD services facilitator have at least two years of satisfactory experience in a human services field working with individuals who are disabled or elderly. The CD services facilitator must possess a combination of work experience and relevant education that indicates possession of the following knowledge, skills, and abilities. Such knowledge, skills and abilities must be documented on the CD services facilitator's application form, found in supporting documentation, or be observed during a job interview.*

Observations during the interview must be documented. The knowledge, skills, and abilities include:

a. Knowledge of:

(1) Types of functional limitations and health problems that may occur in individuals who are elderly or individuals with disabilities, as well as strategies to reduce limitations and health problems;

(2) Physical care that may be required by individuals who are elderly or individuals with disabilities, such as transferring, bathing techniques, bowel and bladder care, and the approximate time those activities normally take;

(3) Equipment and environmental modifications that may be required by individuals who are elderly or individuals with disabilities that reduce the need for human help and improve safety;

(4) Various long-term care program requirements, including nursing facility and assisted living facility placement criteria, Medicaid waiver services, and other federal, state, and local resources that provide personal care and respite services;

(5) Elderly or Disabled with Consumer-Direction waiver requirements, as well as the administrative duties for which the service facilitator will be responsible;

(6) Conducting assessments (including environmental, psychosocial, health, and functional factors) and their uses in services planning;

(7) Interviewing techniques;

(8) The individual's right to make decisions about, direct the provisions of, and control his consumer-directed services, including hiring, training, managing, approving time sheets, and firing an aide;

(9) The principles of human behavior and interpersonal relationships; and

(10) General principles of record documentation.

b. Skills in:

(1) Negotiating with individuals, family/caregivers and service providers;

(2) Assessing, supporting, observing, recording, and reporting behaviors;

(3) Identifying, developing, or providing services to individuals who are elderly or individuals with disabilities; and

(4) Identifying services within the established services system to meet the individual's needs;

c. Abilities to:

(1) Report findings of the assessment or onsite visit, either in writing or an alternative format for individuals who have visual impairments;

(2) Demonstrate a positive regard for individuals and their families;

(3) Be persistent and remain objective;

(4) Work independently, performing position duties under general supervision;

(5) Communicate effectively, orally and in writing; and

(6) Develop a rapport and communicate with individuals from diverse cultural backgrounds.

3. If the CD services facilitator is not a registered nurse, the CD services facilitator must inform the individual's primary health care provider that services are being provided and request consultation as needed.

4. Initiation of services and service monitoring.

a. For consumer-directed services, the CD services facilitator must make an initial comprehensive home visit to collaborate with the individual and family/caregiver to identify the needs, assist in the development of the plan of care with the individual or family/caregiver, and provide employee management training within seven days of the initial visit. The initial comprehensive home visit is done only once per provider upon the individual's entry into CD services. If the individual changes CD services facilitators, the new CD services facilitator must complete a reassessment visit in lieu of a comprehensive visit.

b. After the initial visit, the CD services facilitator will continue to monitor the plan of care on an as-needed basis, but in no event less frequently than quarterly for personal care. The CD services facilitator will review the utilization of consumer-directed respite services, either every six months or upon the use of 300 respite services hours, whichever comes first.

c. A CD services facilitator must conduct face-to-face meetings with the individual or family/caregiver at least every six months for respite services and quarterly for personal care to ensure appropriateness of any consumer-directed services received by the individual.

5. During visits with the individual, the CD services facilitator must observe, evaluate, and consult with the individual or family/caregiver, and document the adequacy and appropriateness of consumer-directed services with regard to the individual's current functioning and cognitive status, medical, and social needs. The CD services facilitator's written summary of the visit must include, but is not necessarily limited to:

a. Discussion with the individual or family/caregiver whether the service is adequate to meet the individual's needs;

b. Any suspected abuse, neglect, or exploitation and who it was reported to;

c. Any special tasks performed by the aide and the aide's qualifications to perform these tasks;

d. Individual's or family/caregiver's satisfaction with the service;

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- e. Any hospitalization or change in medical condition, functioning, or cognitive status; and*
- f. The presence or absence of the aide in the home during the CD services facilitator's visit.*
- 6. The CD services facilitator must be available to the individual or family/caregiver by telephone.*
- 7. The CD services facilitator must request a criminal record check and a sex offender record check pertaining to the aide on behalf of the individual and report findings of these records checks to the individual or the family/caregiver and the program's fiscal agent. If the individual is a minor, the aide must also be screened through the DSS Child Protective Services Central Registry (The criminal record check and DSS Child Protective Services Registry finding must be requested by the CD services facilitator prior to beginning CD services). Aides will not be reimbursed for services provided to the individual effective the date that the criminal record check confirms an aide has been found to have been convicted of a crime as described in § 37.1-183.3 of the COV or if the aide has a confirmed record on the DSS Child Protective Services Registry.*
- 8. The CD service facilitator shall review copies of timesheets during the face-to-face visits to ensure that the number of plan of care-approved hours are being provided and are not exceeded. If discrepancies are identified, the CD service facilitator must discuss these with the individual or family/caregiver to resolve discrepancies and must notify the fiscal agent.*
- 9. The CD services facilitator must maintain records of each individual. At a minimum these records must contain:*
 - a. Results of the initial comprehensive home visit completed prior to or on the date services are initiated and subsequent reassessments and changes to the supporting documentation.*
 - b. The personal care plan of care goals, objectives, and activities must be reviewed by the provider quarterly, annually, and more often as needed, and modified as appropriate. Respite plan of care goals, objectives, and activities must be reviewed by the provider annually and every six months or when 300 service hours have been used. For the annual review and in cases where the plan of care is modified, the plan of care must be reviewed with the individual.*
 - c. CD services facilitator's dated notes documenting any contacts with the individual, family/caregiver, and visits to the individual's home;*
 - d. All correspondence to and from the individual, the designated preauthorization contractor, and DMAS;*
 - e. Records of contacts made with the individual, family/caregiver, physicians, formal and informal service providers, and all professionals concerning the individual;*
 - f. All training provided to the aides on behalf of the individual or family/caregiver;*
 - g. All employee management training provided to the individual or family/caregiver, including the individual's or family/caregiver's receipt of training on their responsibility for the accuracy of the aide's timesheets;*
- h. All documents signed by the individual or the individual's family/caregiver that acknowledge the responsibilities as the employer; and*
- i. All copies of the completed Uniform Assessment Instrument (UAI), the Long-Term Care Preadmission Screening Authorization (DMAS-96), the Screening Team Plan of Care (DMAS-97B), all Consumer-Directed Personal Assistance Plans of Care (DMAS-97B), all Patient Information Forms (DMAS-122), the DMAS-95 Addendum, the Outline and Checklist for Consumer-Directed Recipient Comprehensive Training, and the Services Agreement Between the Consumer and the Services Facilitator.*
- 10. For consumer-directed personal care and consumer-directed respite services, individuals or family/caregivers will hire their own personal care aides and manage and supervise their performance. The aide must meet the following requirements:*
 - a. Be 18 years of age or older;*
 - b. Have the required skills to perform consumer-directed services as specified in the individual's supporting documentation;*
 - c. Be able to read and write in English to the degree necessary to perform the tasks expected;*
 - c. Possess basic math, reading, and writing skills;*
 - d. Possess a valid Social Security number;*
 - e. Submit to a criminal records check and, if the individual is a minor, consent to a search of the DSS Child Protective Services Central Registry. The aide will not be compensated for services provided to the individual if either of these records checks verifies the aide has been convicted of crimes described in § 37.1-183.3 of the COV or if the aide has a founded complaint confirmed by the DSS Child Protective Services Central Registry;*
 - f. Be willing to attend training at the individual's or family/caregiver's request;*
 - g. Understand and agree to comply with the DMAS Elderly or Disabled with Consumer Direction waiver requirements; and*
 - h. Receive periodic tuberculosis (TB) screening, cardiopulmonary resuscitation (CPR) training and an annual flu shot (unless medically contraindicated).*
- 11. Aides may not be the parents of individuals who are minors or the individuals' spouses or the family/caregivers that are directing the individual's care. Payment may not be made for services furnished by other family/caregivers living under the same roof as the individual being served unless there is objective written documentation as to why there are no other providers available to provide the care.*
- 12. Family/caregivers who are reimbursed to provide consumer-directed services must meet the aide qualifications.*

13. *If the individual is consistently unable to hire and retain the employment of a personal care aide to provide consumer-directed personal care or respite services, the CD services facilitator will make arrangements to have the services transferred to an agency-directed services provider, of the individual's choice, or to discuss with the individual or family/caregiver other service options.*

14. *The CD services facilitator is required to submit to DMAS biannually, for every individual, an individual progress report, the most recently updated UAI, and any monthly visit/progress reports. This information is used to assess the individual's ongoing need for Medicaid-funded long-term care and appropriateness and adequacy of services rendered.*

D. Individual responsibilities.

1. *The individual must be authorized for consumer-directed services and successfully complete management training performed by the CD services facilitator before the individual can hire a personal care aide for Medicaid reimbursement. Individuals who are eligible for consumer-directed services must have the capability to hire and train their own personal care aides and supervise aides' performance. Individuals with cognitive impairments who are unable to manage their own care may have a family/caregiver person may serve as the employer on behalf of the individual.*

2. *Individuals will acknowledge that they will not knowingly continue to accept consumer-directed personal care services when the service is no longer appropriate or necessary for their care needs and will inform the services facilitator. If consumer-directed services continue after services have been terminated by DMAS or the designated preauthorization contractor, the individual will be held liable for employee compensation.*

/s/ Mark R. Warner
Governor
Date: January 21, 2005

VA.R. Doc. No. R05-118; Filed January 27, 2005, 4:31 p.m.

AGENCY RESPONSE TO LEGISLATIVE OBJECTION

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

REGISTRAR'S NOTICE: In compliance with § 2.2-4014 of the Code of Virginia, Governor Mark R. Warner has responded to a legislative objection filed by the Joint Commission on Administrative Rules filed on November 2, 2004, which was published in 21:5 VA.R. 500-501 November 15, 2004.

Title of Regulation: 22 VAC 15-30. Standards for Licensed Child Day Centers.

Proposed Regulations Published: 20:4 VA.R. 303-334 November 3, 2003.

Legislative Objection Filed: November 2, 2004, by the Joint Commission on Administrative Rules.

January 11, 2005

The Honorable Frank W. Wagner
Chairman, Joint Commission on Administrative Rules
2nd Floor
General Assembly Building
Capitol Square
Richmond, Virginia 23219

Dear Senator Wagner:

Thank you for your letter, on behalf of the Joint Commission on Administrative Rules, regarding the child day center regulations. As you know, my administration supports these regulations. I feel particularly strongly about the enhanced child to staff ratios and other quality improvements provided by the regulations. The link between high quality early learning and later success in school and employment is compelling. I believe that Virginia has, therefore, an equally compelling interest in upgrading the care and learning environments that exert such a powerful influence on the current and future well-being of children, families, and the Commonwealth as a whole.

That said, I am sensitive to concerns by existing child day care center owners about the enhanced square footage requirements. I support enhancing these requirements for newly licensed providers. I feel it would be appropriate to allow owners to continue to meet the existing space requirements at currently licensed locations; however, they would meet the new space requirements should they construct new or expanded centers at any location. I have asked the Child Day Care Council and the Commissioner of Social Services to work together to revise the child day center regulations to make this change.

Thank you again for writing to me on this important issue. I look forward to continuing to work with your commission on regulatory issues.

/s/ Mark R. Warner
Governor

VA.R. Doc. No. R03-77; Filed January 31, 2005, 10:50 a.m.

GUIDANCE DOCUMENTS

Sections 2.2-4008 and 2.2-4103 of the Code of Virginia require annual publication in the *Virginia Register* of guidance document lists from state agencies covered by the Administrative Process Act and the Virginia Register Act. A guidance document is defined as "...any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations..." Agencies are required to maintain a complete, current list of all guidance documents and make the full text of such documents available to the public.

Generally, the format for the guidance document list is: document number (if any), title of document, date issued or last revised, and citation of Virginia Administrative Code regulatory authority or Code of Virginia statutory authority. Questions concerning documents or requests for copies of documents should be directed to the contact person listed by the agency.

DEPARTMENT OF ACCOUNTS

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the office of the Department of Accounts, 101 N. 14th Street, 2nd Floor, Richmond, Virginia 23219. Copies may be obtained free of charge by contacting Michael E. Rider at P.O. Box 1971, Richmond, VA 23218-1971, by calling (804) 225-3051, or by e-mail at michael.rider@doa.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to James W. Fisher, Director of Finance & Administration at (804) 225-3045 or e-mail at jim.fisher@doa.virginia.gov.

Guidance Documents:

Commonwealth Accounting Policies and Procedures (CAPP) manual, continuously updated. This document is a compendium of information that provides accounting guidance for state agencies and institutions.

Financial Statement Preparation for Agencies and Institutions, updated annually. There are two documents, one for agencies and one for institutions that provide financial statement preparation guidance.

Year End Closing Procedures, prepared annually. This document provides guidance to agencies and institutions regarding proper procedures for closing the state accounting year.

These documents are also available on DOA's web site located at <http://www.doa.virginia.gov/>

DEPARTMENT FOR THE AGING

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 5 p.m. in the office of the Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, VA 23229. Copies may be obtained free of charge by contacting Janet Honeycutt at the address above, telephone (804) 662-9341, FAX (804) 662-9354, or e-mail janet.honeycutt@vda.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Janet Honeycutt at the address above, telephone (804) 662-9341, FAX (804) 662-9354, or e-mail janet.honeycutt@vda.virginia.gov.

Guidance Documents:

State Plan for Aging Services: October 1, 2003 - September 30, 2007, effective October 1, 2003, revised June 19, 2003, implementing Title III and Title VII of the Older Americans Act of 1965 (as amended), § 2.2.703 A3

Title III and Title V Service Standards, revised October 1, 2003, interpreting 22 VAC 5-20-80

Care Coordination for Elderly Virginians Policies and Procedures Manual, August 15, 2003

Senior Community Services Employment Program (Title V), Plan Instruction, PY2004 issued July 1, 2004, extended by the Department of Labor until April 1, 2004

Cost Sharing/Fee for Service Policy, implementing Title III and Title VII of the Older Americans Act of 1965 (as amended), Section 315(a)(2), 315(a)(5), 315(c)(1), 315(c)(2), 315(a)(6) and 315(b)(4)(A); interpreting 12 VAC 5-200-110, 22 VAC 5-20-390

Virginia Long-Term Care Ombudsman Program Policies and Procedures Manual

Guidelines for a Client Appeals Process for Services Provided Under the Older Americans Act, implementing Title III and Title VII of the Older Americans Act of 1965 (amended), Section 306(a)(10) and Section 307(a)(5)(B), issued July 30, 2002

Title III-D Interim Guidelines, Issued March 2001

Minimum Procurement Guidelines, issued June 1, 2003

National Family Caregiver Support Program Guidelines, implementing Title III-E of the Older Americans Act of 1965 (as amended), Sections 306(a)(4)(A)(i), 306(a)(4)(B)(i)(I), 372(3), 373, 373(b) and interpreting 22 VAC 5-20-250, revised April 28, 2003

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Guidance documents are available at the Washington Building, 1100 Bank Street, Richmond, VA, or on the Regulatory Town Hall. (It is expected that later in 2005, they will be available in the Old Finance Building in Capitol Square.) For information about guidance documents of the Department of Agriculture and Consumer Services, including their interpretation, please contact:

Guidance Documents

For guidance documents relating to dairy and foods, contact Dr. David E. Cardin, at (804) 692-0601.

For guidance documents relating to agricultural stewardship, contact Mr. Roy E. Seward at (804) 786-3538.

For guidance documents relating to all other matters (including ginseng), contact Dr. Marvin Lawson at (804) 786-3534.

Costs associated with obtaining printed copies of these documents from the agency vary. Guidance documents are available electronically for no charge on the Town Hall.

Guidance documents pertaining to the agency - Department of Agriculture and Consumer Services

1113, Labeling of Cetane on Diesel Dispensers, 02/01/2000

1115, Guidelines for Approving Industrial Co-Products for Agricultural Use under the Virginia Fertilizer & Agricultural Liming Materials Laws, 07/01/1994

1116, What is a Package?, 02/01/2000

1744, Agricultural Stewardship Act Guidelines (Part 2), 07/01/2000

2552, Virginia Shipping Requirements for Package Bees and Queens, 11/21/2003

441, Food Safety Manual, 03/20/1998

Guidance documents pertaining to specific boards or regulations under Department of Agriculture and Consumer Services

Department of Agriculture and Consumer Services

441, Food Safety Manual, 03/20/1998

740, Dairy Services Procedure Manual, 12/18/2002

754, Food Inspection Field Operations Manual, 08/01/2002

750, Guidelines for the Virginia Ginseng Management Program, 11/09/2004

751, Virginia Cooperative Gypsy Moth Suppression Program, 2005 Guidelines, 09/01/2004

753, Invitation for Bids for the Cotton Boll Weevil Monitoring Program, 04/09/2003

1743, Agricultural Stewardship Act Guidelines (Part 1), 07/01/2000

1745, Agricultural Stewardship Act Guidelines (Part 2), 07/01/2000

Pesticide Control Board

702, Worker Protection Standard--Self Inspection Checklist, 09/01/1999

703, Interpreting PPE Standards on Pesticide Labels, 09/01/1999

704, Administrative Procedure for Processing Violations for Civil Penalty Assessment and Actions on Certificates, Licenses, and Registrations, 04/13/2000

705, USDA Restricted Use Pesticide Recordkeeping and WPS Pesticide Application Information Requirements, 12/01/1999

1303, Agents of the VA Cooperative Extension Program Proctoring Commercial Applicator Examinations, 05/05/2003

1304, Applicator Recertification Options; Approval Procedures for Recertification Courses, 05/25/2003

1305, Commercial Carpet Cleaners who Apply Pesticides for Flea and Tick Control, 05/05/2003

1306, Handling of Information Changes on Applications for Recertification, 05/05/2003

1307, Issuance of Duplicate Applicator Certificates and Business Licenses, 05/05/2003

1308, Requests for Lists of Certified Applicators; Licensed Pesticide Businesses, and/or Registered Pesticide Products, 05/20/2003

1309, Issuance, Use, and Handling of Letters of Authorization (LOA) to Take Commercial Pesticide Applicator Certification Examination, 03/26/2003

1310, Pesticide Applicator Reexamination Intervals, 05/05/2003

1311, How to Handle a Situation when a Person Applies for a Commercial Applicator Certificate and a Pesticide Business License at the Same Time, 05/05/2003

1312, Interpretation of Whether a Person Needs a Private Certificate or a Commercial Certificate to Engage in Producing Agricultural Commodities on Private Property, 05/05/2003

1313, How to Handle Requests for Reinstatement, without Reexamination, of Expired Certificates Beyond the 60-Day Grace Period, 05/05/2003

1314, Supervision of Registered Technicians (Including Government Employees and Not-for-Hire Individuals), 05/20/2003

1315, Answering Telephone Requests for Pesticide Applicator or Pesticide Business License Examination Scores, 05/05/2003

1316, Applicator Testing in Order to Recertify, 05/05/2003

VIRGINIA COMMISSION FOR THE ARTS

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Virginia Commission for the Arts, Lewis House, 2nd Floor, 223 Governor Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Lorraine Lacy at the same address, telephone (804) 225-3132, FAX (804) 225-4327 or e-mail arts@arts.virginia.gov. The document may be found on the Virginia Commission for the Arts home page (<http://www.arts.virginia.gov>).

Questions regarding interpretation or implementation of this document may be directed to Peggy Baggett, Executive

Director, at the address above, e-mail peggy.baggett@arts.virginia.gov

Guidance Document:

Guidelines For Funding, revised July 1, 2004 - June 30, 2006

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at fanbd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Young, Executive Director of the Board, at the address above or by telephone at (804) 662-9111. Copies are free of charge.

Guidance Documents:

30-1, Order for Board of Audiology and Speech-Language Pathology v. Eve. H. Silverstein, case decision on practice using Auditory Integration Training ("AIT"), May 15, 1997

30-2, By-Laws of the Board of Audiology and Speech-Language Pathology, May 20, 1999

30-3, Board guidance on use of confidential consent agreements, May 20, 2004

30-4, Board guidance for process of delegation of informal fact finding to an agency subordinate, November 4, 2004

30-5, Board guidance on meeting continuing competency requirements, May 15, 2003

30-6, Board guidance on licensure of applicant prior to the conferring of the academic degree, November 6, 2003

AUDITOR OF PUBLIC ACCOUNTS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Auditor of Public Accounts, 101 N. 14th Street, 8th Floor, Richmond VA 23219. Copies may be obtained by contacting Kim Via at P.O. Box 1295, Richmond, VA 23218; telephone (804) 225-3350 (ext. 360); or e-mail kwwia@apa.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to Kim Via, Auditor, Auditor of Public Accounts, telephone (804) 225-3350 (ext. 360) or e-mail kwwia@apa.state.va.us.

Guidance Documents:

Specification for Audits of Counties, Cities, and Towns, periodically updated. \$20.00 for manual. This document sets standards for audits of Virginia local governments as required by Section 15.2-167 of the Code of Virginia

Specification for Audits of Authorities, Boards, and Commissions. \$20.00 for manual or available electronically at no charge on the Internet at http://www.apa.state.va.us/localgvt/manuals_section/downloads/abcida.doc. This document sets standards for audits of Virginia governmental authorities, boards, and commissions as required by Section 30-140 of the Code of Virginia.

Uniform Financial Reporting Manual, periodically updated. \$20.00 for manual. This document provides reporting requirements for Virginia local governments to follow in the preparation and submission of their Comparative Report of Local Government Revenues and Expenditures transmittal forms. Section 15.2-2510 of the Code of Virginia requires this submission of data.

Virginia Sheriffs Accounting Manual. \$10.00 for manual. This document prescribes accounting procedures for funds collected by Virginia's sheriffs.

VIRGINIA STATE BAR

Copies of the following document may be viewed during regular work days from 8:15 a.m. until 4:45 p.m. in the office of the Virginia State Bar at 707 E. Main Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Cynthia Williams at the same address, telephone (804) 775-0530 or e-mail williams@vsb.org.

Questions regarding interpretation of the document may be directed to James McCauley, Ethics Counsel, Virginia State Bar, 707 E. Main Street, Richmond, VA 23219, telephone (804) 775-0565 or e-mail mccauley@vsb.org.

Guidance Document:

Unauthorized Practice of Law (UPL) Guidelines, issued June 1997, 15 VAC 5-80

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. at the administrative headquarters building of the Virginia Department for the Blind and Vision Impaired, 397 Azalea Avenue, Richmond, VA 23227. Please note that Policy and Procedures Directives are issued occasionally for the purpose of updating program service manuals. Copies of these documents, as well as those listed below, may be obtained at a cost of \$.10 per page by contacting William J. Pega at the same address, telephone (804) 371-3110, FAX (804) 371-3157 or e-mail william.pegadbvi.virginia.gov.

Questions regarding the interpretation or implementation of these documents may be directed to William J. Pega, Special Assistant to the Commissioner, Virginia Department for the Blind and Vision Impaired, Richmond, VA 23227, telephone (804) 371-3110, FAX (804) 371-3351 or e-mail william.pegadbvi.virginia.gov.

Guidance Documents

Guidance Documents:

Randolph-Sheppard Vending Facility Program Operators Manual, issued March 1992, 22 VAC 45-20

Rehabilitation Teaching and Independent Living Services Policy and Procedure Manual, revised October 2004, 22 VAC 45-70 and 22 VAC 45-80

Virginia Department for the Blind and Vision Impaired Library and Resource Application for Service, revised November 2003

Library and Resource Center Policy and Procedures Manual for Educators of the Visually Impaired, revised October 1999

Education Services Policy and Procedure Manual, revised September 2004, § 22.1-217

Virginia Rehabilitation Center for the Blind and Vision Impaired Operations Manual, revised November 2004, § 51.5-73

VRCBVI Student Handbook, revised October 2000

Vocational Rehabilitation Policies and Procedures Manual, revised September 2004, 22 VAC 45-50

Low Vision Policies and Procedures Manual, revised October 2001

Policy and Procedures Directives, issued periodically to update service program manuals

DEPARTMENT OF BUSINESS ASSISTANCE

Copies of the following documents may be viewed during regular workdays from 8 a.m. until 5 p.m. in the offices of the Virginia Department of Business Assistance, 707 E. Main Street, Suite 300, Richmond, Virginia 23219. Copies may be obtained free of charge by contacting Elizabeth J. Moran at the same address, telephone (804) 371-8260, FAX (804) 371-2115 or e-mail elizabeth.moran@dba.virginia.gov.

Questions regarding interpretation or implementation of the New Jobs Workforce Training Guidelines, the Small Business New Jobs Training Program and the Retraining Program may be directed to Preston Wilhelm, Director, Workforce Services, Department of Business Assistance, 707 East Main Street, Richmond, Virginia 23219, telephone (804) 371-8132, FAX (804) 371-8137, or e-mail preston.wilhelm@dba.virginia.gov.

Guidance Documents:

New Jobs Workforce Training Guidelines, revised September 2004

Small Business New Jobs Training Program Guidelines, revised September 2004

Retraining Program Guidelines, revised September 2004

Workforce Investment Act Retraining Program Guidelines, developed May 2003

CERTIFIED SEED BOARD

Copies of the following document may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Certified Seed Board, 330 Smyth Hall, Blacksburg, VA 24061. Copies may be obtained free of charge by contacting Dr. Steve Hodges at the same address, telephone (540) 231-9775 or FAX (540) 231-3431.

Questions regarding interpretation or implementation of this document may be directed to David Whitt, Agricultural Program Manager, 9142 Atlee Station Road, Mechanicsville, VA 23116, telephone (804) 746-4884 or FAX (804) 746-9447.

State Certified Seed Board Annual Report, 2000

State Certified Seed Board Annual Report, 2001

State Certified Seed Board Annual Report, 2002 - 2003

State Certified Seed Board Annual Report, 2004

CHRISTOPHER NEWPORT UNIVERSITY

Copies of the following documents may be viewed on regular working days from 8 a.m. to 5 p.m. in the offices noted and in the Captain John Smith Library at Christopher Newport University, 1 University Place, Newport News, VA 23606. The documents may be viewed on the Christopher Newport University website (<http://www.cnu.edu>).

Questions regarding interpretation or implementation of these documents may be directed to Ms. Margaret Yancey, Director of Development, and Special Assistant to the President, Christopher Newport University, 1 University Place, Newport News, VA 23606, telephone (757) 594-7942, FAX (757) 594-7713, or e-mail myancey@cnu.edu.

Guidance Documents:

University Handbook,
<http://www.cnu.edu/public/uhandbook/uhandbook05.pdf> -
Provost Office

Student Handbook,
http://www.cnu.edu/studentlife/pdf/student_handbook.pdf -
Student Life Office

Undergraduate Catalog,
<http://www.cnu.edu/undergrad/catalog.pdf> - Admissions Office

Graduate Catalog,
<http://www.cnu.edu/public/gradcat04/gradcat04.pdf> - Graduate Office

VIRGINIA CODE COMMISSION

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Terri Edwards at the same address, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail tedwards@leg.state.va.us. Internet addresses for accessing the documents are found below.

Questions regarding interpretation or implementation of these documents may be directed to Jane Chaffin, Registrar of Regulations, Virginia Code Commission, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625 or e-mail jchaffin@leg.state.va.us.

Guidance Documents:

Virginia Register Form, Style and Procedure Manual (<http://legis.state.va.us/codecomm/register/download.htm#manual>), revised August 1995, § 2.2-4104

Preparing and Filing Guidance Document Lists (<http://legis.state.va.us/codecomm/register/guidadoc.htm>), revised November 2004, §§ 2.2-4008 and 2.2-4103

Fast-Track Rulemaking Procedures (<http://legis.state.va.us/codecomm/register/download/2003FastTrackProcedure.htm>), effective July 2003, § 2.2-4012.1

DEPARTMENT OF CONSERVATION AND RECREATION

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the Office of the Director of the Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219. The Director's Office serves as the central repository for the Department of Conservation and Recreation, the Board of Conservation and Recreation, the Virginia Soil and Water Conservation Board, the Chesapeake Bay Local Assistance Board, the Virginia Cave Board, the Virginia Scenic River Board, the Chippokes Plantation Farm Foundation, the Virginia Land Conservation Foundation, and the Virginia Outdoors Foundation. Individual copies of listed publications may be obtained free of charge, unless a price is listed, by contacting the Regulatory Coordinator at the above address, telephone (804) 786-6124 or FAX (804) 786-6141. Most manuals and reports listed without a price attached were produced in very limited quantities and are available for copying charges. For documents with a cost associated, please refer to the document listings. Individual copies of certain documents may also be viewed at the department's divisional headquarters and in some cases at regional or district offices or at Virginia State Parks.

Questions regarding interpretation or implementation of these documents may be directed to David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-2291 or FAX (804) 786-6141. Other staff may be assigned by the director or Mr. Dowling to answer specific questions regarding these documents.

NOTE: An * in the document number indicates the document is not available on the Town Hall.

Guidance Documents:

Division of Dam Safety and Floodplain Management

DCR – DS – 001, Dam Safety Fact Sheet 1: Rodent Control on Earthfilled Dams, 04/01/1998

DCR – DS – 002, Dam Safety Fact Sheet 2: Vegetation Control for Embankment Dams, 03/01/1998

DCR – DS – 003*, The Floodplain Management Plan for the Commonwealth of Virginia, April 29, 1991 (plan with 3-ring binder), 1991 plan out of print, revised plan pending, §§ 10.1-658 and 10.1-659, cost: per page for copying 1991 Plan

DCR – DS – 004, Virginia's Floodplain Management Program, Fact Sheet No. 4: Effects of Non-Compliance in the National Flood Insurance Program, 12/01/2004

DCR – DS – 005, Virginia's Floodplain Management Program, Fact Sheet No. 5: Probation and Suspension from the National Flood Insurance Program, 12/01/2004

Division of Natural Heritage

DCR – NH – 001, Native Plants for Conservation, Restoration, and Landscaping, Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 002, Native Plants for Conservation, Restoration and Landscaping - Grasslands, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 003, Native Plants for Conservation, Restoration, and Landscaping, Mountain Region, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH -004, Native Plants for Conservation, Restoration, and Landscaping, Piedmont Region, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 005, Native Plants for Conservation, Restoration and Landscaping - Riparian Forest Buffers, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 006, Natural Areas Management Techniques – Fire and Natural Areas: An Overview, 06/01/1997 §§ 10.1-209 through 10.1-217

DCR – NH – 007, Natural Area Protection - Natural Area Dedication, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 008, Natural Area Protection - Natural Area Management Agreements, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 009, Natural Area Stewardship - Ecological Management, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 010, Natural Heritage Resources Fact Sheet - Conserving Virginia's Natural Communities ...Why? 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 011, Natural Heritage Resources Fact Sheet - Barrier Beaches, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 012, Natural Heritage Resources Fact Sheet - Groundwater Seepage Wetlands of the Coastal Plain and Piedmont, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 013, Natural Heritage Resources Fact Sheet - Tidal Freshwater Marshes, 06/01/1997, §§ 10.1-209 through 10.1-217

Guidance Documents

DCR – NH – 014, Natural Heritage Resources Fact sheet – Virginia's Rare Natural Environments: Baldcypress - Water Tupelo Swamps, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 015, Natural Heritage Resources Fact Sheet - Virginia's Rare Natural Environments: Pocosins, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 016, Natural Heritage Resources Fact Sheet - Virginia's Rare Natural Environments: Sea-level Fens, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 017, Natural Heritage Resources Fact Sheet - Virginia's Rare Natural Environments: Seasonal Ponds, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 018, Natural Heritage Resources Fact Sheet - Virginia's Rare Natural Environments: Turkey Oak Sandhills, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 019, Natural Resources Fact Sheet - Rare Odonates Found in Virginia's Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 020, Natural Resources Fact Sheet - Migratory Songbird Habitat in Virginia's Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 021, Natural Resources Fact Sheet - Rare Marsh Nesting Birds of Virginia's Coastal Plain, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 022, Natural Heritage Resources Fact Sheet - Purple Pitcher Plant, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 023, Natural Heritage Resources Fact Sheet - Sensitive Joint-vetch, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 024, Natural Heritage Resources Fact Sheet - Spreading Pogonia, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 025, Natural Heritage Resources Fact Sheet - Swamp Pink, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 026, Invasive Alien Plant Species of Virginia, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 027, Invasive Alien Plant Species of Virginia - Aneilema, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 028, Invasive Alien Plant Species of Virginia - Asiatic Sand Sedge, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 029, Invasive Alien Plant Species of Virginia - Bush Honeysuckles, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 030, Invasive Alien Plant Species of Virginia - Canada Thistle, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 031, Invasive Alien Plant Species of Virginia - Chinese Lespedeza, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 032, Invasive Alien Plant Species of Virginia - Crown Vetch, 06/01/1997 §§ 10.1-209 through 10.1-217

DCR – NH – 033, Invasive Alien Plant Species of Virginia - Eurasian Water-milfoil, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 034, Invasive Alien Plant Species of Virginia - Garlic Mustard, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 035, Invasive Alien Plant Species of Virginia - Japanese Honeysuckle, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 036, Invasive Alien Plant Species of Virginia - Johnson Grass, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 037, Invasive Alien Plant Species of Virginia - Kudzu, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 038, Invasive Alien Plant Species of Virginia - Mile-a-Minute, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 039, Invasive Alien Plant Species of Virginia - Multiflora Rose, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 040, Invasive Alien Plant Species of Virginia - Autumn Olive and Russian Olive, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 041, Invasive Alien Plant Species of Virginia - Oriental Bittersweet, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 042, Invasive Alien Plant Species of Virginia - Parrot's Feather, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 043, Invasive Alien Plant Species of Virginia - Porcelain Berry, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 044, Invasive Alien Plant Species of Virginia - Purple Loosestrife, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 045, Invasive Alien Plant Species of Virginia - Spotted Knapweed, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 046, Invasive Alien Plant Species of Virginia - Tall Fescue, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 047, Invasive Alien Plant Species of Virginia - Tree-of-Heaven, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 048, Invasive Alien Plant Species of Virginia - Winged Burning Bush, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 049, Invasive Alien Plant Species of Virginia - Alligatorweed, 06/01/1996, §§ 10.1-209 through 10.1-217

DCR – NH – 050, Invasive Alien Plant Species of Virginia - Chinese Privet, 01/01/1998, §§ 10.1-209 through 10.1-217

DCR – NH – 051, Invasive Alien Plant Species of Virginia - Hydrilla, 06/01/1996, §§ 10.1-209 through 10.1-217

DCR – NH – 052, Invasive Alien Plant Species of Virginia - Japanese Knotweed, 06/01/1996, §§ 10.1-209 through 10.1-217

DCR – NH – 053, Invasive Alien Plant Species of Virginia - Japanese Stilt Grass, 01/01/1998, §§ 10.1-209 through 10.1-217

DCR – NH – 054, Managing Invasive Alien Plants in Natural Areas, Parks, and Small Woodlands (booklet), 06/01/1998, §§ 10.1-209 through 10.1-217

DCR – NH – 055, Natural Heritage Resources of Virginia - Rare Vascular Plants, 04/01/2004, §§ 10.1-209 through 10.1-217

DCR – NH – 056, Natural Areas Protection - Natural Areas Registry, 06/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 057, Natural Heritage Resources Fact Sheet - Rare Beach - Nesting Birds of Virginia, 07/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 058, Natural Heritage Resources Fact Sheet - Virginia Sneezeweed, 07/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 059, Natural Heritage Information Services, 07/01/2003, §§ 10.1-209 through 10.1-217

DCR – NH – 060, Invasive Alien Plant Species of Virginia - Common Reed, 06/01/1996, §§ 10.1-209 through 10.1-217

DCR – NH – 061*, Natural Heritage Technical Document No. 95-9, North Landing River Natural Area Preserve Resource Management Plan, First Edition, February 15, 1995, §§ 10.1-209 through 10.1-217, cost: \$25 (spiral bound report, shipping and handling included)

DCR – NH – 062*, Natural Heritage Technical Document No. 95-10, Bethel Beach Natural Area Preserve Resource Management Plan, First Edition, February 15, 1995, §§ 10.1-209 through 10.1-217, cost: \$25 (spiral bound report, shipping and handling included)

DCR - NH -063*, Natural Heritage Ranks – Definition of Abbreviations Used on Natural Heritage Resource Lists of the Virginia Department of Conservation and Recreation, May 1996, §§ 10.1-209 through 10.1-217

DCR – NH – 064*, Natural Heritage Resources of Virginia - Rare Animal Species, Natural Heritage Technical Report 03-04, 03/01/2003, §§ 10.1-209 through 10.1-217

DCR – NH – 065*, The Natural Communities of Virginia: Classification of Ecological Community Groups – Second Approximation, Natural Heritage Technical Report 04 – 01, January 2004, §§ 10.1-209 through 10.1-217

DCR – NH – 066*, Natural Heritage Resource Fact Sheet - Conserving Endangered Species (brochure), 07/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 067*, Native Plants for Conservation, Restoration and Landscaping - Master List (comb-bound booklet), 07/01/1997, §§ 10.1-209 through 10.1-217

DCR – NH – 068*, Virginia Natural Heritage Program Twelve Year Report, 06/01/1998, §§ 10.1-209 through 10.1-217

DCR – NH – 069*, Canoe Trail Guide - Alton's Creek, North Landing River Natural Area Preserve (brochure), 03/01/1998, §§ 10.1-209 through 10.1-217

DCR – NH – 070*, Canoe Trail Guide - Pocaty Creek, North Landing River Natural Area Preserve (brochure), 03/01/1998, §§ 10.1-209 through 10.1-217

DCR – NH – 071*, Bull Run Mountains Natural Area Preserve Resource Management Plan, First Edition, 2004, §§ 10.1-209 through 10.1-217, cost: \$25 (spiral bound report, shipping and handling included)

DCR – NH – 072*, Chub Sandhill Natural Area Preserve Resource Management Plan, First Edition, 2004, §§ 10.1-209 through 10.1-217, cost: \$25 (spiral bound report, shipping and handling included)

DCR – NH – 073*, Chotank Creek Natural Area Preserve Resource Management Plan, First Edition, 2004, §§ 10.1-209 through 10.1-217, cost: \$25 (spiral bound report, shipping and handling included)

Division of Planning and Recreation Resources

DCR – PRR – 001*, 2002 Virginia Outdoors Plan, 2002 (a plan for meeting Virginia's outdoor recreational needs and conserving the environment (a 445 page document)), §§ 10.1-200 and 10.1-207, cost: \$20 plus \$7 for shipping and handling – CD Rom version available for \$10 plus \$1 shipping and handling

DCR – PRR – 002*, Virginia Recreational Trails Fund Program, December 2004 (project application for the grant program established for the purposes of providing and maintaining recreational trails and trails-related facilities), § 10.1-200

DCR – PRR – 003*, Virginia Outdoors Fund Grant Program, December 2004 (describes the Virginia Outdoors Fund Grant Program and provides appropriate application instructions and forms), § 10.1-200

DCR – PRR – 004*, Virginia Outdoors Fund Revolving Loan Program, December 1992 (to facilitate the availability of outdoor recreation areas and facilities for all political jurisdictions in the Commonwealth of Virginia), Item 406, Chapter 893, Acts of Assembly of 1992

DCR – PRR – 006*, Two page briefing on the Scenic River program and a list of the current components of the Virginia Scenic Rivers System, §§ 10.1-400 and 10.1-402

DCR – PRR – 007*, Evaluation Criteria (evaluating and ranking of streams according to relative uniqueness or quality), § 10.1-401

DCR – PRR – 008*, The Goose Creek Scenic River Advisory Board (brochure describing board responsibilities to state and county governments), §§ 10.1-400, 10.1-402 and 10.1-411

DCR – PRR – 009*, Open Space Land Within the Shenandoah River Corridor and Use-Value Assessment, §§ 10.1-417 and 58.1-3230

DCR – PRR – 010*, Bear Creek State Park Master Plan, reviewed by the Board of Conservation and Recreation on

Guidance Documents

September 6, 2002, and adopted by Joseph H. Maroon, December 6, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 011*, Belle Isle State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998. The master plan was given a 5-year review by the Board of Conservation and Recreation on November 4, 2004 and was renewed by Joseph H. Maroon on December 16, 2004, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 012*, Caledon Natural Area Master Plan, reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998. The master plan was given a 5-year review by the Board of Conservation and Recreation on November 4, 2004 and was renewed by Joseph H. Maroon on December 16, 2004, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 013*, Chippokes State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 2, 1999, adopted by David G. Brickley, May 16, 2000, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 014*, Claytor Lake State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 12, 2000, and adopted by David Brickley, March 6, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 015*, Douthat State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998. The master plan was given a 5-year review by the Board of Conservation and Recreation on November 4, 2004 and was renewed by Joseph H. Maroon on December 16, 2004, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 016*, False Cape State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998. The master plan was given a 5-year review by the Board of Conservation and Recreation on November 4, 2004 and was renewed by Joseph H. Maroon on December 16, 2004, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 017*, First Landing State Park Master Plan, reviewed by the Board of Conservation and Recreation on September 27, 1999, and adopted by David G. Brickley, November 15, 1999, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 018*, Hungry Mother State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 12, 2000, and adopted by David G. Brickley, March 6, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 019*, James River State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998. The master plan was given a 5-year review by the Board of Conservation and Recreation on November 4, 2004 and was renewed by Joseph H. Maroon on December 16, 2004, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 020*, Kiptopeke State Park Master Plan, reviewed by the Board of Conservation and Recreation on

December 12, 2000, and adopted by David G. Brickley, March 11, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 021*, Lake Anna State Park Master Plan, reviewed by the Board of Conservation and Recreation on November 30, 2001, and adopted by David G. Brickley, January 8, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 022*, Mason Neck State Park Master Plan, reviewed by the Board of Conservation and Recreation on November 7, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 023*, New River Trail State Park Master Plan, reviewed by the Board of Conservation and Recreation on April 26, 1999, and adopted by David G. Brickley, November 15, 1999, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 024*, Natural Tunnel State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 2, 1999, and adopted by David G. Brickley, May 16, 2000, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 025*, Occoneechee State Park Master Plan, reviewed by the Board of Conservation and Recreation on November 7, 2002, and adopted by Joseph H. Maroon, June 9, 2003, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 026*, Pocahontas State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998. The master plan was given a 5-year review by the Board of Conservation and Recreation on November 4, 2004 and was renewed by Joseph H. Maroon on December 16, 2004, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 027*, Raymond R. "Andy" Guest Jr./Shenandoah River State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 12, 2000, and adopted by David G. Brickley, March 11, 2001, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 028*, Sailor's Creek State Park Master Plan, reviewed by the Board of Conservation and Recreation on September 6, 2002, and adopted by Joseph H. Maroon, December 4, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 029*, Sky Meadows State Park Master Plan, reviewed by the Board of Conservation and Recreation on November 7, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 030*, Smith Mountain Lake State Park Master Plan, reviewed by the Board of Conservation and Recreation on November 7, 2002, and adopted by Joseph H. Maroon, June 6, 2003, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 031*, Staunton River Battlefield State Park Master Plan, reviewed by the Board of Conservation and Recreation on December 7, 1998, and adopted by David G. Brickley, December 29, 1998, §§ 10.1-107, 10.1-200 and 10.1-200.1

DCR – PRR – 032*, Wilderness Road State Park Master Plan (formerly Karlan State Park), reviewed by the Board of Conservation and Recreation on June 30, 1998, and December 7, 1998, and adopted by David G. Brickley, on July

2, 1998, and December 14, 1998, updated March 21, 2002, §§ 10.1-107, 10.1-200 and 10.1-200.1

Division of Soil and Water Conservation

DCR – SW – 003*, Virginia Erosion and Sediment Control Handbook, Third Edition, 1992, 4 VAC 5-30, §§ 10.1-560 through 10.1-571, cost: \$53 (shipping and handling included)

DCR – SW – 004*, Virginia Erosion and Sediment Control Field Manual, Second Edition, 1995, 4 VAC 5-30, §§ 10.1-560 through 10.1-571, cost: \$25 (shipping and handling included)

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DCR – SW – 008*, Virginia Nutrient Management Certification Education and Experience Guidelines, June 1997, 4 VAC 5-15-40 A

DCR – SW – 009*, Virginia Nutrient Management Application Instruction Packet, October 1997, 4 VAC 5-15-40 A 1

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DCR – SW – 011*, Nutrient Management Handbook, Third Edition, 2002, 4 VAC 5-15, cost: \$13 (shipping and handling included)

DCR – SW – 012*, DCR Staff Guidance for Biosolids Use Regulations Site Reviews, October 1996, 12 VAC 5-585

DCR – SW – 013*, DCR Staff Guidance for VPA Permit Nutrient Management Plans, October 2000, 9 VAC 25-192

DCR – SW – 014*, DCR Guidance for Crop Nutrient Recommendations for Hay/Pasture Fields, January 2001, 4 VAC 5-15-150

DCR – SW – 015*, DCR Guidance for Fall Applied Manure Nitrogen Rates for Small Grains, February 2001, 4 VAC 5-15-150

DCR – SW – 016*, DCR Guidance for Manure Storage Facilities for Nutrient Management Plans Developed for a VPA Permit, January 2001, 9 VAC 25-192

DCR – SW – 017*, DCR Guidance for Voluntary Nutrient Management Plans Developed for Non-permitted Operations Having Insufficient Manure Storage, January 2001, 4 VAC 5-15-150

DCR – SW – 018*, DCR Guidance for Phosphorus Nutrient Management Planning Requirements of the Poultry Waste Management Act, August 2001, 9 VAC 25-630-70

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DCR – SP – 001, Virginia State Parks, Bear Creek Lake State Park Guide, revised 09/01/2003, §§ 10.1-200 and 10.1-201

DCR – SP – 002, Virginia State Parks, Belle Isle State Park Guide, 05/01/1995, §§ 10.1-200 and 10.1-201

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DCR – SP – 004, Virginia State Parks, Chippokes Plantation State Park, 06/01/2003, §§ 10.1-200 and 10.1-201

DCR – SP – 005, Virginia State Parks, Claytor Lake State Park Guide, 06/01/2002, §§ 10.1-200 and 10.1-201

DCR – SP – 006, Virginia State Parks, Douthat State Park Facilities Guide, 10/01/2003, §§ 10.1-200 and 10.1-201

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DCR – SP – 008, Virginia State Parks, Fairy Stone State Park Facilities Guide, 10/01/2003, §§ 10.1-200 and 10.1-201

DCR – SP – 009, Virginia State Parks, False Cape State Park Guide, 04/01/1993, §§ 10.1-200, 10.1-201, and 10.1-205

DCR – SP – 010, Virginia State Parks, First Landing State Park and Natural Area Trail Guide, 07/01/1996, §§ 10.1-200 and 10.1-201

DCR – SP – 011, Virginia State Parks, Grayson Highlands State Park Guide, 04/01/2003, §§ 10.1-200 and 10.1-201

DCR – SP – 012, Virginia State Parks, Holliday Lake State Park Guide, 11/01/1996, §§ 10.1-200 and 10.1-201

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DCR – SP – 023, Sailor's Creek, 72 Hours Before the End, 03/01/1996, §§ 10.1-200 and 10.1-201

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DCR – SP – 025, Shot Tower Historical State Park, 09/01/1998, §§ 10.1-200 and 10.1-201

DCR – SP – 026, Virginia State Parks, Sky Meadows State Park Guide, 05/01/1996, §§ 10.1-200 and 10.1-201

DCR – SP – 027, Virginia State Parks, Smith Mountain Lake State Park Guide, 06/01/2000, §§ 10.1-200 and 10.1-201

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DCR – SP – 052*, Virginia State Parks, Lake Anna State Park Guide Fortune's Wheel, A history of the land surrounding Lake Anna State Park, §§ 10.1-200 and 10.1-201

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DCR – CBLA – 001, 1989 Atty. Gen. Ann. Rep, at 32 (to Delegate John G. Dicks, III, regarding vested rights), October 19, 1989, § 10.1-2115

DCR – CBLA – 002, 1990 Atty. Gen. Ann. Rep, at 33 (to Prince William County Attorney Sharon E. Pandak, regarding septic system requirements), August 10, 1990, 9 VAC 10-20-120 (7)

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DCR – CBLA – 005, 2001 Attorney General Opinion (letter to Michael D. Clower, CBLAD Executive Director) regarding the authority of the Chesapeake Bay Local Assistance Board to institute legal action to enforce the Chesapeake Bay Preservation Act and associated regulations, November 26, 2001, §§ 10.1-2103.10 and 10.1-2104, and 9 VAC 10-20-250

DCR – CBLA – 006, 2002 Attorney General Opinion (letter to Leslie Kiduff, Jr., County Attorney for Northumberland County) regarding Equal Protection Clause of the Constitution of the United States, October 30, 2002, 9 VAC 10-20-120 and 9 VAC 10-20-130(5)

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DCR – CBLA – 008, Board Document and Checklist: Local Program Compliance Evaluation Procedures, September 16, 2002

DCR – CBLA – 009, Board Determination of Consistency Regarding Local Designation of Resource Protection Areas, February 1992, 9 VAC 10-20-80

DCR – CBLA – 010, Procedural Policies for Local Program Review Policy, amended March 19, 2001, 9 VAC 10-20-231

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DCR – CBLA – 013, Board Guidance Document: Resource Protection Area – Onsite Buffer Area Delineation, September 16, 2002, 9 VAC 10-20-105

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DCR – CBLA – 015, Board Guidance Document: Stormwater Management Requirements, September 16, 2002, 9 VAC 10-20-120 (8)

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DCR – CBLA – 017, Board Guidance Document: Exceptions, September 16, 2002, 9 VAC 10-20-150 C

DCR – CBLA – 018, Board Guidance Document: Nonconforming Structures and Uses, September 16, 2002, 9 VAC 10-20-150 A

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DCR – CBLA – 019, Board Guidance Document: Determinations of Water Bodies with Perennial Flow, September 15, 2003, 9 VAC 10-20-105

DCR – CBLA – 020, Board Guidance Document: Resource Protection Areas: Permitted Development Activities, September 15, 2003, 9 VAC 10-20-130

DCR – CBLA – 021, Board Guidance Document: Administrative Procedures for the Designation and Refinement of Chesapeake Bay Preservation Area Boundaries, September 15, 2003, 9 VAC 10-20-60

DCR – CBLA – 022, Guidance Manual: Riparian Buffers Modification & Mitigation Manual, September 15, 2003, 9 VAC 10-20-130 (5a)

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DCR – CBLA – 024, Letter to Henrico County, March 3, 2000, regarding the location of fences in the RPA, 9 VAC 10-20-130

DCR – CBLA – 025, Letter to Hanover County, April 20, 2000, regarding the location of fences in the RPA, 9 VAC 10-20-130

DCR – CBLA – 026, Letter to Mr. Robert Moses, June 16, 2000, regarding the exemption for public roads and appurtenant structures, 9 VAC 10-20-150 B

DCR – CBLA – 027, Letter to Northampton County, August 28, 2000, regarding removal of buffer vegetation for fire protection, 9 VAC 10-20-130 B

DCR – CBLA – 028, Letter to Fairfax County, October 10, 2000, regarding the exemption for public roads and appurtenant structures, 9 VAC 10-20-150 B

DCR – CBLA – 029, Letter to Chesterfield County, February 13, 2001, regarding stormwater management requirements for redevelopment, 9 VAC 10-20-120

DCR – CBLA – 030, Letter to York County, February 16, 2001, regarding clarification of water dependent facilities, redevelopment and expansion of nonconforming structures, 9 VAC 10-20

DCR – CBLA – 031, Letter to James City County, February 22, 2001, regarding agricultural land uses, 9 VAC 10-20

DCR – CBLA – 032, Letter to City of Hampton, February 28, 2001, regarding removal of buffer vegetation, 9 VAC 10-20-130 B

DCR – CBLA – 033, Letter to Spotsylvania County, July 12, 2001, regarding onsite designation of RPA features, 9 VAC 10-20-110 B

DCR – CBLA – 034, Letter to Northampton County, October 23, 2001, regarding removal of vegetation through the use of herbicides in buffer, 9 VAC 10-20-130 B

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DCR – CBLA – 037, Letter to HRPDC, January 23, 2002, regarding IDAs, 9 VAC 10-20-100

DCR – CBLA – 038, Letter to City of Norfolk, January 24, 2002, regarding effective date of RPA buffer revisions, 9 VAC 10-20-130

DCR – CBLA – 039, Letter to Fairfax County, February 11, 2002, regarding appurtenant structures of sewage treatment facilities, 9 VAC 10-20-150 B

DCR – CBLA – 040, Letter to City of Poquoson, March 15, 2002, regarding an exception request, 9 VAC 10-20-150 C

DCR – CBLA – 041, Letter to City of Poquoson, April 3, 2002, regarding permitted activities in RPAs, 9 VAC 10-20-130

DCR – CBLA – 042, Letter to York County, May 14, 2002, regarding an exception request, 9 VAC 10-20-150 C

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DCR – CBLA – 044, Letter to City of Poquoson, July 9, 2002, regarding an exception request, 9 VAC 10-20-150 C

DCR – CBLA – 045, Letter to City of Poquoson, July 9, 2002, regarding tidal ditches, 9 VAC 10-20-80

DCR – CBLA – 046, Letter to Caroline County, September 19, 2002, regarding BMPs in RPAs, 9 VAC 10-20-130 (1 e)

DCR – CBLA – 047, Letter to City of Poquoson, September 19, 2002, regarding an exception request, 9 VAC 10-20-150 C

DCR – CBLA – 048, Letter to James City County, April 25, 2003, regarding a silvicultural violation, 9 VAC 10-20-120 (9)

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DCR – CBLA – 052, Letter to Department of Environmental Quality, December 9, 1994, regarding delineation of RPA adjacent to new marina basin, 9 VAC 10-20-80

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DCR – CBLA – 055, Letter to Mathews County, February 14, 1996, regarding application of septic system reserve drainfield requirement, 9 VAC 10-20-120 (7)

DCR – CBLA – 056, Letter to the Town of Smithfield, April 29, 1997, regarding fences within RPA buffers, 9 VAC 10-20-130

DCR – CBLA – 057, Letter to Middlesex County, June 12, 1998, regarding buffer modifications, 9 VAC 10-20-130 B

DCR – CBLA – 058, Letter to Stafford County, November 16, 1998, regarding onsite RPA delineation, clarification of tributary streams, 9 VAC 10-20-110 B

DCR – CBLA – 059, Letter to James City County, November 30, 1998, regarding buffer modification and mitigation, 9 VAC 10-20-130 B

DCR – CBLA – 060, Letter to Arlington County, February 4, 1999, regarding buffer encroachment by cantilevers, 9 VAC 10-20-130 B

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DCR – CBLA – 063, Letter to Chesterfield County, October 8, 1999, regarding buffer violation, 9 VAC 10-20-130 B

DCR – CBLA – 064, Letter to Caroline County, October 14, 1999, regarding expansion of RPA due to created wetlands, 9 VAC 10-20-80 B and 9 VAC 10-20-110 B

DCR – CBLA – 065*, Letter to Stafford County, September 19, 2002, regarding BMPs in RPAs, 9 VAC 10-20-130 (1 e), 2 pages

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DCR-CBLA – 068, Letter to Hanover County, February 25, 2004, regarding grandfathering and vesting issues, § 10.1-2115, 2 pages

DCR-CBLA – 069, Letter to all Tidewater Administrators, Mayors and Town and City Managers, April 14, 2004, regarding stream and wetland restoration in RPAs and vesting issues, 9 VAC 10-20-130 (1 b) and § 15.2-2307, 3 pages

DCR-CBLA – 070, Letter to City of Norfolk, April 22, 2004, regarding drainage ditches, 9 VAC 10-20-130 (1 e), 2 pages

DCR-CBLA – 071, Letter to Hanover County, May 5, 2004, regarding grandfathering provisions, § 15.2-2307, 2 pages

DCR-CBLA – 072, Letter to Prince William County, June 2, 2004, regarding vesting and grandfathering issues, § 15.2-2307, 4 pages

DCR-CBLA – 073, Letter to Mr. Billy Wood, private citizen, June 9, 2004, regarding formal exceptions, 9 VAC 10-20-150 C, 2 pages

DCR-CBLA – 074, Letter to York County, June 14, 2004, regarding buffer protection, 9 VAC 10-20-130 (3), 2 pages

DCR-CBLA – 075, Letter to City of Hampton, June 23, 2004, regarding IDAs, 9 VAC 10-20-100, 4 pages

DCR-CBLA – 076, Letter to Prince William County, October 1, 2004, regarding exemption for private roads and drives, 9 VAC 10-20-130 (1 d), 3 pages

DCR-CBLA – 077, Letter to Mr. Benard Levey, private citizen, November 30, 2004, regarding septic tanks in RPAs, 9 VAC 10-20-130 (4), 1 page

DCR-CBLA – 078, Letter to Town of Vienna, December 2, 2004, regarding IDAs, 9 VAC 10-20-100, 2 pages

DCR-CBLA – 079, Letter to USACE, December 8, 2004, regarding filling of RPA wetlands, 9 VAC 10-20-130 (1) and 9 VAC 10-20-130 (3), 2 pages

Chippokes Plantation Farm Foundation

DCR – CPFF – 001*, General Information for Board Members (3-ring notebook), May 1997, §§ 3.1-22.6 through 3.1-22.12, cost: per page copying

DCR – CPFF – 002*, Chippokes Farm and Forestry Museum brochure, 1992, §§ 3.1-22.6 through 3.1-22.12

DCR – CPFF – 003*, Chippokes Calendar of Events brochure, §§ 3.1-22.6 through 3.1-22.12

DCR – CPFF – 004*, Group Tour Guide, Chippokes Plantation State Park, §§ 3.1-22.6 through 3.1-22.12

DCR – CPFF – 005*, Teachers' Program Guide, Chippokes Farm and Forestry Museum, §§ 3.1-22.6 through 3.1-22.12

DCR – CPFF – 006*, Volunteering at the Chippokes Farm & Forestry Museum, 2002, §§ 3.1-22.6 through 3.1-22.12

Virginia Cave Board

DCR – VCB – 001*, General Information for Board Members (3-ring notebook), May 2000, §§ 10.1-1000 through 10.1-1008, cost: per page copying

Virginia Land Conservation Foundation

DCR – VLCF – 001*, General Information for Board Members (3-ring notebook), August 2003, §§ 10.1-1017 through 10.1-1026, cost: per page copying

DCR – VLCF – 002*, Virginia Land Conservation Foundation's 2005 Virginia Land Conservation Fund Grant Program, November 2004 (provides grants for fee simple title to and interest in real property for land conservation purposes in specified categories of open space and parks, natural area protection, historic area protection and farmlands and forest preservation), §§ 10.1-1017 through 10.1-1026

Virginia Outdoors Foundation

DCR – VOF – 001, Easement Donation Guidelines, 12/01/2002, §§ 10.1-1800 through 10.1-1804

DCR – VOF – 002, Easement Approval Guidelines, 04/01/2004, §§ 10.1-1800 through 10.1-1804

Guidance Documents

DCR – VOF – 003, Template Conservation Easement, 10/01/2004, §§ 10.1-1800 through 10.1-1804

DCR – VOF – 004, Open-Space Lands Preservation Trust Fund, 06/01/1997, §§ 10.1-1800 through 10.1-1804

DCR – VOF – 005, Open-Space Easements in Virginia, 06/01/2001, §§ 10.1-1800 through 10.1-1804

DCR – VOF – 006*, General Information for Board Members (3-ring notebook), May 1997, §§ 10.1-1800 through 10.1-1804, cost: per page copying

DCR – VOF – 007*, Open-Space Lands Preservation Trust Fund Application (to be completed by the landowner), 1997, §§ 10.1-1800 through 10.1-1804

DCR – VOF – 008*, Summary Ranking Sheet for Open Space Preservation Trust Fund, 1997, §§ 10.1-1800 through 10.1-1804

Virginia Scenic River Board

DCR – VSRB – 001*, General Information for Board Members (3-ring notebook), October 2003, §§ 10.1-400 through 10.1-419, cost: per page copying

Virginia Soil and Water Conservation Board

DCR – VSWCB – 001*, General Information for Board Members (3-ring notebook), October 2003, §§ 10.1-502 through 10.1-505, cost: per page copying

DCR – VSWCB – 002, Virginia Soil & Water Conservation Board Policy on Financial Assistance for Soil & Water Conservation Districts, October 15, 2003, §§ 10.1-502 through 10.1-505

DCR – VSWCB – 003, Financial Commitments for Establishment of a New Soil and Water Conservation District (SWCD/district), or Realignment of an Existing District, October 15, 2003

STATE CORPORATION COMMISSION

Office of the Clerk of the Commission

Copies of the following forms and documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the State Corporation Commission, Clerk's Office, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218-1197. Copies may be obtained free of charge by contacting the Clerk's Office by telephone at (804) 371-9733 or toll-free in Virginia, (866) 722-2551, or FAX (804) 371-9654. The forms may be downloaded from the Clerk's Office section on the State Corporation Commission's Home page (www.scc.virginia.gov).

Questions regarding interpretation or implementation of these forms/documents may be directed to Joel H. Peck, Clerk of the Commission, State Corporation Commission, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219, telephone (804) 371-9834 or toll-free in Virginia, (866) 722-

2551, or FAX (804) 371- 9654. The mailing address is P.O. Box 1197, Richmond, VA 23218-1197.

Guidance Documents:

SCC21.2, Expedited Service Request – Business Entity Filing, October 2004, § 12.1-21.2

SCC544, Articles of Incorporation - Professional Corporation, revised May 2002, § 13.1-544

SCC607/807, Guide for Articles of Correction, revised July 2003, §§ 13.1-607 and 13.1-807

SCC615/815, Notice of Assessment of Registration Fee, revised annually, §§ 13.1-615 and 13.1-815

SCC619, Articles of Incorporation of a Virginia Stock Corporation, revised February 2003, § 13.1-619

SCC631/830, Application for Reservation or for Renewal of Reservation of a Corporate Name, revised January 2003, §§ 13.1-631 and 13.1-830

SCC632/831, Application for Registration or for Renewal of Registration of a Corporate Name (foreign corporations), revised July 2003, §§ 13.1-632 and 13.1-831

SCC635/834, Statement of Change of Registered Office and/or Registered Agent of a Corporation, revised July 2003, §§ 13.1-635 and 13.1-834

SCC636/835, Statement of Resignation of Registered Agent of a Corporation, revised July 2003, §§ 13.1-636 and 13.1-835

SCC710, Guide for Articles of Amendment - Stock Corporation, revised September 2003, § 13.1-710

SCC710N, Articles of Amendment – Changing the Name of a Virginia Stock Corporation By Unanimous Consent of the Shareholders, revised September 2003, § 13.1-710

SCC720, Guide for Articles of Merger or Share Exchange - Stock Corporation, revised June 2002, § 13.1-720

SCC722.4, Guide for Articles of Domestication (Foreign stock corporation to be domesticated as a Virginia corporation), revised July 2003, § 13.1-722.4

SCC722.5, Guide for Articles of Incorporation Surrender (Virginia stock corporation to be domesticated under the laws of another jurisdiction), revised July 2002, § 13.1-722.5

SCC722.12 – CORP, Guide for Articles of Entity Conversion (Virginia limited liability company converting to a Virginia corporation), revised July 2004, § 13.1-722.12

SCC722.12 – LLC, Guide for Articles of Entity Conversion (Virginia corporation converting to a Virginia limited liability company), revised July 2004, § 13.1-722.12

SCC743, Articles of Dissolution - Stock Corporation, revised October 2004, § 13.1-743

SCC744, Articles of Revocation of Dissolution - Stock Corporation, revised June 2002, § 13.1-744

SCC750, Articles of Termination of Corporate Existence - Stock Corporation, revised October 2004, § 13.1-750

- SCC751, Articles of Termination of Corporate Existence - By the Initial Directors or the Incorporators - Stock Corporation, revised October 2004, § 13.1-751
- SCC759/921, Application for a Certificate of Authority to Transact Business in Virginia, revised July 2004, §§ 13.1-759 and 13.1-921
- SCC760/922, Application for an Amended Certificate of Authority to Transact Business in Virginia, revised October 2001, §§ 13.1-760 and 13.1-922
- SCC767/929, Application for a Certificate of Withdrawal of a Foreign Corporation Authorized to Transact Business in Virginia, revised October 2004, §§ 13.1-767 and 13.1-929
- SCC819, Articles of Incorporation - Virginia Nonstock Corporation, revised July 2003, § 13.1-819
- SCC888, Guide for Articles of Amendment - Nonstock Corporation, revised June 2002, § 13.1-888
- SCC896, Guide for Articles of Merger - Nonstock Corporation, revised June 2002, § 13.1-896
- SCC898.4, Guide for Articles of Domestication (Foreign nonstock corporation to be domesticated as a Virginia corporation), revised July 2003, § 13.1-898.4
- SCC898.5, Guide for Articles of Incorporation Surrender (Virginia nonstock corporation to be domesticated under the laws of another jurisdiction), revised July 2003, § 13.1-898.5
- SCC904, Articles of Dissolution - Nonstock Corporation, revised October 2004, § 13.1-904
- SCC905, Articles of Revocation of Dissolution - Nonstock Corporation, revised June 2002, § 13.1-905
- SCC912, Articles of Termination of Corporate Existence - Nonstock Corporation, revised October 2004, § 13.1-912
- SCC913, Articles of Termination of Corporate Existence by the Initial Directors or the Incorporators - Nonstock Corporation, revised October 2004, § 13.1-913
- SCC1, Corporate Annual Report of Principal Office and Officers/Directors, revised annually, §§ 13.1-775 and 13.1-936
- LPA-73.3, Application for Reservation or for Renewal of Reservation of Limited Partnership Name, revised January 2003, § 50-73.3
- LPA-73.5, Statement of Change of Registered Office and/or Registered Agent of a Limited Partnership, revised July 2003, § 50-73.5
- LPA-73.6, Statement of Resignation of Registered Agent of a Limited Partnership, revised May 2002, § 50-73.6
- LPA-73.11, Certificate of Limited Partnership, revised July 2004, § 50-73.11
- LPA-73.12, Certificate of Amendment to Certificate of Limited Partnership, revised July 2004, § 50-73.12
- LPA-73.13, Certificate of Cancellation of a Domestic Limited Partnership, revised June 2002, § 50-73.13
- LPA-73.54, Application for Registration of a Foreign Limited Partnership, revised July 2004, § 50-73.54
- LPA-73.57, Certificate of Correction for a Foreign Limited Partnership, revised July 2004, § 50-73.57
- LPA-73.58, Cancellation of Certificate of Registration of a Foreign Limited Partnership, revised May 2002, § 50-73.58
- LPA-73.67, Notice of Assessment of Registration Fee, revised annually, § 50-73.67
- LPA-73.77, Amended and Restated Certificate of Limited Partnership, revised July 2004, § 50-73.77
- LLC-1010.1, Articles of Organization for Conversion of a Domestic or Foreign Partnership or Limited Partnership to a Limited Liability Company, revised July 2004, § 13.1-1010.1
- LLC-1011, Articles of Organization of a Domestic Limited Liability Company, revised July 2004, § 13.1-1011
- LLC-1011.1, Guide for Articles of Correction to the Articles of Organization of a Domestic Limited Liability Company, July 2004, § 13.1-1011.1
- LLC-1013, Application for Reservation or Renewal of Reservation of Limited Liability Company Name, revised January 2003, § 13.1-1013
- LLC-1014, Guide for Articles of Amendment to Amend and/or Restate the Articles of Organization of a Domestic Limited Liability Company, revised July 2004, § 13.1-1014
- LLC-1014N, Guide for Articles of Amendment – Changing the Name of a Virginia Limited Liability Company, July 2004, § 13.1-1014
- LLC-1016, Statement of Change of Registered Office and/or Registered Agent of a Limited Liability Company, revised September 2004, § 13.1-1016
- LLC-1017, Statement of Resignation of Registered Agent of a Limited Liability Company, revised June 2002, § 13.1-1017
- LLC-1050, Certificate of Cancellation of a Domestic Limited Liability Company, revised September 2004, § 13.1-1050
- LLC-1050.1, Articles of Reinstatement of a Domestic Limited Liability Company (Voluntarily Canceled), August 2003, § 13.1-1050.1
- LLC-1052, Application for Registration as a Foreign Limited Liability Company, revised July 2004, § 13.1-1052
- LLC-1055, Certificate of Correction for a Foreign Limited Liability Company, revised June 2002, § 13.1-1055
- LLC-1056, Certificate of Cancellation of a Certificate of Registration to Transact Business in Virginia as a Foreign Limited Liability Company, revised October 2003, § 13.1-1056
- LLC-1062, Notice of Assessment of Registration Fee, revised annually, § 13.1-1062
- LLC-1103, Articles of Organization for a Domestic Professional Limited Liability Company, revised May 2004, § 13.1-1103

Guidance Documents

UPA-93, Statement of Partnership Authority, revised July 2004, § 50-73.93

UPA-94, Statement of Denial for a Partnership, revised October 2001, § 50-73.94

UPA-115, Statement of Dissociation from a Partnership, revised July 2003, § 50-73.115

UPA-121, Statement of Dissolution of a Partnership, revised July 2003, § 50-73.121

UPA-83D-CANC, Cancellation of Partnership Statement (of any statement filed), revised October 2001, § 50-73.83 D

UPA-83D-AMEND, Amendment of Partnership Statement (of any statement filed), revised October 2001, § 50-73.83 D

UPA-83D-RENEW, Renewal of a Statement of Partnership Authority, revised July 2003, § 50-73.83 D

UPA-125, Certificate of Limited Partnership of a Partnership Converting to a Limited Partnership, revised July 2004, § 50-73.125

UPA-132, Statement of Registration as a Domestic Registered Limited Liability Partnership, revised July 2003, § 50-73.132

UPA-134, Annual Continuation Report of a Domestic or Foreign Registered Limited Liability Partnership, revised June 2002, § 50-73.134

UPA-135, Certificate of Change of Registered Office and/or Registered Agent of a Registered Limited Liability Partnership, revised July 2003, § 50-73.135

UPA-135-RESIGN, Certificate of Resignation of Registered Agent of a Registered Limited Liability Partnership, revised June 2002, § 50-73.135

UPA-136, Statement of Amendment of a Statement of Registration of a Domestic or Foreign Registered Limited Liability Partnership, revised September 2003, § 50-73.136

UPA-137, Statement of Cancellation of a Statement of Registration of a Domestic Registered Limited Liability Partnership, revised March 2003, § 50-73.137

UPA-138, Statement of Registration as a Foreign Registered Limited Liability Partnership, revised July 2004, § 50-73.138

UPA-139, Statement of Cancellation of Registration as a Foreign Registered Limited Liability Partnership, revised October 2001, § 50-73.139

BTA1212, Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1212

BTA1213, Guide for Articles of Correction to the Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1213

BTA1215, Application for Reservation or for Renewal of Reservation of a Business Trust Name, revised October 2003, § 13.1-1215

BTA1216, Guide for Articles of Amendment to the Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1216

BTA1217, Guide for Articles of Restatement of the Articles of Trust of a Domestic Business Trust, revised October 2003, § 13.1-1217

BTA1221, Statement of Change of Registered Office and/or Registered Agent of a Business Trust, revised October 2003, § 13.1-1221

BTA1222, Statement of Resignation of Registered Agent of a Business Trust, revised October 2003, § 13.1-1222

BTA1238, Articles of Cancellation of a Domestic Business Trust, revised October 2003, § 13.1-1238

BTA1239, Articles of Reinstatement of a Domestic Business Trust (Voluntarily Canceled), revised October 2003, § 13.1-1239

BTA1242, Application for Registration as a Foreign Business Trust, revised July 2004, § 13.1-1242

BTA1245, Certificate of Correction for a Foreign Business Trust, revised October 2003, § 13.1-1245

BTA1246, Articles of Cancellation of a Certificate of Registration as a Foreign Business Trust, revised October 2003, § 13.1-1246

SOP-19.1, Service of Process, Notice, Order or Demand on the Clerk of the State Corporation Commission as Statutory Agent, revised May 2004, § 12.1-19.1

Charter/Entrance Fee and Annual Registration Fee Schedule, revised July 2002, §§ 13.1-615.1, 13.1-616, 13.1-775, 13.1-775.1, 13.1-815.1, 13.1-816, 13.1-936, and 13.1-936.1

Business Registration Guide, A Cooperative Effort by the State Corporation Commission, the Virginia Employment Commission and the Department of Taxation, 7th Edition, revised 2004

General Fee Schedule, revised July 2002

Name Distinguishability, revised February 1991, §§ 13.1-630 and 13.1-829

Notice to Virginia Corporations, July 2004, § 13.1-601 et seq., § 13.1-801 et seq.

Notice to Foreign Corporations, July 2004, § 13.1-757 et seq., § 13.1-919 et seq.

Notice to Virginia Limited Liability Companies, July 2004, § 13.1-1000 et seq.

Notice to Foreign Limited Liability Companies, July 2004, § 13.1-1051 et seq.

Division of Communications

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in office of the Division of Communications, State Corporation Commission, 9th Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained by contacting Ms. Judy Shapard at the same address, telephone (804) 371-9421, FAX (804) 371-9069 or e-mail

(Judy.Shapard@scc.virginia.gov). Questions regarding interpretation or implementation of these documents may also be directed to Ms. Judy Shapard. There is no charge for copies of documents.

Guidance Documents:

Operating Service Criteria for Virginia Telephone Utilities, revised 1985, Guidelines For Telecommunications Companies Operating In The State of Virginia Under The Jurisdiction of The Virginia State Corporation Commission, Supplemented By Rules At 20 VAC 5-400-80.

Letter, Director of Communications, dated October 25, 1990, Advising All Companies That All Local and Toll Billing Must Be Kept For A Minimum of Three Years.

Letter, Director of Communications, dated October 21, 1997, Advising All Telecommunications Companies That: (1) No Applicant Can Be Refused Telephone Service Because of Another Person's Indebtedness, And (2) A Utility May Not Disconnect Local Service For Nonpayment of International And/Or Interstate Dial-A-Porn/Pay-Per-Call Telephone Charges Billed By A Regulated Or Nonregulated Long Distance Carrier Since These Are Nonregulated Services.

Letter, Director of Communications, dated August 17, 1999, Concerning and Clarifying the State Corporation Commission's new rules, effective October 1, 1999, on Disconnection of Local Exchange Telephone Service in Virginia for Nonpayment, 20 VAC 5-400-151 (currently 20 VAC 5-413-10).

Letter, Director of Communications, dated April 19, 2001, Concerning Interconnection Agreements Filed with the SCC. It gives direction on (i) names on agreements, (ii) timely filing of agreements, (iii) notice requirements, and (iv) replacing existing agreements.

Letter, Director of Communications, dated December 16, 2004, Concerning Annual Payphone Service Provider Registration for 2005 including the letter and the forms for the payphone service provider annual registration.

Letter, Director of Communications, dated December 16, 2004, Concerning Annual Operator Service Provider Registration for 2005 including the letter and the forms for the operator service provider annual registration.

Division of Economics and Finance

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Division of Economics and Finance, State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained free of charge by contacting Freida Bomgardner at the same address, telephone (804) 371-9295, FAX (804) 371-9935 or e-mail econfin@scc.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Howard Spinner, Director of the Division of Economics and Finance, State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street,

Richmond, VA 23219, telephone (804) 371-9295, FAX (804) 371-9449 or e-mail econfin@scc.virginia.gov. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

Interest Rate to be Paid on Customer Deposits, revised December 31, 2003, 20 VAC 5-10-20, updated annually

Electric Utility Resource Planning Information Requirements, revised December 5, 2001, § 56-234.3

Gas Utility Five-Year Forecast Information Requirements, revised September 17, 1998, § 56-248.1

Filing Securities Applications by Investor-Owned Utilities Instructions, revised June 20, 2000, § 56-60

Filing Securities Applications by Electric Cooperative Utilities Instructions, revised June 20, 2000, § 56-60

Instructions for Submitting Annual Financing Plans by Investor-Owned Utilities, revised June 20, 2000, § 56-56

Instructions for Submitting Annual Financing Plans by Electric Cooperative Utilities, June 20, 2000, § 56-56

Division of Energy Regulation

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the SCC's Division of Energy Regulation, 4th Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained at a charge of \$1.00 each for the first two pages and \$.50 for each page thereafter. Contact Sandy Estes at the same address, telephone number (804) 371-9611, FAX (804) 371-9350 or e-mail Sandy.Estes@scc.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Tim Faherty, Manager, Consumer Services, at the above address and telephone number.

Guidance Documents:

Memorandum to All Electric Utilities re: Underground electric distribution facilities, July 10, 1970, § 56-265.1 et seq., 2 pages

Memorandum to All Electric Utilities re: Utility Facilities Act, July 14, 1972, § 56-265.1 et seq., 21 pages

Letter to electric, gas, telephone, water and sewer utilities re: Filing of Complaint Procedures, April 29, 1977, § 56-247.1, 4 pages

Guidelines re: application requirements for a certificate of public convenience and necessity for water and sewerage utilities, October 17, 1988, § 56-265.1 et seq., 2 pages

Tree Trimming Guidelines, September 1, 1996, House Joint Resolution No. 155 - 1989 Acts of Assembly, 1 page

Guidelines of Minimum Requirements for Transmission Line Applications, May 10, 1991, §§ 56-46.1 and 56-265.1 et seq., 22 pages

Guidance Documents

Letter to all electric and gas utilities re: collection of monthly bills (cold weather - termination of service), November annually, § 56-247.1, 1 page

Letter to electric cooperatives re: tree trimming items required to be compiled on an annual basis, February 26, 1990, House Joint Resolution No. 155 - 1989 Acts of Assembly, 2 pages

Letter to electric companies re: data required annually for tree trimming for utility line clearance, December 8, 1993, House Joint Resolution No. 155 - 1989 Acts of Assembly, 1 page

Bureau of Financial Institutions

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Bureau of Financial Institutions, Tyler Building, 8th Floor, 1300 E. Main Street, Richmond, VA 23219. The mailing address is P.O. Box 640, Richmond, VA 23218-0640. Copies may be obtained free of charge by contacting Mary Lou Kelly at the same address, telephone (804) 371-9659, FAX (804) 371-9416 or e-mail Mary.Kelly@scc.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to E. J. Face, Jr., Commissioner of Financial Institutions, Bureau of Financial Institutions, Tyler Building, 8th Floor, 1300 E. Main Street, Richmond, VA 23219, telephone (804) 371-9659, FAX (804) 371-9416 or e-mail bfquestions@scc.virginia.gov. The mailing address is P.O. Box 640, Richmond, VA 23218-0640.

Guidance documents and other information are available online at the Bureau's website: <http://www.scc.virginia.gov/division/banking>.

Guidance Documents:

BFI-AL-0201, Application for a Branch Office, revised and reissued July 1, 1999, §§ 6.1-39.3 and 6.1-194.26

BFI-AL-0202, Investments by Banks in Shares of Investment Companies, issued August 10, 1987, § 6.1-60.1

BFI-AL-0203, Loans Secured by Stock of Financial Institutions Holding Company, revised January 22, 1996, §§ 6.1-60.1, 6.1-194.69 and 6.1-194.136

BFI-AL-0204, Investment in Community Development Corporations, issued September 8, 1988, § 6.1-60.1

BFI-AL-0205, Securities Rating Services, issued June 21, 1978, § 6.1-61

BFI-AL-0206, Loans in Violation of Section 6.1-61, issued December 16, 1977, § 6.1-61

BFI-AL-0207, Obligations Subject to the Limits Specified, issued November 1, 1978, § 6.1-61

BFI-AL-0208, Exceptions to Lending Limits for State-Chartered Banks, issued December 16, 1977, §§ 6.1-61 A(2) and 6.1-61 A(7)

BFI-AL-0209, Right of Offset by Holders of Subordinated Bank Debt, issued November 9, 1981, §§ 6.1-61 and 6.1-78

BFI-AL-0210, Loans Secured by Real Estate, revised and reissued March 21, 1994, §§ 6.1-63 through 6.1-66

BFI-AL-0211, Graduated-Payment Mortgage Loans, revised and reissued November 2, 1987, § 6.1-63 B

BFI-AL-0212, Outside Auditor Access to Virginia Examination Reports, revised and reissued September 30, 2002, §§ 6.1-90 and 6.1-194.79

BFI-AL-0214, Responsibility of Directors for Legal Lending Limit Violations, issued May 7, 1991, § 6.1-61 D

BFI-AL-0215, Bank-Owned Life Insurance, revised and reissued April 1, 2004, §§ 6.1-6, 6.1-11, 13.1-627 A 14, 13.1-627 A 15, and 38.2-302 A 3

BFI-AL-0301, Investment in Capital Stock of USL Savings Institutions Insurance Group, Ltd., issued February 12, 1987, §§ 6.1-194.4 and 6.1-194.69, subdivision 15

BFI-AL-0303, Investment by Virginia Savings Institutions in Shares of Open-end Management Investment Companies, issued August 12, 1987, § 6.1-194.69, subdivision 14

BFI-AL-0401, Investments of Funds by State-Chartered Credit Unions, revised and reissued May 17, 1999, § 6.1-225.57

BFI-AL-0601, Sales of Automobile Club Memberships, revised and reissued September 30, 2002, § 6.1-267

BFI-AL-0701, Judgment Rate of Interest; Excessive Deferments, revised and reissued September 30, 2002, § 6.1-330.54

BFI-AL-0702, Charges on Subordinate Mortgage Loans by Certain Lenders, revised and reissued January 20, 2004, § 6.1-330.71

BFI-AL-0703, Rebate of Unearned Installment Loan Interest by Banks--Rule of 78, revised July 1, 1990, §§ 6.1-330.84, 6.1-330.85, 6.1-330.86 and 6.1-330.89

BFI-AL-1601, Mortgage Brokers as Named Payee on Mortgage Loan Notes, revised and reissued July 21, 2004, § 6.1-409

BFI-AL-1603, Compensating, or Offering to Compensate, Unlicensed Mortgage Brokers, issued July 3, 1990, § 6.1-409

BFI-AL-1604, Funds Available to Licensed Mortgage Lenders for Business Operation, issued March 21, 1991, §§ 6.1-415 and 6.1-425

BFI-AL-1605, Compensation of Unlicensed Mortgage Brokers, revised and issued September 30, 2002, § 6.1-429

BFI-AL-1606, Charging "Assignment Fees" to Borrowers, revised and reissued September 30, 2002, § 6.1-330.70

BFI-AL-1607, Fees Charged by Mortgage Brokers, issued December 1, 1995, § 6.1-422 B 4

BFI-AL-1608, Exemption from Chapter 16 for Subsidiaries and Affiliates of Certain Depository Institutions, issued November 9, 1998, § 6.1-411

BFI-AL-1609, Minimum Mortgage Lender and Broker Surety Bond, issued May 22, 2001, § 6.1-413

BFI-AL-1610, Prepayment Penalties in Alternative Mortgage Transactions, issued February 18, 2004, §§ 6.1-330.83 and 6.1-330.85

BFI-AL-1801, Prohibition on Additional Security for Payday Loans, issued February 24, 2004, § 6.1-459

"The Compliance Connection," a newsletter for consumer finance companies and mortgage lenders and brokers, published quarterly

"The Credit Union Reflection," a newsletter for state chartered credit unions, published quarterly

"The Virginia State Banker," a newsletter for state-chartered banks, published quarterly

"The Payday Pre\$\$," a newsletter for payday lenders, published on an as-needed basis

Forms and Instructions:

CCB-1117, Bank Directors Responsibilities Certification, revised December 1999

CCB-1121, Application of a New Bank or a New Savings and Loan Association for a Certificate of Authority to Begin Business in Virginia, revised December 2004

CCB-1122, Oath of Office for Single Director

CCB-1123, Personal Financial Report and Disclosure Statement, revised December 2004

CCB-1124, Application to Acquire a Virginia Bank Pursuant to Title 6.1, Chapter 14 of the Code of Virginia, revised January 2002

CCB-1125, Application to Establish a Branch, revised January 2002

CCB-1126, Application to Change the Location of a Main Office or Branch Pursuant to Title 6.1 of the Code of Virginia, revised January 2002

CCB-1127, Application by a Bank to Engage in the Trust Business Pursuant to Title 6.1, Chapter 2, Article 3 of the Code of Virginia, revised January 2002

CCB-1128, Application for Approval of Merger Pursuant to Title 6.1 of the Code of Virginia, revised December 2004

CCB-1129, Application of a Subsidiary Trust Company for a Certificate of Authority to Begin Business Pursuant to Title 6.1, Chapter 2, Article 3.1 of the Code of Virginia, revised January 2002

CCB-1131, Application of an Interim Institution to Begin Business in Virginia, revised January 2002

CCB-1133, Application to Establish an EFT Terminal, revised January 2002

CCB-1137, Application for Permission to Acquire Voting Shares of a Virginia Financial Institution Pursuant to Chapter 13 of Title 6.1 of the Code of Virginia, revised January 2002

CCB-1137A, Consent to Service of Process, revised June 1996

CCB-1138, Notice of Intent to Acquire a Bank Outside Virginia Pursuant to § 6.1-406 of the Code of Virginia, revised January 2002

CCB-1139, Application to Acquire a Virginia Bank Holding Company or Virginia Bank Pursuant to Title 6.1, Chapter 15 of the Code of Virginia, revised January 2002

CCB-1140, Oath of Office of Organizing Directors of Financial Institutions, revised December 1999

CCB-1143, Limited Personal Financial Disclosure Statement Information, revised December 2004

CCB-1144, Application of a Bank Holding Company to Acquire a Federal Savings Institution Pursuant to § 6.1-194.40 of the Code of Virginia, revised January 2002

CCB-1146, Application to Convert Pursuant to Title 6.1 of the Code of Virginia, revised December 2004

CCB-1147, Certification Form for Interagency Biographical and Financial Report, revised April 1998

CCB-1148, Personal Information and Disclosure Statement for Directors of Nonprofit Credit Counseling Agencies, revised December 2004

CCB-1149, Depository Institution Authorization Form

CCB-1150, Employment and Business Affiliation Disclosure Form

CCB-2201, Application to Establish a Savings Institution Branch, revised January 2002

CCB-2206, Savings Institution Directors Responsibilities Certification, revised December 1999

CCB-2207, Application of a Savings Institution Holding Company for Acquisition of Control Pursuant to § 6.1-194.87 of the Code of Virginia and 10 VAC 5-30, revised January 2002

CCB-2209, Application by an Out-of-State Savings Institution to Transact a Savings Institution Business in Virginia Pursuant to Title 6.1, Chapter 3.01, Article 5 of the Code of Virginia, revised January 2002

CCB-2210, Application to Acquire a Virginia Savings Institution Holding Company or Virginia Savings Institution Pursuant to Title 6.1, Chapter 3.01, Article 11 of the Code of Virginia, revised January 2002

CCB-2211, Notice of Intent to Acquire a Savings Institution Outside Virginia Pursuant to § 6.1-194.105 of the Code of Virginia, revised January 2002

CCB-2212, Notice of Proposed Change of Location of a Main Office or Branch of a Savings Institution Pursuant to Title 6.1, Chapter 3.01 of the Code of Virginia, revised January 2000

CCB-2213, Notice of Intent to Establish a Non-Depository Office by a Savings Institution Pursuant to § 6.1-194.26 of the Code of Virginia, revised January 2002

CCB-2215, Application for a Certificate of Authority to Begin Business as a Savings Bank Pursuant to Title 6.1, Chapter 3.01, Article 12 of the Code of Virginia, revised January 2002

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CCB-3302, Application for Permission to Establish and Operate a Credit Union Pursuant to § 6.1-225.14 of the Code of Virginia, revised January 2002

CCB-3304, Consent to Service of Process (Insurer of Shares), revised September 1996

CCB-3305, Application by an Out-of-State Credit Union to Conduct Business as a Credit Union in Virginia Pursuant to § 6.1-225.61 of the Code of Virginia, revised January 2002

CCB-3306, Application for Approval of Merger of Credit Unions Pursuant to § 6.1-225.27 of the Code of Virginia, revised January 2002

CCB-3307, Application of a Credit Union to Establish a Service Facility Pursuant to § 6.1-225.20 of the Code of Virginia, revised January 2002

CCB-3308, Credit Union Request for Field of Membership Expansion Pursuant to § 6.1-225.23:1 of the Code of Virginia, revised January 2002

CCB-4401, Annual Report of a Consumer Finance Company

CCB-4402, Application for a Consumer Finance License Pursuant to § 6.1-256.1 of the Code of Virginia, revised December 2004

CCB-4403, Notice to Conduct Consumer Finance Business and Other Business at Same Location, revised January 2002

CCB-4406, Notice of Intent to Change the Location of a Consumer Finance Office, revised January 2002

CCB-4407, Application for an Additional Office Pursuant to § 6.1-256.1B of the Consumer Finance Act, revised January 2002

CCB-5500, Application for a License to Engage in the Money Transmission and/or Money Order Business Pursuant to Title 6.1, Chapter 12 of the Code of Virginia, revised December 2004

CCB-5501, Surety Bond for Money Order Sales, revised December 1999

CCB-5507, Annual Report of Money Order Sellers and Money Transmitters for the Year Ending December 31

CCB-5508, Surety Bond for Money Transmission, revised August 2000

CCB-5509, Surety Bond for Money Order Sales and Money Transmission, revised December 1999

CCB-5510, Check Cashier Registration Form, revised August 2003

CCB-5511, Transaction Report of Money Order Sellers and Money Transmitters for the Semi-Annual Period

CCB-5512, Money Order Sellers and Money Transmitters Quarterly Transaction Report Form

CCB-5513, Deposit Agreement Under Virginia Code Title 6.1, Chapter 12 (Money Order Sales), revised August 1996

CCB-5514, Application for Permission to Acquire Control of a Money Order Seller/Money Transmitter Licensee Pursuant to § 6.1-378.2 of the Code of Virginia, January 2002

CCB-5515, Application for a Payday Lender License Pursuant to Chapter 18 of Title 6.1 of the Code of Virginia, revised December 2004

CCB-5516, Surety Bond Pursuant to § 6.1-448 of the Code of Virginia

CCB-5517, Application for an Additional Office or Relocation of an Existing Office Pursuant to the Payday Lender Act, revised August 2002

CCB-5518, Application for Permission to Acquire Control of a Payday Lender Licensee Pursuant to § 6.1-452 of the Code of Virginia

CCB-5519, Application to Conduct the Business of Making Payday Loans and Other Business at the Same Location

CCB-5521, Annual Report of Payday Lenders

CCB-6602, Annual Report of Industrial Loan Associations

CCB-7700, Application to Engage in the Business of a Non-Profit Credit Counseling Agency Pursuant to Title 6.1, Chapter 10.2 of the Code of Virginia, revised December 2004

CCB-7702, Application for an Additional Office or the Relocation of an Existing Office Pursuant to the Nonprofit Credit Counseling Act, revised May 2004

CCB-7703, Surety Bond Pursuant to § 6.1-363.5 of the Code of Virginia

CCB-8802, Surety Bond Pursuant to § 6.1-413 of the Virginia Code, revised December 1999

CCB-8804, Application for a Mortgage Lender and/or Mortgage Broker License Pursuant to Chapter 16 of Title 6.1 of the Code of Virginia, revised December 2004

CCB-8805, Annual Report of Mortgage Lenders and Brokers

CCB-8808, Application for Permission to Acquire Control of a Mortgage Lender and/or Broker Licensee Pursuant to § 6.1-416.1 of the Code of Virginia, January 2002

CCB-8809, Application for an Additional Office or Relocation of an Existing Office Pursuant to the Mortgage Lender and Broker Act, January 2002

CCB-8810, Application for Additional Authority For a Mortgage Lender or Mortgage Broker Pursuant to Chapter 16 of Title 6.1 of the Code of Virginia, revised December 2004

CCB-8811, Application for Exclusive Agent Qualification Pursuant to Chapter 16 of Title 6.1 of the Code of Virginia, revised January 2002

CCB-9905, Application to Establish a Trust Office, revised January 2002

Bank Directors Responsibilities Bureau of Financial Institutions State Corporation Commission Commonwealth of Virginia, revised November 1996

Bureau of Insurance

Copies of the following documents may be viewed during regular workdays from 8:15 a.m. until 4:30 p.m. in the office of the State Corporation Commission Bureau of Insurance, Tyler Building, 6th Floor, 1300 East Main Street, Richmond, Virginia 23219. The mailing address is P.O. Box 1157, Richmond, Virginia 23218. For general information call the Bureau of Insurance (Bureau) at (804) 371-9741 or for in-state calls use the toll free number (800) 552-7945.

Questions regarding interpretation or implementation of these documents may be directed to Van Tompkins, Special Assistant to the Commissioner of Insurance. Single copies of each document listed may be obtained free of charge by contacting Ms. Tompkins at the Bureau's mailing address, by telephone (804) 371-9694 or by FAX (804) 371-9873. Many of these documents are available online at the Bureau's Web Site <http://www.scc.virginia.gov/division/boi>.

Administrative Letters:

Administrative Letter 1977-3, Insurance Problems Encountered by Handicapped or Disabled Persons, issued March 7, 1977

Administrative Letter 1977-4, 1977 Insurance Legislation, issued April 15, 1977

Administrative Letter 1977-5, Readable Insurance Policies - Automobile, Fire, and Homeowners Policies, issued May 9, 1977, §§ 38.2-2107 (formerly § 38.1-367.1) and 38.2-2224 (formerly § 38.1-387.1)

Administrative Letter 1977-6, 1977 Acts of the General Assembly of Virginia, issued May 9, 1977, §§ 38.2-2201 (formerly § 38.1-380.1), 38.2-2202 (formerly § 38.1-380.2) and 46.2-465 (formerly § 46.1-497.1)

Administrative Letter 1977-7, Assignment of Driving Record Points, issued May 9, 1977, § 38.2-1904 (formerly § 38.1-279.33)

Administrative Letter 1977-8, 1977 Acts of the General Assembly of Virginia, issued May 12, 1977, §§ 38.2-2118 (formerly § 38.1-279.49:1), 38.2-2204 (formerly § 38.1-381), 38.1-389.3 (Repealed 1996) and 38.2-2807 (formerly § 38.1-781)

Administrative Letter 1977-9, 161 Private Passenger Car Class Plan, issued May 26, 1977, §§ 38.2-1904 (formerly § 38.1-279.33), 38.2-1910 (formerly § 38.1-279.38) and 38.2-2213 (formerly § 38.1-381.6)

Administrative Letter 1977-10, Lawyers Professional Liability Insurance, issued May 26, 1977

Administrative Letter 1977-11, Automobile Rate Classification Statement, issued July 15, 1977, § 38.2-2214 (formerly § 38.1-381.7)

Administrative Letter 1977-12, Automobile Rating Territories, issued May 23, 1977

Administrative Letter 1977-13, Medical Expense and Loss of Income Coverages, issued July 25, 1977, §§ 38.2-1928 (formerly § 38.1-279.56), 38.2-2201 (formerly § 38.1-380.1),

38.2-2202 (formerly § 38.1-3802) and 46.2-465 (formerly § 46.1-497.1)

Administrative Letter 1977-14, Assignment of Driving Record Points, issued July 26, 1977, §§ 38.2-1904 (formerly § 38.1-279.33) and 38.2-1928 (formerly § 38.1-279.56)

Administrative Letter 1977-15, Amendment of Section 38.1-348.7 of the Code of Virginia Relating to Coverages for Mental Emotional or Nervous Disorders, Alcoholism and Drug Addiction, issued October 11, 1977, § 38.2-3412 (formerly § 38.1-348.7)

Administrative Letter 1977-16, 10% Set-Aside Clause - Local Public Works Act of 1977, issued November 14, 1977

Administrative Letter 1977-17, Medical Malpractice Liability Insurance Claims Report, issued December 21, 1977

Administrative Letter 1978-1, Use of Standard Automobile Insurance Forms Adopted by the State Corporation Commission, issued February 16, 1978, § 38.2-2220 (formerly § 38.1-384)

Administrative Letter 1978-2, 1978 Acts of the General Assembly of Virginia, issued May 31, 1978

Administrative Letter 1978-3, Notification Forms Regarding Refusal to Renew and Cancellation of Automobile, Fire and Homeowners Insurance Policies Pursuant to Section 38.1-381.5 and Section 38.1-371.2 of the Code of Virginia, issued May 25, 1978, §§ 38.2-2212 (formerly § 38.1-381.5) and 38.2-2114 (formerly § 38.1-371.2)

Administrative Letter 1978-4, Implementation of Section 38.1-52.11 of the Unfair Trade Practices Act Relating to Adverse Underwriting Decisions, issued May 31, 1978, § 38.2-500 et seq. (formerly § 38.1-49 et seq.) and § 38.2-512 (formerly § 38.1-52.11)

Administrative Letter 1978-5, (1) Amendment of Sections 38.1-348.7 and 38.1-348.8 of the Code of Virginia Relating to Coverages for Mental, Emotional or Nervous Disorders, Alcohol and Drug Dependence; (2) Enactment of Section 38.1-348.9 of the Code of Virginia Relating to Optional Obstetrical Services Coverages in Group Insurance Plans and Policies; and (3) Enactment of Section 38.1-348.10 of the Code of Virginia to Prohibit Exclusion or Reduction of Benefits Under a Group Accident and Sickness Insurance Policy on a Group Prepaid Service Plan Issued Pursuant to Title 32.1 of the Code of Virginia on the Basis of Such Benefits Being Also Payable Under an Individual Policy or Contract, issued June 15, 1978, §§ 38.2-3412 (formerly § 38.1-348.7), 38.2-3413 (formerly § 38.1-348.8), 38.2-3414 (formerly § 38.1-348.9) and 38.2-3415 (formerly § 38.1-348.10)

Administrative Letter 1978-6, Motor Vehicle Safety Responsibility Act Financial Responsibility Requirements, issued June 8, 1978, §§ 38.2-2206 (formerly § 38.1-381 (b)) and 46.2-100 (formerly § 46.1-1 (8))

Administrative Letter 1978-7, Policy Form Filings (for Maintenance of Mutual Assessment Fire Insurance Company Policy Form Filings), issued June 8, 1978

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Administrative Letter 1978-8, The Use and Filing of Policy Forms (for Title Insurance Policies and Interim Binders), issued July 31, 1978, § 38.2-1003 (formerly § 38.1-76)

Administrative Letter 1978-9, Supplementary Guideline Number One Regarding Implementation of Section 38.1-52 (11) of the Unfair Trade Practices Act Relating to Adverse Underwriting Decisions, issued August 14, 1978, § 38.2-512 (formerly § 38.1-52 (11))

Administrative Letter 1978-10, Notice of Refusal to Renew, issued September 12, 1978, § 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1978-11, Supplementary Guideline Number One Regarding Implementation of Section 38.1-52 (11) of the Unfair Trade Practices Act Relating to Adverse Underwriting Decisions, issued October 5, 1978, § 38.2-512 (formerly § 38.1-52 (11))

Administrative Letter 1978-12, ISO Copyright on Standard Forms, issued October 11, 1978

Administrative Letter 1978-13, Street Address of Branch Offices, issued October 25, 1978

Administrative Letter 1978-14, Special Call for Workmen's Compensation Insurance Experience Data, issued October 27, 1978, § 38.2-1300 et seq. (formerly § 38.1-159 et seq.)

Administrative Letter 1978-15, Surety Bond Guarantee Program - Small Business Administration (SBA), issued December 1, 1978

Administrative Letter 1978-16, Motor Vehicle Safety Responsibility Act Financial Responsibility Requirements, issued November 29, 1978

Administrative Letter 1979-1, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 4, 1979

Administrative Letter 1979-2, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 4, 1979

Administrative Letter 1979-3, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 4, 1979

Administrative Letter 1979-5, The NAIC Program to Implement the President's Anti-Inflation Program, issued January 19, 1979

Administrative Letter 1979-7, Protection Against Uninsured Motorists Insurance, issued March 12, 1979

Administrative Letter 1979-8, Temporary Licenses for Life Agents, issued April 4, 1979, § 38.2-1830 (formerly § 38.1-310.4)

Administrative Letter 1979-9, Charges for Motor Vehicle Accident and Conviction Reports, issued March 19, 1979, §§ 38.2-310 (formerly § 38.1-337) and 38.2-1904 (formerly § 38.1-279.33)

Administrative Letter 1979-10, Amendment to Administrative Letter 1979-7, issued March 27, 1979

Administrative Letter 1979-11, Amendments to Administrative Letters 1979-7 and 1979-10, issued March 30, 1979

Administrative Letter 1979-12, 1979 Acts of the General Assembly of Virginia, issued April 13, 1979

Administrative Letter 1979-13, Qualification and Licensing of Agents, issued May 3, 1979, § 38.2-1800 et seq. (formerly § 38.1-327 et seq.)

Administrative Letter 1979-14, 1979 Legislation Pertaining to Life Insurance and Accident/Sickness Insurance, issued May 10, 1979, §§ 38.2-508.3 (formerly § 38.1-52 (7) (c)), 38.2-3407 (formerly § 38.1-347.2), 38.2-3408 (formerly § 38.1-347.1), 38.2-3412 (formerly § 38.1-348-7) and 38.2-3541 (formerly § 38.1-348-11)

Administrative Letter 1979-15, 1979 Legislation Pertaining to Fire Insurance, Homeowners Insurance and Motor Vehicle Insurance, issued May 18, 1979, §§ 38.2-2105 (formerly §38.1-366), 38.2-2206 (formerly § 38.1-381), 38.2-2214 (formerly § 38.1-381.7), 8.01-66, 8.01-66.1 and 46.2-372 (formerly § 46.1-400)

Administrative Letter 1979-16, Revisions in the NAIC Program to Implement the President's Anti-Inflation Program, issued May 18, 1979

Administrative Letter 1979-17, Single Interest Coverage, issued June 4, 1979

Administrative Letter 1979-18, Commercial Multiple Peril Licensing and Filing Requirements, issued August 13, 1979

Administrative Letter 1979-19, Commercial Multiple Peril Licensing and Filing Requirements, issued August 14, 1979

Administrative Letter 1979-20, Adoption of Actuarial Guidelines by the Bureau of Insurance (for All Foreign Life Insurance Companies Licensed in Virginia), issued August 14, 1979, §§ 38.2-3130 through 38.2-3142 (formerly § 38.1-456(6))

Administrative Letter 1979-21, Adoption of Actuarial Guidelines for Domestic Life Insurance Companies by the Bureau of Insurance (for All Domestic Life Insurance Companies Licensed in Virginia), issued August 14, 1979, §§ 38.2-3130 through 38.2-3142 (formerly § 38.1-456(6))

Administrative Letter 1979-22, The Arson Reporting-Immunity Act, issued August 30, 1979

Administrative Letter 1979-23, Readability of All Insurance (property and casualty) Policies in Virginia, issued September 27, 1979

Administrative Letter 1979-24, Readability of All Insurance (life and health) Policies in Virginia, issued September 27, 1979

Administrative Letter 1979-25, Single Interest, issued October 2, 1979

Administrative Letter 1980-1, Adoption of 14 VAC 5-320-10 et seq. (formerly Insurance Regulation No. 15): "Rules Governing Reserve Standards for Accident and Sickness Insurance Policies," issued January 18, 1980, 14 VAC 5-320-10 et seq. (formerly Insurance Regulation No. 15)

Administrative Letter 1980-2, Homeowners Insurance (Offer As An Option a Provision Insuring Against Loss Caused or Resulting From Water Which Backs Up Through Sewers or

Drains), issued March 31, 1980, § 38.2-2120 (formerly § 38.1-335.2)

Administrative Letter 1980-5, 1980 Legislation by the General Assembly of Virginia, issued May 9, 1980

Administrative Letter 1980-6, Homeowners Insurance (Filing Rate Adjustments for Having Smoke Detectors), issued May 13, 1980

Administrative Letter 1980-9, Certification of Insurance, issued July 7, 1980, §§ 38.2-513.2 (formerly § 38.1-52 (10a)) and 38.2-2105 (formerly § 38.1-366)

Administrative Letter 1980-10, 1980 Revisions in the NAIC Program to Implement the President's Anti-Inflation Program (COWPS), issued July 30, 1980

Administrative Letter 1980-11, Modification of Agents' Examination Schedule, issued August 29, 1980

Administrative Letter 1980-12, Assignment of Points - Safe Driver Insurance Plan, issued November 10, 1980, §§ 38.2-1904 (formerly § 38.1-279.33) and 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1980-13, Deductibles and Coinsurance Options Required - Accident and Sickness Insurance and Prepaid Hospital, Medical, Surgical, Dental or Optometric Service Plans (Virginia Senate Bill 184-1980), issued November 17, 1980, § 38.2-3417 (formerly § 38.1-348.12)

Administrative Letter 1981-1, Termination of the President's Anti-Inflation Program (COWPS), issued March 10, 1981

Administrative Letter 1981-2, Deductible and Coinsurance Options, issued March 23, 1981, Repeals § 38.1-348.12 and Enacts § 38.2-3417 (formerly § 38.1-348.12:1)

Administrative Letter 1981-3, 1981 Legislation by the General Assembly of Virginia (Pertaining to All Insurance Companies, Fraternal Benefit Societies and Prepaid Health Care Plans Licensed in Virginia), issued May 1, 1981

Administrative Letter 1981-4, Virginia Insurance Information and Privacy Protection Act, issued May 13, 1981, §§ 38.2-600 (formerly § 38.1-52.14), 38.2-601 through 38.2-613 (formerly §§ 38.1-57.4 through 38.1-57.16), 38.2-617 (formerly § 38.1-57.24) and 38.2-618 (formerly § 38.1-57.25)

Administrative Letter 1981-5, 1981 Legislation - Effective July 1, 1981 (House Bill 1024/Pertaining to the Regulation of Insurance Premium Finance Companies) issued June 5, 1981, §§ 38.2-4700 et seq. (formerly §§ 38.1-735 through 38.1-745)

Administrative Letter 1981-6, 1981 Legislation - Effective July 1, 1981 (Reimbursement to Members for Expense Incurred for Emergency Road Service or Towing Service), issued June 5, 1981, § 13.1-400.1

Administrative Letter 1981-9, Mortgage Guaranty Insurance Policies, issued August 19, 1981

Administrative Letter 1981-10, Risk Sharing Arrangements (replacement for Administrative Letter 1980-7), issued August 13, 1981, § 38.2-1314 (formerly § 38.1-173)

Administrative Letter 1981-11, Filing Affidavits in Compliance with Surplus Lines Insurance Law, issued August 18, 1981, § 38.2-4806 (formerly § 38.1-327.52)

Administrative Letter 1981-12, Mortgage Guaranty Insurance on Variable Rate Mortgages (clarification of Administrative Letter 1981-9), issued September 11, 1981

Administrative Letter 1981-13, Cancellation of Motor Vehicle Liability Policy for Non-Payment at the Request of Premium Finance Company, issued October 30, 1981, § 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1981-14, Mortgage Guaranty Insurance on Variable Rate Mortgages Allowing Negative Amortization, issued September 30, 1981

Administrative Letter 1981-15, Adverse Underwriting Decision Notice, issued October 15, 1981, §§ 38.2-608 (formerly § 38.1-57.11), 38.2-610 (formerly § 38.1-57.13), 38.2-2114 (formerly § 38.1-371.2) and 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1981-16, Adverse Underwriting Decision Notice (additional instructions to Administrative Letter 1981-15), issued October 22, 1981, §§ 38.2-608 (formerly § 38.1-57.11), 38.2-610 (formerly § 38.1-57.13), 38.2-2114 (formerly § 38.1-371.2) and 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1981-19, Notice to Be Provided to the Insured Pursuant to Section 38.1-327.52 of the Code of Virginia, issued November 30, 1981, § 38.2-4806 (formerly § 38.1-327.52)

Administrative Letter 1981-20, Adoption Date for the Revised "License Request" Form PIN050-A and Definition of the Conditions Under Which an "Interim Appointment" Form May be Utilized, issued December 16, 1981, § 38.2-1826 (formerly § 38.1-327.37)

Administrative Letter 1982-1, Notice to be Provided to the Insured Pursuant to Section 38.1-327.52 of the Code of Virginia, issued January 7, 1982, § 38.2-1826 (formerly § 38.1-327.52)

Administrative Letter 1982-2, Credit Life and Health Insurance, issued January 19, 1982, § 38.2-3729 (formerly § 38.1-482.8)

Administrative Letter 1982-3, 14 VAC 5-340-10 et seq. (formerly Insurance Regulation No. 17) and the Commissioner's Order Entered May 19, 1981 in Case No. INS800067 - Minimum Standards for Coverage Content of Fire and Homeowner Insurance Policies, issued February 19, 1982, 14 VAC 5-340-10 et seq. (formerly Insurance Regulation No. 17)

Administrative Letter 1982-4, Cancellation of Motor Vehicle Liability Insurance Policies by Insurers for Nonpayment of Premium Installments; or at the Request of Premium Finance Companies Because of Nonpayment of Premium Loan Installments, issued April 28, 1982, § 38.2-2212 (formerly § 38.1-381.5)

Administrative Letter 1982-5, 1982 Legislation by the General Assembly of Virginia, issued April 30, 1982

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Administrative Letter 1982-9, Uninsured Motorists Rule and Rate Revisions - Revision to Forms VA CP-19 and VA CP-20, issued May 28, 1982

Administrative Letter 1982-10, Motor Vehicle Service Contracts, issued May 20, 1982, §§ 38.2-124 and 38.2-125 (formerly § 38.1-21)

Administrative Letter 1982-13, Competitive Pricing Rating Law Chapter 226 (H213), 1982 Acts of Assembly Rate Standards - Motor Vehicle Insurance, issued May 28, 1982, § 38.2-1904 (formerly § 38.1-279.33)

Administrative Letter 1982-14, Collection of Unearned Commissions, issued November 5, 1982

Administrative Letter 1982-15, Administrative Order 7582, entered August 6, 1982 - Uninsured Motorists Premium Modification Rule, issued November 15, 1982

Administrative Letter 1982-16, Vehicle Service Contract Reimbursement Policies - Contractual Liability Insurance, issued December 21, 1982

Administrative Letter 1982-17, Compilation of Experience Sections 38.1-261 and 38.1-279.46, issued December 21, 1982, §§ 38.2-2012 (formerly § 38.1-261) and 38.2-1919 (formerly § 38.1-279.46)

Administrative Letter 1983-1, 14 VAC 5-110-10 et seq. (formerly Insurance Regulation No. 18), 14 VAC 5-140-10 et seq. (formerly Insurance Regulation No. 19), (formerly Insurance Regulation No. 20, repealed), 14 VAC 5-120-10 et seq. (formerly Insurance Regulation No. 21), and 14 VAC 5-130-10 et seq. (formerly Insurance Regulation No. 22), issued March 31, 1983, 14 VAC 5-110-10 et seq. (formerly Insurance Regulation No. 18), 14 VAC 5-140-10 et seq. (formerly Insurance Regulation No. 19), 14 VAC 5-120-10 et seq. (formerly Insurance Regulation No. 21) and 14 VAC 5-130-10 et seq. (formerly Insurance Regulation No. 22)

Administrative Letter 1983-2, Bracketed by Duration Credit Accident and Sickness Rates, issued March 31, 1983, § 38.2-3725 (formerly § 38.1-482.7:1 D)

Administrative Letter 1983-3, 1983 Legislation by the General Assembly of Virginia, issued April 8, 1983

Administrative Letter 1983-6, Adoption of New Mortality Tables Under 1982 Amendments to the Standard Nonforfeiture Law: Sections 38.1-456, 38.1-461, 38.1-462 and 38.1-464 through 38.1-467 of the Code of Virginia, as amended, issued July 28, 1983, §§ 38.2-3130 through 38.2-3142 (formerly § 38.1-456), 38.2-3200 et seq. (formerly §§ 38.1-461, 38.1-462, and 38.1-464 through 38.1-467) of the Code of Virginia, as amended

Administrative Letter 1983-7, Property and Casualty Rule, Rate and Form Filings: Life, Accident and Sickness and All Other Filings Required by Section 38.1-342.1 of the Code of Virginia, issued October 19, 1983, § 38.2-316 (formerly § 38.1-342.1)

Administrative Letter 1983-8, Administrative Order No. 8255, issued October 19, 1983, § 38.2-317 (formerly § 38.1-279.48:1)

Administrative Letter 1983-9, Experience/Schedule Rating Plans - Application of Credits and Debits: Schedule Rating Plans - Expense Modification Application, issued November 4, 1983

Administrative Letter 1983-10, Company/Rate Service Organization Filing Effective Date Rules, issued November 4, 1983

Administrative Letter 1983-12, Manual Rules Which Waive Premium Refunds or Changes, issued December 7, 1983

Administrative Letter 1983-13, Surplus Lines Brokers - Gross Premium Tax Report Calendar Year - 1983, issued December 30, 1983

Administrative Letter 1984-1, 1984 Legislation by the General Assembly of Virginia, issued April 27, 1984

Administrative Letter 1984-2, Administrative Letter 1983-10 - Company/Rate Service Organization Filing Effective Date Rules, issued April 30, 1984

Administrative Letter 1984-3, Form Approval Requirements as Provided by Section 38.1-342.1 of the Code of Virginia, issued June 18, 1984, § 38.2-316 (formerly § 38.1-342.1)

Administrative Letter 1984-5, Virginia Insurance Rating Laws (for all companies licensed to write property and casualty insurance in Virginia), issued June 25, 1984, § 38.2-1831 (formerly § 38.1-327.43)

Administrative Letter 1984-6, Hospital Billing Procedures Commencing October 1, 1984, issued September 18, 1984

Administrative Letter 1985-1, Surplus Lines Brokers Gross - Premium Tax Report Calendar Year - 1984, issued January 18, 1985, § 38.2-4807 (formerly § 38.1-327.53)

Administrative Letter 1985-2, Safe Driver Insurance Plans Section 38.1-279.33(c) of the Code of Virginia, issued January 31, 1985, § 38.2-1904 (formerly § 38.1-279.33 (c))

Administrative Letter 1985-3, Application for License as Surplus Lines Broker, issued February 4, 1985

Administrative Letter 1985-4, Misstatement of Age or Sex Adjustments in Universal Life Insurance Policies, issued February 21, 1985

Administrative Letter 1985-5, Liability Policies - Defense Costs/Claims Expenses Included in the Limit of Liability - Liability Policies - Deductible Applying to Defense Cost/Claims Expense, issued February 25, 1985

Administrative Letter 1985-6, Copayment Requirements, issued March 1, 1985, § 38.2-4300 (formerly § 38.1-863)

Administrative Letter 1985-7, Revised Procedures for Reviewing Public Record Information - Rates and Forms Sections, issued March 1, 1985

Administrative Letter 1985-8, Revised Instructions for Filing the "Declaration of Estimated License Tax and Estimated Assessment," issued March 1, 1985, §§ 38.2-407 (formerly § 38.1-48.2), 58.1-2501 and 58.1-2520

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The Office of the Managed Care Ombudsman, published July 1999

The Office of the Managed Care Ombudsman - 10 Tips to Help you Understand Your Coverage and Rights Under Your Manage Care Health Insurance Plan, published October 1999

Prescription Drug Assistance Program in Virginia, revised September 2004

Virginia Health Insurance Guide for Consumers, revised May 2003

Virginia Life Insurance Consumer's Guide, published 1998

Property and Casualty Guides

Auto Insurance Consumer's Guide, revised 2003

Auto Insurance Sample Premium Tables 2004, revised 2004

Consumer Complaint & Outreach Services, revised 2003

Credit Scoring - How It Affects Your Automobile and Homeowners Insurance, revised 2003

Homeowners Insurance Consumer's Guide, revised 2003

Homeowners Insurance Sample Premium Tables 2004, revised 2004

Renters Insurance - What Can You Afford To Lose?, published 2002

State Corporation Commission Bureau of Insurance Consumer Complaint Form

Teenager's Guide to Auto Insurance, revised 2004

Virginia Commercial Insurance Consumer's Guide, revised 2003

When a Disaster Strikes: What To Do After an Insured Commercial Property Loss, updated 2003

When a Disaster Strikes: What To Do After an Insured Homeowners Loss, updated 2003

Forms and Instructions Respecting Licensing of Individuals and Agencies:

PIN3001, Application for Individual License, July 2004

PIN3701, Application for Consultants License and Viatical Settlement Brokers, July 2004

PIN3702, Application for Agency Consultants License and Viatical Settlement Brokers, December 2003

PIN4051, Application for Limited Lines License, July 2004

PIN4052, Application for Agency License, December 2003

PIN4151, Appointment Form, September 2002

PIN4921, Appointment Cancellation Form, September 2002

PINSBB, Application for Surety Bail Bondsman Form, January 2004

Information and Procedures for Becoming Licensed as an Insurance Consultant in Virginia, December 2003

Information and Procedures for Becoming Licensed as a Viatical Settlement Broker in Virginia, December 2003

Licensing Procedures for Nonresident Insurance Agents to Obtain Authority in Virginia, December 2003

Licensing Procedures for Nonresident Surplus Lines Brokers to Obtain or Renew Authority in Virginia, December 2003

Licensing Procedures for Resident Surplus Lines Brokers to Obtain or Renew Authority in Virginia, December 2003

Forms for Surplus Lines Insurance:

Form SLB-1, Application for Surplus Lines Broker License, July 2004

Form SLB-2, Bond for Surplus Lines Broker, January 2004

Form SLB-3, Quarterly Combined Affidavit by Surplus Lines Broker, revised October 2002

Form SLB-4, Annual Combined Affidavit by Surplus Lines Broker, revised October 2002

Form SLB-5, Surplus Lines Quarterly Report, effective September 1999

Form SLB-6, Surplus Lines Annual Report, effective September 1999

Form SLB-7, Quarterly Gross Premiums Tax Report, effective September 1999

Form SLB-8, Annual Gross Premium Tax Report, effective September 1999

Form SLB-9, Notice of Insured, effective September 1996

Form SLB-10, Commercial Insured Waiver, effective September 1996

Division of Public Service Taxation

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the Office of the Public Service Taxation Division of the State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained free of charge by contacting Alene Katz at the same address, telephone (804) 371-9679, FAX (804) 371-9797, or e-mail Alene.Katz@scc.virginia.gov. Many of these forms are available on our website: www.scc.virginia.gov/division/pst.

Questions regarding interpretation or implementation of these documents may be directed to R. H. Adams, Principal Utility Appraiser, Public Service Taxation Division, State Corporation Commission, Tyler Building, 4th Floor, 1300 East Main Street, Richmond, VA 23219, telephone (804) 371-9182, FAX 804 371-9797, or e-mail Roy.Adams@scc.virginia.gov. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

State Tax Bills, all updated annually, Chapter 26 of Title 58.1

CCTD-3, Tax Report, Electric Companies, revised 2004, § 58.1-2628

CCTD-6, Tax Report, Telecommunications Companies, revised December 2004, § 58.1-2628

CCTD-7, Tax Report, Gas Companies, revised December 2004, § 58.1-2628

CCTD-8, Tax Report, Water Companies, revised December 2004, § 58.1-2628

CCTD-9, Report for Certificated Motor Vehicle Carriers Rolling Stock Tax, revised December 2004, § 58.1-2654

CCTD-10, Report for Special Tax on Common Carriers by Motor Vehicle, revised December 2004, § 58.1-2663

CCTD-11, Report for Special Tax on Virginia Pilots Association, revised December 2004, § 58.1-2663

CCTD-12, Report for Special Tax on Railroad Companies, revised December 2004, § 58.1-2663

CCTD-ET-1, Declaration of Estimated Gross Receipts Tax, November 1998, §§ 58.1-2640 and 58.1-2647

CCTD-DPR, Telecommunications Relay Service Monthly Report, revised December 2004, § 56-484.6

CCTD-RVP, Registration Procedure for Persons subject to the Video Programming Excise Tax, 1998, § 58.1-3818.3 G

CCTD-EUCT, Electric Utility Consumption Tax Monthly Report, revised December 2004, §§ 58.1-2901 and 58.1-2902

CCTD-NGCT, Natural Gas Consumption Tax Monthly Report, revised December 2004, §§ 58.1-2905 and 58.1-2906

Real Estate Transaction Form for Purchase and Conveyance, 1998, § 58.1-2628

Motor Vehicle Carriers Rolling Stock, Tax Report, Urban-Suburban Statement for the Special Tax Exemption for Passenger Vehicles, 1963, § 58.1-2663

Division of Securities and Retail Franchising

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the State Corporation Commission's Division of Securities and Retail Franchising, Ninth Floor, Tyler Building, 1300 East Main Street, Richmond, VA. Copies may be obtained free of charge by contacting Kathy O'Sullivan at the same address, telephone number (804) 371-9784 or FAX (804) 371-9911. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Questions regarding interpretation or implementation of these documents may be directed to Amanda Blanks, Investor Education Coordinator, at the same address, telephone number (804) 371-9088 or FAX (804) 371-9911. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

Capital Formation Alternatives for Small Business in Virginia, August 2002

Uniform Franchise Offering Circular Filing Reminders, February 1999, § 13.1-561

NASAA Statements of Policy, July 2003 (Virginia Securities Act, 21 VAC 5-30-80)

Investor Education Publications

Securities Consumer's Guide, March 2001 (Virginia Securities Act)

Securities Complaints, June 2003 (Virginia Securities Act)

Get the Facts about Investing Online, August 2003 (Virginia Securities Act)

Investor "Bill of Rights," September 2002 (Virginia Securities Act)

10 Do's and Don'ts for Investors, September 2002 (Virginia Securities Act)

When Your Broker Calls, Take Notes, September 2002 (Virginia Securities Act)

Understanding Your Brokerage Account Statements, September 2002 (Virginia Securities Act)

Forms (Virginia Securities Act):

Broker-Dealer Forms

Uniform Application for Broker-Dealer Registration (Form # BD), May 2002

Broker-Dealer's Surety Bond (Form # S.A. 11), July 1999

Application for Renewal of a Broker-Dealer's Registration (Form # S.A. 2), July 1999

Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer (Form #BDW), November 2000

Broker-Dealer Agent Forms

Application for Renewal of Registration as an Agent of an Issuer (Form # S.D. 4), 1997

Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (Form #S.D. 4 A), 1974

Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (Form # S.D. 4 B). 1974

Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (Form # S.D. 4 C), 1974

Uniform Application for Securities Industry Registration or Transfer (Form # U-4), June 2003

Uniform Termination Notice for Securities Industry Registration (Form # U-5), June 2003

Agent Agreement for Inspection of Records (Form # Agentagree), July 2001

Affidavit Regarding SCOR Offering (Form # Aff), July 1999

Investment Advisor Forms

Uniform Application for Registration of Investment Advisors (Form # ADV), October 2003

IA Surety Bond Form (Form # IA-sure), July 1999

Guidance Documents

Notice of Withdrawal from Registration as Investment Advisor (Form # ADV-W), October 2003

Investment Advisor Representative Forms

Uniform Application for Securities Industry Registration or Transfer (Form # U-4), June 2003

Uniform Termination Notice for Securities Industry Registration (Form # U-5), June 2003

Affidavit for Waiver of Examination (Form # S.A. 3), July 1999

Investment Advisor Representative Multiple Employment Agreement (Form # S.A. 15), July 1998

Securities Registration Forms

Uniform Application to Register Securities (Form # U-1), July 1981

Uniform Consent to Service of Process (Form # U-2), July 1981

Uniform Form of Corporate Resolution (Form # U-2a), July 1999

Small Company Offering Registration (Form # U-7), September 1999

Registration by Notification – Original Issue (Form # S.A. 4), November 1996

Registration by Notification – Non-Issuer Distribution (Form # S.A. 5), November 1996

Registration by Notification – Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (Form # S.A. 6), 1989

Registration by Qualification (Form # S.A. 8), July 1991

Escrow Agreement (Form # S.A. 12), 1971

Impounding Agreement (Form # S.A. 13), July 1999

Notice of Limited Offering of Securities (Form # VA-1), November 1996

Uniform Investment Company Notice Filing (Form # NF), April 1997

Notice of Sale of Securities Pursuant to Regulation D (Form # SEC Form D), June 2002

Model Accredited Investor Exemption Uniform Notice of Transaction Form (Form # Model Form), July 1999

Application for Coordinated State Review (Form # CR-Equity-1), August 2003

Small Business Securities Offering Application for Mid-Atlantic Regional Review Form (Form # CR-SCOR Mid-Atlantic), May 2002

Franchise Forms

Facing Page – Uniform Franchise Registration Application (Form # A), July 1995

Supplemental Information (Form # B), July 1995

Certification – Disclosure Verification (Form # C), July 1999

Uniform Consent to Service of Process (Form # D), July 1999

Affidavit of Compliance – Franchise Amendment/Renewal (Form # E), July 1999

Guarantee of Performance (Form # F), July 1999

Franchise Surety Bond (Form # G), July 1999

Application for Coordinated Review of Franchise Registration (Form # CR-FRAN), June 1999

Trademarks/Service Marks

Application for Registration of a Trademark or Service Mark (Form # TM1), July 1999

Application for Renewal of a Trademark or Service Mark (Form # TM2), July 1999

Certificate of Name Change of an Applicant or Registrant (Form # TM3), July 1999

Division of Public Utility Accounting

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. in the Virginia State Corporation Commission's Division of Public Utility Accounting, 1300 East Main Street, 4th Floor, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Please contact Barbara Hayek at (804) 371-9700 to make an appointment. Copies may be obtained at the cost of \$1.00 per page for the first 2 pages of each document and \$.50 for each additional page.

Questions regarding interpretation or implementation of these documents may be directed to Ronald A. Gibson, Director, Division of Public Utility Accounting, 1300 East Main Street, 4th Floor, Richmond, VA 23219, telephone (804) 371-9950 or FAX (804) 371-9447. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

Uniform System of Accounts for Telecommunications Companies, Part 32 of Federal Communications Commission Rules and Regulations, revised October 1, 2003, § 56-249

Uniform System of Accounts for Electric Utilities, Part 101 promulgated by the Federal Energy Regulatory Commission, revised April 1, 2004, § 56-249

Uniform System of Accounts for Natural Gas Companies, Part 201 promulgated by the Federal Energy Regulatory Commission, revised April 1, 2004, § 56-249

Uniform System of Accounts for Class A Water Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 144 pages, § 56-249

Uniform System of Accounts for Class C Water Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 62 pages, § 56-249

Uniform System of Accounts for Class A Wastewater Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 145 pages, § 56-249

Uniform System of Accounts for Class C Wastewater Utilities, promulgated by the National Association of Regulatory Utility Commissioners, revised 1996, 61 pages, § 56-249

Accounting Requirements for Rural Utilities Service Electric Borrowers, Electric Cooperatives, Part 1767 promulgated by the Department of Agriculture, revised January 1, 2004, § 56-249

Annual Financial and Operating Report for electric companies, consisting of the Federal Energy Regulatory Commission Form 1 and supplemental schedules, § 56-249. Length of report varies by company

Annual Financial and Operating Report for electric cooperatives, § 56-249. Length of report varies by company

Annual Financial and Operating Report for gas companies, consisting of the Federal Energy Regulatory Commission Form 2 and supplemental schedules, § 56-249. Length of report varies by company

Annual Financial and Operating Report for telephone companies, § 56-249. Length of report varies by company

Annual Financial and Operating Report for class A water and/or sewer companies, National Association of Regulatory Utility Commissioners Form, § 56-249. Length of report varies by company

Annual Financial and Operating Report for class C water and/or sewer companies, National Association of Regulatory Utility Commissioners Form, § 56-249. Length of report varies by company

Guidelines on the recording and recovery of regulatory assets, issued March 29, 1995, 2 pages, § 56-249

Guidelines for Filing Affiliate/Merger Applications (Title 56, Chapter 4 (Public Utilities Affiliates Law) and Chapter 5 (Utility Transfers Act)) as follows:

Guidelines for Filing Applications, 6 pages, §§ 56-76 through 56-92

Chapter 4 - Transaction Summary - Affiliate Transactions, 7 pages, §§ 56-76 through 56-87

Chapter 5 - Transaction Summary, 1 page, §§ 56-88 through 56-92

Division of Utility and Railroad Safety

Copies of the following documents may be viewed during regular work days from 8:15 a.m. to 5 p.m. in the office of the Commission's Division of Utility and Railroad Safety, 4th Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218. Copies may be obtained at a charge of \$1.00 each for the first two pages and \$.50 for each page thereafter. To obtain copies, contact Renee Salmon at the same address, telephone number (804) 371-9947, FAX (804) 371-9734 or e-mail Renee.Salmon@scc.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to James Hotinger, Senior Utilities Engineer, Division of Utility and Railroad Safety, 1300 East Main Street, 4th Floor, Richmond, VA 23219, telephone

number (804) 371-9843, FAX (804) 371-9734 or e-mail Jim.Hotinger@scc.virginia.gov. The mailing address is P.O. Box 1197, Richmond, VA 23218.

Guidance Documents:

Gas Pipeline Safety Inspection Procedures, revised December 2003, § 56-5.1, 43 pages

Underground Utility Damage Prevention Investigation and Enforcement Procedures, May 1997, § 56-265.14, 22 pages

Damage Prevention Advisory Committee Bylaws, July 1999, § 56-265.31 et seq., 7 pages

Virginia Professional Excavation Manual, revised June 2004, 77 pages

Virginia Underground Utility Marking Standards, February 2003, 13 pages

**The State Corporation Commission issues an annual report each year which contains the leading matters disposed of by formal orders that year. The Annual Reports of the commission may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the State Corporation Commission Clerk's Office, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219. The mailing address is P.O. Box 1197, Richmond, VA 23218-1197. Copies may be obtained for approximately \$55 (price may vary depending on the year of the report) by contacting Rebecca Otey at the same address, telephone (804) 371-9030, or toll-free in Virginia, (866) 722-2551, or FAX (804) 371-9912.

Questions regarding interpretation of the annual reports may be directed to Joel H. Peck, Clerk of the Commission, State Corporation Commission, 1st Floor, Tyler Building, 1300 East Main Street, Richmond, VA 23219, telephone (804) 371-9834, or toll-free in Virginia, (866) 722-2551, or FAX (804) 371-9912. The mailing address is P.O. Box 1197, Richmond, VA 23218-1197.

DEPARTMENT OF CORRECTIONS

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4 p.m. in the office of Compliance and Accreditation, Virginia Department of Corrections, 6900 Atmore Drive, Richmond, VA 23225. Copies may be obtained at a charge of \$.20 per page plus shipping charges, by contacting Donna Foster at the same address, telephone (804) 674-3299 x1140. Questions regarding interpretation or implementation of these documents may be directed to Donna Lawrence, Manager, Compliance and Accreditation Unit at the address listed above or by calling (804) 674-3499 x1143.

Guidance Documents:

Compliance Documentation for Standards for Community Residential Programs, revised September 2000, 6 VAC 15-70, 12 pages

Compliance Documentation for Standards for Jails and Lockups, revised October 1995, 6 VAC 15-40, 30 pages

Guidance Documents

Compliance Documentation for Standards for State Correctional Facilities, revised September 2000, 6 VAC 15-31, 27 pages

Compliance Documentation for Standards for State Community Correctional Units, revised September 2000, 6 VAC 15-61, 16 pages

BOARD OF COUNSELING

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at coun@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Evelyn Brown, Executive Director of the board, at the address above or by telephone at (804) 662-9912. Copies are free of charge.

Guidance Documents:

115-2, Newsletters

115-2.1, Resolution that hypnosis is an appropriate counseling tool, an opinion that the term "psychotherapy" can be used by licensed professional counselors, and guidance in the use of educational credentials and unlicensed counselors, 1987

115-2.2, Guidance on when a fee can be charged, 1990

115-2.3, Guidance on supervision, 1991

115-2.4, Guidance on the supervision requirement, dual relationships, 1995

115-2.6, Guidance on dual relationships, Part 1, Fall 2000

115-2.7, 2001 Guidance on dual relationships, Part 2, Fall 2001

115-3, Assistant Attorney General Opinions

115-3.1, Interpretation of statutes pertaining to marriage and family therapists' licensure, August 9, 1995

115-3.2, Interpretation of statutes pertaining to release of health care records, April 7, 1997

115-3.3, Interpretation of statutes pertaining to rehabilitation provider certification (reviewed and approved by AAG, but issued through the board office), October 1997

115-3.4, Interpretation of Virginia's Health Records Privacy Act, January 1999

115-4, Minutes of Board Meetings

115-4.1, Guidance to the credentials reviewer to accept schools accredited by the Association of Theological Schools in the United States and Canada, February 17, 1995

115-4.2, Guidance that criminal history not be considered as a point of rejection for a certified substance abuse counselor, and that the board refer the application to the Credentials Review Committee to determine eligibility, May 19, 1995.

115-4.3, Regulatory Committee minutes - Assistant Attorney General interpretation of statutes pertaining to development of "substantially equivalent" requirements for licensure of substance abuse treatment practitioners and interpretation of scope of practice for these practitioners, October 27, 1998

115-4.4, Determination that a Bachelor of Individual Study degree from James Madison University would satisfy the degree requirement for rehabilitation provider certification, February 19, 1999

115-4.5, Credentials Committee minutes - Determination that applicants holding a marriage and family therapist license from California would not be automatically eligible for endorsement, but would be considered on a case-by-case basis for Virginia's marriage and family therapist license, May 14, 1999

115-4.6, Authorization for the Executive Director to conduct a preliminary review of discipline cases and make a recommendation to the Chair of the Discipline Committee or his designee for appropriate disposition, August 27, 1999

115-4.7, Determination that licensed professional counselors who hold specialty designation in substance abuse counseling, but do not have 60 graduate hours in counseling would be considered on a case-by-case basis for endorsement as licensed substance abuse treatment practitioners, November 19, 1999

115-4.8, February 18, 2000, Attachment to minutes. Interpretation of the meaning of "state-approved facility" as used in § 54.1-3500, and interpretation of what type of facilities may hire certified substance abuse counselors

115-4.9, May 5, 2000, Guidance regarding practica or internships completed in distance learning programs

115-4.10, May 30, 2002, Board policy on reviewing applications for licensure by endorsement

115-4.11, Board guidance on use of confidential consent agreements, February 27, 2004

115-4.12, Board guidance on the process of conducting informal fact-finding proceedings by an agency subordinate, November 5, 2004

DEPARTMENT FOR THE DEAF AND HARD OF HEARING

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 4:30 p.m. in the offices of the Virginia Department for the Deaf and Hard of Hearing (VDDHH), 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012. Copies may be obtained free of charge by contacting Leslie Hutcheson Prince at the same address,

telephone (804) 662-9703 (V/TTY), FAX (804) 662-9718 or e-mail princelh@ddhh.state.va.us. Some of the documents may be available to be downloaded from the VDDHH Home page (<http://www.vddhh.org>).

Questions regarding interpretation or implementation of these documents may also be directed to Leslie Hutcheson Prince.

Guidance Documents:

VDDHH Policies and Procedures implementing 22 VAC 20-20 (Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices), revised December 1999 (as of 12/04, these policies and procedures are under review and revised policies are anticipated in 2005)

VDDHH Policies and Procedures implementing 22 VAC 20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised July 2002

Directory of Qualified Interpreters, implementing 22 VAC 20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised monthly

Virginia Quality Assurance Screening Applicant Packet, implementing 22 VAC 20-30 (Regulations Governing Interpreter Services for the Deaf and Hard of Hearing), revised 2002

BOARD OF DENTISTRY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at denna@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Sandra K. Reen, Executive Director of the board, at the address above or by telephone at (804) 662-9906. Copies are free of charge.

Guidance Documents:

60-1, Board policy on confidential consent agreements, adopted July 11, 2003

60-2, Board policy on approval of continuing education programs, adopted April 9, 2004

60-7, Board guidance on practice names, adopted July 11, 2003

60-8, Special bulletin on clarification of general supervision, September 30, 2002

60-8.1, Bulletin article on general supervision, Spring 2003

60-9, Bulletin article regarding dental office inspection form, Fall/Winter 1996

60-10, Board minutes on Infection Control, October 1, 1993, September 14, 1991, and August 1, 1991

60-11, Board minutes, Completion of treatment of patient if fees not paid, October 1-2, 1997

60-16, Letter from Marcia J. Miller to Michael Vernon regarding sale of vitamins, December 10, 1997

60-17, Advertising Guidelines adopted by the Board of Dentistry, January 23, 1998

60-18, Letter from Howard Casway, Assistant Attorney General to Dr. M. Alan Bagden regarding Ownership of Dental Practices, February 23, 1998

60-19, Perio Guidelines Recommendations adopted by the Board of Dentistry, April 28, 2000

60-20, Bulletin article-Notice to all licensees regarding Code of Virginia § 54.1-2718, April 28, 2000

60-21, Board guidance for process of delegation of informal fact finding to an agency subordinate, November 19, 2004

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

Copies of the following documents may be viewed on regular work days from 8:30 a.m. until 5:00 p.m. in the office of the Virginia Economic Development Partnership, 19th Floor Riverfront Plaza West, 901 East Byrd Street, Richmond, Virginia, 23219. Requests for copies or questions regarding the interpretation or implementation of these documents may be directed to John B. Sternlicht, General Counsel and Legislative Director, at the same address, by telephone at (804) 371-0036, or by facsimile at (804) 371-8112. Copies will be provided at no charge.

Guidance Documents:

Guidelines for use of the Governor's Opportunity Fund, revised October 2002, § 2.2-115.

Guidelines for use of the Virginia Investment Partnership, revised September 2003, §§ 2.2-5100 - 2.2-5104.

DEPARTMENT OF EDUCATION

The documents may be viewed during regular work days from 8:30 a.m. to 5 p.m. at the Department of Education, 101 North 14th Street, 25th Floor, Richmond, VA 23219. Copies may be obtained at no cost by contacting Dr. Margaret N. Roberts at the Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120, telephone (804) 225-2540 or e-mail margaret.roberts@doe.virginia.gov. Questions may also be directed to Dr. Roberts.

Guidance Documents:

Charter Schools

List of Board of Education Regulations Identified as Waivable for Charter School Purposes, June 1999

List of Criteria for Approval of Charter School Applications, 2004.

Guidance Documents

Comprehensive Services

Comprehensive Services Act (CSA) for At Risk Youth and Families Implementation Manual, revised 2001

Guidelines: Minute of Silence, June 2000

Guidelines for Honorary High School diplomas for Veterans of World War II, the Korean War, and the Vietnam War, 2002

Driver's Education

Curriculum and Administrative Guide for Driver Education in Virginia, 2001

Pledge of Allegiance and Flag Etiquette

Guidelines on the Recitation of the Pledge of Allegiance, July 2001

Family Life Education

Board of Education Guidelines for Family Life Education Programs, 2002

Religious Activity in the Schools

Guidelines Concerning Religious Activity in Public Schools, June 22, 1995

Gifted Education Programs

The Virginia Plan for the Gifted, 2001

School Nutrition Programs

Uniform Policy Statement for Free and Reduced Price Meals, Supts. Memo, 2002 (updated annually)

Governor's Schools

Procedures for Initiating an Academic Year Governor's School, 1998

Guidelines for Accommodating Children with Special Dietary Needs in School Nutrition Programs, October 2002.

Health and Physical Fitness

Model Guidelines for School Attendance for Children with Human Immunodeficiency Virus (HIV), 1990

Virginia School Health Guidelines, 1998

Guidelines for Specialized Health Care Procedures: Superintendent's Memo number 196, 1996

Guidelines for Training of Public School Employees in the Administration of Insulin and Glucagon, July 1999

Guidelines for Suicide Prevention, September 1999

School Safety

Model School Crisis and Emergency Management Plan, November 2002

Virginia School Search Resource Guide, October 2000

School Safety audits: Protocol, Procedures, and Checklists, July 2000

Policy Regarding Medication Recommendation by School Personnel, August 2002

Licensure and Teacher Preparation

The Virginia License Renewal Manual, 1998

Local Eligibility License Guidelines, September 2000

Guidelines for the Evaluation of Superintendents, Teachers, and Administrators and Instructional Central Office Personnel, January 2000

Guidelines for Mentor Teacher Programs for Beginning and Experienced Teacher Participation, June 2000

Special Education

Rights and Procedural Safeguards for Special Education Related to Free and Appropriate Public Education, February 2001

Discipline of Students with Disabilities, 2000

Guidelines for the Participation of Students with Disabilities in the Assessment Component of Virginia's Accountability System, 2002

Guidelines for Participation of Students with Disabilities in Alternate Assessments, 2002

Literary Fund

Use of Literary Fund Loan Proceeds, Supts. Memo. No. 6, Regulatory, May 31, 1996

Standards of Accreditation

Guidelines Governing Certain Provisions of the Regulations Establishing Standards for Accrediting Public Schools in Virginia, November 30, 2000

Guidelines for Local School Boards to Award Verified Credits for the Standard Diploma to Transition Students, 2002

Guidelines for Awarding Differentiated Numbers of Verified Credit for Career and Technical Education Certification and Licensure Examinations, 2002

Interpretation of Regulations for Certain Transfer Students, 2002

Miscellaneous

Handbook for Homebound Service, January 1990

Guidelines for the Donation of Obsolete Educational Technology Hardware and Software by School Boards to Students, September 2000

Acceptable Use Policy: A Handbook, 2001

Standards of Learning and Instructional Programs

Criteria for Character Education Programs, February 2000
Objectives for Personal Living and Finance, April 1999
Guidelines for the K-3 Record for Reading and Mathematics, May 1999
Guidelines for Banking-in-School Demonstration Partnership Programs, 2002

Standards of Learning Testing Program

Guidelines for Participation of Limited English Proficient Students in the SOL Assessments, October 1997

Student Discipline

Student Conduct Policy Guidelines, 2004

Student Records

Guidelines for the Management of the Student's Scholastic Record in Virginia Public Schools, July 1998

Student Transportation

Chassis Specifications for 2001 Model School Buses, October 2001 (updated annually)

Uniforms

Model Guidelines for the Wearing of Uniforms in Public Schools, May 23, 1996

Virginia State Assessment Program

Virginia State Assessment Program, Inclusion and Accommodation Guidelines for Students with Disabilities, February 1997

Implementation of the No Child Left Behind Act of 2001

Persistently Dangerous Schools and Unsafe School Choice options, 2002

Guidelines for the Provision of Public School Choice for Students in Title I Schools that are Identified for Improvement Status Under the No Child Left Behind Act of 2001, 2002

Criteria for the Providers of Supplemental Education Services Under the No Child Left Behind Act of 2001, 2002

Resolutions of the Board of Education

Subsequent to promulgating a regulation, additional questions may arise regarding the "intent" of the board regarding a regulation or section of a regulation. The Board of Education may then adopt a resolution to explain to the public its "intent" regarding the regulation or section of a regulation.

STATE BOARD OF ELECTIONS

Copies of the following documents may be viewed on regular work days from 8:30 a.m. until 4:30 p.m. in the office of the State Board of Elections, 9th Street Office Building, 200 North 9th Street, Suite 101, Richmond VA 23219. Copies of many forms may be obtained from the State Board website www.sbe.state.va.us, or by contacting the State Board offices at (800) 552-9745 or FAX at (804) 371-0194.

Questions regarding interpretation or implementation of these documents may be directed to the above office address in person, telephone number, or fax and will be directed to the appropriate staff member.

Guidance Documents:

Certification of Candidate Forms – By General Registrars and Electoral Boards

SBE-505(4), Senate of Virginia, § 24.2-505

SBE-505(5), House of Delegates, § 24.2-505

SBE-505(6)/SBE-612(6), Clerk of Court Shared, §§ 24.2-505, and 24.2-612

SBE-505(7)/SBE-612(7), Commonwealth's Attorney (shared), §§ 24.2-505 and 24.2-612

SBE-505(8)/SBE-612(8), Sheriff (shared), §§ 24.2-505 and 24.2-612

SBE-505(9)/SBE-612(9), Treasurer (shared), §§ 24.2-505 and 24.2-612

SBE-505(10)/SBE-612(10), Clerk of Court, §§ 24.2-505 and 24.2-612

SBE-505(11)/SBE-612(11), Commonwealth's Attorney, §§ 24.2-505 and 24.2-612

SBE-505(12)/SBE-612(12), Sheriff, §§ 24.2-505 and 24.2-612

SBE-505(13)/SBE-612(13), Commissioner of Revenue, §§ 24.2-505 and 24.2-612

SBE-505(14)/SBE-612(14), Treasurer, §§ 24.2-505 and 24.2-612

SBE-505(15)/SBE-612(15), Board of Supervisors, §§ 24.2-505 and 24.2-612

SBE-505(16)/SBE-612(16), County Board, §§ 24.2-505 and 24.2-612

SBE-505(17)/SBE-612(17), City Council Offices, §§ 24.2-505, 612

SBE-505(18)/SBE-612(18), Town Council Offices, §§ 24.2-505 and 24.2-612

SBE-505(19)/SBE-612(19), City School Board, §§ 24.2-505 and 24.2-612

SBE-505(20)/SBE-612(20), Town School Board, §§ 24.2-505 and 24.2-612

SBE-505(21)/SBE-612(21), Local Vacancy – November w/ June Filing Deadline, §§ 24.2-505 and 24.2-612

Guidance Documents

SBE-505(22)/SBE-612(22), Local Vacancy – November w/ August Filing Deadline, §§ 24.2-505 and 24.2-612

SBE-505(23)/SBE-612(23), County School Board, §§ 24.2-505 and 24.2-612

SBE-505(24)/SBE-612(24), Soil and Water Conservation Director, §§ 24.2-505 and 24.2-612

SBE-505(25)/SBE-612(25), Local Vacancy – May Election, §§ 24.2-505 and 24.2-612

SBE-505(26)/SBE-612(26), Local Vacancy – Other than May or November, §§ 24.2-505 and 24.2-612

Certification of Candidates by Political Party Chairs

SBE-511(1), U. S. Senate, § 24.2-511

SBE-511(2), U. S. House of Representatives, § 24.2-511

SBE-511(3), Governor, Lieutenant Governor, Attorney General, § 24.2-511

SBE-511(4), Senate of Virginia, § 24.2-511

SBE-511(5), House of Delegates, § 24.2-511

SBE-511(6), Clerk of Court, § 24.2-511

SBE-511(7), Commonwealth's Attorney (shared), § 24.2-511

SBE-511(8), Sheriff (shared), § 24.2-511

SBE-511(9), Treasurer (shared), § 24.2-511

SBE-511(10), Clerk of Court, § 24.2-511

SBE-511(11), Commonwealth's Attorney, § 24.2-511

SBE-511(12), Sheriff, § 24.2-511

SBE-511(13), Commissioner of Revenue, § 24.2-511

SBE-511(14), Treasurer, § 24.2-511

SBE-511(15), Board of Supervisors, § 24.2-511

SBE-511(16), County Board, § 24.2-511

SBE-511(17), City Council Offices, § 24.2-511

SBE-511(21), Local Vacancy – November w/ June Filing Deadline, § 24.2-511

SBE-511(22), Local Vacancy – November w/ August Filing Deadline, § 24.2-511

Method of Nomination – By Political Party Chairs

SBE-516(1A), President, § 24.2-516

SBE-516(1B), U.S. Senate, § 24.2-516

SBE-516(2), U.S. House of Representative, § 24.2-516

SBE-516(3), Governor, Lieutenant Governor, Attorney General, § 24.2-516

SBE-516(4), Senate of Virginia, § 24.2-516

SBE-516(5), House of Delegates, § 24.2-516

SBE-516(CO), Constitutional Officers, § 24.2-516

SBE-516(15), Board of Supervisors, § 24.2-516

SBE-516(16), County Board, § 24.2-516

SBE-516(17), City Council Officers, § 24.2-516

SBE-516(21), Local Vacancy, § 24.2-516

Candidate Forms

SBE-505/520, Declaration of Candidacy, Rev 12/04, §§ 24.2-505 and 24.2-520

SBE-545, Petition of Qualified Voters for Presidential Primary, Rev 12/04, § 24.2-545

SBE-543, Petition of Qualified Voters for Electors for President and Vice President, Rev 12/04, § 24.2-543

SBE-506/521, Petition of Qualified Voters (all other offices), Rev 12/04, §§ 24.2-506 and 24.2-521

SBE-501(1)/542, Certificate of Candidate Qualification for Elector for President and Vice President, Rev 12/04, §§ 24.2-501 and 24.2-542

SBE-501(2), Certificate of Candidate Qualification for Member of United States Senate, Rev 12/04, § 24.2-501

SBE-501(3), Certificate of Candidate Qualification for Member, House of Representatives, Rev 12/04, § 24.2-501

SBE-501(4), Certificate of Candidate Qualification for Governor and Lieutenant Governor, Rev 12/04, § 24.2-501

SBE-501(5), Certificate of Candidate Qualification for Attorney General, § 24.2-501

SBE-501(6), Certificate of Candidate Qualification for General Assembly, § 24.2-501

SBE-501(7), Certificate of Candidate Qualification for Local Office, § 24.2-501

SBE-501(8), Certificate of Candidate Qualification for City or Town Officer, § 24.2-501

RECEIPT, Documents Presented at Time of Filing for Statewide Office, Rev 12/04, §§ 24.2-501, 24.2-503, 24.2-505, 24.2-506 and 24.2-507

Candidate Bulletins

Note: Bulletins for special elections are issued as needed.

Federal Law, Deadlines and Ballot Access Requirements for President, 12/04, Title 24.2

U.S. Senate, Rev 12/01, Title 24.2

U.S. House of Representatives, Rev 3/04, Title 24.2

Statewide Office, Rev 12/04, Title 24.2

House of Delegates, Rev 12/04, Title 24.2

Local Offices (November), Rev 12/04, Title 24.2

City Offices (May), Rev 11/03, Title 24.2

Town Offices (Vienna) [May], Rev 12/04, Title 24.2

Towns Offices (Floyd) [November], Rev 12/04, Title 24.2

Do's and Don'ts on a Primary Election Day, Rev 12/04, Title 24.2

Guidelines for Pollworkers and Authorized Representatives - Primary Election, Rev 12/04, Title 24.2

Do's and Don'ts on a General or Special Election Day, Rev 12/04, Title 24.2

Guidelines for Pollworkers and Authorized Representatives – General and Special Elections, Rev 12/04, Title 24.2

Referendum Documents

SBE-684.1(1), Petition of Qualified Voters for Referendum, Rev 12/04, § 24.2-684.1

Statement of Petitioner for Local Referendum, Rev 12/04, Title 24.2

Certificate of Receipt and Acceptance for Local Referendum, Rev 12/04, Title 24.2

Bulletin - Referendum Provisions - In General, Rev 12/04, Title 24.2

Bulletin - Direct Election of School Board Members, Rev 12/04, Title 24.2

Bulletin - Pari-Mutuel Wagering. Rev 12/04, Title 24.2

Voter Registration

VA-NVRA-1, Virginia Voter Registration Form, Rev 6/04, § 24.2-418

SBE-13, Voter Registration Card, Rev 11/99, §§ 24.2-411.11, 24.2-423, 24.2-424, 24.2-428, 24.2-643 and 24.2-651.1

SBE-418A 10M, Household Voter Registration Data, Rev 6/97, § 24.2-418

SBE-03P, Authorization to Cancel Voter Registration, Rev 12/94, § 24.2-427

SBE 422, Denial of Application for Virginia Voter Registration, Rev 3/98, § 24.2-422

SBE-410, Adjudication of Incapacitated Form, Rev 12/98, § 24.2-410

Absentee Voting Materials

SBE-701, Absentee Ballot Application Rev 7/03, §§ 24.2-700 and 24.2-701

SBE-706-1, Ballot Within (Envelope A), Rev 8/99, § 24.2-706

SBE-706-2, Ballot(s) [Envelope B], Rev 5/04, § 24.2-706

SBE-705.1, Business/Personal/Medical Emergency AB Application, Rev 7/04, § 24.2-705.1

SBE-705, Emergency Absentee Ballot Application, Rev 7/01, § 24.2-705

SBE-710-1, Emergency AB Applicants List, Rev 9/99, § 24.2-710

SBE-710-2, Business/Personal/Medical Emergency AB Applicants List, Rev 7/01, § 24.2-710

SBE-706-4, Instructions Voting An AB [All others], Rev 12/03, § 24.2-706

SBE-706-4.BC, Instructions Voting An AB [Punch Card Only], Rev 12/03, § 24.2-706

SBE-706-4ES&S, Instructions Voting An AB [iVotronic Only], Rev 12/03, § 24.2-706

SBE-706-4.MS, Instructions Voting An AB [Accu-Vote and Marksense], Rev 12/03, § 24.2-706

SBE-706-4Optech, Instructions Voting An AB [Optech], Rev 12/03, § 24.2-706

SBE-706-4Patriot, Instructions Voting An AB [Patriot Only], Rev 12/03, § 24.2-706

SBE-706-4UOCAVA, Instructions Voting An AB [All others – For Uniformed and Overseas Voters], Rev 7/04, § 24.2-706

SBE-706-4BC_UOCAVA, Instructions Voting An AB [Punch Card Only – For Uniformed and Overseas Voters], Rev 7/04, § 24.2-706

SBE-706-4ES&S_UOCAVA, Instructions Voting An AB [iVotronic Only – For Uniformed and Overseas Voters, Rev 7/04, § 24.2-706

SBE-706-4MS_UOCAVA, Instructions Voting An AB [Marksense – For Uniformed and Overseas Voters], Rev 7/04, § 24.2-706

SBE-706-4Optech_UOCAVA, Instructions Voting An AB [Optech – For Uniformed and Overseas Voters], Rev 7/04, § 24.2-706

SBE-706-4Patriot_UOCAVA, Instructions Voting An AB [Patriot Only – For Uniformed and Overseas Voters], Rev 7/04, § 24.2-706

SBE-705.2, Instructions Voting An Emergency AB [All others without a CAP], Rev 9/99, § 24.2-705

SBE-705.2-CAP, Instructions Voting An Emergency AB (CAP) [All Others with a CAP], Rev 9/99, § 24.2-705

SBE-705.2BC/CAP, Instructions Voting An Emergency AB (CAP) [Punch Card only, Rev 9/99, § 24.2-705

SBE-705.2MS, Instructions Voting An Emergency AB [Accu-Vote & Optech without a CAP], Rev 9/99, § 24.2-705

SBE-705.2MS-CAP, Instructions Voting An Emergency AB (CAP) [Accu-Vote & Optech with a CAP, Rev 9/99, § 24.2-705

SBE-703.2(3), Instructions Voting A Replacement AB [All Others], Rev 10/02, § 24.2-703.2

SBE-703.2(3)ES&S, Instructions Voting A Replacement AB [iVotronic Only], Rev 10/02, § 24.2-703.2

SBE-703.2(3)MS, Instructions Voting A Replacement AB [Accu-Vote & Optech], Rev 10/02, § 24.2-703.2

SBE-703.2(3)PC, Instructions Voting A Replacement AB [Punchcard Only], Rev 10/02, § 24.2-703.2

SBE-649(AB), Request For Assistance In Voting An AB, Rev 8/99, § 24.2-649

Guidance Documents

SBE-705-1, Statement of Designated Representative, Rev 9/99, § 24.2-705

SBE-703.2(2), Statement of Designated Representative of Ill or Disabled Voter, Rev 7/02, § 24.2-703.2

SBE-703.2(1), Statement of Ill or Disabled Voter, Rev 7/02, § 24.2-703.2

SBE HAVA-1, Voter ID Instructions for Absentee Voters, 8/04, § 24.2-707

SBE-703.1, Annual Application for an Absentee Ballot due to Physical Disability or Illness, Rev 12/01, § 24.2-703.1

Affidavits and Statements Printing of Ballots

SBE-616, Statement of Printer, Rev 1/01, § 24.2-616

SBE-616(T), Statement of Printer Town Elections Only, Rev 1/01, § 24.2-616

SBE-617, Statement of Electoral Board Representative, Rev 1/01, § 24.2-617

SBE-618(1), Certificate Of Number Of Ballots Delivered To EB Rep, Rev 9/97, § 24.2-618

BE-618(1)T, Certificate Of Number Of Ballots Delivered To EB Rep- Town Elections Only, Rev 1/01, § 24.2-618

SBE-618(2), Certificate Of Number Of Ballots Received From Printer, Rev 9/97, § 24.2-618

SBE-618(2)T, Certificate Of Number Of Ballots Received From Printer - Town Elections Only, Rev 1/01, § 24.2-618

SBE-619(1), Affidavit Of Witness To Affixing Of Seal, Rev 1/01, § 24.2-619

SBE-619(2), Affidavit Of Person Affixing Seal, Rev 1/01, § 24.2-619

SBE-621, Receipt For Ballots, Rev 9/97, § 24.2-621

SBE-621T, Receipt For Ballots - Town Elections Only, Rev 1/01, § 24.2-621

Officer Instructions

Election Day Guide - Accu-Vote, Rev 7/04, § 24.2-600 et seq.

Election Day Guide - ACCU-VOTE [Tele-Results], Rev 7/04, § 24.2-600 et seq.

Election Day Guide – AVC, Rev 7/04, § 24.2-600 et seq.

Election Day Guide - CAP - Punchcard and Marksense, Rev 7/04, § 24.2-600 et seq.

Election Day Guide - Mechanical Voting Equipment, Rev 7/04, § 24.2-600 et seq.

Election Day Guide - Optech III PE or Insight, Rev 7/04, § 24.2-600 et seq.

Election Day Guide - PBC IIID, Rev 7/04, § 24.2-600 et seq.

Election Day Guide – Unilect Patriot, Rev 10/04, § 24.2-600 et seq.

Election Day Guide – ES&S iVotronic, Rev 7/04, § 24.2-600 et seq.

Election Day Guide – AVS WINvote, Rev 10/04, § 24.2-600 et seq.

Election Day Guide – Sequoia Edge, Rev 10/04, § 24.2-600 et seq.

Election Day Guide – Hart eSlate, Rev 7/04, § 24.2-600 et seq.

Election Day Guide – Diebold AccuVote TS R6, Rev 7/04, § 24.2-600 et seq.

What if...Quick Reference To Problems, Rev 7/04, Title 24.2

SBE-611.1, Officer of Elections Oath, Rev 7/02, § 24.2-611.1

SBE-649A, Outside Polls Voter Envelope [All Other], Rev 7/94, § 24.2-649

SBE-649-BRC, Outside Polls Voter Envelope [Punchcard Only], § 24.2-649

SBE-711.1, Rejected Absentee Ballots Log, Rev 8/02, § 24.2-711.1

Posters and Signs

SBE-613, Explanation of Political Party Abbreviations [November Elections Only], Rev 6/04, § 24.2-613

SBE-643S, Attention All Voters, Rev 3/01, § 24.2-643

Full Legal Name Signs, § 24.2-643

Notice - New Procedure [Accu-Vote, Optech & Punchcard], § 24.2-600 et seq.

SBE-604, Prohibited Area And Activities Signs, Rev 1/04, § 24.2-604

SBE-HAVA-2, Election Date and Hours Notice [Federal Elections Only], 42 USCS § 15482(b)(1)(B), § 24.2-603

SBE-HAVA-3, Voter ID Requirements [federal elections only], Rev 7/04, 42 USCS § 15483(b), § 24.2-643

SBE-HAVA-4, Voters Rights and Responsibilities Poster (includes instructions on voting a provisional [conditional] ballot) For All Elections, Rev 7/04, 42 USCS § 15301 et seq., § 24.2-600 et seq.

SBE-HAVA-5, Provisional Voter Notice, Rev 7/04, 42 USCS § 15482, § 24.2-653

Reports

Ballot Record Report – Marksense, Rev 99, § 24.2-600 et seq.

Ballot Record Report – Punchcard, Rev 11/94, § 24.2-600 et seq.

Incident Report – Marksense and Punchcard, § 24.2-600 et seq.

Statement of Results

Mechanical Lever, Rev 11/04, § 24.2-667

Accuvote TS R6, Rev 11/04, § 24.2-667

AVC Advantage, Rev 11/04, § 24.2-667

eSlate Voting System, Rev 2/04, § 24.2-667

iVotronic, Rev 11/04, § 24.2-667

Unilect Patriot Voting System, Rev 11/04, § 24.2-667

Winvote Voting System, Rev 11/04, § 24.2-667

Statement of Voter Forms

SBE-708, Absentee Ballot Not Received, Rev 8/99, § 24.2-708

SBE-643B, Affirmation of Identity, Rev 7/00, § 24.2-643

SBE-649, Request For Assistance/Affirmation of Eligibility, Rev 7/04, § 24.2-649

SBE-651 (PVP), Affirmation of Eligibility [Presidential Ballot Only], Rev 7/04, § 24.2-651

Voting Machine Checklists

SBE-632(3), AVM-NP (non-printer), § 24.2-632

SBE-632(5), AVM-RL (printer with rigid pointers), Rev 2/96, § 24.2-632

SBE-632(4), AVM-RP (printer with removable pointers), 9/80, § 24.2-632

SBE-632(2), IES Shoup, § 24.2-632

SBE-632(1), RF Shoup, § 24.2-632

Ballots and Voting Equipment

SBE-612, Certificate of Number of Ballots Ordered to Be Printed, Rev 6/04, § 24.2-612

Fax Certification of Ballot Content Accuracy By Secretary of the Electoral Board or General Registrar, § 24.2-612

Voting Equipment Testing and Programming - Certification of Completion by Electoral Board, §§ 24.2-632 and 24.2-633

Abstracts

Note: Abstract forms are routinely updated to reflect the candidates running for the specific offices in November general elections, May elections, primaries, and special elections and are all created in order for the electoral boards to provide the information to SBE necessary to implement § 24.2-675.

Abstracts of Votes for Electors for President and Vice President of the United States

Abstracts of Votes for Write-Ins Certification - Electors for President and Vice President

Abstracts of Votes for Member, United States Senate

Abstracts of Votes for Member, House of Representatives

Abstracts of Votes for Governor

Abstracts of Votes for Lieutenant Governor

Abstracts of Votes for Attorney General

Abstracts of Votes for Member, Senate of Virginia
Abstracts of Votes for Member, House of Delegates

Abstracts of Votes for Clerk of Court (shared by a county and one or more cities)

Abstracts of Votes for Commonwealth's Attorney (shared by a county and one or more cities)

Abstracts of Votes for Sheriff (shared by a county and one or more cities)

Abstracts of Votes for Treasurer (shared by a county and one or more cities)

Abstracts of Votes for Clerk of Court

Abstracts of Votes for Commonwealth's Attorney

Abstracts of Votes for Sheriff

Abstracts of Votes for Commissioner of Revenue

Abstracts of Votes for Treasurer

Abstracts of Votes for Member, Board of Supervisors

Abstracts of Votes for County Board (Arlington County - even numbered years)

Abstracts of Votes for Mayor - City (May)

Abstracts of Votes for Mayor - Town (May)

Abstracts of Votes for Mayor (November)

Abstracts of Votes for Member, City Council (May)

Abstracts of Votes for Town Council (May)

Abstracts of Votes for Member, City Council (November)

Abstracts of Votes for Town Council (November)

Abstracts of Votes for Member, School Board - City (May)

Abstracts of Votes for Member, School Board - Town (May)

Abstracts of Votes for Member, School Board - City (November)

Abstracts of Votes for Member, School Board - County (November)

Abstracts of Votes for School Board (Arlington County even-numbered years)

Abstracts of Votes for Soil and Water Conservation Director

Abstracts of Votes for Write-Ins Certification (all offices)

Abstracts of Votes for Write-Ins Certification - Continuation (all offices)

Recount Documents

Note: All recount documents were created to implement the various provisions of Chapter 8 of Title 24.2.

A-I Instructions for Recount Officials: Mechanical Lever Machines without Printers, Rev 5/98

A-II Instructions for Recount Coordinators: Mechanical Lever Machines without Printers, Rev 5/98

Guidance Documents

- B-I Instructions for Recount Officials: Paper Ballots, Rev 5/98
- B-II Instructions for Recount Coordinators: Working With Recount Officials Counting the Paper Ballots, Rev 5/98
- DE-I Instructions for Recount Officials: Direct Electronic Machine Printouts and Paper Ballots, Rev 5/98
- DE-II Instructions for Recount Coordinators: Working With Officials Counting Paper Ballots and Direct Electronic Machine Printouts, Rev 12/99
- MS-1 Instructions for Recount Officials (Accu-Vote Marksense Tabulators), 7/99
- MS-2 Instructions for Recount Coordinators (Accu-Vote Marksense Tabulators), 7/97
- MS-1 Instructions for Recount Officials (Optech Marksense Tabulators), 7/99
- MS-2 Instructions for Recount Coordinators (Optech Marksense Tabulators), 7/97
- PB-I Instructions for Recount Officials: Paper Ballots Only, Rev 11/95
- PB-II Instructions for Recount Coordinators: Working With Official Counting Paper Ballots, Rev 11/94
- PB-I (MS) Instructions for Recount Officials: Paper Ballots Only (multi-seat offices), Rev 6/90
- PB-II (MS) Instructions for Recount Coordinators: Working With Officials Counting Paper Ballots (multi-seat offices), Rev 6/90
- PC-1 Instructions for Recount Officials: PBC-3 Punchcard Tabulators, Rev 12/97
- PC-2 Instructions for Recount Coordinators: PBC-3 and PCB-IIID Punchcard Tabulators, Rev 12/97
- PC-1(D) Instructions for Recount Officials (Henrico Only): PBC-IIID Punchcard Tabulators, Rev 12/97
- MP-I Instructions for Recount Officials: Mechanical Lever Machines with Printers, and also Paper Ballots, Rev 8/01
- MP-II Instructions for Recount Coordinators: Mechanical Lever Machines with Printers and also Paper Ballots, Rev 12/91
- MP-I(MS) Instructions for Recount Officials: Mechanical Lever Machines with Printers and also Paper Ballots (multi-seat offices), Rev 6/90
- MP-II(MS) Instructions for Recount Coordinators Mechanical Lever Machines with Printers and also Paper Ballots (multi-seat offices), Rev 6/90
- MP-I-WI Instructions for Recount Officials: Mechanical Lever Machines with Printers and also Paper Ballots (recounts in which one of the candidates is a write-in candidate), Rev 11/91
- MP-II-WI Instructions for Recount Coordinators: Mechanical Lever Machines with Printers and also Paper Ballots (recounts in which one of the candidates is a write-in candidate), Rev 11/91
- SBE-654R, Recount Precinct Results, Rev 5/04
- SBE-654R-MS, Recount Precinct Results, Rev 5/04
- SBE-654R1, Recount Pollbooks and Paper Ballots, Rev 12/03
- SBE-654R2, Statement of Recount Official Challenged Ballot
- SBE-654R2-BC, Statement of Recount Official Damaged (Challenged) Ballot
- SBE-654R4-IES, Recount Certification by Court, Rev 12/03
- SBE-654R4-MS, Recount Certification by Court, Rev 12/01
- SBE-654R4-MS-AVM, Recount Certification by Court, Rev 5/04
- SBE-654R4-PC, Recount Certification by Court, Rev 12/97
- SBE-654R6, Recount Reimbursement - Officer of Election, Rev 12/01
- SBE-654R7, Recount Reimbursement – Alternate, Rev 12/01
- Campaign Finance**
- Virginia's Campaign Finance Disclosure Act: Summary of Laws and Policies for Candidates and Their Committees, Rev 8/04, § 24.2-903
- Virginia's Campaign Finance Disclosure Act: Summary of Laws and Policies for Political Committees, Rev 8/04, § 24.2-903
- Virginia's "Stand By Your Ad" Law: Summary of Law and Policies for Candidates, Political Committees, and Persons, Rev 8/04, § 24.2-903
- Form 908, Statement of Organization: Political Committee, Rev 12/04, § 24.2-908
- 2004 and 2005 Regular Report Filing Cover Sheet, Rev 6/04, § 24.2-914
- Form 920P, Final Report Filing Cover Sheet, Rev 12/04, § 24.2-920
- Form 906.1, Request for Exemption from E-Filing Agreement, Rev 12/04, § 24.2-914.1
- Form 914.1P, Rescind Request for E-Filing Agreement, Rev 12/04, § 24.2-914.1
- Form 904, Statement of Organization: Candidate, Rev 12/04, § 24.2-904
- 2004 and 2005 Regular Report Filing Cover Sheet, Rev 12/04, § 24.2-914
- Form 920C, Final Report Filing Cover Sheet, Rev 12/04, § 24.2-920
- Form 919, Large Pre-Election Contribution Form, Rev 12/04, § 24.2-919
- Form 919.1, Large Contribution Form for Board of Supervisors and City and Town Council Candidates, Rev 12/04, § 24.2-919.1
- Form 906.1R, Exemption from Reporting Requirements Form, Rev 12/04, § 24.2-906.1

SBE-906.1B, Rescind Request for Exemption, Rev 4/02, § 24.2-906.1

SBE-914.1 A-I, Reporting Forms, Rev 12/03, §§ 24.2-914 and 24.2-914.1

Form 910.1, Independent Expenditure Form, Rev 12/04, § 24.2-910.1

Approved Vendor Agreement (for Campaign Finance e-filing, Rev 12/04, § 24.2-900 et seq.

General Registrar and Electoral Board Guidance

SBE-119, Certificate of Eligibility for Appointment to Electoral Board, Rev 12/98, § 24.2-119

VVRS User's Guide, Rev 7/04, § 24.2-404

Electronic Precinct Record Listing Program User's Manual, § 24.2-444

Electronic Alpha Roster Program User's Manual, § 24.2-404

General Registrar and Electoral Board Manual, Rev 10/04, Title 24.2

Guidelines for Conducting Voter Registration Drives, Rev 1/04, § 24.2-4 et seq.

Virginia Recount Standards, Rev 7/02, § 24.2-800 et seq

List of Those Who Voted Instructions, Rev 4/04, § 24.2-600 et seq.

Voting Equipment Replacement Policy and Procedures, Rev 3/04, 42 USCS § 15301 et seq.

Emergency Voting Procedures for Military and Pilot Program Information, Rev 11/04, § 24.2-631

Weekly Newsletter to Election Officials, Title 24.2

Voting Equipment Vendors

The Virginia Voting Systems and Equipment Certification Guidelines: Submission Procedures, Rev 6/04, § 24.2-628

VIRGINIA EMPLOYMENT COMMISSION

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the central office of the Virginia Employment Commission, 703 East Main Street, Richmond, VA 23219. Copies of Unemployment Insurance Program documents may be obtained by contacting M. Coleman Walsh, Jr., at the Virginia Employment Commission, Office of Commission Appeals, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-7554 or FAX (804) 786-9034. Copies of Workforce Investment Act documents are available on the VEC's Internet site at <http://www.vec.state.va.us/wia.cfm?loc=wia&info=vaplans> or by contacting Caprichia Thurston at the Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 371-5365 or FAX (804) 225-2190. Unless otherwise indicated, there is a \$1.00 per document copying charge.

Questions regarding interpretation or implementation of Unemployment Insurance documents may be directed to M. Coleman Walsh, Jr., Chief Administrative Law Judge, Virginia Employment Commission, Office of Commission Appeals, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 786-7554 or FAX (804) 786-9034. Questions regarding interpretation or implementation of Workforce Investment Act documents may be directed to Caprichia Thurston at the Virginia Employment Commission, P.O. Box 1358, Richmond, VA 23218-1358, telephone (804) 371-5365 or FAX (804) 225-2190.

Unemployment Insurance Guidance Documents:

Precedent Decision Manual, revised January 1997, § 60.2-100 et seq. and 16 VAC 5-10, \$90

Guide for Effective Unemployment Insurance Adjudication, revised September 1994, § 60.2-100 et seq., \$90

A Digest of Virginia Unemployment Insurance Tax Law, revised June 1990, Va. Code Anno., Title 60.2 Chapters 2 and 5, \$43

Field Operations Bulletin Manual, revised January 29, 1997, Title 60.2 Chapters 2 and 6, 16 VAC 5-10, \$10

Interoffice Communication on The 28-Day Rule, issued July 11, 1996, 16 VAC 5-60-10 F

Interoffice Communication on Interpretation of the Two-Week Limitation on Benefits Set Out in Section 60.2-612(8) of the Code of Virginia, issued January 3, 1997, § 60.2-612(8)

Interoffice Communication on Party Tape Recording Hearing, issued March 19, 1997, § 60.2-623

Commission Decision 54991-C, Meade v. Buster Brown Apparel, Inc., issued November 25, 1997, § 60.2-229(A)

Commission Decision 41251-C, Williams v. U. S. Army, issued March 19, 1993, § 60.2-604

Commission Decision 47602-C, Sikka v. Cater Air International Corp., issued March 22, 1995, § 60.2-604

Commission Decision 45419-C, In re Purvis, issued June 13, 1994, § 60.2-608

Commission Decision 12665-C, Picard v. Hayes, Seay, Mattern and Mattern, issued October 4, 1979, § 60.2-612

Commission Decision 22777-C, Moore v. Klate Holt Company, issued January 24, 1984, § 60.2-612

Commission Decision 25950-C, Heldreth v. Southwest Virginia Enterprise, issued July 11, 1986, § 60.2-612

Commission Decision 46472-C, Duncan v. Department of Corrections, issued November 15, 1994, § 60.2-612

Commission Decision 50908-C, In re Parnell, issued April 17, 1996, § 60.2-612(1)

Commission Decision 36809-C, Coy v. Philip Morris, Inc., issued November 20, 1991, § 60.2-612(5)

Commission Decision 23806-C, Sysco v. Virginia Stage Company, issued August 31, 1984, § 60.2-612(7)

Guidance Documents

Commission Decision 38556-C, Copeland v. U. S. Navy, issued July 1, 1992, § 60.2-612(7)

Commission Decision 47764-C, Lilliam v. Commonwealth Health Care, issued April 4, 1995, § 60.2-612(7)

Commission Decision 51212-C, Alderson v. Tultex Corporation, issued May 17, 1996, § 60.2-612(7)

Decision SUA-3, Fulk v. Rocco Farm Foods, issued August 11, 1975, § 60.2-612(7)

Decision UI-76-393, Corbett v. C and P Telephone Company, issued January 24, 1977, § 60.2-612(7)

Commission Decision 3153-C, Weaver v. Ideal Laundry and Dry Cleaners, issued October 16, 1957, § 60.2-618(1)

Commission Decision 5909-C, Mahew v. Capitol Concrete Rental Corporation, issued March 12, 1973, § 60.2-618(1)

Commission Decision 6514-C, Thompson v. Dow Badische Company, issued November 26, 1974, § 60.2-618(1)

Commission Decision 8298-C, Gross v. Command Deliveries, Inc., issued August 16, 1976, § 60.2-618(1)

Commission Decision 16998-C, Johnson v. Hall and Taylor Body Shop, issued November 6, 1981, § 60.2-618(1)

Commission Decision 24302-C, Young v. Mick or Mack, issued December 13, 1984, § 60.2-618(1)

Commission Decision 26561-C, Bartley v. Atlantic Research Corp., issued February 28, 1986, § 60.2-618(1)

Commission Decision 27729-C, Rasnake v. Pepsi Cola Bottling of Norton, issued July 31, 1987, § 60.2-618(1)

Commission Decision 33298-C, Pugh v. Christian Children's Fund, issued June 29, 1990, § 60.2-618(1)

Commission Decision 34957-C, Edwards v. Landmark Builders of the Triad, issued January 18, 1991, § 60.2-618(1)

Commission Decision 36673-C, Winisky v. Fauquier County School Board, issued December 2, 1991, § 60.2-618(1)

Commission Decision 37072-C, Boardwine v. Tennessee Investment Casting Company, issued December 20, 1991, § 60.2-618(1)

Commission Decision 37487-C, Beckner v. Harris Teeter Super Markets, issued April 2, 1992, § 60.2-618(1)

Commission Decision 38232-C, Wright v. Prince Edward County Department of Social Services, issued June 15, 1992, § 60.2-618(1)

Commission Decision 40365-C, Hampe v. Krisp-Pak Company, Inc., issued March 3, 1994, § 60.2-618(1)

Commission Decision 40827-C, Meador v. Bunker Hill Packing Corp., issued April 1, 1993, § 60.2-618(1)

Commission Decision 40968-C, Fields v. Bristol Home Health Services, issued May 12, 1993, § 60.2-618(1)

Commission Decision 41241-C, Jennings v. Craddock-Terry, Inc., issued March 24, 1993, § 60.2-618(1)

Commission Decision 43248-C, Zumbaugh v. GTE Government Systems, Inc., issued October 1, 1993, § 60.2-618(1)

Commission Decision 46659-C, Alsip v. Department of the Army, issued October 27, 1994, § 60.2-618(1)

Commission Decision 46964-C, Barrington v. Virginia Power, issued January 17, 1995, § 60.2-618(1)

Commission Decision 50372-C, Fedelez v. Bell Atlantic Virginia, Inc., issued March 9, 1996, § 60.2-618(1)

Commission Decision 5585-C, Newkirk v. Virginia National Bank, issued February 18, 1972, § 60.2-618(2)

Commission Decision 7340-C, Porter v. Wilson Trucking Company, issued January 5, 1976, § 60.2-618(2)

Commission Decision 7446-C, McAfee v. Harvey's Chevrolet Corp., issued February 2, 1976, § 60.2-618(2)

Commission Decision 11446-C, Wertz v. Russell Transfer, Inc., issued January 10, 1979, § 60.2-618(2)

Commission Decision 14088-C, Lee v. City of Roanoke, issued January 13, 1981, § 60.2-618(2)

Commission Decision 25853-C, Stevens v. Copy Systems, issued December 12, 1985, § 60.2-618(2)

Commission Decision 26734-C, Dawson v. Old Dominion Job Corps, issued March 28, 1986, § 60.2-618(2)

Commission Decision 28159-C, Cornett v. Harry C. Sutherland, CPA, issued April 23, 1987, § 60.2-618(2)

Commission Decision 28209-C, Garrett v. Chester Drugs, Inc., issued March 1, 1993, § 60.2-618(2)

Commission Decision 29748-C, Shelton v. Department of Labor, issued April 12, 1988, § 60.2-618(2)

Commission Decision 30052-C, Johnston v. Kennedy's Piggly Wiggly Stores, issued June 28, 1988, § 60.2-618(2)

Commission Decision 30317-C, Hodge v. Sentara Nursing Center, issued May 2, 1992, § 60.2-618(2)

Commission Decision 30397-C, Blount v. D.G.S.C., issued June 30, 1988, § 60.2-618(2)

Commission Decision 30470-C, Summers v. Turn-Key Homes, Inc., issued July 8, 1988, § 60.2-618(2)

Commission Decision 30524-C, Thomas v. Family Fashions by Avon, Inc., issued August 26, 1988, § 60.2-618(2)

Commission Decision 30609-C, Hogan v. Commonwealth of Virginia, issued September 12, 1988, § 60.2-618(2)

Commission Decision 30974-C, Garner v. Accomack County School Board, issued December 2, 1988, § 60.2-618(2)

Commission Decision 33438-C, Davis v. Stone Container Corp., issued January 18, 1991, § 60.2-618(2)

Commission Decision 34000-C, Busler v. Rapoca Energy Company, issued December 14, 1990, § 60.2-618(2)

Commission Decision 34061-C, Spencer v. Regis Hair Stylists, issued February 6, 1991, § 60.2-618(2)

Commission Decision 34343-C, Carr v. Conagra, Inc., issued November 9, 1990, § 60.2-618(2)

Commission Decision 34603-C, Lambert v. Department of the Army, issued November 29, 1990, § 60.2-618(2)

Commission Decision 35174-C, Thomas v. Steven J. Chavis, issued February 11, 1991, § 60.2-618(2)

Commission Decision 35294-C, Baker v. Norfolk Shipbuilding and Drydock, issued (unknown), § 60.2-618(2)

Commission Decision 35309-C, Morrison v. J.T.M. Pizza, Inc., issued March 2, 1992, § 60.2-618(2)

Commission Decision 35866-C, Bishop v. Crown Central Petroleum Corp., issued June 24, 1991, § 60.2-618(2)

Commission Decision 35909-C, Culpepper v. Quality Cleaners, issued July 1, 1991, § 60.2-618(2)

Commission Decision 35999-C, Simmons v. Numanco, issued July 11, 1991, § 60.2-618(2)

Commission Decision 36195-C, Mallory v. J. A. Jones Construction Company, issued August 19, 1991, § 60.2-618(2)

Commission Decision 36310-C, Holloway v. Pearle Vision Center and The Price Club, issued August 29, 1991, § 60.2-618(2)

Commission Decision 36653-C, Parker v. Roadway Express, issued July 22, 1992, § 60.2-618(2)

Commission Decision 36655-C, Simonson v. Sligh Plumbing and Heating Company, issued November 27, 1991, § 60.2-618(2)

Commission Decision 36794-C, Jordan v. Newport News Shipbuilding, Inc., issued December 17, 1991, § 60.2-618(2)

Commission Decision 37114-C, Neil v. Newport News Shipbuilding, Inc., issued December 24, 1991, § 60.2-618(2)

Commission Decision 37615-C, Robinson v. Smithfield Packing Co., Inc., issued March 6, 1992, § 60.2-618(2)

Commission Decision 37762-C, Critton v. Sola Optical U.S.A., issued April 25, 1992, § 60.2-618(2)

Commission Decision 37934-C, Jefferson v. Heritage Garden Center, Inc., issued April 17, 1992, § 60.2-618(2)

Commission Decision 39082-C, Perry v. Newport News Shipbuilding, Inc., issued September 12, 1992, § 60.2-618(2)

Commission Decision 39702-C, Butts v. Jones, Blechman, Woltz and Kelly, P.C., issued October 15, 1992, § 60.2-618(2)

Commission Decision 39703-C, Kao v. Gordon Boulevard Services, Inc., issued November 3, 1992, § 60.2-618(2)

Commission Decision 39862-C, Lauzonis v. Holiday Inn-South, issued December 7, 1992, § 60.2-618(2)

Commission Decision 40195-C, Slacum v. R. H. Walker and Associates, issued January 11, 1993, § 60.2-618(2)

Commission Decision 41247-C, Osborne v. Transit Management of Alexandria, Inc., issued June 4, 1993, § 60.2-618(2)

Commission Decision 41966-C, Cobble v. United Consumers, Inc., issued June 28, 1993, § 60.2-618(2)

Commission Decision 42083-C, Girma v. News Emporium, Inc., issued June 7, 1993, § 60.2-618(2)

Commission Decision 42091-C, Hurley v. Wallace, issued July 10, 1993, § 60.2-618(2)

Commission Decision 42493-C, Layne v. Leslie G. Rowland, issued July 16, 1993, § 60.2-618(2)

Commission Decision 42703-C, Lee v. Gam Industries, Inc., issued July 30, 1993, § 60.2-618(2)

Commission Decision 42977-C, Bland v. Bristol Newspapers, Inc., issued August 28, 1993, § 60.2-618(2)

Commission Decision 43306-C, Stover v. Pulaski Furniture Corporation, issued October 2, 1993, § 60.2-618(2)

Commission Decision 43933-C, Yousef v. Avis Rent-A-Car System, Inc., issued January 7, 1994, § 60.2-618(2)

Commission Decision 44291-C, Liberty v. Hampton Roads Vending and Food Service, Inc., issued February 12, 1994, § 60.2-618(2)

Commission Decision 44375-C, Turner v. Christiansburg Garment Co., Inc., issued March 29, 1994, § 60.2-618(2)

Commission Decision 45948-C, Robins v. Security Transcontinental, Inc., issued August 26, 1994, § 60.2-618(2)

Commission Decision 45991-C, Sydenstricker v. Boddie-Noell Enterprises, issued July 28, 1994, § 60.2-618(2)

Commission Decision 47019-C, Agnew v. Memorial Hospital of Martinsville, issued February 28, 1995, § 60.2-618(2)

Commission Decision 49303-C, Broad v. Town of Grottoes, issued September 23, 1995, § 60.2-618(2)

Commission Decision 49590-C, Vanwinkle v. Ammars, Incorporated, issued July 25, 1996, § 60.2-618(2)

Commission Decision 50577-C, Billings v. Regional Enterprises, issued June 25, 1996, § 60.2-618(2)

Commission Decision 52458-C, Larrabee v. The Sealaw Group, issued June 16, 1996, § 60.2-618(2)

Commission Decision UCFE-246, Pryor v. Department of Defense, issued April 25, 1975, § 60.2-618(2)

Commission Decision 34269-C, Coleman v. Clinchfield Coal Company, issued February 6, 1991, § 60.2-618(3)

Commission Decision 43652-C, Hearn v. U. S. Army, issued November 30, 1993, § 60.2-618(3)

Commission Decision 47442-C, Jones v. Northside Electric Company, issued March 27, 1995, § 60.2-618(3)

Commission Decision 30679-C, Russell v. Richard T. Traylor, issued August 24, 1988, § 60.2-618(4)

Guidance Documents

Commission Decision 39904-C, Warren v. Orion Associates, Inc., issued November 19, 1992, § 60.2-618(5)

Commission Decision 45555-C, Fuller v. Banner Masonry, issued June 3, 1994, § 60.2-618(5)

Commission Decision 10619-C, In re Ardizzone, issued August 2, 1978, § 60.2-619(A) and (C)

Commission Decision 18398-C, Crone v. Kitchens Equipment Company, issued July 1, 1982, § 60.2-619(A) and (C)

Commission Decision 25734-C, Randolph v. Huff-Cook, MBA, issued July 11, 1986, § 60.2-619(A) and (C)

Commission Order 38616-C, Melton v. Monroe Systems for Business, Inc., issued June 26, 1992, § 60.2-619(A) and (C)

Commission Decision 43213-C, Forehand v. J. B. Denny Company, et al, issued September 10, 1993, § 60.2-619(C)

Commission Decision 51475-C, Crisman v. Select Staffing Services, Inc., issued June 14, 1996, § 60.2-619(C)

Commission Decision 53842-C, Wilson v. Four J's, Inc., issued December 12, 1997, § 60.2-619(C)

Commission Decision 40782-C, Luther v. Dynamic Engineering, Inc., et al, issued March 2, 1993, § 60.2-620(A)

Commission Decision 43043-C, Olabosipo v. Electronics Boutique, issued October 4, 1993, § 60.2-620(A)

Commission Order 42777-C, Royster v. Halifax-South Boston Community Hospital, § 60.2-620(A)

Commission Decision 33733-C, Gonzalez v. Thornhill, issued June 22, 1990, § 60.2-620(B)

Commission Decision 42124-C, Lasalle v. Great Falls Shell, issued June 29, 1993, § 60.2-620(B)

Commission Decision 51212-C, Alderson v. Tultex Corporation, issued May 17, 1996, 16 VAC 5-60-20 F

Commission Decision 39240-C, Edwards v. Newport News Shipbuilding, Inc., issued August 31, 1992, 16 VAC 5-80-20 I

Commission Decision 42406-C, Singleton v. Wilds, issued July 8, 1993, 16 VAC 5-80-20 I

Commission Decision 33733-C, Gonzalez v. Thornhill, issued June 22, 1990, 16 VAC 5-80-30 A 1

Workforce Investment Act Guidance Documents:

All documents provide interpretive guidance for P.L. 105-220 and 20 CFR Part 652.

Virginia's Negotiated Levels of Performance

Virginia's Unified WIA Plan, revised according to USDOL comments, and re-submitted on 5/30/200

Index to Unified Plan Revisions; 5/30/2000

Virginia's Abbreviated Transition Plan for Youth Activities

99-1 Designation of Local Workforce Investment Areas

99-2 Establishment of Local Workforce Investment Board

00-1 Local Workforce Investment Board Focus, Staffing and Service Restrictions

00-2 Youth Councils Under Title I of the Workforce Investment Act

00-3 Public Participation and Collaboration in the Development and Implementation of the Commonwealth's Workforce Investment System

00-4 One Stop Service Delivery System

00-5 Youth Programs Under Title I of the Workforce Investment Act

00-6 Universal Access, Adult Eligibility and Priority of Services

00-7 Certification Process for WIA Training Providers

00-8 Virginia's Training Voucher System Under WIA

00-9 One Stop Chartering Process

00-10 Equal Opportunity Policy

00-11 Continuous Improvement, Incentives and Sanctions for the WIA

00-12 Assessment Services for Adult, Dislocated Workers and Youth Programs

01-01 WIA Methods of Administration, 29 CFR Part 37

01-02 Discrimination Policy

01-03 National Emergency Grant

01-04 Process for Additional Funding of Dislocated Worker Activities

02-01 Processing Grievances and Complaints

02-02 Recaptured Workforce Investment Act Title I Local Formula Funds

Virginia Workforce Training Oversight Assessment Guide

PY03 Local Plan Guidance

PY2001-PY2003 Local Planning Guidance, as approved by the Virginia Workforce Council

Virginia Memorandum of Understanding Guide

FGM #00-01 Consumer Reports System

FGM # 00-02 Implementation of Interim Data Collection and Reporting System

FGM #01-01 Follow-up Services

FGM #01-02 Employed Worker Response

FGM #01-03 Memoranda of Understanding Guidelines

FGM #01-04 Local WIA Program Policy Implementation

FGM #02-01 FGM Board Staff Costs

FGM #02-02 Clarification of the Term "School Dropout"

FGM #02-03 Carrying Over WIA Funds

FGM #02-04 Local Area WIA Funds Transfer Procedures

FGM #02-05 Sanctions for Unacceptable Performance
FGM #02-06 2002 Poverty and 70% Lower Living Standard
Income Levels
FGM #02-07 Definition of Family
Q&A DOL WIA Transition and Implementation Issues
Q&A WIA Local Roles and Responsibilities
Q&A WIA Title I Funding to Localities in Virginia
Q&A Transition to a One Stop System in Virginia
Q&A Youth and Summer Program 2000 Guidance
Q&A Transition to WIA
Q&A WIA Overview for Virginia
Health Coverage Tax Credit Guidance Documents
HCTC Application Process, Step-By-Step Instructions
HCTC Gap Filler Grant Application
HCTC Q&A
HCTC Notice

DEPARTMENT OF EMPLOYMENT DISPUTE RESOLUTION

Copies of the following documents may be viewed during regular workdays from 8 a.m. until 5 p.m. at the Department of Employment Dispute Resolution (EDR), 830 E. Main Street, Suite 400, Richmond, VA 23219. A single copy may be obtained free of charge by contacting Doris Harris-Price at the same address, telephone (804) 786-7994, toll free (888) 232-3842, FAX (804) 786-0100 or e-mail administrator@edr.virginia.gov. EDR reserves the right to charge a reasonable fee for multiple copies. All documents are posted on EDR's website at www.edr.virginia.gov. EDR does not charge for the downloading of these documents.

Questions regarding interpretation or implementation of the documents may be directed to Claudia T. Farr, Director, Department of Employment Dispute Resolution, 830 E. Main Street, Suite 400, Richmond, VA 23219, telephone (804) 786-7994, toll free (888) 232-3842, FAX (804) 786-0100 or e-mail administrator@edr.virginia.gov.

Guidance Documents:

Grievance Procedure Manual, revised August 30, 2004, §§ 2.2-1000 et seq. and 2.2-3000 et seq.

Rules for Conducting Grievance Hearings, revised August 30, 2004, §§ 2.2-1000 et seq. and 2.2-3000 et seq.

Mediation Guidelines, revised October 18, 2002, §§ 2.2-1000 et seq. and 2.2-3000 et seq.

Note: EDR publishes fact-specific grievance rulings and hearing decisions on EDR's website at www.edr.virginia.gov. EDR does not charge for the downloading of rulings or decisions.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality has numerous documents in use which guide staff in the implementation of the regulations adopted by the three boards: State Air Pollution Control Board, Virginia Waste Management Board and State Water Control Board. In accordance with state law, the department will publish an annual list of guidance documents.

The list that follows contains documents prepared by the department. It does not include documents that merely restate regulatory provisions in a different format such as checklists or boilerplates, nor does it include guidance documents developed by other federal and state agencies.

The majority of the guidance documents are available at no charge on the Virginia Regulatory Town Hall website: www.townhall.state.va.us. Requests for copies of those documents not available electronically on the Town Hall or copies of any of the documents listed are considered a request for information under the Freedom of Information Act. There is a charge for copies. Unless a cost is specifically listed, the charge will be based on the department's FOIA Policy.

Requests for copies or questions regarding interpretation of Waste Division Guidance should be directed to: Central Office Waste Division, 629 E. Main Street, P.O. Box 10009, Richmond, VA 23240, telephone (804) 629-4147.

Requests for copies or questions regarding interpretation of the FOIA Policy should be directed to: Central Office FOIA Coordinator, 629 E. Main Street, P.O. Box 10009, Richmond, VA 23240, telephone (804) 629-4531 or 698-4315.

Requests for copies or questions regarding interpretation of the Litter Prevention and Recycling documents should be directed to: Coordinator, Litter Control and Recycling, Department of Environmental Quality, 629 E. Main Street, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4003.

Requests for copies or questions regarding interpretation of any of the other guidance documents should be directed to the appropriate regional office:

Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24210, telephone (276) 676-4800.

Valley Regional Office, 4411 Early Road, Harrisonburg, VA 22801, telephone (540) 574-7800.

Piedmont Regional Office, 4949 A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5020.

West Central Regional Office, 3019 Peters Creek Road, Roanoke, VA 24019, telephone (540) 562-6700.

Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2000.

Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3800.

South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502 (434) 582-5120.

Guidance Documents

Copies may also be requested by writing to: FOIA Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240.

Guidance documents pertaining to the agency - Department of Environmental Quality

2171, Virginia Freedom of Information Act Compliance, 11/16/2000

2172, Enforcement Manual, 12/01/1999

2153, Tax Certification for Pollution Control Materials and Equipment, 06/18/2003

2159, Ability to Pay Guidance : Local Governments, 07/01/2002

2160, Ability to Pay Guidance: Bankrupt Entities, 01/01/2002

2161, Ability to Pay Guidance: Corporations, 07/01/2002

2162, Ability to Pay Guidance: Individuals, 07/01/2002

2163, Ability to Pay Guidance: Partnerships, 07/01/2002

2148, Guidance for Certification of Waste Oil Burning Equipment for the State Income Tax Credit, 08/01/2002

2173, Emergency Generators-Permit Exemption Guidance - Memo No. 97-1001, 01/22/1997

Guidance documents pertaining to specific boards or regulations under Department of Environmental Quality

Air Pollution Control Board

2173, Emergency Generators-Permit Exemption Guidance - Memo No. 97-1001, 01/22/1997

2174, EPA's White Papers on Title V Operating Permit Program - Memo No. 97-1004, 08/19/1997

2175, Utilization of the Wood Furniture Manufacturing Title V Permit Boilerplate - Memo No. 98-1001, 02/17/1998

2177, Common Control Determinations for Title V Permit Applicability - Memo No. 98-1002, 03/05/1998

2179, Primary Authority for Implementation and Enforcement of 40 CFR Part 63 Standards in Virginia - Memo No. 98-1003, 12/03/1998

2180, Promulgation of New Title V Procedures Manual - Memo No. 99-1002, 06/15/1999

2181, Public Participation Requirements for Construction of New Major Stationary Sources or Major Modification of an Existing Stationary Source - memo No. 99-1004, 08/19/1999

2182, Promulgation of State Operating Permits Manual - Memo No. 99-1006, 10/21/1999

2183, Title V Air Permits Guidance Manual, 06/15/1999

2184, State Operation Permits Manual, 09/30/1999

2185, Promulgation of Municipal Solid Waste Landfill Procedures and Boilerplate Permits - Memo No. 99-1005, 09/01/1999

2186, MOU with Shenandoah National Park regarding PSD Permitting Issues, 03/31/1993

2187, MOU with Jefferson National Forest Regarding PSD Permitting Issues, 03/30/1993

2188, NSR Permit Manual: New Source Review Permits Program Manual, 09/07/2000

2189, 112(g) Implementation Guidance, 09/30/2000

2275, Municipal Solid Waste Landfill Procedures and Boilerplate Permits, 09/01/1999

2190, Procedures for Permitting and other Activities Associated with Coal Processing Plants (ADP Statement No. 2-96), 04/22/1996

2191, Permit Rescission Guidance Document (APG 96-239), 08/26/1996

2192, Asphalt Plant Procedure for Writing New and Modified Permits, 06/02/1999

2193, Stone Processing Procedure for Writing New and Modified Permits, 04/21/1998

2276, Stone Processing Procedure for Writing New and Modified Permits, 04/21/1998

2194, Coal Preparation Procedure for Writing New and Modified Permits, 04/21/1998

2195, Concrete Plant Procedure for Writing New and Modified Permits, 02/22/1999

2196, Incinerator Procedure for Writing New and Modified Permits, 02/24/1998

2197, Miscellaneous Coatings Procedure for Writing New and Modified Permits, 08/10/2000

2198, Natural Gas and Distillate Oil Procedure for Writing New and Modified Permits for Boilers, 11/04/1998

2199, Printing Procedure for Writing New and Modified Permits, 08/10/2000

2200, Residual Oil Procedure for Writing New and Modified Permits for Boilers, 09/17/1998

2201, Wood Fired Boiler Procedure for Writing New and Modified Permits, 08/14/1998

2202, Wood Coating Procedure for Writing New and Modified Permits, 11/05/1998

2203, Wood Working Procedure for Writing New and Modified Permits, 11/05/1998

2204, Shell Building Construction Memorandum, 01/30/1987

2205, Air Permitting Guidelines, 01/05/1996

2206, Evaluation and Air Permitting Requirements for Landfills in Virginia (ADPStatement No. 1-96), 04/23/1996

2207, CAM Guidance, Chapter 9 of the Title V Permit Writer's Manual - Memo No. 01-1001, 09/25/2001

- 2208, Guidance on Permit Applicability - PM and PM-10 Sources (Memo No. 01-1002), 11/02/2001
- 2209, Revised Implementation Guidance for Incorporating State Toxics Requirements in Air Permits (Memo No. 02-1001), 02/11/2002
- 2210, Confidentiality Policy (Memo No. 02-1002), 03/29/2002
- 2211, Chapter 10 Procedure for State Only Changes (Memo No. 02-1003), 04/24/2002
- 2212, Procedure for Changing a Facility from a Major Title V Facility to a Synthetic Minor Facility, 05/21/2002
- 2213, Boilerplate and Procedures for Poultry Incinerator Permits (Memo No. 02-1005), 07/11/2002
- 2214, Nitrogen Oxides Budget Trading Program State Implementation Plan - Permit Application (Memo No. 02-1006), 09/06/2002
- 2215, Title V Acid Rain Permit Conversion and Boilerplate (Memo No. 02-1007), 09/20/2002
- 2216, Permit Writer's Guide to the NO_x Budget Trading Program, 06/09/2003
- 2217, Permit Writer's Guide to Acid Rain Permitting (Memo No. 03-1002), 03/26/2003
- 2218, Procedure for Renewal of Federal Operating Permits (Memo No. 03-1003), 06/10/2003
- 2219, Permit and BACT Applicability under Chapter 80 Article Permitting (Memo. No. 03-1004), 09/26/2003
- 2221, Guidance on Confidential Information and Responding to FOIA Requests for Air Permitting Records, New Source Review Manual (Memo No. 03-1005), 08/01/2003
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DEPARTMENT OF FORESTRY

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Department of Forestry, 900 Natural Resources Drive, Suite 800, Room 1144, Charlottesville, VA 22903. Copies of the Alternate Management Plans and Reforestation of Timberlands Policy may be obtained free of charge by contacting Becky Woodson at the same address, telephone (434) 977-6555 or FAX (434) 296-2369.

Questions regarding interpretation or implementation of Alternate Management Plans or Reforestation of Timberlands Policy may be directed to Dean Cumbia, Department of Forestry, 900 Natural Resources Drive, Suite 800,

Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 296-2369 or e-mail dean.cumbia@dof.virginia.gov.

Copies of the Water Quality Enforcement documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Department of Forestry, 900 Natural Resources Drive, Suite 800, Room 2108, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Brenda Taylor at the same address, telephone (434) 977-6555 or FAX (434) 977-7749.

Questions regarding interpretation or implementation of Water Quality Enforcement documents may be directed to Matt Poirot, Department of Forestry, 900 Natural Resources Drive, Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 296-2369 or e-mail matt.poirot@dof.virginia.gov.

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BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at fanbd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Young, Executive Director of the Board, at the address above or by telephone at (804) 662-9907. Copies are free of charge.

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DEPARTMENT OF GAME AND INLAND FISHERIES

Copies of the following guidance documents may be viewed during regular work days from 9 a.m. until 4 p.m. in the office of the Department of Game and Inland Fisheries, 4010 W. Broad Street, Richmond, VA 23230. Copies of most documents listed below may be obtained at no charge. Documents listed below that are followed by an indication of the number of pages may be obtained at a cost of \$.25 per page for copying and handling.

Requests for copies, and questions regarding interpretation or implementation of these documents, may be directed to the agency policy analyst and regulatory coordinator, Phil Smith, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000 or FAX (804) 367-0488.

Guidance Documents:

General (updated 2004)

Department of Game and Inland Fisheries Mission Statement, January 1990, § 29.1-103

Department of Game and Inland Fisheries Fiscal Year 2005 Planned Management Document, June 2004, § 29.1-103, approximately 60 pages

Board of Game and Inland Fisheries ("Board") Policy A-1-90, for Adoption of Policies, July 1990, § 29.1-103

Board Policy A-2-90, on Voting by Board Chairman, July 1990, § 29.1-103

Board Policy A-4-93, on Role and Responsibilities of the Board of Game and Inland Fisheries, August 1993, § 2.2-2100 and Title 29.1

Addendum #1 to Board Policy A-4-93 (Role and Responsibilities of the Board of Game and Inland Fisheries) on Operating Principles of the Board of Game and Inland Fisheries, March 1994, Title 29.1

Board Resolution conferring certain powers of the Board on the Director, August 1973, §§ 29.1-109 through 29.1-504 (various), 29.1-600, and 29.1-609

Rights of Requesters and Responsibilities of the Department of Game and Inland Fisheries Under the Virginia Freedom of Information Act, July 1, 2004, § 2.2-3704.1

Regulatory Coordination (reviewed 2004)

Board Procedures for Wildlife Regulations, revised January 1997, §§ 29.1-103, 29.1-501 and 29.1-502

Citizen Participation in Wildlife Regulations brochure, revised March 2003, §§ 29.1-103, 29.1-501 and 29.1-502

Administrative (reviewed 2004)

Board Policy A-3-93, on Hunting and Fishing License Agent Appointment and Removal, July 1993, §§ 29.1-103 and 29.1-327

Board Policy A-5-93 on Financial Management Guidance, amended July 1997, §§ 29.1-101 and 29.1-101.1

Board Policy A-6-95, on Real Estate Authorizations and Documents, July 1995, § 29.1-103

Board Policy C-2-90, on Naming of Department Facilities, October 1990, § 29.1-103

Board Policy C-4-90, on Leasing of Antenna Sites, October 1990, §§ 29.1-103 and 29.1-105

Board Policy C-5-90, on Gating of Access Roads on Department Lands, October 1990, §§ 29.1-103 and 29.1-105

Board Policy Statement on Delegation of Leasing Authority for Leases of \$5000 or Less, July 1991, §§ 29.1-103 and 29.1-105

Capital Programs Administrative Procedures Manual (on capital budgeting, capital outlay, boating access site selection process, boating access maintenance, DGIF dam safety program, outdoor signage of department facilities, building permit policy for construction of state owned buildings and structures, environmental and historical investigation process, acquisition of real property, leasing real property, (real property) licenses and other temporary agreements, easements, trespass and boundary, surplus and disposal of real property, transfers to other state agencies, land record research, and real property management appendices; appendices include but are not limited to purchase contract, acquisition project statement, real property scoring worksheet, antennae policy, special use permit, shoreline management plan, trespass notice letter, and boundary marking guide sheets), October 2000, §§ 29.1-103 and 29.1-105, 325 pages

Administrative - Lifetime Hunting and Fishing Licenses (reviewed 2004)

Application for Lifetime Licenses, revised July 1, 2002, §§ 28.2-302.10:1 and 29.1-302.1

Application for Virginia Resident Disabled Veteran's Lifetime State License to Hunt and Freshwater Fish in Inland Waters and Virginia Resident Disabled Veteran's Lifetime State License to Trap, revised May 14, 2001, §§ 29.1-302 and 29.1-309.1

Application for Disabled Resident Special Lifetime Hunting, Trapping, Freshwater, Saltwater Fishing License, revised May 14, 2001, §§ 28.2-302.10, 29.1-302.1, 29.1-302.2, and 29.1-309.1

Disabled Resident Hunting and Freshwater Fishing Licenses Physician's Affidavits, revised May 18, 2000, §§ 29.1-302.1 and 29.1-302.2

Replacement Application for Disabled Resident Lifetime License or Saltwater Lifetime License, revised July 1, 2002, § 29.1-334

Game Wildlife (updated 2004)

Hunting and Trapping in Virginia, 2004-2005 Regulations, June 2004, §§ 29.1-103, 29.1-501 and 29.1-502

2004-2005 Virginia Migratory Waterfowl Seasons and Bag Limits, August 2004, § 29.1-103

2004-2005 Doves, Woodcock, Snipe, Rails, Falconry, September Canada Goose and September Teal (Virginia migratory game bird seasons and bag limits), July 2004, § 29.1-103

Virginia Migratory Game Bird Harvest Information Program brochure, 1998, § 29.1-103 and 4 VAC 15-290-140

Board Procedures for Non-Regulatory Matters and Migratory Bird Seasons and Bag Limits, January 1994, § 29.1-103

Virginia Deer Management Plan, July 1998, § 29.1-103

Restoring Our Wetlands (including Wetland Restoration Program Guide), 1998, § 29.1-103

A Guide to Virginia's Wildlife Management Areas, revised July 1996, § 29.1-103, 68 pages, five dollars

Fish (updated 2004)

2005 Virginia Freshwater Fishing Regulations, January 2005, §§ 29.1-103, 29.1-501 and 29.1-502

Board Policy B-1-90, on Wild Trout Conservation, October 1990, § 29.1-103

Board Policy C-3-90, on Management of Public Fishing Lakes, October 1990, § 29.1-103

2004 Catchable Trout Stocking Plan, January 2004, § 29.1-103

2005 Trout Guide, January 2005, § 29.1-103

Fish Division Procedure and Criteria for Issuing Fish Stocking Authorizations, revised July 31, 1998, § 29.1-103

Fish Division "Kid's Fishing Day" trout-stocking policy, July 31, 1998, § 29.1-103

Threatened and Endangered Species and Wildlife Diversity (reviewed 2004)

Board Policy E-1-90, on Permits to Take Threatened and Endangered Species, October 1990, §§ 29.1-563 through 29.1-568 and § 29.1-570

Threatened and Endangered Species Permit Application and Permit Information, revised November 27, 2002, §§ 29.1-412, 29.1-417, and 29.1-568

Threatened/Endangered Species Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, and 29.1-568

Special Status Species in Virginia, January 2001, §§ 29.1-563 through 29.1-568 and § 29.1-570

2001 Official Listing of Native and Naturalized Fauna in Virginia, January 2001, § 29.1-100

Bald Eagle Protection Guidelines for Virginia, last updated May 15, 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Plan to Provide Safe Harbor Assurances to Landowners in Virginia Who Voluntarily Agree to Enhance Habitat for the Endangered Red-Cockaded Woodpecker, April 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Red-Cockaded Woodpecker Safe Harbor Evaluation Form for Virginia Landowners, April 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Red-Cockaded Woodpecker Safe Harbor Cooperative Agreement for Landowners Near the Nature Conservancy's Piney Grove Preserve in Sussex County, Virginia, October 2000, §§ 29.1-563 through 29.1-568 and § 29.1-570

Appalachian Water Shrew Recovery Plan, approved March 2, 1994, §§ 29.1-563 through 29.1-568 and § 29.1-570

Canebrake Rattlesnake Recovery Plan, approved February 1, 1991, §§ 29.1-563 through 29.1-568 and § 29.1-570

Eastern Big-Eared Bat Recovery Plan, approved July 16, 1990, §§ 29.1-563 through 29.1-568 and § 29.1-570

Wilson's Plover Recovery Plan, approved May 28, 1991, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Bog Turtle, No. 030061.1, November 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Canebrake Rattlesnake, No. 030013.1, October 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Eastern Hellbender, No. 020020.1, November 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Eastern Tiger Salamander, No. 020052.1, October 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Virginia Wildlife Species Profile: Spotted Salamander, No. 020049.1, November 1999, §§ 29.1-563 through 29.1-568 and § 29.1-570

Environmental Review (reviewed 2004)

Standard Environmental Review Procedures, adopted November 20, 1992, § 29.1-103

Permitting (updated 2004)

Animal Population Control Permit for Furbearing Animals, Application and Permit Information, August 30, 2000, § 29.1-501

Commercial Nuisance Animal Permit Application to Capture, Transport, and Release or Euthanize Wildlife, and Permit Conditions, April 12, 2004, §§ 29.1-103 and 29.1-501

Guidance Documents

Permit Application to Collect Snapping Turtles, Crayfish, and Hellgrammites for Sale, and Permit Conditions, revised January 1, 2003, § 29.1-412

Verification of Permanent Disability to Hunt with a Crossbow, revised July 8, 1998, § 29.1-519

Dog Field Trial Permit Application and Conditions, revised July 1, 2003, §§ 29.1-417 and 29.1-422

Permit Application to Exhibit Wild Animals in Virginia, and Permit Conditions, revised March 1, 2003, §§ 29.1-412 and 29.1-417

Import and Possess Certain Non-Native (Exotic) Wildlife in Virginia Permit Application and Permit Conditions, revised January 22, 2002, §§ 29.1-412, 29.1-417 and 29.1-542

Exotic Species - Import Certain Non-Native Wildlife (Tilapia, Clawed Frog) Permit Application and Permit Information, revised October 2, 1997, § 29.1-542

Exotic Species – Permit to Import Certified Triploid Grass Carp for Aquatic Vegetation Control in Private Ponds Application and Permit Information, revised March 7, 2003, § 29.1-542

Falconry Permit Application, revised March 1, 2003, §§ 29.1-412 and 29.1-419

Falconry Regulations, Facilities and Equipment Examination Guidance Document, March 1, 2003, §§ 29.1-412 and 29.1-419

Permit Application to Operate a Foxhound Training Preserve and Annual Reporting Form, revised July 1, 2003, §§ 29.1-103, 29.1-412 and 29.1-417

Permit Conditions for the Operation of Foxhound Training Preserves in Virginia. revised July 1, 2003, §§ 29.1-103, 29.1-412 and 29.1-417

Permit to Deal in Furs Application and Permit Conditions, revised May 6, 2002, Title 29.1, Chapter 4

Gill Net Permit Application and Permit Conditions, revised April 6, 2001, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Catch Minnows and Chubs for Sale Application and Permit Conditions, revised January 1, 2003, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Take Nongame Fish for Sale Application and Permit Conditions, revised August 1, 2002, §§ 29.1-412 and 29.1-416

Haul Seine Permit to Take Fish for Personal Use Application and Permit Conditions, revised January 1, 2003, §§ 29.1-412 and 29.1-416

Permit to Hold and Sell Certain Fish, Snakes, Snapping Turtles, Crayfish, and Hellgrammites For Sale Application and Permit Conditions, revised August 1, 2002, §§ 29.1-412 and 29.1-417

Nonresident Harvester's Permit Application to Take or Catch Fish in Back Bay and its Tributaries, revised August 1, 2001, §§ 29.1-412 and 29.1-416

Permit to Possess, Propagate, Buy, and Sell Certain Wildlife in Virginia (Fisheries, Wildlife, Raptors) Application and Permit Conditions, revised November 20, 2002, January 1, 2003, and March 1, 2003, §§ 29.1-103, 29.1-412 and 29.1-417

Raccoon Hound Field Trial Permit Application and Permit Conditions, July 1, 2003, §§ 29.1-417 and 29.1-422

Wildlife Rehabilitator Permit Application, revised May 27, 2003, §§ 29.1-412 and 29.1-417

Wildlife Rehabilitator Permit Conditions, revised May 27, 2003, §§ 29.1-412 and 29.1-417

Scientific Collection or Salvage Permit Application and Permit Information, revised November 27, 2002, §§ 29.1-412, 29.1-417, 29.1-418

Scientific Collection Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, 29.1-418

Wildlife Salvage Permit Special Conditions, January 2003, §§ 29.1-412, 29.1-417, 29.1-418

Supplemental Amendment Form for Scientific Collection or Salvage Permit, March 24, 1992, §§ 29.1-412, 29.1-417, 29.1-418

Scientific Collection, Salvage, and T&E Annual Permit Report and Report Instructions, June 2003, §§ 29.1-412, 29.1-417, 29.1-418

Physician's Affirmation as to One's Permanent Inability to Walk to Shoot from a Stationary Vehicle, revised August 1994, § 29.1-521.3

Licensed Shooting Preserve Permit Application and Permit Conditions, revised May 1, 2003, §§ 29.1-514, 29.1-544

Striped Bass Fishing Tournament Application/Permit, §§ 29.1-501 and 29.1-502

Permit to Stuff and Mount Birds, Animals, or Fish and Parts of Them for Sale or Compensation Application and Taxidermy Permit General Conditions, revised May 29, 2003, Title 29.1, Chapter 4

Boating (reviewed 2004)

Virginia Watercraft Owner's Handbook (online version only), revised 2003, § 29.1-701

Watercraft Dealer Licensing Fact Sheet, revised January 2000, § 29.1-818

Boat Virginia, A Course on Responsible Boating, 2001, § 29.1-701

Youth Boating and Water Safety Activities, Third and Fourth Grade Unit, June 1999, § 29.1-701

Personal Watercraft in Virginia, A Course for a Safe and Responsible Ride, 2003, § 29.1-701

Personal Watercraft - PWC - Safety Brochure, revised 2003, § 29.1-701

PWC (Personal Watercraft) Rental Information, January 2000, § 29.1-701

Boat Safe Without Drugs and Alcohol, 2003, § 29.1-701
Law Enforcement (updated 2004)

Board Policy B-2-90, on Game and Fish Replacement Values,
October 1990, § 29.1-551

Revised Replacement Values for Illegally Taken Game and
Fish, September 20, 2004, § 29.1-551

Board Policy D-1-90, on Duties of Game Wardens, October
1990, §§ 29.1-103, 29.1-109 and 29.1-200 through 29.1-218

Sportsman's Pledge, Release of Landowner from Liability, and
Landowner's Permission to Hunt card, 1992, §§ 29.1-103,
29.1-509 and 29.1-521

DEPARTMENT OF GENERAL SERVICES

Division of Engineering and Buildings

Bureau of Capital Outlay Management

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Bureau of Capital Outlay Management, 8th Floor, 805 E. Broad Street, Richmond, VA 23219. Copies may be downloaded at no cost from the Bureau's website, <http://bcom.dgs.virginia.gov>. Printed copies may be obtained for \$50 per copy. An order form, which must accompany all payments, may be downloaded from the above website. An order form may also be obtained by writing to the Bureau or by personal appearance at the above address. Payment can be made by cash, check, or credit card (VISA and MasterCard only). Checks should be made payable to the Treasurer of Virginia. As the Bureau cannot accept payments directly, please return completed order forms and payments to the DGS Fiscal Services address noted on the order form.

Questions regarding interpretation of these documents may be directed to William W. Scott, Director, Bureau of Capital Outlay Management, 8th Floor, 805 E. Broad Street, Richmond, VA 23219, telephone (804) 786-6292, FAX (804) 225-4709 or e-mail Bill.Scott@dgs.virginia.gov.

Guidance Documents:

2004 Construction and Professional Services Manual, July 2004 (Rev 0), § 2.2-1132

2004 Construction and Professional Services Manual, Oct 2004 (Rev 1), § 2.2-1132

Bureau of Facilities Management

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Bureau of Facilities Management, Zincke Building, Room 101, 203 Governor Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Janie Flannagan, 203 Governor Street, Richmond, VA 23219, telephone (804) 371-4807 or FAX (804) 371-7974.

Questions regarding interpretation or implementation of these documents may be directed to Bruce E. Brooks, Director, Bureau of Facilities Management, Zincke Building, Room 101,

203 Governor Street, Richmond, VA 23219, telephone (804) 371-4807, FAX (804) 371-7974 or e-mail bruce.brooks@dgs.virginia.gov.

Guidance Documents:

Department of General Services Directive No. 14, Policies and Procedures for the Use of Parking Facilities, February 1, 1996

Department of General Services Directive 3-90, Cable Installation, March 1990, § 2.2-1129 et seq.

Department of General Services Directive No. 15, Indoor Clean Air, September 1, 1997, § 15.2-2800 et seq.

Bureau of Real Property Management

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Bureau of Real Property Management, 805 E. Broad Street, Suite 102, Richmond, VA 23219. Copies may be obtained for \$10 per copy by contacting Betty Hancock at the Bureau of Real Property Management, 805 E. Broad Street, Suite 102, Richmond, VA 23219, telephone (804) 225-3874, FAX (804) 371-7934, or e-mail betty.hancock@dgs.virginia.gov. Payment can be made by check, money order, or cash. Checks and money orders should be made payable to the Treasurer of Virginia.

Questions regarding interpretation or implementation of these documents may be directed to John E. Forrest, Director, Bureau of Real Property Management, 805 E. Broad Street, Suite 102, Richmond, VA 23219, telephone (804) 225-3874, FAX (804) 371-7934 or e-mail ernie.forrest@dgs.virginia.gov.

Guidance Documents:

Department of General Services, Division of Engineering and Buildings, Directive No.1 (revised) dated June 15, 1984, Attachments K and L, revised August 12, 1986

Real Property Management Manual, Chapter One: Acquisition by Lease, issued December 15, 1993.

Real Property Management Manual - Chapter 5 dated December 19, 1997, "Leasing Land And Space For Placement of Communication Towers And Antennas On State-Owned Property," issued December 19, 1997

Division of Purchases and Supply

The following document is available at no cost at www.state.va.us/dps. This publication is only available electronically.

Questions regarding interpretation or implementation of this document may be directed to Marq Bolton, Director, Bureau of Supply and Asset Management, 1910 Darbytown Road, Richmond, VA 23231, telephone (804) 236-3675, FAX (804) 236-3663 or e-mail marq.bolton@dgs.virginia.us.

Guidance Document:

DPS Surplus Showcase (Eligible participants in the federal surplus program)

Guidance Documents

Guidance Document:

Virginia Business Opportunities (VBO) Ads

Division of Purchases and Supply

The following document is available at no cost at www.eva.state.va.us. This publication is only available electronically. Questions regarding interpretation or implementation of this document may be directed to Sherie Sensabaugh, Division of Purchases and Supply, 805 East Broad Street, P.O. Box 1199, Richmond, Virginia 23218-1199, telephone (804) 786-3842, FAX (804) 371-7877 or e-mail bob.sievert@dgs.virginia.gov

Guidance Document:

Virginia Business Opportunities (VBO) Ads

DEPARTMENT OF HEALTH

Copies of the following documents are available at no charge for electronic viewing by setting an Internet browser to: www.townhall.state.va.us, and thereafter navigating the Virginia Regulatory Town Hall to the regulatory page of the State Board of Health, and clicking on "Guidance Documents." This is the most efficient means by which citizens may obtain access to these documents.

(Copies of the documents are also available from the various program offices of the Virginia Department of Health in Richmond, although a charge may apply as indicated in the following list. For copies, contact the Regulatory Coordinator, Office of the State Health Commissioner, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7001 or FAX (804) 864-7022. Copies may be viewed during regular work days, excluding state holidays, from 9 a.m. until 4:30 p.m. in the program offices of the Virginia Department of Health, 109 Governor Street, Richmond, VA 23219. Notice of intent to visit these offices for viewing will facilitate the availability of desired documents. The department requests such notice by contacting the Regulatory Coordinator at the address or a number listed above.

Questions regarding interpretation or implementation of these documents may be directed to the Regulatory Coordinator at the address and numbers above who will redirect such questions to knowledgeable program administrators.

Guidance documents pertaining to the agency - Department of Health

1491, Disaster Medical Response Ops. Guide, 10/01/1997

1492, EMS Physician Strike Teams SOP, 02/07/2002

1494, EMS Task Force Standard Operating Procedures, 11/30/1999

1495, EMS C-Teams Standard Operating Procedures, 06/06/2002

1496, Communications Format Book, 03/13/1998

1497, Standard Operating Procedure for Virginia Critical Incident Stress Management Strike Teams, 10/24/2000

1498, Standard Operating Procedure for Virginia Massage Therapy Strike Teams, 07/12/2001

1499, Virginia Health and Medical (ESF-8) Emergency Operations Center Staff Standard Operating Procedure and Reference Guide, 07/14/2000

1500, Medication Kit Storage Clarification Letter, 11/05/1999

1501, EVOG Requirements Clarification, 12/08/2004

1502, EVOG Equivalentents, 03/07/2003

1513, The Accommodation Policy used by the Virginia Office of Emergency Medical Services (Office of EMS), 12/08/2004

1515, Federal Agency "Exemption from EMS Regulations" Notice, 07/29/2004

1524, EMS Ground Ambulance Checklist, 12/08/2004

1525, Nontransport EMS Vehicle Checklist, 12/08/2004

1526, Air Ambulance Checklist, 12/08/2004

1517, Application for Wheelchair Interfacility Transport License, 12/08/2004

1503, EMS Agency Drug Diversion Report Form, 12/08/2004

1518, Application for EMS Agency License, 12/08/2004

1520, Guidelines for EMS Agency Licensure Applicants, 07/01/2004

1521, Wheelchair Interfacility Transport Vehicle Required Contents, 02/11/2003

2380, ENV 119 Emergency Suspension of Portions of the Private Well Regulations, 08/23/2002

2381, ENV 121 MOU between VDH and DPOR, 07/09/2003

2382, ENV 122 Proprietary system modifications, 09/12/2003

2383, ENV 123 Indemnification Fund Policy, 12/12/2003

1633, ENV-016 Variances for the Use of High Rate Sandfilters, 11/17/1995

1785, Public Safety Employees and Testing for Blood-borne Pathogens, 08/07/1992

1786, Letter to Physicians on Use of Zidovudine with Pregnant Women with HIV, 06/26/1995

1788, Memorandum: STD / HIV Interview Periods, 02/26/1997

1789, Memorandum: Bloodborne Pathogen Training for School Personnel and Management of Exposure-Prone Incidents in Schools, 06/27/1997

1790, Memorandum: Law Enforcement Officer and Deemed Consent, 07/02/1997

1791, HIV Partner Counseling and Referral Services Guidance, 05/18/1999

1792, Memorandum: Tattoo Parlors and Piercing Salons, 03/28/2001

1793, Memorandum: Additional Clarification on Tattoo Parlors and Piercing Salons, 08/02/2001

- 1794, HIV/STD Operations Manual, 07/03/2001
- 2550, HIV/STD Reporting Requirements for Physicians, 11/01/2004
- 1795, Regulation for the Immunization of School Children, 08/01/1995
- 1808, Minimum immunization Requirements for Entry into Child Care and School, 07/01/2001
- 1809, Post Exposure Prophylaxis Guidelines to Occupational HIV Exposure, 09/22/1997
- 1823, Virginia Disease Control Manual, 12/01/2004
- 1757, Rabies Control Guidelines, 12/08/2004
- 1810, Psittacosis Control Guidelines for Local Health Departments, 03/10/2004
- 1811, Guidelines for Investigating Bites and Other Exposures from Nonhuman Primates, 04/19/2004
- 1812, Follow-up of Sporadic Cases of Escherichia coli O157:H7 Infection and Sporadic Cases of Hemolytic Uremic Syndrome, 07/31/1995
- 1813, Risks of Recreational Water Use, 07/01/1995
- 1814, Memorandum: LaCrosse Encephalitis, 09/02/1996
- 1815, Memorandum and Fact Sheets: Drinking Water and Cryptosporidium, 11/09/1994
- 1816, Communicable Disease Reference Chart for School Personnel, 09/01/1998
- 1824, Virginia Arbovirus Surveillance and Response Plan, 06/04/2004
- 2584, Guidelines for Infection Control in Virginia Department of Health Personnel, 05/12/2004
- 2588, SARS Public Health Emergency Response Plan, 06/27/2003
- 2589, Guidance for Organizations Hosting Travelers from Countries Impacted by SARS, 05/16/2003
- 2590, SARS Reporting - Letter to Health Care Providers, 04/28/2003
- 2591, SARS Surveillance Tools for Public Health Follow-up, 05/02/2003
- 1818, Virginia Tuberculosis Control Laws Guidebook, 10/01/2001
- 1819, Virginia Tuberculosis Homeless Incentive and Prevention Program, 01/01/2001
- 1739, Bedding and Upholstered Furniture Inspection Program, 06/24/2003
- 1740, Bedding and Upholstered Furniture Inspection Program, 06/24/2003
- 1817, Guidance for the Retention of X-Ray Records, 12/01/2004
- 2566, Revised Policy on Exposure Control Location and Operator Protection, 12/01/2004
- 2567, Guidance for requesting U.S. DOT exemption E-10656 upon receiving scrap metal or related recycling material that is radioactively contaminated, 12/01/2004
- 2568, Guidance for requesting U.S. DOT exemption E-11406 upon receiving trash or refuse with radioactive material, 12/01/2004
- 2556, X-ray Fluorescence Device Regulatory Guide, 12/01/2004
- 2557, Policy on Bone Densitometry Equipment and Operator Licensure, 12/01/2004
- 2558, Guidance on Healing Arts Screening Programs, 12/01/2004
- 2559, Guidance on Film Processing Chemicals: Disposal or Reclamation, 12/01/2004
- 2560, Guidance For Inspections at Mammography Facilities, 12/01/2004
- 2561, Guidance For Mammography Facilities Regarding Patient Notification Requirements: Poor Quality Mammograms, 12/01/2004
- 2562, Guidance on Radon Testing and Mitigation, 01/15/2004
- 2563, Guidance for Citizens with Complaints Against a Radon Professional, 12/01/2004
- 2564, Policy on training requirements for Industrial Radiographers, 12/01/2004
- 2565, Guidance on the Response to Radiological Terrorist Threats, 12/01/2004
- 2015, Children With Special Health Care Needs Pool of Funds Guidelines, 10/21/2003
- 2576, Hospital Protocols for Newborn Hearing Screening, 09/01/2004
- 2579, Protocols for Diagnostic Audiological Assessment: Follow-up for Newborn Hearing Screening, 09/15/2004
- 1768, Virginia School Health Guidelines, 05/01/1999
- 2577, Guidelines for Specialized Health Care Procedures, 08/15/2004
- 2016, School Entrance Health Form, 10/01/2003
- 1713, High-Risk Virginia ZIP Codes by Number, 06/01/2003
- 2582, High-Risk Virginia Zip Codes by Location, 06/01/2003
- 1804, Guidelines for Childhood Lead Poisoning Screening and Management of Children with Confirmed Elevated Blood Levels, 03/01/2004
- 1830, Virginia's Newborn Hearing Screening, Program, Protocols for Medical Management, 12/01/2001
- 1805, Information Systems: Security and Confidentiality Policies, Procedures and Standards, Division of Child and Adolescent Health (DCAH), 02/01/2004

Guidance Documents

2583, Virginia Bleeding Disorders Program Fact Sheet, 04/01/2004

1845, Virginia Women, Infants' and Children (WIC) Program Policy and Procedure Manual, 10/01/2002

2030, Virginia Women, Infants' and Children (WIC) Program Vendor Manual, 10/01/2003

291, Eligibility Criteria for State Funding of Abortion to Terminate Pregnancy as the Result of Rape or Incest, or Fetal Deformity, 11/10/1982

1807, Procedures Manual for the Virginia Congenital Anomalies Reporting and Education System, 09/01/2003

1710, Newborn Screening Facts-Questions Providers Frequently Ask About Newborn Screening, 04/01/2004

2018, Family Planning Program, Voluntary Sterilization Services Procedure, 11/01/2003

1711, Breast and Cervical Screening Data Reporting Manual, 07/01/2003

2020, Breast and Cervical Early Detection Program Orientation Manual, 08/26/2003

2575, Perinatal Guidelines, 07/31/2004

1750, VA Conrad State 30 J-1 Visa Waiver Pro, 10/01/2004

2572, Virginia National Interest Waiver for Physicians in Underserved Areas, 12/01/2004

2571, Virginia's Nurse Practitioner/Nurse Midwife Scholarship Program, 04/01/2004

1255, WTR-231 (SF) Turbidity Measurements, 05/11/1993

2512, WTR-313 (SF) Protocol for Collection of Shellfish for Biotoxin Analysis by FDA, 02/19/2004

2513, WTR-313 (SF) Protocol for Collection of Shellfish for Biotoxin Analysis by FDA, 02/19/2004

2514, WTR-314 (SF) Sampling for Warm Weather Phytoplankton, 04/28/2004

399, ADJ-003 2002 Guidelines and Policies for COPN IFFCs, 11/01/2002

Guidance documents pertaining to specific boards or regulations under Department of Health

State Board of Health

399, ADJ-003 2002 Guidelines and Policies for COPN IFFCs, 11/01/2002

2375, Instructions, Model Petition for Good Cause, 11/19/2004

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1997, WTR-867(W) Emergency Response - M256A1 Chemical Agent Detector Kit, 08/26/2003

1998, WTR-868(W) Emergency Response - Vulnerability Assessments and VSAT, 08/26/2003

1999, WTR-869(W) Turbidity Treatment Technique for Other Filtration Technologies, 10/21/2003

2543, Emergency Response-Waterworks Guide for Contamination Threats to Water Supplies, 11/06/2003

2544, Enforcement and Public Notification - Radionuclides Monitoring/Scheduling and CCR Reporting, 12/15/2003

2545, Emergency Response - Overview of EPA Response Protocol Toolbox, 03/23/2004

2546, Permits & Project Review - Construction Permits and Processing of Reports, Plans, and Specifications, 07/14/2004

2547, Treatment Hollow Fiber, Positive Pressure Driven Microfiltration and Ultrafiltration and Ultrafiltration Membrane Filtration Technology, 10/01/2004

BOARD OF HEALTH PROFESSIONS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at optbd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Carter, Ph.D., Executive Director of the board at the address above or by telephone at (804) 662-9910. Copies are free of charge.

Guidance Documents:

75-1, Recommended Policy and Procedures in Disciplinary Cases Involving Board Members, adopted October 1993

75-2, Appropriate Criteria in Determining the Need for Regulation of Any Health Care Occupation or Professions, adopted February 1998

75-3, Mission and Vision of the Board of Health Professions, adopted April 1998

DEPARTMENT OF HEALTH PROFESSIONS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the department's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested at elaine.yeatts@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elaine Yeatts, Agency Regulatory Coordinator, at the address above or by telephone at (804) 662-9918. Copies are free of charge.

Department Directives:

76-1, Mission Statement of the Department (Directive 1.1), September 15, 2003

76-2, Agency Staff Titles (Directive 1.4), September 1, 2002

76-2.1, Internet Privacy Policy (Directive 1.9), September 15, 2003

76-3, Promulgation of Rules (Directive 2.1), July 1, 1996

76-4, Publication of Regulations and Statutes (Directive 2.2), July 1, 1996

76-5, Execution of Disciplinary Orders (Directive 3.1), February 28, 2002

76-6, Petition for Reinstatement of License or Modification of Disciplinary Orders (Directive 3.2), July 1, 1996

76-7, Subpoenas for Disciplinary Hearings (Directive 3.3), October 1, 1996

76-8, Complainant Notification of Case Proceedings (Directive 3.4), July 1, 1996

76-9, Complaint Receipt and Investigation of Allegations of Misconduct (Directive 4.1), July 1, 1996

76-11, Reports to National Practitioner Data Bank (Directive 4.3), August 14, 1996

76-12, Requesting Information from The National Practitioner Data Bank (Directive 4.4), August 14, 1996

76-13, Tampering Threat Procedures (Directive 4.5), July 1, 1996

76-13.1, Agency Standards for Case Resolution (Directive 4.6), May 2, 2002

76-14, Procurement of Nonprofessional Services (Directive 5.1), July 1, 1996

76-15, Procurement of Goods (Directive 5.2), July 1, 1996

76-16, Sole Source Approval for Examination Services (Directive 5.3), July 1, 1996

76-16.1, Equal Opportunity in Agency Procurement (Directive 5.8), October 1, 2002.

76-17, Recruitment and Filling Vacant Positions (Directive 6.1), July 1, 1996

76-18, Indoor Clean Air (Directive 7.1), August 18, 1997

76-19, Records Management (Directive 7.3), July 1, 1996

76-25, Compensation for Members of Appointed Bodies (Directive 5.4), July 1, 1998

76-26, Compliance with Licensure Laws (Directive 4.7), October 21, 2003

76-27, Extension of Time for Active Duty Servicemen (Directive 1.12), June 13, 2003

76-28, Disclosure of Information (Directive 1.6), September 15, 2003

76-29, Disclosure of Information to Health Practitioner Intervention Program (Directive 1.7), September 15, 2003

76-30, Conduct of Surveys (Directive 1.8), September 15, 2003

76-31, Principles/Establishment of Fees (Directive 5.5), November 8, 2000

76-32, Letter to Sentara on Confidentiality Agreements, April 24, 2002

76-33, Foreign Applicants; Requirement to Provide Social Security Numbers, September 5, 2002

76-34, Requirements Imposed on Hospitals, Other Health Care Institutions, and Health Care Professionals to Report Disciplinary Actions Against and Allegations of Misconduct by Certain Health Care Practitioners to the Virginia Department of Health Professions, revised July 1, 2004
76-35, Rights & Responsibilities: The Virginia Freedom of Information Act, July 1, 2004

Enforcement Documents:

76-20, Adjudication Manual - Disciplinary process, October 13, 1998

Frequently-cited Inspection Deficiencies:

76-20.1, Community pharmacies, August 1, 2004

76-20.2, Hospital pharmacies, September 1, 2002

76-20.3, Funeral facilities, September 1, 2001

Inspection plans and Inspection Reports:

76-21.1, Board of Pharmacy, October 2003

76-21.1:1, community pharmacy, October, 2003

76-21.1:2, hospital pharmacy, July 1990

76-21.1:3, permitted physicians, June 2003

76-21.1:4, humane society, September 16, 2003

76-21.1:5, wholesale distributors, March 2004

76-21.1:6, medical equipment suppliers, September 16, 2003

76-21.1:7, warehouser

76-21.1:8, manufacturers, January 1989

76-21.1:9, practitioners licensed to sell controlled substances, November 2, 2003

76-21.1:10, controlled substance registration inspection report A, September 16, 2003

76-21.1:11, controlled substance registration inspection report B, September 16, 2003

76-21.1:12, robotic inspection report, September 16, 2003

76-21.1:13, sterile compounding report, September 16, 2003

76-21.1:14, automation report, September 16, 2003

76-21.1:15, compounding report, September 2003

76-21.2, Board of Veterinary Medicine, July 1, 1999

76-21.2:1, Animal facility inspection report, December 1997

76-21.3, Board of Funeral Directors and Embalmers, July 1, 1999

Guidance Documents

76-21.3:1, Funeral establishment inspection report, July 1, 2000

76-21.4, Compliance Notice, November, 2003

76-22, Case Intake Manual, 1998

76-23, Investigators Manual, 1993

76-24, Case Format Guidelines, February 1997

76-24.1, Inspection Guidelines, September 2000

76-24.2, Dental Office Inspection Report, June 2004

76-24.3, Compressed Gas, July, 12, 1993

(NOTE: 76-21 through 76-24 are maintained in the Enforcement Division of the Department. For copies or questions, contact Faye Lemon at the address above or at (804) 662-9902.)

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the State Council of Higher Education for Virginia, 101 North Fourteenth Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Rick Patterson, Regulatory Coordinator, at the same address, telephone (804) 225-2609, FAX (804) 225-2604 or e-mail RickPatterson@schev.edu. Many of the documents are available on the council's website at <http://www.schev.edu>.

Questions regarding interpretation or implementation of these documents may be directed to Rick Patterson, Regulatory Coordinator.

Guidance Documents:

Policies and Procedures for Program Approval, (<http://www.schev.edu/AdminFaculty/2002PoliciesProcedures4ApprovalsChanges.pdf>), revised May 1, 2002, § 23-9.6:1(5)

Program Productivity/Viability at Public Institutions: Policies and Procedures for Review of Academic Programs, (<http://www.schev.edu/AdminFaculty/ReviewPublicAcademicProg.pdf?from=adminfaculty>), effective April 1, 2003, § 23-9.6(5-6).

Organizational Changes at Public Institutions: Policies and Procedures for Internal and Off-Campus Organizational Changes, (<http://www.schev.edu/AdminFaculty/PoliciesProceduresPublicInstitutionsInternalOff-CampusOrgChanges.pdf>), effective December 1, 2003, § 23-9.6:1(7).

Policies and Procedures for Maintaining Auxiliary Enterprise Reserves and Investment Yields, (<http://www.schev.edu/AdminFaculty/auxpolicy.pdf>), effective April 30, 1990, § 3.401.

Higher Education Facilities Condition Reporting Guidelines, (http://www.schev.edu/AdminFaculty/fcr_guidelines.pdf), effective March 23, 2001, § 23.9-9.

Higher Education Facilities Condition Reporting Guidelines, Instructions for Reporting Infrastructure Data, (http://www.schev.edu/AdminFaculty/reporting_infrastructure_data_instructions.pdf), effective July 9, 2001, § 23-9.9.

Virginia Tuition Relief Refund and Reinstatement Guidelines, (<http://www.schev.edu/AdminFaculty/TuitionReliefGuidelines.asp?from=adminfaculty>), effective September 1, 1991, § 23-9.6:2

Chart of Accounts for Virginia State-Supported Colleges and Universities, (<http://www.schev.edu/AdminFaculty/ChartOfAccounts.pdf>), effective July 1, 1990, §2.2-805.

Guidelines for the Development of Patent and Copyright Policies and Procedures by State-Supported Institutions of Higher Education (Intellectual Property Guidelines), (<http://www.schev.edu/AdminFaculty/patent-copyright.pdf>), adopted June 3, 1987, §§ 23-4.3, 23-4.4 and 23-9.10:4

Higher Education Fixed Assets Guidelines for Educational and General Programs, (http://www.schev.edu/AdminFaculty/Fixed_Asset_Guidelines_2001.pdf), revised July 16, 2001, § 23-9.6:1

Equipment Trust Fund Policies and Procedures, (<http://www.schev.edu/AdminFaculty/etfundprocedures.pdf>), revised April 1995, § 23.9-9

DEPARTMENT OF HISTORIC RESOURCES

The documents in the following list represent publications, forms, and photocopied materials that provide guidance for the public on either how to interpret or implement statutes or regulations or how to use key agency programs. Copies of the following documents are available during regular work days from 8:30 a.m. until 4:30 p.m. in the main office of the Virginia Department of Historic Resources, 2801 Kensington Avenue, Richmond, VA 23221, or at any of its regional offices. Copying costs may apply for large orders or for documents that are out of print. Copies can be obtained by contacting the regional offices, from staff coordinating the program covered by particular documents, or from Pam Doak in the main office at the address above, telephone (804) 367-2323 x101 or FAX (804) 367-2391.

The department also prepares occasional research, survey and preservation planning reports of general interest and materials of an advisory or educational nature. For a listing of such publications with prices contact Pam Doak at the address above.

Agency forms, information in the documents listed below and the agency publication lists are also available on the agency web site at <http://www.dhr.virginia.gov>.

Regional office addresses and phone numbers are as follows:

Tidewater Regional Preservation Office, Department of Historic Resources, 14415 Old Courthouse Way, 2nd Floor, Newport News, VA 23608, telephone (757) 886-2807.

Roanoke Regional Preservation Office, Department of Historic Resources, 1030 Penmar Avenue, SE, Roanoke, VA 24013, telephone (540) 857-7585.

Winchester Regional Preservation Office, Department of Historic Resources, 107 N. Kent Street, Suite 203, Winchester, VA 22601, telephone (540) 722-3427.

Guidance Documents:

Virginia's Historical Registers: A Guide for Property Owners, prepared 1995, revised 2000, 17 VAC 5-30-10 and 17 VAC 10-20-10

Preliminary Information Forms for Archaeological Sites, Architectural Properties, and Historic Districts, revised 2004

State and Federal Regulations Related to the Preservation of Historic Properties in the Commonwealth of Virginia, prepared 1996, revised 2001

Rehabilitation Tax Credits: Frequently Asked Questions, issued 2000, updated 2004, § 58.1-339.2

Tax Credit Information and Resources on the Internet, issued 2001, updated 2004, § 58.1-339.2

Sample Description of Rehabilitation Proposal, updated August 1996, § 58.1-339.2

Application Checklist (tax credit program), issued 1997, updated 2003, § 58.1-339.2

Vision and Choice: Protecting Your Historic Landmark, published 1990, revised 2001, § 10.1-2202.9

The Certified Local Government Program in Virginia, 36 CFR Part 61

How to Apply for Designation as a Certified Local Government in Virginia, 36 CFR Part 61

Historic Preservation Grant Funds from the Commonwealth for Rehabilitation or Restoration, revised 2002 § 10.1-2213

Application for Historic Preservation Funds, § 10.1-2213

How to Complete Virginia Department of Historic Resources Archaeological Site Inventory Forms, revised 1993, § 10.1-2202.6

Putting Virginia's History to Work: Virginia's Comprehensive Historic Preservation Plan, published 2001, 36 CFR Part 61

State-Owned Historic Landmarks Manual for Property Administrators: Review of Rehabilitation and Renovation Projects Pursuant to the 1990 Appropriations Act and Engineering and Building Directive #1, prepared 1990

Virginia Department of Historic Resources State Curation Standards, revised 1998, § 10.1-2202.15

Guidelines for Conducting Cultural Resource Survey in Virginia: Additional Guidance for the Implementation of the Federal Standards Entitled "Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (48 FR 44742, September 29, 1983), issued 1999, Revised 2001

Permit Application for Archaeological Removal of Human Burials (Application Form), issued 1998, § 10.1-2305

Permit Application for Archaeological Investigations on State Lands (Application Form), issued 1998, § 10.1-2304

Requesting a Project Review from the Department of Historic Resources, issued 2004, 36 CFR Part 800

Cell Tower Review Process and Application, issued 2001, 36 CFR Part 800

Archives Search Request and User Agreement (form) issued 2000, revised 2004

Criteria for Virginia Historical Highway Markers, issued December 1993, § 10.1-2204

Virginia Historical Highway Marker Program: Procedure for Placement of New Markers, August 2002, revised January 2004, § 10.1-2204

Virginia Historical Highway Marker Program: Writing Style, August 2001, revised January 2003, § 10.1-2204

Virginia Historical Highway Marker Program: Criteria for Marker Placement, August 2002, revised 2003, § 10.1-2204

Local Historical Highway Marker Programs, August 2002, revised April 2004, § 10.1-2210

Instructions for Release of State Grants to Nonstate Entities, §§ 2.2-1505 and 2.2-4343 A 14 of the Code of Virginia and § 4-5.05 of the 2004 Appropriation Act (Chapter 4, 2004 Acts of the Assembly, Special Session I)

Virginia Department of Historic Resources, Data Sharing System User Manual, February 2002, revised 2004

Guidelines for electronic submission of Archaeological and Architectural Survey data, June 2002, revised 2004

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 5 p.m. at the Department of Housing and Community Development, 501 North Second Street, Richmond, Virginia 23219. Copies may be obtained at agency cost by contacting Stephen W. Calhoun at the same address or by telephone (804) 371-7015.

Questions regarding interpretation or implementation of these documents may be directed to Stephen Calhoun at the above address or telephone number or by e-mail at steve.calhoun@dhcd.virginia.gov. Guidance documents of the Commission on Local Government are listed separately.

Guidance Documents:

Single Family Regional Loan Fund Manual, June 2004

Affordable Housing Production and Preservation Manual revised September 2003

State Homeless Housing Assistance Resources (SHARE) Program Manuals:

Guidance Documents

- SHARE Expansion Program Manual, revised November 2003
- SHARE Homeless Intervention Program Manual, revised June 2004
- SHARE Federal Shelter Grant Manual, revised June 2004
- SHARE Shelter Support Grant Manual, revised June 2004
- Child Care for Homeless Children Manual, June 2004
- HOME Match Funds for the Supportive Housing Program Manual, revised November 2003
- Child Services Coordinator Program Manual, June 2004
- Housing Opportunities for Persons with AIDS Program Manual, revised June 2004
- Community Housing Development Organization Assistance Program Guide and Manual, revised November 2001
- Community Housing Development Organization Program Assistance Application Revised July 2004
- Pre-Development Loan Program Manual, revised November 2002
- Emergency Home Repair Program Manual
- Virginia Lead Safe Home Implementation Manual, October 2003
- Home Investment Partnership Program Design Manual, August 2003
- Accessibility Rehabilitation Program Manual (Supplement to the Emergency Home Repair Program Operations Manual)
- Supportive Housing Rehabilitation Program
- Weatherization and Low-Income Housing Energy Assistance Program Manual, December 2002
- Virginia Community Development Block Grant Program: Program Design Manual, revised November 2002, 24 CFR Part 570
- Community Improvement Grant Contract Negotiation Guide, revised September 2002, 24 CFR Part 570
- Community Improvement Grant Management Manual, revised September 2002, 24 CFR Part 570
- Planning Grant Management Manual, revised August 2002
- Indoor Plumbing Rehabilitation Loan Program Management Manual, October 1999
- Virginia Enterprise Zone Program Instruction and Application Manuals:
- Instructions for Requesting State Tax Credits for Qualified Zone Investments, revised January 2003
 - Instructions for Requesting State Tax Credits for Real Property Improvements, revised January 2003
 - Instructions for Requesting State Tax Credits for New Businesses, revised January 2003
 - Instructions for Requesting State Tax Credits for Existing Businesses, revised January 2003
 - Instructions for Requesting State Tax Credits for State Job Grants, revised January 2003
- Main Street Program Guidelines, August 2001
- Techrider Letter of Participation Guidelines
- Virginia Enterprise Initiative Program Design, January 2003
- Virginia Individual Development Account Program Design, February 2003
- Handbook on State Certification for Code Officials and Inspectors, 2003
- ### VIRGINIA HOUSING DEVELOPMENT AUTHORITY
- Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the offices of the Virginia Housing Development Authority, 601 S. Belvidere Street, Richmond, VA 23220. Copies may be obtained free of charge by contacting Judson McKellar at the same address or by telephone at (804) 343-5540.
- Questions regarding interpretation or implementations of these documents may be directed to Judson McKellar at the above address or telephone number.
- Guidance Documents:**
- 3.1-3.23, Single-Family Processing Guide, April 1999, 13 VAC 10-40
 - Single-Family Exhibits Guide, May 2001, 13 VAC 10-40
 - Single-Family Loan Documents Guide, February 2001, 13 VAC 10-40
 - VHDA Homeownership Program Guidelines for Realtors and Lenders, May 2003, 13 VAC 10-40
 - Single-Family Policy and Procedures Manual, March 2001, 13 VAC 10-40
 - Single-Family Regional Loan Fund Administrative Procedures Manual (VHDA/DHCD), January 2005, 13 VAC 10-40 and Chapter 9 (§ 36-141 et seq.) of Title 36 of the Code of Virginia
 - Single-Family FasTrak Users Guide, September 2004, 13 VAC 10-40
 - Single-Family Loan Reservation Systems Guide, October 2004, 13 VAC 10-40
 - Single-Family Servicing Guide, April 1997, 13 VAC 10-40
 - Homeownership Education Guide, July 2002, 13 VAC 10-40
 - Single Family Consumer Guide-Making Homeownership a Reality, June 2003, 13 VAC 10-40
 - Home Improvement Loan Program Manual (Title I-FHA Program), May 21, 1996, 13 VAC 10-50
 - Home Improvement and Special Programs Procedure Manual, September 28, 1993, 13 VAC 10-50 and 13 VAC 10-60

Multi-Family Loan Policy and Lending Guidelines, May 15, 2001, 13 VAC 10-20

Asset Management Operations Manual, October 1, 2002, 13 VAC 10-20

Operating Procedures, Assisted Multi-Family Program Compliance, November 28, 2000, 13 VAC 10-20

Operating Procedures, Conventional Multi-Family Program Compliance, November 28, 2000, 13 VAC 10-20

Housing Choice Voucher Operations Manual, October 2003, 13 VAC 10-70 and 13 VAC 10-80

8-528-1, Subsidy Standards, August 1996, 13 VAC 10-70 and 13 VAC 10-80

8-910-1, Interim Reporting Requirements, January 1997, 13 VAC 10-70 and 13 VAC 10-80

8-1002-1, Owner Termination of Tenancy Requirements, January 1997, 13 VAC 10-70 and 13 VAC 10-80

8-1012-1, Crime and Alcohol Abuse by Family Member, July 1997, 13 VAC 10-70 and 13 VAC 10-80

8-1040-1, Informal Reviews for Applicants, July 1996, 13 VAC 10-70 and 13 VAC 10-80

8-1041-1, Informal Hearing Procedures for Participants, July 1996, 13 VAC 10-70 and 13 VAC 10-80

8-1400-1, Portability Notice for Families, June 1996, 13 VAC 10-70

8-545-2, Family's Guide to Rental Vouchers, April 2002, 13 VAC 10-70

VHDA Administrative Plan for Tenant Based Rental Assistance, July 2004, 13 VAC 10-70

VHDA PHA Plan, July 2004, 13 VAC 10-70

Application Manual - Low Income Housing Tax Credit Program, December 2004, 13 VAC 10-180

Federal Low-Income Housing Tax Credit Program, Compliance Monitoring Manual, January 2002, 13 VAC 10-180

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Office of Health Benefits, James Monroe Building, 13th Floor, 101 North 14th Street, Richmond, VA 23219. Copies may be obtained by contacting Linda Morton at the same address, e-mail Linda.Morton@dhrm.virginia.gov, telephone (804) 786-6432 or FAX (804) 371-0231. Unless otherwise noted, copies are available at no charge. Questions regarding interpretation or implementation of these documents may be directed to Linda Morton.

Guidance Documents:

Personnel Management Information System User's Manual, revised September 2000

Policies and Procedures Manual, revised September 1993

Human Resource Management Manual, revised July 2003

Salary Structure, revised November 25, 2004

Job Structure, revised September 2000

Employee Handbook, revised June 2004

Employee Suggestion Program Procedures Manual, revised December 2003

Handbook for Agency Heads, September 2004

Employee Recognition Program Handbook, September 2000

Health Insurance Manual, revised January 2002, cost \$20

The Local Choice Administrative Manual, revised July 1997, cost \$20

Flexible Reimbursement Accounts Program Administrative Handbook for Benefits Administrators, revised January 2003, cost \$10

Workers' Compensation Claims Procedural Manual, revised December 2004

State Health Benefits Program

COVA Care Member Handbook, July 2004

State Retiree Health Benefits Program

Advantage 65 Member Handbook, January 2001, amended January 1, 2003; January 1, 2004; January 1, 2005

Medicare Retiree Dental/Vision Member Handbook, January 2001, amended November 1, 2002; January 1, 2003; January 1, 2004; January 1, 2005

Medicare Complementary Option I Member Handbook, January 2001, amended November 1, 2002; January 1, 2003; January 1, 2004; January 1, 2005

Medicare Supplemental Option II Member Handbook, January 2001, amended November 1, 2002; January 1, 2003; January 1, 2004; January 1, 2005

The Local Choice Health Benefits Program

Key Advantage Member Handbook, July 1, 2000, amended July 1, 2004

Key Advantage with Expanded Benefits Member Handbook, July 1, 2000, amended July 1, 2004

Cost Alliance with Dental Member Handbook, July 2000, amended July 1, 2004

KeyShare Member Handbook, July 1, 2002, amended July 2004

KeyShare with Expanded Benefits Member Handbook, July 1, 2002, amended July 2004

Guidance Documents

Value Alliance with Dental Member Handbook, July 1, 2002, amended July 2004

Advantage 65 Member Handbook, January 1, 2001, amended July 2004

Dental/Vision Member Handbook, January 2001, amended July 2004

Medicare Complementary Option I Member Handbook, January 1, 2001, amended January 2004

VIRGINIA INDIGENT DEFENSE COMMISSION

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Office of the Appellate Defender, located at 701 E. Franklin Street, Suite 1001, Richmond, VA 23219. Copies may be obtained free of charge by contacting Jane Chittom, Appellate Defender at 701 E. Franklin Street, Suite 1001, Richmond, VA 23219 or by telephone (804) 225-3598 or FAX (804) 225-3673. The contents of the documents can also be accessed on the Indigent Defense Commission website at <http://>

<http://www.indigentdefense.virginia.gov/capitaldefenserequirements.htm>. Questions regarding interpretation or implementation of these documents may also be directed to Ms. Chittom.

Guidance Document:

Standards for the Qualifications of Appointed Counsel in Capital Cases, issued January 1, 2002, § 19.2-163.8 E

JAMES MADISON UNIVERSITY

Copies of the following documents are available by contacting the University Advancement office at James Madison University. The address is MSC 5714, Medical Arts West, Suite 24, James Madison University, Harrisonburg, VA 22807. The telephone number is (540) 568-3474 and the FAX number is (540) 568-3634. Most of the documents are also available online.

Faculty Handbook -
<http://web.jmu.edu/facultysenate/facultyhandbook/Current%20Handbook/1.9.04%20official%20amended1.pdf>

Financial Procedures Manual -
<http://www.jmu.edu/finprocedures/>

Manual of the Board of Visitors – Hard copy only.

Manual of Policies and Procedures -
<http://www.jmu.edu/JMUpolicy/>

Parking Regulations -
<http://web.jmu.edu/parking/regulations.asp>

Student Handbook -
<http://www.jmu.edu/judicial/handbook.shtml>

DEPARTMENT OF JUVENILE JUSTICE

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Certification Unit, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Ken Bailey at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0737 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of this document may be directed to Ken Bailey, Certification Manager, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 371-0737 or FAX (804) 371-0773.

Guidance Documents:

Standards Manual for Interdepartmental Regulation of Residential Facilities for Children, July 1, 2000, 22 VAC 42-10

Compliance Manual for Standards for Juvenile Residential Facilities as Applicable to Secure Detention Facilities, First Edition, June 1998, 6 VAC 35-140

Compliance Manual for Standards for Juvenile Residential Facilities as Applicable to Group Homes, June 1998, 6 VAC 35-140

Compliance Manual for Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts, 1998, 6 VAC 35-150

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Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Capital Outlay Office of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Lloyd Schieldge, Capital Outlay Unit, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-1107 or FAX (804) 786-1557.

Questions regarding interpretation or implementation of this document may be directed to Marilyn Miller, Detention Specialist, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-5402 or e-mail millermg@djj.state.va.us.

Guidance Document:

Virginia Department of Juvenile Justice Guidelines for Minimum Standards in Design and Construction of Juvenile Facilities, revised January 10, 2001, § 16.1-309.5

(NOTE: This document is also included in the Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement and Renovation, which may be obtained from the department's Detention Specialist, Marilyn Miller, by calling (804) 786-5402 or e-mail, at millermg@djj.state.va.us).

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Research and Evaluation Section at the Central Office of the

Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Lynette Greenfield at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-3423 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of this document may be directed to Lynette Greenfield, Research and Evaluation Manager, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-3423 or FAX (804) 786-0773.

Guidance Documents:

Review and Approval of External Research Proposals, Procedure 07-006.1, effective October 10, 1998

Department of Juvenile Justice Grants Manual, June 2002 (revised)

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Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Donald Carignan at the same address, telephone (804) 371-0743 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of these documents may be directed to Angela Valentine, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 225-3911 or FAX (804) 692-0865.

Guidance Document:

School Re-enrollment Plan Procedures, issued January 1997, § 16.1-293

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the State & Local Partnerships Unit, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge through e-mail (if available) or paper copy by contacting Donielle Langhorne, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or e-mail Donielle.Langhorne@djj.virginia.gov.

Questions regarding interpretation or implementation of the documents may be directed to Scott Reiner, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 371-0720 or e-mail Scott.Reiner@djj.virginia.gov.

Guidance Documents related to the Virginia Juvenile Community Crime Control Act (VJCCCA) (§ 16.1-309.2 et seq.) and the Community Programs Reporting (CPR) System:

VJCCCA: Local Plan Instructions, issued biennially, with related forms

VJCCCA: Plan Amendment and Fiscal Adjustment to Local Plans, issued annually

Virginia Department of Juvenile Justice Community Programs Reporting System and instructions for reporting community-based services and expenditures for programs funded through VJCCCA, State IV-E, 294, and state operated Halfway Houses, maintained on the CPR Website, § 16.1-322.3

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Certification Unit, Department of Juvenile Justice, 700 East Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Donielle Langhorne at P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6295 or e-mail langhoda@djj.state.va.us.

Questions regarding interpretation or implementation of these documents may be directed to Marilyn Miller, Detention Specialist, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23218-1110, telephone 804- 786-5402 or e-mail millermg@djj.state.va.us.

Guidance Documents related to Detention and other programs:

Department of Juvenile Justice Directive 02-004 Reporting Serious Incidents, effective November 22, 2004

Step-by-Step Procedures for Approval and Reimbursement for Local Facility Construction, Enlargement and Renovation, revised March 2001, § 16.1-309.5

Annual Block Grant Expenditure Reports (for detention homes and former block grant programs), issued annually

* * *

Copies of the following document may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the State and Local Partnerships Unit of the Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Susan Gholston at the same address, telephone (804) 371-0745 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of the document may be directed to Susan Gholston, State and Local Partnerships Manager, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 371-0745 or FAX (804) 371-0773.

Guidance Document:

Virginia Department of Juvenile Justice Community Programs Reporting System and instructions for reporting community-based services and expenditures for programs funded through VJCCCA, State IV-E, 294, and state operated Halfway Houses, maintained on the CPR Website, § 16.1-322.3

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the Interstate Compact Unit, Community Programs Section (5th floor), Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219. Copies may be obtained free of charge

Guidance Documents

by contacting Joyce A. Layne-Jordan at the same address, telephone (804) 692-0167 or FAX (804) 371-0773.

Questions regarding interpretation or implementation of these documents may be directed to Joyce A. Layne-Jordan, Interstate Compact Specialist, Department of Juvenile Justice, 700 E. Franklin Street, Richmond, VA 23219, telephone (804) 692-0167 or FAX (804) 371-0773.

Guidance Documents:

Form I, Requisition for Runaway Juvenile or Child Removed from Jurisdiction of Court, revised August 2000, § 16.1-323

Form II, Requisition for Escape or Absconder, Requisition for Juvenile Charged With Being Delinquent (Rendition Amendment), revised August 2000, § 16.1-323

Form III, Consent for Voluntary Return by Runaway, Escapee or Absconder, advised August 2000, § 16.1-323

Form IV, Parole or Probation Investigation Request, revised August 2000, § 16.1-323

Form V, Report of Sending State Upon Parolee or Probationer Being Sent To The Receiving State, revised August 2000, § 16.1-323

Form IA/VI, Application for Services and Waiver, revised August 2000, § 16.1-323

Form A, Petition for Requisition to Return a Runaway Juvenile, revised 2000, § 16.1-323

Out of State Travel Permit and Agreement To Return, revised August 2000, § 16.1-323

Home Evaluation Report, revised 2000

Quarterly Progress Report, revised 2000

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Program

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Virginia Department of Labor and Industry (DOLI) headquarters office at 13 South Thirteenth Street, Richmond, VA 23219 or at any DOLI regional office. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Director, Division of Registered Apprenticeship, at the same address, or by telephone, at (804) 786-2382 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of these documents may be directed to Director, Division of Registered Apprenticeship, at the same address, telephone (804) 786-2382 or FAX (804) 786-8418.

Guidance Documents:

Standards of Apprenticeship Nail Technicians developed by the Virginia Board of Cosmetology and the Division of Apprenticeship Training, Virginia Department of Labor and

Industry, revised August 25, 1995, Virginia Code §§ 40.1-117 through 40.1-127

Standards of Apprenticeship for Cosmetologists developed by the Virginia Board of Cosmetology and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised July 26, 1999, Virginia Code §§ 40.1-117 through 40.1-127

Standards of Apprenticeship for Barbers developed by the Virginia Board for Barbers and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised February 6, 1995, Virginia Code §§ 40.1-117 through 40.1-127

Standards of Apprenticeship for Opticians developed by the Virginia State Board of Opticians and the Division of Apprenticeship Training, Virginia Department of Labor and Industry, revised January 1, 2002, Virginia Code §§ 40.1-117 through 40.1-127

Apprenticeship Opportunities brochure, 2003

Registered Apprenticeship Program brochure, 2003

Cooperative Working Agreement between the State of Virginia Apprenticeship Council and the Bureau of Apprenticeship and Training, United States Department of Labor, revised July 23, 2002

Apprenticeship Directive 81-4, Granting Credit for Previous Experience, May 21, 1981

Apprenticeship Directive 86-4, Part-Time Cosmetology Student/Apprentices, September 15, 1986

Apprenticeship Directive 90-3, Participation by Minors Between the Ages of Sixteen and Eighteen in Certain Hazardous Occupations, April 27, 1990

Apprenticeship Directive 01-1, Signature on Standards, August 15, 2001

Apprenticeship Directive 03-3, Exemption from Full-Time Employment, June 1, 2003

Apprenticeship Directive 03-04, Temporary Staffing Agencies, March 21, 2002

Apprenticeship Directive 03-05 Guidelines Governing Out of State Businesses, March 21, 2002

Apprenticeship Directive 3-07, Registration for Barber, Cosmetology, Nail Technician, September 7, 1998

Apprenticeship Directive 03-09, Progressive Wage Policy, March 20, 2003

Boiler Safety Compliance Division

Documents are available at www.townhall.state.va.us. Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the office of the Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Sheila Taylor at the same address, telephone (804) 371-2321 or FAX (804) 371-2324.

Questions regarding interpretation or implementation of this document may be directed to Frederick P. Barton, Boiler Chief Inspector, Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3262 or FAX (804) 371-2324.

Guidance Document:

Boiler and Pressure Vessel Safety Compliance, Operations Manual, Chapter One - Organization and Administrative Procedures, Chapter Four - Inspection Procedures, Chapter Seven - Penalties, Chapter Eight - Post Violation and Penalty Issuance Processes, and Chapter Nine - Legal Process, revised October 1, 1999, Virginia Code §§ 40.1-51.5 through 40.1-51.19:5. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Sheila Taylor at the same address, telephone (804) 371-2321 or FAX (804) 371-2324.

State Labor and Employment Law Division

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Department of Labor and Industry, Central Office, 13 South Thirteenth Street, Richmond, VA 23219 or at any of the department's regional offices. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Jeannine Rose at the same address, telephone (804) 371-0463, FAX (804) 371-2324.

Questions regarding interpretation or implementation of these documents may be directed to Ellen Marie Hess, Labor and Employment Law, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3224 or FAX (804) 371-2324.

Guidance Documents:

Guide for the Employment of Teenagers (Child Labor), July 1, 2003; copies free

Division of Labor and Employment Law Field Operations Manual, revised January 30, 2000, Chapter 1, Minimum Wage Act, Virginia Code §§ 40.1-28.8 through 40.1-28.12.; Chapter 2, Use of Polygraphs in Certain Employment Situations, Virginia Code § 40.1-51.4:4; Chapter 3, Equal Pay, Virginia Code § 40.1-28.6; Chapter 4, Prevention of Employment, Virginia Code § 40.1-27; Chapter 5, Payment of Medical Exams as a Condition of Employment, Virginia Code § 40.1-28; Chapter 6, Right to Work, Virginia Code §§ 40.1-58 and 40.1-69; Chapter 7, Garnishment, § 34-29, and 16 VAC 15-21, Chapter 8, Day of Rest, Virginia Code §§ 40.1-28.1 through 40.1-28.4:1; Chapter 9, Child Labor, Virginia Code §§ 40.1-78 through 40.1-116; 16 VAC 15-30 16 VAC 15-40, and 16 VAC 15-50, Chapter 10, Payment of Wage, Virginia Code § 40.1-29

Office of Cooperative Programs

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the Virginia Department of Labor and Industry, 13 South Thirteenth Street,

Richmond, VA 23219. Documents are available at www.townhall.state.va.us.

Voluntary Protection Program

Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies of the Voluntary Protection Program Manual should be made to Robert Rickman at the Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-4751 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of the program or use of the manual may be directed to Robert Rickman, VPP Coordinator, at the same address.

Guidance Document:

Revised Voluntary Protection Program (VPP) Policies and Procedures Manual, Revised January 1, 1999

Consultation Program

Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies of the following documents should be made to Warren Rice at the Virginia Department of Labor and Industry, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-6613 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of the program may be directed to Warren Rice, Consultation Program Manager at the same address.

Guidance Documents:

OSHA Instruction TED 3.6 Consultation Policy and Procedures Manual, July 1, 2003, available on OSHA web site, www.osha.gov, under "compliance" click on "consultation," in the search box, enter TED 3.6 or www.townhall.state.va.us

Job Safety and Health Poster, April 4, 2003, available on DOL's website under publications, www.doli.state.va.us

Training Requirements/OSHA Standards and Training Guidelines, July 1, 1998, 16 VAC 25-90-through 16 VAC 25-130, 16 VAC 25-175 and 16 VAC 25-190, available on OSHA's website at www.osha.gov, go to newsroom and click on publications or www.townhall.state.va.us

Occupational Health Compliance Division

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the library of the Department of Labor and Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to the Occupational Health Compliance Division at the same address, telephone (804) 371-0295 or FAX (804) 371-6524.

Questions regarding interpretation or implementation of these documents may be directed to the Director of Occupational Health Compliance, Virginia Department of Labor and

Guidance Documents

Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-0574 or FAX (804) 371-6524.

Guidance Documents:

Virginia Occupational Safety and Health Program Interpretations of Health Standards, revised October 17, 2003, 16 VAC 25-90-1910, and 16 VAC 25-175-1926

Occupational Safety Compliance Division

Documents are available at www.townhall.state.va.us. Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the library of the Department of Labor and Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to the program director at the same address, telephone (804) 786-2391 or FAX (804) 371-6524.

Questions regarding interpretation or implementation of these documents may be directed to the Director of Safety Compliance, Virginia Department of Labor and Industry, Powers Taylor Building, 4th Floor, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-2391 or FAX (804) 371-6524.

Guidance Documents:

Virginia Occupational Safety and Health Program Interpretations of Safety Standards, revised October 17, 2003, 16 VAC 25-90-1910, and 16 VAC 25-175-1926.

Virginia Occupational Safety and Health Program

Documents are available at www.townhall.state.va.us. Documents may be requested on the department's home page <http://www.doli.state.va.us>. Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. at the Central Office of the Department, 13 South Thirteenth Street, Richmond, VA 23219, or at any of the regional or field offices of the department statewide. Copies of up to 20 pages are provided free of charge, and copies of 21 pages or more are provided at a cost of \$.10 per page. Requests for copies should be made to Regina Cobb at the above address, or at (804) 786-0610 or FAX (804) 786-8418.

Questions regarding interpretation or implementation of these documents may be directed to John Crisanti, at the same address, or at (804) 786-4300 or FAX (804) 786-8418.

Guidance Documents:

Virginia Occupational Safety and Health Program Directives Manual, revised April, 1, 2003, 16 VAC 25-10-10 through 16 VAC 25-30-30 and 16 VAC 25-60-10 through 16 VAC 25-190-1928, copies \$.10 per page, 7,515 pages

VOSH Field Operations Manual, revised March 1, 2003, 16 VAC 25-10-10 through 16 VAC 25-30-30 and 16 VAC 25-60-10 through 16 VAC 25-190-1928, copies \$.10 per page, 439 pages

THE LIBRARY OF VIRGINIA

Library Development and Networking Division

Copies of the following documents may be viewed during regular work days from 9 a.m. until 4:30 p.m. at the Office of the Librarian of Virginia, Library of Virginia, 800 E. Broad Street, Richmond, VA 23219-8000. Copies may be obtained free of charge for 10 pages and for requests of 11 pages or more for \$.25 per page by contacting Nelson Worley, at the above address, telephone (804) 692-3773, FAX (804) 692-3771, e-mail nworley@lva.lib.va.us.

Questions regarding interpretation or implementation of this document may be directed to Wayne Modlin, Public Library Consultant, Library Development and Networking, at the above address, telephone (804) 692-3763, FAX (804) 692-3771, e-mail wmodlin@lva.lib.va.us.

Information Regarding Public Library Trustees:

Virginia Public Library Trustees Handbook, 1999

Questions regarding interpretation or implementation of these documents may be directed to Nelson Worley, Director, Library Development and Networking, at the above address, telephone (804) 692-3773, FAX (804) 692-3771, e-mail nworley@lva.lib.va.us

Information Regarding Public Libraries:

Public Library Directors' Manual, 2000

Planning for Library Excellence, 2000

Records Management and Imaging Services Division

Copies of the following documents may be viewed during regular work days from 9 a.m. until 4:30 p.m. at the Office of the Librarian of Virginia, Library of Virginia, 800 E. Broad Street, Richmond, VA 23219-8000.

Copies may be obtained free of charge for 10 pages and for requests of 11 pages or more for \$.25 per page by contacting Terri Reitz, Manager, Records Analysis, at the above address, telephone (804) 692-3608, FAX (804) 692-3603 or e-mail treitz@lva.lib.va.us or Christopher Gorey, Electronic Records Coordinator, at the above address, telephone (804) 692-3507, FAX (804) 692-2603 or e-mail cgorey@lva.lib.va.us

Information Regarding Records Management and Imaging:

Questions regarding interpretation or implementation of this document may be directed to either Terri Reitz, Manager, Records Analysis, at the above address, telephone (804) 692-3608, FAX (804) 692-3603 or e-mail treitz@lva.lib.va.us or Christopher Gorey, Electronic Records Coordinator, at the above address, telephone (804) 692-3607, FAX (804) 692-3603 or e-mail cgorey@lva.lib.va.us.

Imaging Services Branch Procedural Manual, revised September 1997

Virginia Public Records Manual, revised April 2000

COMMISSION ON LOCAL GOVERNMENT

Copies of the following documents may be reviewed during regular work days from 8:30 a.m. to 5 p.m. in the office of the Commission on Local Government, 205 N. 2nd Street, Richmond, VA 23219-1321. Copies may be obtained free of charge by contacting Ted McCormack at the same address, telephone (804) 786-6508, FAX (804) 371-7090 or e-mail ted.mccormack@dhcd.virginia.gov.

Questions about interpretation or implementation of these documents may be directed to Ted McCormack, Associate Director for the Commission on Local Government, 205 N. 2nd Street, Richmond, VA 23219-1321, telephone (804)786-6508, FAX (804) 371-7090 or e-mail ted.mccormack@dhcd.virginia.gov.

Guidance Documents:

Guidelines for Submissions in City-to-Town Transitions, adopted January 1997, §§ 15.2-2907, 15.2-2908 and 15.2-4100 et seq.

Guidelines for Advisory Review of Voluntary Economic Growth-Sharing Agreements, adopted November 1996, § 15.2-1301

Guidelines for Review of Annexations Initiated by Voters or Property Owners, adopted May 2003, § 15.2-2302

Information Sheets:

1. Agreements Defining Town Annexation Rights, March 2004
2. Alternative Approaches To Interlocal Concerns, March 2004
3. Alternative Forms of County Government in Virginia, May 2004
4. Annulment of Town Charter, March 2004
5. Boundary Changes of Towns and Cities, March 2004
6. Boundary Line Adjustment by Agreement, March 2004
7. Consolidation of Local Governmental Units, March 2004
8. Functional Authority of Virginia Local Governments, May 2004
9. Post-Boundary Change Actions, March 2004
10. Reversion of a City to Town Status, March 2004
11. Taxing Powers Granted to Virginia Counties, Cities, and Towns, September 2004
12. Town Incorporation, March 2004
13. Voluntary Settlements of Annexation, Transition, or Immunity Issues, March 2004
14. Discretionary Authorities and Special Districts Available to Local Governments in Virginia, July 2004

LONGWOOD UNIVERSITY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Vice President for Administration and Finance, Lancaster Hall, Room 207A, 201 High Street, Farmville, VA 23909. Copies may be obtained, free of charge, by contacting the office of the Vice President for Administration and Finance at the same address, telephone (434) 395-2016 or FAX (434) 395-2635. The documents may be downloaded from the Longwood University website (<http://www.longwood.edu>).

Questions regarding interpretation or implementation of these guidance documents may be directed to the office of the Vice President for Administration and Finance at the above address, telephone or FAX number.

Guidance Documents:

Administrative Policies and Procedures Manual

Faculty Handbook

Parking Regulations

Student Handbook

University Catalogs (Undergraduate and Graduate)

STATE LOTTERY DEPARTMENT

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the Legislative and Regulatory Affairs Office of the State Lottery Department, 900 East Main Street, Richmond, VA 23219. Questions regarding interpretation or implementation of these documents and requests for copies may be directed to Frank S. Ferguson, General Counsel and Director, Legislative and Regulatory Affairs; at the same address, telephone (804) 692-7901, FAX (804) 692-7603 or e-mail fferguson@valottery.state.va.us.

Director's Orders:

All director's orders are issued by the department's director as administrative orders. These orders interpret and implement the Virginia Lottery's regulations relating to the licensing of lottery sales agents (11-VAC 5-31) and the games conducted by the Virginia Lottery (11 VAC 5-41). The following director's orders are active as of the date of this filing:

31 (94), Special Licensing Program: Virginia Department of Alcoholic Beverage Control, issued 08/15/94

48 (97), Virginia Lottery Retailer Cashing Bonus Program and Rules, issued 12/01/97

02 (99), Establishment of a Sliding Scale for Surety Bonding Requirements, issued 02/22/99

37 (99), Virginia's Third On-Line Game Lottery; "Pick 4," Final Rules for Game Operation; Second Revision, issued 09/17/99

59 (99), Virginia's Instant Game Lottery 445; "Super BlackJack," Final Rules for Game Operation, issued 09/21/99

28 (00), Virginia's Instant Game Lottery 451; "\$100,000 Jackpot," Final Rules for Game Operation, issued 05/08/00

Guidance Documents

- 10 (01), Virginia's Instant Game Lottery 208; "Kickin' Cash," Final Rules for Game Operation, issued 01/30/01
- 17 (01), Virginia's Instant Game Lottery 203; "Blackjack," Final Rules for Game Operation, issued 03/06/01
- 23 (01), Virginia's Instant Game Lottery 211; "Fast 50's," Final Rules for Game Operation, issued 04/13/01
- 24 (01), Virginia's Instant Game Lottery 213; "Sunny Money," Final Rules for Game Operation, issued 04/23/01
- 26 (01), Virginia's Instant Game Lottery 481; "Lucky Jackpot," Final Rules for Game Operation, issued 05/14/01
- 28 (01), Virginia's Instant Game Lottery 483; "Diamond Doubler," Final Rules for Game Operation, issued 05/14/01
- 33 (01), Virginia's Instant Game Lottery 487; "Roll Them Bones," Final Rules for Game Operation, issued 05/31/01
- 41 (01), Virginia's Instant Game Lottery 489; "Slots of Cash," Final Rules for Game Operation; Revised, issued 07/27/01
- 54 (01), Virginia's Instant Game Lottery 220; "Wizard of Odds," Final Rules for Game Operation, issued 09/04/01
- 57 (01), Virginia's Eighth On-Line Game Lottery; "Lotto South," Final Rules for Game Operation, issued 09/01/01
- 59 (01), Virginia Lottery Retailer "Big Game" and "Lotto South" Bonus Program and Rules, issued 09/04/01
- 61 (01), Virginia's First On-Line Lottery Game; "Pick 3," Final Rules for Game Operation; Sixth Revision, issued 09/09/01
- 62 (01), Virginia's Fourth On-Line Lottery; "Cash 5," Final Rules for Game Operation; Sixth Revision, issued 09/09/01
- 64 (01), Virginia's Instant Game Lottery 497; "Elvis," Final Rules for Game Operation, issued 09/21/01
- 68 (01), Virginia's Instant Game Lottery 495; "3 Card Cash," Final Rules for Game Operation, issued 10/10/01
- 73 (01), Virginia's Instant Game Lottery 501; "Lottery Lucky Stars," Final Rules for Game Operation, issued 10/30/01
- 77 (01), Virginia's Instant Game Lottery 504; "Sweet Rewards," Final Rules for Game Operation, issued 11/07/01
- 78 (01), Virginia's Instant Game Lottery 505; "The Whole Enchilada," Final Rules for Game Operation, issued 11/28/01
- 04(02), Virginia's Instant Game Lottery 506; "Fat Cat Cash," Final Rules for Game Operation, issued 01/28/02
- 14 (02), Virginia Lottery "Million Dollar Bonus," Promotional Rules, issued 03/01/02
- 26 (02), Virginia's Ninth Online Game Lottery; "Mega Millions," Final Rules for Game Operation, issued 05/14/02
- 45 (02), Certain Virginia Instant Game Lotteries; End of Games, issued 08/23/02
- 46 (02), Virginia's Instant Game Lottery 531; "Millionaire Party II," Final Rules for Game Operation, issued 09/23/02
- 52 (02), "Jingle Bills" Virginia Lottery Retailer Incentive Program Rules, issued 10/25/02
- 53 (02), Certain Virginia Lottery Instant Game Lotteries; End of Games, issued 10/10/02
- 64 (02), Virginia's Instant Game Lottery 537; "Cash Vault," Final Rules for Game Operation, issued 11/21/02
- 02 (03), Certain Virginia Lottery Instant Game Lotteries; End of Games, issued 01/21/03
- 13 (03), Virginia's Instant Game Lottery 552; "Double Down Doubler," Final Rules for Game Operation, issued 03/28/03
- 16 (03), Certain Virginia Lottery Instant Game Lotteries; End of Games, issued 04/09/03
- 19 (03), Virginia's Instant Game Lottery 567; "Triple 7's," Final Rules for Game Operation, issued 04/28/03
- 32 (03), Virginia's Instant Game Lottery 568; "Big Money Spectacular," Final Rules for Game Operation, issued 06/30/03
- 33 (03), Virginia's Instant Game Lottery 557; "Extreme Green," Final Rules for Game Operation, issued 06/30/03
- 38 (03), Certain Virginia Lottery Instant Game Lotteries; End of Game, issued 07/08/03
- 41 (03), Virginia's Instant Game Lottery 565; "Casino Royale," Final Rules for Game Operation, issued 07/29/03
- 42 (03), Virginia's Instant Game Lottery 577; "Gold Card," Final Rules for Game Operation, issued 07/29/03
- 43 (03), Virginia's Instant Game Lottery 257; "Ace of Spades," Final Rules for Game Operation, issued 08/20/03
- 52 (03), Virginia's Instant Game Lottery 571; "Player's Choice," Final Rules for Game Operation, issued 09/26/03
- 55 (03), Virginia's Instant Game Lottery 582; "\$100,000 Riches," Final Rules for Game Operation, issued 09/26/03
- 58 (03), Virginia's Instant Game Lottery 595; "Money Talks," Final Rules for Game Operation, issued 10/02/03
- 59 (03), Virginia's Instant Game Lottery 324; "E Z Bingo," Final Rules for Game Operation, issued 10/14/03
- 60 (03), Virginia's Instant Game Lottery 323; "Bingo Night," Final Rules for Game Operation, issued 10/08/03
- 62 (03), Certain Virginia Lottery Instant Game Lotteries; End of Game, issued 10/08/03
- 64 (03), Virginia's Instant Game Lottery 579; "Super Monopoly," Final Rules for Game Operation, issued 11/06/03
- 67 (03), Virginia's Instant Game Lottery 262; "Hot Hand," Final Rules for Game Operation, issued 11/17/03
- 70 (03), "15 Grand Years" Virginia Lottery Retailer Incentive Program Rules, issued 06/18/04
- 71 (03), "Pick 3, Earn 7" Virginia Lottery Retailer Incentive Program Rules, issued 06/18/04
- 02 (04), Virginia Instant Game Lottery 578; "Moolah Money," Final Rules for Game Operation, issued 01/27/04

- 04 (04), Virginia Instant Game Lottery 266; "On A Roll," Final Rules for Game Operation, issued 01/30/04
- 06 (04), Certain Virginia Lottery Instant Game Lotteries; End of Game, issued 02/03/04
- 07 (04), Virginia Instant Game Lottery 325; "Checkerboard Bingo," Final Rules for Game Operation, issued 02/10/04
- 08 (04), "Confirm to Earn" Virginia Lottery Retailer Incentive Program Rules, issued 03/01/04
- 09 (04), Virginia Instant Game Lottery 591; "Cash Zone," Final Rules for Game Operation, issued 02/23/04
- 10 (04), Virginia Instant Game Lottery 250; "Double Money," Final Rules for Game Operation, issued 02/26/04
- 12 (04), Virginia Instant Game Lottery 588; "\$100 Grand Hand," Final Rules for Game Operation, issued 02/26/04
- 13 (04), Virginia Instant Game Lottery 589; "Crown Jewels," Final Rules for Game Operation, issued 02/27/04
- 15 (04), Certain Virginia Lottery Instant Game Lotteries; End of Game; issued 04/08/04
- 16 (04), Virginia Instant Game Lottery 607; "Trump Card," Final Rules for Game Operation, issued 04/16/04
- 17 (04), Virginia Instant Game Lottery 587; "Casino Action," Final Rules for Game Operation, issued 05/11/04
- 18 (04), Virginia Instant Game Lottery 601; "5 Times The Money," Final Rules for Game Operation, issued 05/11/04
- 19 (04), Virginia Instant Game Lottery 592; "Friday Night Poker," Final Rules for Game Operation, issued 05/11/04
- 20 (04), Virginia Instant Game Lottery 603; "24 Karat Cash," Final Rules for Game Operation, issued 05/11/04
- 21 (04), "Activate and Earn" Virginia Lottery Retailer Incentive Program Rules, issued 06/18/04
- 22 (04), Virginia Instant Game Lottery 610; "\$25,000 Cash Reward," Final Rules for Game Operation, issued 06/18/04
- 23 (04), Certain Virginia Lottery Instant Game Lotteries; End of Game, issued 06/22/04
- 24 (04), Virginia Instant Game Lottery 615; "Rag Top Riches," Final Rules for Game Operation, issued 06/28/04
- 25 (04), Virginia Instant Game Lottery 275; "Blackjack," Final Rules for Game Operation, issued 07/08/04
- 26 (04), Virginia Instant Game Lottery 598; "Hit Me," Final Rules for Game Operation, issued 07/08/04
- 27 (04), Certain Virginia Lottery Instant Game Lotteries; End of Game, issued 08/27/04
- 28 (04), "Vegas Action" Virginia Lottery Retailer Incentive Program Rules, issued 09/13/04
- 32 (04), Virginia Instant Game Lottery 612; "All The Marbles," Final Rules for Game Operation, issued 09/01/04
- 33 (04), Virginia Instant Game Lottery 265; "Bonus Cash," Final Rules for Game Operation, issued 10/14/04
- 34 (04), Virginia Instant Game Lottery 626; "Candy Cane Cash," Final Rules for Game Operation, issued 10/26/04
- 35 (04), Virginia Instant Game Lottery 618; "Cash Vault," Final Rules for Game Operation, issued 10/19/04 nunc pro tunc
- 36 (04), Virginia Instant Game Lottery 624; "Gingerbread Dough," Final Rules for Game Operation, issued 10/26/04
- 37 (04), Virginia Instant Game Lottery 606; "Sapphire Blue 7's," Final Rules for Game Operation, issued 10/05/04 nunc pro tunc
- 38(04), Virginia Instant Game Lottery 625; "Stocking Stuffer," Final Rules for Game Operation, issued 10/26/04
- 39 (04), Virginia Instant Game Lottery 273; "Winter Double Doubler," Final Rules for Game Operation, issued 10/26/04
- 40 (04), Virginia Instant Game Lottery 623; "Ruby Red 7's," Final Rules for Game Operation, issued 10/05/04 nunc pro tunc
- 41 (04), Virginia Instant Game Lottery 604; "Hands Down," Final Rules for Game Operation, issued 09/21/04 nunc pro tunc
- 42 (04), Virginia Instant Game Lottery 608; "Lucky 5's," Final Rules for Game Operation, issued 08/24/04 nunc pro tunc
- 43 (04), Virginia Instant Game Lottery 605; "Lucky Times Ten," Final Rules for Game Operation, issued 10/05/04 nunc pro tunc
- 44 (04), Virginia Instant Game Lottery 613; "Vegas Action," Final Rules for Game Operation, issued 09/21/04 nunc pro tunc
- 45 (04), Virginia Instant Game Lottery 617; "\$100,000 Draw Poker," Final Rules for Game Operation, issued 09/17/04
- 46 (04), Virginia Instant Game Lottery 630; "Win For Life," Final Rules for Game Operation, issued 09/06/04 nunc pro tunc
- 47 (04), Virginia Instant Game Lottery 271; "9's To Win," Final Rules for Game Operation, issued 10/05/04 nunc pro tunc
- 48 (04), Virginia Instant Game Lottery 274; "Quick 7's," Final Rules for Game Operation, issued 08/23/04 nunc pro tunc
- 49 (04), Virginia Instant Game Lottery 272; "Hot 100's," Final Rules for Game Operation, issued 08/23/04
- 50 (04), Virginia Instant Game Lottery 616; "Ca\$hword Multiplier," Final Rules for Game Operation, issued 08/23/04
- 51 (04), Virginia Instant Game Lottery 264; "High Card," Final Rules for Game Operation, issued 10/16/04
- 52 (04), Virginia Instant Game Lottery 611; "Phat Cat Tripler," Final Rules for Game Operation, issued 10/26/04
- 53 (04), Virginia Instant Game Lottery 627; "Casino Night," Final Rules for Game Operation, issued 10/26/04
- 54 (04), Virginia Instant Game Lottery 628; "Bonus Money," Final Rules for Game Operation, issued 10/26/04

Guidance Documents

55 (04), Virginia Instant Game Lottery 629; "High Stakes," Final Rules for Game Operation, issued 10/26/04

56 (04), Certain Virginia Lottery Game Lotteries; End of Game, issued 11/03/04

57 (04), Virginia Instant Game Lottery 632; "7-11-21," Final Rules for Game Operation, issued 10/19/04

58 (04), Virginia Instant Game Lottery 631; "Loads of Cash," Final Rules for Game Operation, issued 11/19/04

59 (04), Virginia Instant Game Lottery 268; "Snake Rattle & Roll," Final Rules for Game Operation, issued 11/19/04

60 (04), Virginia Instant Game Lottery 633; "Casino Cash," Final Rules for Game Operation, issued 11/26/04

61 (04), Virginia Instant Game Lottery 602; "The Big Money Game," Final Rules for Game Operation, issued 11/19/04

62 (04), Virginia Instant Game Lottery 634; "5 Card Stud," Final Rules for Game Operation, issued 11/23/04

63 (04), Virginia Instant Game Lottery 276; "Aces High," Final Rules for Game Operation, issued 11/19/04

64 (04), Virginia Instant Game Lottery 635; "Cash Spectacular," Final Rules for Game Operation, issued 12/27/04

65 (04), Virginia Instant Game Lottery 267; "Grand Hand," Final Rules for Game Operation, issued 12/27/04

66 (04), Virginia Instant Game Lottery 636; "\$100,000 Hot Streak," Final Rules for Game Operation, issued 12/27/04

67 (04), Virginia Instant Game Lottery 622; "Fabulous Fortune," Final Rules for Game Operation, issued 12/27/04

Policies/Procedures:

Clerk Activated Terminal Policy, issued 07/01/01, 11 VAC 5-40

Criteria for Lottery Advertising, issued 07/31/99, 11 VAC 5-20-60

Lotto South Drawings, issued 09/04/01, 11 VAC 5-40-40

Mail Claims Processing, issued 01/01/97, 11 VAC 5-30-330 through 11 VAC 5-30-740 and 11 VAC 5-40-310 through 11 VAC 5-40-690

On-Line Game Drawings (#007, rev. 8), issued 09/07/01, 11 VAC 5-40-40

Release of Payroll and Other Personal Data, issued 08/09/96, DPT Policy #6.05

Regional Scratch Ticket Sales to Retailers, issued 05/01/00, 11 VAC 5-30-300

Scratch Ticket Returns, issued 12/03/01, 11 VAC 5-30-320

Virginia Lottery Retailer Manual, issued 2001, 11 VAC 5-30 and 11 VAC 5-40

Lottery Prize Assignment Registration information, posted on the Virginia Lottery website 7/01/03

Borrowing and Assignment Activity by Virginia Lottery Winners Following Enactment of House Bill 1564 (2003), issued 11/30/04

MARINE RESOURCES COMMISSION

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the offices of the Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607. Copies may be obtained free of charge by contacting Wilford Kale at the same address, telephone (757) 247-2269 or FAX (757) 247-2020.

Habitat Documents:

Questions regarding interpretation or implementation of habitat documents may be directed to Robert W. Grabb, Chief, Habitat Management Division, Marine Resources Commission, Newport News, VA 23607, telephone (757) 247-2252 or FAX (757) 247-8062.

Wetlands Guidelines, revised December 1982, § 28.2-1301 D

Subaqueous Guidelines subtitled Guidelines for the Permitting of Activities which Encroach In On or Over the Submerged Lands of the Commonwealth of Virginia, revised February 1986, § 28.2-1200 et seq.

Coastal Primary Sand Dune/Beaches Guidelines subtitled Guidelines for the Permitting of Activities which Encroach into Coastal Primary Sand Dunes/Beaches, revised June 1986, § 28.2-1401 C

Resolution by the Virginia Marine Resources Commission Citizen Board Interpreting Code § 28.2-1203 a 5 (iv) and Delegating Authority to Make the Determination Called for by Code § 28.2-1203 a 5 (iv).

Law Enforcement Document:

Questions regarding interpretation or implementation of law-enforcement documents may be directed to Colonel Steve Bowman, Chief, Law Enforcement Division, Marine Resources Commission, Newport News, VA 23607, telephone (757) 247-2278 or FAX (757) 247-2020.

Guidelines on Repeat Offenders, revised July 1996, § 28.2-232

UNIVERSITY OF MARY WASHINGTON

Copies of the following document may be viewed during regular workdays from 8 a.m. until 5 p.m. in the Office of Human Resources, 1301 College Avenue, Fairfax House, Fredericksburg, VA 22401. Copies may be obtained free of charge by contacting Sabrina Johnson, Assistant Vice President for Human Resources, at the same address, telephone (540) 654-1046.

Questions regarding interpretation or implementation of this document also may be directed to Sabrina Johnson, Assistant Vice President for Human Resources, at the same address.

Guidance Document:

Smoking Policy, August 15, 1989

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. to 5 p.m. in the office of the Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219. Copies of the Medicaid Memos, booklets, and brochures may be obtained at the specified charge by contacting the Freedom of Information Act (FOIA) staff at the same address, telephone (804) 371-6391 or FAX (804) 371-4981. Copies of the provider manuals and updates may be downloaded free of charge from the Internet at www.dmas.virginia.gov or printed copies may be purchased by calling Commonwealth Mailing at (804) 780-0076 to obtain an order blank. The order blank includes the manual prices for both paper and compact disc (CD) copies. The paper copies of manuals are priced individually (as noted by each manual on this list), and CDs are \$18 per CD. Charges for paper copies are the cost of the individual manual, plus 5% sales tax, and \$5.00 per manual for shipping and handling. Charges for CDs are \$18 per CD, plus 5% sales tax and \$5.00 for shipping and handling regardless of the quantity of CDs ordered. Provider manual updates are also available on the Internet free of charge (at the web address above) and from Commonwealth Mailing for \$15 per update, plus 5% sales tax, and \$5.00 shipping and handling per manual update.

Questions regarding interpretation or implementation of policies contained in these documents should be directed to the FOIA staff, at the numbers specified above, who will determine the appropriate staff person to respond and then direct the caller to that appropriate individual.

DMAS Medicaid Memos, Booklets, and Brochures:

Special 7/31/95 Medicaid Memo, Nursing Facility and Community-Based Care Enrollment, Reimbursement, and Provision of Community-Based Care Services, issued July 31, 1995, 12 VAC 30-60-360 and 12 VAC 30-120 Part I, no charge for copy

Special 9/1/95 Medicaid Memo, Change in Coordination of Benefits Procedures, issued September 1, 1995, 12 VAC 30-80-170, no charge for copy

Special 2/16/96 Medicaid Memo, Time Frames by Which Cases Remanded by the Department of Medical Assistance Services (DMAS) Hearing Officers Must Be Completed, issued February 16, 1996, 12 VAC 30-110, unavailable in electronic format

Special 9/13/96 Medicaid Memo, Contents of Notices to Medicaid Recipients, issued September 13, 1996, 12 VAC 30-10-410, no charge for copy

Brochures 8/1/01, You Are Being Enrolled in the Medicaid Client Medical Management Program, issued December 5, 1996, 12 VAC 30-130-800 et seq., no charge for copy

Booklet 5/1/97, Virginia Medicaid Handbook, issued May 1, 1997, 12 VAC 30-10, revised annually, no charge for copy

Special 5/21/97 Medicaid Memo, Certification of Coverage Required by the Health Insurance Portability and

Accountability Act of 1996 (HIPAA), issued May 21, 1997, Public Law 104-191, no charge for copy

Special 7/14/97 Medicaid Memo, Reimbursement to Audiologists for Services Provided to Adults, issued July 14, 1997, 12 VAC 30-50-95 et seq., no charge for copy, not available electronically

Special 1/16/98 Medicaid Memo, Placement of Individuals with Mental Retardation and Mental Illness in the Elderly and Disabled Waiver, issued January 16, 1998, 12 VAC 30-120-10 et seq., no charge for copy

Letter 5/26/99, HCFA Report for the Elderly and Disabled Waiver, issued May 26, 1999, 12 VAC 30-120-10 through 12 VAC 30-120-70, no charge for copy

Special 5/29/98 Medicaid Memo, Use of the Uniform Assessment Instrument for Preadmission Screening for the AIDS Waiver and Technology Assisted Waiver, issued May 29, 1998, 12 VAC 30-120-140 through 12 VAC 30-120-200 and 12 VAC 30-120-70 through 12 VAC 30-120-130, no charge for copy

Special 7/13/98 Medicaid Memo, Billing for the Completion of the Assessment of Active Treatment Needs for Individuals With MI or MR Who Request Services Under the Elderly and Disabled Waiver and New Order Number for the Revised Assessment Document, issued July 13, 1998, 12 VAC 30-120, no charge for copy

Special 11/15/00 Medicaid Memo, Hospital-Based Ambulance Services Changes, issued November 15, 2000, 12 VAC 30-50-300 and 12 VAC 30-50-530, no charge for copy

Special 5/4/01 Medicaid Memo, Systems Specifications for Point of Services Claims Submission Information Alert, issued May 4, 2001, 12 VAC 30-80-40, no charge for copy

Special 4/26/2002 Medicaid Memo Clarification of Medicaid Reimbursable Transportation Services, issued April 26, 2002, 12 VAC 30-50-510, no charge for copy

Special 8/8/2002 Medicaid Memo, New Virginia Medicaid Management Information System (MMIS) and HIPPA Update, issued August 8, 2002, 42 CFR 433.10 et seq., no charge for copy

Special 10/18/2002 Medicaid Memo, Implementation of the New Virginia Medicaid Management Information System (MMIS), issued October 18, 2002, 42 CFR 433.10 et seq., no charge for copy

Special 11/8/2002 Medicaid Memo, Changes in the Distribution of Virginia Medicaid Provider Manuals, issued November 8, 2002, 42 CFR 431.18, no charge for copy of memo

Special Revisions to the Pharmacy Claim Form and Introduction of a Pharmacy Compound Claim Form (ID # 04-16-2003); 12 VAC 30-50; no charge for copy

Special Implementation of the New Virginia Medicaid Management Information Systems (MMIS) (ID #'s 05-01-2003-01, 05-01-2003-02, 05-01-2003-03, 05-01-2003-04); 12 VAC 30-10; no charge for copy

Guidance Documents

Special Telemedicine Services (ID # 06-10-2003-01); 12 VAC 30-50; no charge for copy

Special Pharmacy Claims Processing Information in NCPDP Version 5.1 (ID # 06-10-2003-02); 12 VAC 30-80; no charge for copy

Special Medicaid and FAMIS New ID Cards and Eligibility Verification (ID # 08-01-2003); 12 VAC 30-10 and 12 VAC 30-141; no charge for copy

Special Escalation of HIPAA Transactions and Codes (ID # 08-08-2003); Public Law 104-191; no charge for copy

Special Implementation of New Virginia Medicaid Management Information Systems (MMIS) (ID # 08-15-2003-01); 12 VAC 30-10; no charge for copy

Special Changes to Residential Treatment Services Billing Process (ID # 09-01-2003); 12 VAC 30-50; no charge for copy

Special Trading Partner Contingency Plan for HIPAA Transactions and Code Sets (ID # 09-16-2003-01); Public Law 104-191; no charge for copy

Special Revised Effective Date for Changes to Residential Treatment Services Billing Process (ID # 10-01-2003); 12 VAC 30-50; no charge for copy

Special VAMMIS Issues Resolution (ID # 10-08-2003); 12 VAC 30-10; no charge for copy

Special Clarification of Billing for Residential Treatment Services for Children and Adolescents (ID # 02-27-2003); 12 VAC 30-50; no charge for copy

Special Prior Authorization of Non-Emergency, Outpatient MRI, PET and CAT Scans (ID # 06-01-2003); 12 VAC 30-50; no charge for copy

Special Revised Effective Date for Prior Authorization of Non-Emergency, Outpatient MRI, PET and CAT Scans (ID # 07-01-2003); 12 VAC 30-50; no charge for copy

Special Community Mental Health Services FAMIS Coverage (ID # 07-25-2003); 12 VAC 30-141; no charge for copy

Special Clarification of New Pre-Authorization Requirements for Outpatient Psychiatric Services (Revised) (ID # 08-15-2003); 12 VAC 30-50; no charge for copy

Special Changes to Billing for EPSDT Services and Summary of Blood Lead Screening Requirements (ID # 09-12-2003); 12 VAC 30-50; no charge for copy

Special 12/1/2003 Prescriber ID Numbers for Pharmacy Claims; 12 VAC 30-50; no charge for copy

Special 11/25/2003 Introduction of Virginia Medicaid Preferred Drug List (PDL) Program for Pharmacy Services; 12 VAC 30-50; no charge for copy

Special 11/20/2003 Mandatory Use of ASC X12 Formats for Electronic Transactions; 12 VAC 30-10; no charge for copy

Special 10/28/2003 Changes in Billing for Medicare "Crossover" Claims; 12 VAC 30-80; no charge for copy

Special 10/24/2003 Acknowledgement of BabyCare VAMMIS Issues; 12 VAC 30-50; no charge for copy

HMO Project Managers Memos (various topics and dates); 12 VAC 30-120; no charge for copies

Emergency room procedure codes policy (9/25/2003); 12 VAC 30-50 and 12 VAC 30-80; no charge for copy

Special 1/23/2004 Medicaid Memo, Prospective Drug Review Program Changes for Pharmacy Claims and Other Pharmacy Program Changes, issued January 23, 2004, 12 VAC 30-10-130, no charge for memo copy

Special 2/6/2004 Medicaid Memo, Request Required by Providers Receiving ASC X12 835 Transactions for the Continued Receipt of Paper Remittances Advices Past 30 Days, issued February 6, 2004, 12 VAC 30-10, no charge for memo copy

Special 3/1/2004 Medicaid Memo, Phase II of the Virginia Medicaid Preferred Drug List (PDL) Program for Pharmacy Services – April 2004, issued March 1, 2004, 12 VAC 30-50, no charge for memo copy

Special 3/5/2004 Medicaid Memo Correction, Correction to March 1, 2004, Medicaid Memo Titled: Phase II of the Virginia Medicaid Preferred Drug List (PDL) Program for Pharmacy Services – April 2004, issued March 5, 2004, 12 VAC 30-50, no charge for correction copy

Special 3/18/2004 Medicaid Memo, Billing Information Correction for Submitting Paper UB-92 Medicare Part A and B Claims, issued March 18, 2004, 12 VAC 30-20, no charge for memo copy

Special 3/22/2004 Medicaid Memo, Update of Medicaid, FAMIS, and FAMIS Plus ID Cards and Eligibility Verification Systems Information, issued March 22, 2004, 12 VAC 30-141, no charge for memo copy

Special 4/1/2004 Medicaid Memo, Processing and Payment of Emergency Room Claims, issued April 1, 2004, 12 VAC 30-50, no charge for memo copy

Special 4/13/2004 Medicaid Memo, Claim Repayments Due to ClaimCheck, issued April 13, 2004, 12 VAC 30-10, no charge for memo copy

Special 4/15/2004 Medicaid Memo, Durable Medical Equipment (DME) Appendix B Information, issued April 15, 2004, 12 VAC 30-50, no charge for memo copy

Special 5/17/2004 Medicaid Memo, Prospective Drug Review Program (ProDUR) Changes to Early Refill (ER) Edits and Updates on Home Infusion Billing, issued May 17, 2004, 12 VAC 30-10 & 130, no charge for memo copy

Special 5/25/2004 Medicaid Memo, Billing Alert – Processing of Certain Community Mental Health Services Covered Under FAMIS, issued May 25, 2004, 12 VAC 30-141, no charge for memo copy

Special 6/1/2004 Medicaid Memo, COX-2 Clinical Edits, Phase III of the Virginia Medicaid Preferred Drug List (PDL) Program and PDA Download for PDL Quick List – July 2004,

issued June 1, 2004, 12 VAC 30-50, no charge for memo copy

Special 7/1/2004 Medicaid Memo, Claims Edits and Extensions for Prior Authorization of Home and Community Based Waiver Services and Offline Billing for MR Waiver Claims, issued July 1, 2004, 12 VAC 30-120, no charge for memo copy

Special 7/19/2004 Medicaid Memo, Sending Attachments to 837 Electronic Claims Transactions, issued July 19, 2004, 12 VAC 30-10, no charge for memo copy

Special 7/26/2004 Medicaid Memo, Re-Implementation of the 180-Day Outstanding Check and Claim Void Process, issued July 26, 2004, 12 VAC 30-10, no charge for memo copy

Special 8/1/2004 Medicaid Memo, Mandatory Generic Edits, ePocrates™, Weight Loss Drugs – New Prior Approval Procedure and Over-the-Counter Drugs, issued August 1, 2004, 12 VAC 30-50, no charge for memo copy

Special 8/15/2004 Medicaid Memo, Billing Information Update for Submitting Paper UB-92 Medicare Crossover Part A and B Claims, issued August 15, 2004, 12 VAC 30-20, no charge for memo copy

Special 8/6/2004 Medicaid Memo, Rate Increase for Specific Home and Community-Based Waiver Services, issued August 6, 2004, 12 VAC 30-120, no charge for memo copy

Special 8/16/2004 Medicaid Memo, Rate Increase for Obstetrical and Gynecological Services, issued August 16, 2004, 12 VAC 30-80, no charge for memo copy

Special 8/20/2004 Medicaid Memo, Use of Electronic Signatures, issued August 20, 2004, 12 VAC 30-10, no charge for memo copy

Special 8/30/2004 Letter, Change in Medicaid AP DRG Grouper Software – Effective October 1, 2004, issued August 30, 2004, 12 VAC 30-70, no charge for letter copy

Special 8/31/2004 Medicaid Memo, Clarification of Day Treatment Services for Children and Adolescents, issued August 31, 2004, 12 VAC 30-50, no charge for memo copy

Special 9/1/2004 Medicaid Memo, Threshold/Polypharmacy Program, issued September 1, 2004, 12 VAC 30-50, no charge for memo copy

Special 9/3/2004 Medicaid Memo, Changes to the Review Process for Residential Treatment Services, issued September 3, 2004, 12 VAC 30-50, no charge for memo copy

Special 10/1/2004 Medicaid Memo, Implementation of the New Provider Remittances for Professionals and Facilities, issued October 1, 2004, 12 VAC 30-70 & 12 VAC 30-90, no charge for memo copy

Special 10/15/2004 Medicaid Memo, Maximum Allowable Cost (MAC) Program for Virginia Medicaid and Notification of COX-II Drug Class Changes to Preferred Drug List (PDL), issued October 15, 2004, 12 VAC 30-80, no charge for memo copy

Special 11/5/2004 Medicaid Memo, Changes to the Review Process for Treatment Foster Care-Case Management

Services – Effective December 15, 2004, issued November 5, 2004, 12 VAC 30-50, no charge for memo copy

Special 11/5/2004 Medicaid Memo, Waiver Billing and Maintenance Issues, issued November 5, 2004, 12 VAC 30-120, no charge for memo copy

Special 11/5/2004 Medicaid Memo, Clarification of Family Planning Waiver – Covered Services and Billing Procedures, issued November 5, 2004, 12 VAC 30-135, no charge for memo copy

Special 12/1/2004 Medicaid Memo, Annual Review of Phase I of the Virginia Medicaid Preferred Drug List Program and PDL Quicklist, issued December 1, 2004, 12 VAC 30-50, no charge for memo copy

Special 12/1/2004 Medicaid Memo, Medicaid Eligibility for Infants Born to Non-Medicaid-Eligible Alien Women Whose Deliveries Were Covered by Medicaid as an Emergency Medical Service, issued December 1, 2004, 12 VAC 30-50, no charge for memo copy

Special 12/3/2004 Medicaid Memo, Long-Acting Narcotics Step Therapy & the Preferred Drug List, issued December 3, 2004, 12 VAC 30-50, no charge for memo copy

Special 12/13/2004 Medicaid Memo, Enrollment of Licensed Marriage and Family Therapists, issued December 13, 2004, 12 VAC 30-50, no charge for memo copy

DMAS Provider Manuals:

AIDS Waiver Case Management Services Manual, issued 1988/substantially revised November 1991/continuously revised, 12 VAC 30-120 Part III, \$24.

Assisted Living Services Manual, second edition issued November 1, 2000/continuously revised, 12 VAC 30-120-450 through 12 VAC 30-120-480, \$24.

BabyCare Manual, second edition issued June 24, 1999/continuously revised, 12 VAC 30-50; \$24.

Community Mental Health Rehabilitative Services Manual, first edition issued August 1, 2000/continuously revised, 12 VAC 30-50; \$24.

Consumer-Directed Personal Attendant Services Manual, first edition issued June 20, 2003/continuously revised, 12 VAC 30-50; \$32.

Dental Manual, second edition issued July 15, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$24.

Freestanding Renal Dialysis Clinic Manual, second edition issued May 21, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24.

Durable Medical Supplies and Equipment Provider Manual, second edition issued February 1, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$32.

Elderly and Disabled Waiver Services Manual, first edition issued July 1, 2002/continuously revised, 12 VAC 30-120; \$32.

Guidance Documents

Elderly Case Management Services Manual, second edition issued September 8, 2000/continuously revised, 12 VAC 30-50-460, \$20.

Home Health Manual, second edition issued June 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24.

Hospice Manual, second edition issued April 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24.

Hospital Manual, second edition issued November 1, 2000/continuously revised, 12 VAC 30-50-95 et seq. and 12 VAC 30-70 Part V, \$32.

Independent Laboratory Manual, second edition issued June 15, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$20.

Mental Health Clinic Manual, second edition issued April 14, 2000/continuously revised, 12 VAC 30-50; \$24.

Mental Retardation Community Services Manual, first edition issued May 1, 2001/continuously revised, 12 VAC 30-50; \$32.

Nursing Home Manual, second edition issued April 15, 2000/continuously revised, 12 VAC 30-90 Part II, \$32.

Pre-Admission Screening Manual, first edition issued June 20, 2003/continuously revised, 12 VAC 30-130 Part III, \$24.

Personal/Respite Care Manual, first edition issued February 1, 1994, 12 VAC 30-120; \$24.

Pharmacy Manual, second edition issued April 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24.

Physician Manual, second edition issued February 15, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$32.

Podiatry Manual, second edition issued May 21, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$28.

Prosthetic Device Manual, second edition issued January 4, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$20.

Psychiatric Services Manual, second edition issued April 28, 2000/continuously revised, 12 VAC 30-50; \$24.

Rehabilitation Provider Manual, second edition issued February 1, 2000/continuously revised, 12 VAC 30-50-95 et seq., \$24.

School Division Provider Manual, second edition issued June 21, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24.

State and Local Hospitalization Program Manual, second edition issued December 1, 1998/continuously revised, 12 VAC 30-50-100 et seq., \$24.

Technology Assisted Waiver and Private Duty Nursing Services Manual, first edition issued November 1, 2000/continuously revised, 12 VAC 30-120 Part II, \$24.

Transportation Provider Manual, second edition issued February 1, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$20.

Vision Manual, second edition issued July 15, 1999/continuously revised, 12 VAC 30-50-95 et seq., \$24.

BOARD OF MEDICINE

Copies of the following documents may be viewed during regular workdays from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's web page at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at medbd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to William L. Harp, M.D., Executive Director of the Board, at the address above or by telephone at (804) 662-9908. Copies are free of charge.

Guidance Documents:

85-1, Listing of examinations that are accepted for each of the professions regulated by the Board of Medicine, revised October 1995

85-2, Assistant Attorney General opinion of October 25, 1986 on who can do a school physical examination

85-3, Listing of foreign medical schools whose graduates are required to provide additional information, revised March 1996

85-4, Listing of approved schools for physician assistant licensure and prescriptive authority, September 2003

85-5, Staff guide for responding to calls concerning medical records, December 2003

85-6, Board Briefs #60, Summer 2000, Section III.F, Ownership of health care records

85-7, Board Briefs #52, Spring 1997, Pharmacotherapy for weight loss

85-8, Board Briefs #60, Summer 2000, Section III.C, Physician/patient relationship and the prescribing of drugs for family and self

85-9, Board Briefs #49, Spring 1995, Pain management

85-10, Board Briefs #43, Fall 1991, Recommendation for preventing transmission of HIV or hepatitis B virus to patients during exposure, prone invasive procedures

85-11, Sanctioning Reference Points Instruction Manual, adopted by Board, January 2004

85-12, Consumer Guide to the Virginia Board of Medicine, approved by the board at its meeting on February 5, 1998

85-13, Board motion, Guidelines on Performing Procedures on the Newly Deceased for Training Purposes, January 22, 2004

85-14, Board Briefs #54, Spring 1998, Pain Management Guidelines

85-15, Board motion, Guidelines Concerning the Ethical Practice of Surgery and Invasive Procedures, January 22, 2004

85-16, Board Briefs #59, Winter 1999, Questions and Answers on Continuing Competency Requirements for the Virginia Board of Medicine

85-17, Rules for the placement and use of equipment necessary for recording or broadcasting a hearing, revised December 2000

85-18, Practitioners' Help Section - Definitions and explanations for terminology used in Practitioner Profile System and Frequently Asked Questions, revised November 22, 2004

85-19, Practitioner Information System - Glossary of Terms, revised November 22, 2004

85-20, Official Opinion of the Attorney General, December 1992 on employment of surgeon by a nonstock, nonprofit corporation

85-21, Official Opinion of the Attorney General, May 1995 on employment of physician by a for profit corporation

85-22, Board motion, Model Policy Guidelines for Opioid Addiction Treatment in the Medical Office, April 22, 2004

85-23, Board motion, Policy on the Use of Confidential Consent Agreements, October 9, 2003

85-24, Board motion, Adoption of FSMB Model Policy for the Use of Controlled Substances for the Treatment of Pain, June 24, 2004

85-25, Board motion, Process for Delegation of Informal Fact-finding to an agency subordinate, October 14, 2004

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the DMHMRSAS library on the 3rd floor of the Jefferson Building, 1220 Bank Street, Richmond, VA. Copies may be obtained by contacting Wendy Brown, Office of Planning and Development, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 225-2252 or FAX (804) 371-0092.

Questions regarding interpretation or implementation of these documents may be directed to the staff persons listed with each document. Any cost for obtaining copies is listed with each document.

Guidance Documents:

Admission and Discharge Protocols for Persons with Mental Retardation Served in Mental Retardation Facilities, issued March 26, 2003, §§ 37.1-98 and 37.1-197.1, no cost, contact Cynthia Smith (804) 786-0946

Buprenorphine Products for the Pharmacologic Management of Opioid Addiction, Office of Substance Abuse Services Bulletin No. 2004-01, issued July 14, 2004, 21 CFR Part 291, 42 CFR Part 8, § 54.1-3400 et seq. of the Code of Virginia, 12 VAC 35-105-790, 18 VAC 110-20, no cost, contact Denise Clayborn, (804) 786-3906

CSB Procurement Procedures Manual, revised 2002, §§ 37.1-198 and 37.1-248.1, no cost, contact Horace Ford, (804) 786-5812

Comprehensive State Plan 2004-2010, issued December 12, 2003, § 37.1-48.1, no cost, contact Charline Davidson (804) 786-7357

Discharge Protocols for Community Services Boards and State Mental Health Facilities, issued November 5, 2001, §§ 37.1-98 and 37.1-197.1, no cost, contact Russell Payne, (804) 786-1395

Early Childhood Transition From Part C Early Intervention to Part B Special Education and Other Services for Young Children with Disabilities, Technical Assistance Document, Infant and Toddler Connection of Virginia, issued August 2003, no cost, contact Shirley Ricks (804) 786-0992

Financial Management Standards/Accounts Receivable and Reimbursement Procedures, Volume III, issued May 27, 2003, § 37.1-197.7, no cost, contact John F. Jackson or Barry A. Mason, (804) 786-3942

Financial Management Standards Guide for Community Services Boards, revised July 2002, no cost, contact Ken Gunn, (804) 786-1555

Guidance on Contents of Local Interagency Agreements and Contracts, Infant & Toddler Connection of Virginia, issued August 2003, no cost, contact Shirley Ricks, (804) 786-0992

Guidelines for the Management of Individuals Found Not Guilty by Reason of Insanity, revised May 28, 2003, Chapter 11.1 of Title 19.2 of the Code of Virginia, \$30, contact Kathleen Sadler, (804) 786-8044

Human Rights Regulations-Restrictions on the Use of Telephones and Visitation Privileges, Office of Substance Abuse Services Guidance Bulletin No. 2003-02, issued April 2, 2003, 12 VAC 35-115, no cost, contact Katherine Fornili, (804) 786-3906

Individualized Part C Early Intervention Supports and Services in Everyday Routines, Activities and Places, Infant & Toddler Connection of Virginia, issued September 2003, no cost, contact Shirley Ricks (804) 786-0992

Managed Withdrawal Training Manual, Office of Substance Abuse Services Guidance Bulletin No. 2003-01, issued March 31, 2003, 12 VAC 35-105-1080, no cost, contact Denise Clayborn, (804) 786-3906

Office of Human Rights, Protocols, Procedures and Practices Manual, revised effective January 2002, §§ 37.1-84.1 and 37.1-84.3, no cost, contact Margaret Walsh, (804) 786-3988

Office of Licensing: Protocols, latest revision September 22, 2004, §§ 37.1-179.1 and 37.1-182, no cost, contact Leslie Anderson, (804) 786-1747

Policies and Procedures for the Implementation of Part C of the Individuals with Disabilities Education Act (IDEA), last revision date August 2002, 34 CFR Part 303; §§ 2.2-5300 through 2.2-5308 and 2.2-2664 no cost, contact Shirley Ricks, (804) 786-0992

Guidance Documents

Policy Clarification and Technical Assistance on the Implementation of Requirements for Vision and Hearing Components of the Part C Evaluation and Assessment, Infant & Toddler Connection of Virginia, revised October 2003, no cost, contact Shirley Ricks, (804) 786-0992

Prevention Services and Personnel Supported by the Substance Abuse Prevention and Treatment Block Grant Prevention Set-Aside, Office of Substance Abuse Services Guidance Bulletin No. 2003-03, issued August 1, 2003, 45 CFR 96.125, no cost, contact Hope Merrick, (804) 786-3906

Procedures for Continuity of Care Between Community Services Boards and State Psychiatric Facilities, revised February 3, 1997, §§ 15.2-1704, 15.2-1710, 15.2-1724, 15.2-1727, 16.1-275, 16.1-280, 16.1-338, 16.1-339, 16.1-341 through 16.1-345, 19.2-169.6, 19.2-177.1, 37.1-48 through 37.1-197.1, 63.1-174.001, no cost, contact Michael Shank, (804) 371-2480

Required Activities for Prevention Services Units Funded Wholly or in Part by the Substance Abuse Prevention and Treatment Block Grant Prevention Set-Aside, Office of Substance Abuse Services Guidance Bulletin No. 2003-04, issued August 1, 2003, contact Hope Merrick (804) 786-3906

Requirements for Federally Mandated Independent Peer Review, Office of Substance Abuse Services Guidance Bulletin No. 2002-01, issued October 7, 2002, 45 CFR 96.136, no cost, contact Katherine Fornili, (804) 786-3906

SFY 2005 Community Services Performance Contract Package, issued May 6, 2004, § 37.1-198, no cost, contact Paul R. Gilding, (804) 786-4982

DEPARTMENT OF MILITARY AFFAIRS

Copies of the following documents may be viewed during regular workdays from 8 a.m. until 4:30 p.m. in the office of the Department of Military Affairs, Building 316, Fort Pickett, Blackstone, Virginia, 23824. Copies may be obtained free of charge by contacting Mary Sunderlin at the same address, telephone (804) 298-6103, FAX (804) 298-6250 or e-mail mary.sunderlin@va-arng.ngb.army.mil.

Questions regarding interpretation or implementation of these documents may be directed to Mary Sunderlin, Administrative Assistant to the Adjutant General at the address above.

Guidance Documents:

VaARNG Regulation No. 56-3/VaANG Instruction No. 24-301, Registration of Privately Owned Vehicles by Virginia National Guard Personnel (Special Virginia National Guard License Plates), revised May 1, 2000, §§ 46.2-725, 46.2-744 and 46.1-105.9

VaARNG Regulation No. 56-5/VaANG Instruction No. 24-3011, Registration of Privately Owned Vehicles by Retired Virginia National Guard Personnel (Special Virginia National Guard License Plates), revised May 1, 2000, §§ 46.2-725, 46.2-726 and 46.2-765.5

VaARNG Regulation Number 621.1, Education, Virginia National Guard Tuition Assistant Program, May 1, 2000, § 23-7.4:2

VaARNG Regulation Number 405-1, Armory Management, Army Control Board and Non-Military Use of Armories, July 15, 1994, § 44-135.1

STATE MILK COMMISSION

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the State Milk Commission, Department of Agriculture and Consumer Services, Washington Building, 1100 Bank Street, Suite 1019, Richmond, Virginia 23218. Copies may be obtained free of charge by contacting Edward C. Wilson at the same address, telephone (VOICE/TTY) (804) 786-2013, FAX (804) 786-3779, or e-mail Edward.Wilson@vdacs.virginia.gov

Questions regarding interpretation or implementation of these documents may be directed to Edward C. Wilson, Deputy Administrator, State Milk Commission, Washington Building, 1100 Bank Street, Suite 1019, Richmond, Virginia 23218, telephone (VOICE/TTY) (804) 786-2013, FAX (804) 786-3779, or e-mail Edward.Wilson@vdacs.virginia.gov

Guidance Documents:

Virginia State Milk Commission Monthly Report Audit Manual, May 1970, 2 VAC 15-20-70

Informational Memorandum VASMC B92-1, March 13, 1992, 2 VAC 15-20-40

Informational Memorandum VASMC 92-2, March 13, 1992, 2 VAC 15-20-100

Informational Memorandum VASMC 93-2, June 18, 1993, 2 VAC 15-20-70

Informational Memorandum VASMC 93-3, June 18, 1993, 2 VAC 15-20-110

Informational Memorandum VASMC 93-4, June 18, 1993, 2 VAC 15-20-90

Informational Memorandum VASMC 93-5, June 18, 1993, 2 VAC 15-20-70

DEPARTMENT OF MINES, MINERALS AND ENERGY

The list is divided into sections by DMME division and type of document. Forms used by agency staff are listed by form number. The list provides, as applicable, the document number, document name, date issued or last revised, statute or regulation that the document interprets or implements, and the number of pages. The locations where these guidance documents are available for public inspection and the name of the person to contact with questions regarding the documents are provided in each section of this list.

Unless otherwise noted, the first 20 pages of any guidance document or group of documents needing to be copied are free of charge, and subsequent pages cost \$.25 per page.

This list meets the requirements of §§ 2.2-4008 and 2.2-4101 of the Code of Virginia. Questions regarding this list of guidance documents may be directed to Steve Walz, Department of Mines, Minerals and Energy, 202 North Ninth Street, 8th Floor, Richmond, VA 23219, telephone (804) 692-3213, FAX (804) 692-3237, or stephen.walz@dmme.virginia.gov.

For TTY contacts to the department regarding all guidance documents on this list, call the Virginia Relay Center at 1-800-828-1120.

General DMME Documents

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy's Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Copies may be obtained by contacting Lola Varner or Cindy Ashley at the same address, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Mike Abbott, Public Relations Manager, Department of Mines, Minerals and Energy, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8146 or FAX (276) 523-8148.

Guidance Documents:

Responding to Requests for Information, revised October 21, 2004, § 2.1-340 et seq., 7 pages

DMME-IR-1, Requests for Information Under FOIA, December 28, 1999, § 2.1-340 et seq., 1 page

Minerals Management Plan, revised May 1991, § 2.1-512.1, 59 pages (Also see the Subaqueous Minerals Management Plan of the Marine Resources Commission, April 1991, § 28.2-1208, 6 pages)

Division of Mines (DM)

Board of Coal Mining Examiners

The following documents may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. by contacting Becky Moore at the Department of Mines, Minerals and Energy, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8227, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Frank A. Linkous, Chairman, Board of Coal Mining Examiners, Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8226 or FAX (276) 523-8239.

Guidance Documents:

List of Board of Coal Mining Examiners Certification Requirements, revised 3/6/2001, 4 VAC 25-20:

Advanced First Aid, June 19, 2003, 2 pages

Advanced First Aid Instructor, June 19, 2003, 2 pages

Automatic Elevator Operator, June 19, 2003, 1 page

Board of Coal Mining Examiners Instructor, June 19, 2003, 2 pages

Chief Electrician (Surface and Underground), June 19, 2003, 2 pages

Memorandum of Agreement, Coal Mine Electrical Certification/Qualification Program, 4/2002, 8 pages

Dock Foreman, June 19, 2003, 1 page

Electrical Maintenance Foreman (Surface and Underground), June 19, 2003, 2 pages

First Class Mine Foreman, March 24, 2004, 2 pages

First Class Shaft or Slope Foreman, June 19, 2003, 2 pages

General Coal Miner, November 2001, 1 page

Hoisting Engineer, September 29, 2004, 1 page

Mine Inspector, March 24, 2004, 2 pages

Preparation Plant Foreman, June 19, 2003, 1 page

Qualified Gas Detection, November 2002, 1 page

Surface Blaster, June 19, 2003, 1 page

Surface Electrical Repairman, June 19, 2003, 2 pages

Surface Facilities Foreman for Shops, Labs, and Warehouses, March 24, 2004, 1 page

Surface Foreman, June 19, 2003, 1 page

Top Person, June 19, 2003, 1 page

Underground Diesel Engine Mechanic, June 19, 2003, 2 pages

Underground Diesel Engine Mechanic Instructor, June 19, 2003, 2 pages

Underground Electrical Repairman, October 20, 2003, 2 pages

Underground Shot Firer, September 29, 2004, 1 page

Notice to All Applicants for Certification Examination, May 1999, 1 page

Electrical Repairman Surface – WV Reciprocity, (11-03-04), 2 pages

Electrical Repairman Underground – WV Reciprocity, (11-03-04), 2 pages

First Class Mine Foreman or Surface Foreman WV Reciprocity, (11-03-04), 2 pages

Underground or Surface Electrical Repairman – KY to VA, (01-07-04), 2 pages

Surface Blaster – KY or WV Reciprocal Agreement, (01-07-04), 1 page

Advanced First Aid Reciprocity, (6-19-03), 1 page

Guidance Documents

Division of Mines Study and Instruction Material

The following study and instruction materials are available on diskette, free of charge, at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding the interpretation or implementation of this material may be directed to Carroll Green, Inspector Supervisor, Division of Mines, at the same address, telephone (276) 523-8232 or FAX (276) 523-8239; or Rebecca Moore, Office Services Specialist, Division of Mines, at the same address, telephone (276) 523-8227, same FAX number.

Guidance Documents:

Surface Mine Foreman Continuing Education, September 2003, Board of Coal Mining Examiners' Requirements

First Class Underground Mine Foreman Continuing Education, September 2003, Board of Coal Mining Examiners' Requirements

Gas Detection Packet, May 2003, § 45.1-161.37, Coal Mine Safety Laws of Virginia

General Coal Miner Surface and Underground Certification, Coal Mine Safety Laws of Virginia, 5/1/2003, § 45.1-161.37

Diesel Engine Mechanic Instructor Certification Requirements Manual, June 1998, Board of Coal Mining Examiners' Requirements, 178 pages

Surface General Coal Miner Certification for Surface and Auger Mines (Manual), 5/1/2003, 33 pages

Advanced First Aid Manual, June 2003

Underground Annual Retraining Instructor Manual, January 1998

Surface Annual Retraining Instructor Manual, January 1998

Advanced First Aid Certification, Instructor, 24 Hour Class (Outline), June 1996, § 45.1-161.199

Division of Mines Notices and Memoranda To Operators

The following documents may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these documents may be directed to Frank A. Linkous, Chief, Division of Mines, at the same address, telephone (276) 523-8226, or FAX (276) 523-8239.

Guidance Documents:

Department of Mines, Minerals and Energy, Division of Mines Personnel with Assigned Area and Telephone Numbers (Updated as changes to DM personnel occur. Copies are either mailed or hand-delivered by DM personnel to coal mine operators.), § 45.1-161.97 A, C, and D, 1 page

Memorandum of Agreement, Mine Fatality Accident Investigations, 1/3/2003, 3 pages

Memorandum of Agreement, MSHA /DMME Inspection Coordination, January 2003, 2 pages

Memorandum to Operators 03-01, DM/MSHA regarding Mine Rescue Teams, 1/29/2003, 2 pages

Memorandum to Operators 03-02, First Class Mine Foreman and Surface Foreman, 3/14/2003

Memorandum of Agreement regarding Small Operator Assistance Training, 9/1/1997, 1 page

Memorandum of Agreement, DM/DMLR (Blasting), January 1997, 2 pages

Memorandum of Understanding Between the Virginia Department of Mines, Minerals and Energy Divisions of Mined Land Reclamation and Mines and the U.S. Department of Labor Mine Safety and Health Administration District 5, Norton, Virginia, 12/5/2002, 3 pages

Memorandum of Understanding between DMME/DM and MSHA (Mine Rescue), April 2002, 2 pages

Memorandum of Understanding, (DM/DMLR) Reclamation Activities at Previously Licensed Coal Mine Sites, 9/1/2000, 1 page

Memorandum of Agreement, (DM/DMLR) Refuse Piles, Water and Silt Retaining Dams, May 1997, 2 pages

Memorandum of Agreement between DMME's DM and West Virginia's DM Certification of Reciprocity, May 15, 2001, 2 pages

Operator Memorandum, DM 03-08, Submittal of Annual Report and Tax Affidavits, December 15, 2003, 2 pages (updated annually)

Operator Memorandum DM 02-05, DMME-Division of Mines Rescue and Recovery Plan, October 31, 2003 (updated annually), 8 pages

Operator Memorandum DM 02-04, 2003 Certification Examination Schedule, September 13, 2002, 1 page (updated annually)

Operator Memorandum DM 02-01, State-Designated Mine Rescue, January 29, 2002, 6 pages (updated annually)

Operator Memorandum DM 01-07, Surface Mining Within 200 Feet of a Gas Well or Pipeline, December 17, 2001, 1 page

Operator Memorandum DM 01-04, Verification of Current Mine Foreman Certifications, October 3, 2001, 1 page

Operator Memorandum DM 00-02, On-Shift Examination of All Mobile Equipment, January 4, 2000, 1 page

Operator Memorandum DM 99-08, Update of Virginia's Mine Foremen Continuing Education Activities, October 1, 1999, § 45.1-161.33 and Board of Coal Mining Examiners Requirements, 2 pages

Operator Memorandum DM 99-06, Practical Exercises For Examinations, May 14, 1999, Board of Coal Mining Examiners, 4 pages

Operator Memorandum DM 99-05, Reciprocity Agreement With West Virginia, May 7, 1999, § 45.1-161.33 and Board of Coal Mining Examiners Requirements, 4 VAC 25-20-40, 4 pages

Operator Memorandum DM 99-03, Required Submittal of Annual Affidavits to the Department of Mines, Minerals and Energy, February 26, 1999, 1 page

Operator Memorandum DM 97-18, Advanced First Aid Trainees, December 12, 1997, § 45.1-161.199, 10 pages

Operator Memorandum DM 97-17, On-Site Examination of Mine Foremen by a Mine Inspector, December 5, 1997, § 45.1-161.35, 12 pages

Operator Memorandum DM 97-15, Certification Examination - First Aid Section, December 2002, 4 VAC 25-20-10, 2 pages

DMME-Division of Mines, Mine Emergency Directory, revised April 1, 2002, § 45.1-161.77 F, 22 pages

Operator Memorandum, DM 96-02, General Coal Miner Certification, January 17, 1996, 2 pages

Division of Mines Procedures

The following procedures may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these procedures may be directed to Frank A. Linkous, Chief, Division of Mines, at the same address, telephone (276) 523-8226, or FAX (276) 523-8239. These procedures are used by agency staff to implement the Coal Mine Safety Act, § 45.1-161.7 et seq.

Guidance Documents:

Procedure No. 1.03.01, Emergency Response Team, January 1, 1999, 10 pages

Procedure No. 1.03.02, Rescue and Recovery Plan, revised October 1, 2000, 6 pages (updated plan only)

Procedure No. 1.03.03, State Designated Mine Rescue, January 1, 1997, 4 pages

Procedure No. 1.04.01, Inspections of Coal Mines, October 1, 2003, 3 pages

Procedure No. 1.04.02, 5-Day Spot Inspection, January 13, 1999, 4 pages

Procedure No. 1.04.03, Reopening Inspection, August 18, 1998, 5 pages

Procedure No. 1.04.04, Regular Inspections, October 1, 2000, 7 pages

Procedure No. 1.04.05, Spot Inspection, October 1, 2000, 2 pages

Procedure No. 1.04.06, Risk Assessment, October 1, 2003, 3 pages

Procedure No. 1.04.07, Independent Contractors, January 1, 1997, 2 pages

Procedure No. 1.04.08, Smoking Articles Inspection, January 27, 2000, 5 pages

Procedure No. 1.04.09, Administrative Review of Notices of Violation, January 1, 1997, 8 pages

Procedure No. 1.04.10, Impoundment Inspections, July 18, 2001, 2 pages

Procedure No. 1.05.01, Investigation of Accidents and Incidents, October 1, 2000, 2 pages

Procedure No. 1.05.02, Inundation of Water and Gas, October 1, 2000, 2 pages

Procedure No. 1.05.03, Methane Ignition, October 1, 2000, 3 pages

Procedure No. 1.05.04, Serious Personal Injury, October 1, 2000, 2 pages

Procedure No. 1.05.05, Unintentional Roof Falls, October 1, 2000, 2 pages

Procedure No. 1.05.06, Unlicensed Mine Sites, October 1, 2000, 2 pages

Procedure No. 1.05.07, Safety Complaints, October 1, 2003, 2 pages

Procedure No. 1.05.08, Blasting Complaints, January 1, 1997, 1 page

Procedure No. 1.05.09, Investigation Documents File, May 3, 1999, 2 pages

Procedure No. 1.05.10, Safety Issues Involving Coal Mines and Gas Well Activities, August 1, 2000, 3 pages

Procedure No. 1.06.01, Plan Approvals, September 1, 2002, 3 pages

Procedure No. 1.06.02, Map Submittals, October 1, 2000, 3 pages

Procedure No. 1.06.03, Mining Near Gas Wells, October 1, 2000, 4 pages

Procedure No. 1.07.01, Technical Instruction, January 29, 1999, 3 pages

Procedure No. 1.07.02, Small Mine Safety Service, January 29, 1999, 4 pages

Procedure No. 1.07.03, Training and Accident Reduction, January 29, 1999, 3 pages

Procedure No. 1.08.01, Licensing, October 1, 2003, 4 pages

Procedure No. 1.08.02, Licensing Through Initial Reclamation of Mine Sites, October 1, 2003, 2 pages

Procedure No. 1.08.03, Requests Through the Freedom of Information Act, April 30, 2002, 2 pages

Procedure No. 1.08.04, Other Requests for Assistance, October 1, 2000, 2 pages

Guidance Documents

Procedure No. 1.09.01, Certification of Miners, October 1, 2003, 5 pages

Procedure No. 1.09.02, Recertification Requirements, January 1, 1997, 3 pages

Procedure No. 1.09.03, Revocation of Certification, January 1, 1997, 1 page

Procedure No. 1.09.04, Certification Requiring On-Site Observation, January 1, 1997, 1 page

Division of Mines Forms

The following forms may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these forms may be directed to John Thomas, same address, telephone (276) 523-8228 or FAX (276) 523-8239. These forms are used by agency staff to implement the Coal Mine Safety Act, § 45.1-161.7 et seq.

Guidance Documents:

DM-CM-3S, Inspection Report, March 1999, 1 page

DM-C1-1S, Complaint Investigation, March 1999, 1 page

DM-DC-01, Operator Assistance Request Form, November 2001, 1 page

DM-DE-01-S, Diesel Equipment Approval, April 2001, 1 page

DM-F-1-S, Accident Investigation Report, March 1999, 1 page

DM-F-2-S, Roof Fall Investigation Report, March 1999, 1 page

DM-IGN-1-S, Ignition Investigation Report, March 1999, 1 page

DM-IMP-1-S, Impoundment Inspection Form, March 1999, 1 page

DM-IU-1-S, Inundation Investigation Report, March 1999, 1 page

DM-LIC-01, License to Operate a Mine, January 1997, 1 page

DM-RAS-1-S, Surface Mine, Auger, Highwall Miner Risk Assessment, April 1999, 1 page

DM-RAU-1-S, Underground Mine Risk Assessment, April 1999, 1 page

DM-RV-1-S, Report of Violation, March 1999, 1 page

DM-TS-1-S, Field Report, March 1999, 1 page

DM-V-1-S, Notice of Violation, March 1999, 2 pages

DM-V-1-S-CO, Closure Order, March 1999, 1 page

DM-V-2-S, Correct, Modify, Vacate, Continue, March 1999, 1 page

DM-WI-1-S, Special Written Instructions, March 1999, 1 page

Guidelines For Application of Regulatory Standards

The following documents may be viewed or copied during regular workdays from 8 a.m. to 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mines, 3405 Mountain Empire Road, P. O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of these documents may be directed to John Thomas, same address, telephone (276) 523-8228 or FAX (276) 523-8239. These documents are used by agency staff to implement the Coal Mine Safety Act, § 45.1-161.7 et seq.

Chapter 14.2, Article 3, § 45.1-161.37 A, General Coal Miner Certification, August 1, 2001, 1 page

Chapter 14.2, Article 3, § 45.1-161.30 A, Performance of Certain Tasks by Uncertified Persons, April 10, 2000, 1 page

Chapter 14.3, Article 2, § 45.1-161.109 A, Roof Control Plans, August 1, 2001, 3 pages

Chapter 14.3, Article 11, § 45.1-161.193, Electric Equipment, August 1, 2001, 2 pages

Chapter 14.3, Article 11, § 45.1-161.195 A, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors, April 15, 2004, 1 page

Chapter 14.3, Article 11, § 45.1-161.195 B, C, D, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors, August 1, 2001, 2 pages

Chapter 14.3, Article 12, § 45.1-161.199, Certified Emergency Medical Services Personnel, August 1, 2001, 5 pages

Chapter 14.3, Article 13, § 45.1-161.207 B, Welding and Cutting, August 1, 2001, 1 page

Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Accidents, April 10, 2000, 1 page

Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Operator, April 10, 2000, 1 page

Chapter 14.2, Article 1, § 45.1-161.8, Definitions, Surface Coal Mine and Underground Coal Mine, April 10, 2000, 1 page

Chapter 14.2, Article 1, §§ 45.1-161.8, 45.1-161.28 through 161.30, Operator/Independent Contractor (Examinations and Record Keeping), September 30, 2002, 2 pages

Chapter 14.2, Article 2, § 45.1-161.23, Technical Specialist, April 10, 2000, 1 page

Chapter 14.2, Article 3, § 45.1-161.30 A, Performance of Certain Tasks by Uncertified Persons; Penalty, April 10, 2000, 1 page

Chapter 14.2, Article 3, § 45.1-161.38 A, First Class Mine Foreman Certification, April 10, 2000, 1 page

Chapter 14.2, Article 5, § 45.1-161.57 A, License Required for Operation of Coal Mines; Term, April 15, 2004, 1 page

Chapter 14.2, Article 5, § 45.1-161.62 A and C, Annual Reports, April 15, 2004, 1 page

Chapter 14.2, Article 5, § 45.1-161.63 B, C, Notices to Department: Resumption of Mining Following Discontinuance, April 15, 2004, 2 pages

Chapter 14.2, Article 5, § 45.1-161.64 A, Maps of Mines are Required to be Made, April 15, 2004, 1 page

Chapter 14.2, Article 7, § 45.1-161.77 A, Reports of Explosions and Mine Fires, April 10, 2000, 1 page

Chapter 14.2, Article 7, § 45.1-161.78 A, Operator's Reports of Accidents; Investigations; Reports by Department, April 10, 2000, 2 pages

Chapter 14.2, Article 8, § 45.1-161.83, Review of Inspection Reports and Records, April 10, 2000, 1 page

Chapter 14.2, Article 8, § 45.1-161.84 A, Advance Notice of Inspections; Confidentiality of Trade Secrets, April 10, 2000, 1 page

Chapter 14.2, Article 8, § 45.1-161.85 A, Scheduling of Inspections, April 10, 2000, 1 page

Chapter 14.2, Article 9, § 45.1-161.90 A, Notices of Violation, April 15, 2004, 3 pages

Chapter 14.3, Article 2, § 45.1-161.115 D, Supplies of Materials for Supports, April 10, 2000, 1 page

Chapter 14.3, Article 4, § 45.1-161.124 A, Shop and Other Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 5, § 45.1-161.28 B, Underground Storage of Explosives, April 15, 2004, 1 page

Chapter 14.3, Article 5, § 45.1-161.129, Blasting Practices: Penalty, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.139, Inspection of Underground Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.141 E, Self-Propelled Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.143 A, B, Transportation of Material, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.147, Operation of Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 6, § 45.1-161.149, Availability of Mantrips, April 10, 2000, 1 page

Chapter 14.3, Article 7, § 45.1-161.158 F, Inspection of Hoisting Equipment, April 15, 2004, 1 page

Chapter 14.3, Article 7, § 45.1-161.159 A & C, Hoisting Engineer, April 10, 2000, 1 page

Chapter 14.3, Article 8, § 45.1-161.162 A, Mine Openings, September 30, 2002, 1 page

Chapter 14.3, Article 8, § 45.1-161.165, Maintenance of Mine Openings, April 10, 2000, 1 page

Chapter 14.3, Article 11, § 45.1-161.189 E, Circuit Breakers and Switches, September 30, 2002, 1 page

Chapter 14.3, Article 11, § 45.1-161.196, Repairs to Circuits and Electric Equipment, September 30, 2002, 1 page

Chapter 14.3, Article 12, § 45.1-161.197, First Aid Equipment, April 10, 2000, 1 page

Chapter 14.3, Article 13, § 45.1-161.202 B, Emergency Response Plans; List of Next of Kin, April 10, 2000, 1 page

Chapter 14.3, Article 13, § 45.1-161.205 F, Storage and Use of Flammable Fluids and Materials, September 30, 2002, 1 page

Chapter 14.3, Article 13, § 45.1-161.206, Diesel Powered Equipment, September 30, 2002, 2 pages

Chapter 14.3, Article 14, § 45.1-161.209, On-Shift Examinations, April 10, 2000, 2 pages

Chapter 14.3, Article 14, § 45.1-161.210 J, Weekly Examinations, April 10, 2000, 1 page

Chapter 14.3, Article 14, § 45.1-161.221 D, Coursing of Air, April 10, 2000, 1 page

Chapter 14.3, Article 14, § 45.1-161.222, Actions for Excessive Methane, April 15, 2004, 2 pages

Chapter 14.3, Article 15, § 45.1-161.238 D, Storage and Use of Flammable Fluids and Materials, September 30, 2002, 1 page

Chapter 14.3, Article 16, § 45.1-161.251 A, Employment of Inexperienced Underground Miners, April 10, 2000, 1 page

Chapter 14.4, Article 2, §§ 45.1-161.256, and 45.1-161.257, Safety Examinations, April 10, 2000, 2 pages

Chapter 14.4, Article 2, § 45.1-161.258, Areas with Safety or Health Hazards, April 10, 2000, 1 page

Chapter 14.4, Article 4, § 45.1-161.262, First Aid Equipment, April 10, 2000, 2 pages

Chapter 14.4, Article 5, § 45.1-161.267 L, Storage and Use of Flammable Fluids and Materials, September 30, 2002, 1 page

Chapter 14.4, Article 12, §§ 45.1-161.288 and 45.1-161.290, Inspection of Electric Equipment and Wiring; Checking and Testing Methane Monitors, April 10, 2000, 1 page

Division of Mined Land Reclamation (DMLR)

Division of Mined Land Reclamation Memoranda

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Gavin M. Bledsoe, Hearings and Legal Services Officer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, telephone (276) 523-8157 or FAX (276) 523-8163.

Guidance Documents

Guidance Documents:

Memorandum No. 5-02, Updated Application Submittal Procedures, December 9, 2002, 4 VAC 25-130-773.13, 2 pages

Guide to Water Replacement and Subsidence Repair, December 1, 2002, 4 VAC 25-130-816/817.41 and 4 VAC 25-130-817.121, 10 pages

Memorandum No. 4-02, Approximate Original Contour Guidelines, March 22, 2002, 9 pages

Memorandum No. 2-01, Reforestation Reclamation Practices, May 29, 2001, 8 pages

Memorandum No. 3-01, Permit Applications/Priority Reviews, December 12, 2001, 3 pages

Memorandum No. 3-99, Groundwater Monitoring Frequency, revised October 1, 2001, 1 page

Memorandum No. 2-99, Reduction in Copies of Complete Application Submittal, revised October 1, 2001, 1 page

Memorandum No. 9-98, Permit Streamline Procedures – Forms, revised October 1, 2001, 4 VAC 25-130-773, 4 VAC 25-130-774.11, 4 VAC 25-130-774.15, 2 pages

Memorandum No. 5-98, Permit Information – Acreage Amendments, revised October 1, 2001, 4 VAC 25-130.774.13, 1 page

Memorandum No. 4-98, Remining Incentives, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-98, Permit Streamline Procedures, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-96, Guidelines for Husbandry and Reclamation Practices, revised October 1, 2001, 4 VAC 25-130-816/817.116, 2 pages

Memorandum No. 6-95, Biosolids Use Guidelines, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-95, Highwall Settlement Guidelines, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 2-95, Coal Combustion By-Products Guidelines, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 12-94, Application (Corrections) Submittal; Anniversary Fees, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 11-94, Public Notice and Comment Periods, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 7-94, NPDES Monitoring and Reporting Requirements, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 9-93, Company Structure Master File, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-93, Contractor Information in Public Notices, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 9-92, DMLR Blasters Enforcement Certification, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 8-92, NPDES Permits for Storm Water Discharges, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 7-92, Public Notices, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-92, Updating Ownership and Control Information, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-91, Certification of Maps, Plans and Cross-Sections, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 2-91, Cost Bond -- Long-Term Facilities, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 3-90, Standardized Reporting Form (Quarterly Acid-Base Monitoring), revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 1-90, Baseline Hydrologic Data Requirements (PHC Assessment), revised October 1, 2001, 4 VAC 25-130, 2 pages

Memorandum 9-89, Mining Operations Near Facilities (Oil and Gas Lines, Telephone Lines, etc.), revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 3-89, Filing Application--Public Participation Process, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 6-88, Waivers to Mine Within 300 Feet, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 1-87, Significant and Insignificant Revisions, revised October 1, 2001, 4 VAC 25-130, 2 pages

Memorandum No. 13-86, Application Processing Time Limit, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 8-85, NPDES Enforcement Policy, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 4-85, Notice of Effluent Non-Compliance Reports, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 2-85, Confidential Information, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 5-84, Reclamation Fees, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 4-84, Permit Renewals, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum No. 12-83, Permit Revisions, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 3-83, Certificates of Deposits, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 11-82, Archaeological Sites or Historic Places, revised October 1, 2001, 4 VAC 25-130, 1 page

Memorandum 8-82, Air Pollution Control Plan, revised October 1, 2001, 4 VAC 25-130, 1 page

Division of Mined Land Reclamation Procedures

The following documents may be viewed or copied during regular work hours from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Gavin M. Bledsoe, Hearings and Legal Services Officer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, (276) 523-8157 or FAX (276) 523-8163.

Guidance Documents:

Procedure No. 1.2.01, Threatening, Abusing, or Impeding a Division Employee, revised March 12, 1997, § 45.1-257, 2 pages

Procedure No. 1.2.02, Hazardous/Toxic Waste Reporting, revised August 18, 2000, § 45.1-228, 2 pages

Procedure No. 2.1.03, Unpermitted/Exempted Sites, revised March 12, 1997, § 45.1-234, 4 pages

Procedure No. 2.1.04, Exemption for Extraction of Coal when it is Incidental to Extraction of other Minerals, revised March 12, 1997, 4 VAC 25-130-702, 2 pages

Procedure No. 2.1.06, Exemptions for Government Financed Projects, revised March 12, 1997, 4 VAC 25-130-707, 4 pages

Procedure No. 2.2.01, Permit Review Quality and Completeness Check, revised October 7, 2002, § 45.1-238, 8 pages

Procedure No. 2.2.02, Confidentiality of Permit Application Information, revised March 12, 1997, § 45.1-235 F, 2 pages

Procedure No. 2.2.03, Proof of Application Filing, revised March 12, 1997, 4 VAC 25-130-773.13(a), 1 page

Procedure No. 2.2.04, Application Processing Time Limit, revised March 12, 1997, 4 VAC 25-130-773.15, 1 page

Procedure No. 2.2.05, Applicant Violator System (AVS) and Ownership/Control, revised August 18, 2003, § 45.1-238 C, 6 pages

Procedure No. 2.2.05A, AVS-O/C Investigations, revised August 18, 2000, § 45.1-238 C, 5 pages

Procedure No. 2.2.06, Applications with Violations, revised March 12, 1997, § 45.1-238 C, 1 page

Procedure No. 2.2.07, Relinquishments, revised August 18, 2000, 4 VAC 25-130-774.13, 1 page

Procedure No. 2.2.08, Corrections on Applications, revised August 18, 2000, 4 VAC 25-130-773.15, 1 page

Procedure No. 2.2.09, Name Changes on Applications, revised August 18, 2000, 4 VAC 25-130-773.15, 2 pages

Procedure No. 2.2.10, Mining Under State Boundaries, revised August 17, 2000, 4 VAC 25-130-773.12, 2 pages

Procedure No. 2.2.11, Priority Review of Applications, revised March 12, 1997, 4 VAC 25-130-773.15, 2 pages

Procedure No. 2.2.12, Terms of Issuance (TOI) Terms of Approval (TOA), revised August 18, 2000, 4 VAC 25-130-773.17, 2 pages

Procedure No. 2.3.01, Permanent Program - Revision Applications, revised August 18, 2000, 4 VAC 25-130-774.13, 3 pages

Procedure No. 2.3.02, Permittee - Official Changes, revised March 12, 1997, 4 VAC 25-130-774.13, 1 page

Procedure No. 2.3.03, Anniversary Fees/Reports, revised March 12, 1997, § 45.1-235 E, 1 page

Procedure No. 2.3.04, Temporary Cessation, revised August 18, 2000, 4 VAC 25-130-816.131 and 4 VAC 25-130-817.131, 3 pages

Procedure No. 2.3.05, Midterm Permit Evaluation, revised June 20, 2002, 4 VAC 25-130-774.11, 3 pages

Procedure No. 2.3.06, Permit Renewals, revised February 20, 2004, 4 VAC 25-130-774.15, 3 pages

Procedure No. 2.3.07, Completion Letters, revised August 18, 2000, § 45.1-235 E, 2 pages

Procedure No. 2.3.08, Completion Review, revised August 18, 2000, § 45.1-235 E, 1 page

Procedure No. 2.3.09, Bond Release, revised August 18, 2000, § 45.1-247, 4 VAC 25-130-800.40 and 4 VAC 25-130-801.17, 4 pages

Procedure No. 2.3.10, Permit -Transfers, Assignments, or Sale of Rights, revised March 12, 1997, 4 VAC 25-130-774.17, 1 page

Procedure No. 3.1.06, Citizen Complaint Investigation, revised August 18, 2000, 4 VAC 25-130-842, 6 pages

Procedure No. 3.3.01, Permanent Program (Chapter 19) Enforcement and Inspection Procedures, revised August 18, 2000, 4 VAC 25-130-840 through 4 VAC 25-130-843, 5 pages

Procedure No. 3.3.03, Approving Regrading, revised September 26, 2002, 4 VAC 25-130-816.102 and 4 VAC 5-130-817.102, 3 pages

Procedure No. 3.3.04, Water Rights and Replacement, revised October 1, 1998, 4 VAC 25-130-816.41(h)/817.41(j), 3 pages

Procedure No. 3.3.05, NPDES Permits, revised August 18, 2000, 4 VAC 25-130-816/817.42, 3 pages

Procedure No. 3.3.06, Coal Exploration, revised August 18, 2000, 4 VAC 25-130-772, 4 pages

Procedure No. 3.3.07, Certification of Ponds, Roads, Fills, etc., revised February 26, 2003, 4 VAC 25-130-816/817.49; 71; 83; 107; 150, 3 pages

Procedure No. 3.3.08, Alternative Enforcement Actions, revised March 12, 1997, § 45.1-245, 1 page

Guidance Documents

Procedure No. 3.3.09, Forfeiture of Performance Bond, revised February 11, 2002, 4 VAC 25-130-800.50 and 4 VAC 5-130-801.19, 3 pages

Procedure No. 3.3.10, Show Cause Order, Permit Suspension/Revocation, revised February 11, 2002, 4 VAC 25-130-843.13, 4 pages

Procedure No. 3.3.11, Operations on Federal Lands, revised March 12, 1997, 4 VAC 25-130, Part 740, 4 pages

Procedure No. 3.3.12, Coal Surface Mining Reclamation Fund Tax Reporting/Payment, revised February 27, 2002, 4 VAC 25-130-801.14, 3 pages

Procedure No. 3.3.13, Third Party Disturbance of Reclaimed Sites, revised August 18, 2000, 4 VAC 25-130-843.13(a)(1) and 4 VAC 25-130-843.18, 1 page

Procedure No. 3.3.14, Certificate of Liability Insurance, revised August 18, 2000, §§ 45.1-235 G and 45.1-258 E, 1 page

Procedure No. 3.3.15, Temporary Structures, September 26, 2002, 4 VAC 25-130-816/817.133, 1 page

Procedure No. 3.3.16 Sediment Pond Effluent Limits, April 4, 2003, 3 pages

Procedure No. 3.4.01, Suspension and Revocation of DMLR Blaster Endorsement Certification, revised August 18, 2000, 4 VAC 25-130-850.15(b), 4 pages

Procedure No. 3.5.01, Bond Forfeiture Reclamation, revised September 24, 2001, § 45.1-247, 6 pages

Procedure No. 3.6.01, Certification of Pollution Control Equipment, revised March 12, 1997, § 58.1-3660, 1 page

Procedure No. 4.1.01, Reclamation Project - Eligibility, revised March 12, 1997, § 45.1-262, 1 page

Procedure No. 4.1.02, Realty Procedures, May 28, 1998, § 45.1-263 A, 7 pages

Guide to Bond Reduction/Release, revised May 21, 2003, 4 VAC 25-130-800.40 and 4 VAC 25-130-801.18, 24 pages

Administrative Hearings Manual, revised March 27, 2002, § 9-6.14.1 et seq., and §§ 45.1-239, 45.1-240, 45.1-246, 45.1-249, 45.1-250, 45.1-251, 9 pages

Civil Penalty Assessment Manual, revised November 2002, 4 VAC 25-130-845 and 4 VAC 25-130-846, 24 pages

A Citizen's Guide to Coal Mine Complaint Resolution, December 2002, 4 VAC 25-130-842, 2 pages

Performance Standard Code Reference, January 1999, 8 pages

General Instructions for Electronic Application Preparation, August 2002, 4 VAC 25-130-772 through 4 VAC 25-130-795, 77 pages

Division of Mined Land Reclamation -- Other Documents

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center,

3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of the following documents may be directed to Roger L. Williams, Abandoned Mined Land Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, telephone (276) 523-8208 or FAX (276) 523-8247.

Guidance Documents:

Commonwealth of Virginia, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation Abandoned Mine Reclamation Plan, revised 9/1/1999, Article IV of Chapter 19 of Title 45.1, 60 pages

Abandoned Mined Land Water Project Review Manual, revised July 1, 2003, Article 4 of Chapter 19 of Title 45.1, 30 pages

DMLR Guidance Memorandum No.6-03, Permit Fees, 5/12/2003, 1 page

Payments/Coal Surface Mining Reclamation Fund Collections

The following document may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Office of Financial Services, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219.

Questions regarding interpretation or implementation of this document may be directed to Frank M. Hampton, Fiscal Director, same address, telephone (276) 523-8107 or FAX (276) 523-8111.

Guidance Documents:

Bond Administration to Include Coal Surface Mining Reclamation Fund Procedures/Tax Collection, revised May 15, 2002, Article 5 of Chapter 19 of Title 45.1, 7 pages

Division of Mined Land Reclamation Forms

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Customer Assistance Center, 3405 Mountain Empire Road, P.O. Drawer 900, Big Stone Gap, VA 24219. Inquiries may be directed to Lola Varner or Cindy Ashley, telephone (276) 523-8233, (276) 523-8235 or FAX (276) 523-8141.

Questions regarding interpretation or implementation of these documents may be directed to Gavin M. Bledsoe, Hearings and Legal Services Officer, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, same address, telephone (276) 523-8157 or FAX (276) 523-8163. These forms are used by agency staff to implement 4 VAC 25-130.

Guidance Documents:

DMLR-AML-001, AML Project Approval Sheet, revised April 1, 1997, 1 page

DMLR-AML-007, AML-External Mine Portal Investigation (Bat Habitat Suitability), 7/1/2003, 2 pages

DMLR-AML-056, Notice of Award, July 1, 2003

DMLR-AML-090, Standard Bid Bond, 7/1/2002, 2 pages

DMLR-AML-130, Reclamation Construction Inspection Report (Abandoned Mined Lands), April 1, 1997, 1 page

DMLR-AML-147, Complaint Investigation Report, April 1, 1997, 3 pages

DMLR-AML-168, AML Suspend/Resume Work Order, April 1, 1997, 1 page

DMLR-AML-170, Notice of Bond Release, April 1, 1997, 1 page

DMLR-AML-171, Reclamation Construction Final Inspection Report, July 1, 2003, 1 page

DMLR-AML-260, AML Site Evaluation Matrix, March 1, 1998, 2 pages

DMLR-AML-301, Public Notice of Intent to Enter to Conduct Reclamation Activities (Virginia Abandoned Mine Land Program), March 1, 1998, 2 pages

DMLR-AML-302, Landowner Contact, March 1, 1998, 1 page

DMLR-AML-303, Realty Completion Memorandum, March 1, 1998, 1 page

DMLR-AML-304, Notice of Lien, March 1, 1998, 2 pages

DMLR-AML-305, Lien Waiver, March 1, 1998, 1 page

DMLR-AML-306, Request for Title Search Services, March 1, 1998, 2 pages

DMLR-AML-307, Property Owner List, March 1, 1998, 1 page

DMLR-AML-308, Lien Determination, March 1, 1998, 1 page

DMLR-AML-309, Estates to be Appraised, March 1, 1998, 1 page

DMLR-AML-310, Review of Appraisal Report, March 1, 1998, 2 pages

DMLR-AML-311, Realty Analysis Justification of Lien Waiver, March 1, 2000, 3 pages

DMLR-DT-000, Certification Checklist: Pollution Control Equipment and Facilities, § 58.1-3660, February 1, 1996, 1 page

DMLR-ENF-032S, Complaint Investigation, September 1, 1998, 2 pages

DMLR-ENF-044S, Inspection Report, September 1, 1998, 1 page

DMLR-ENF-045S, Notice of Violation, September 1, 1998, 2 pages

DMLR-ENF-046S, Cessation Order, September 1, 1998, 2 pages

DMLR-ENF-047S-RON, Revision Order, Modification, Termination, and Vacation, September 1, 1998, 3 pages

DMLR-ENF-047S-NOV, Notice of Violation, Modification, Termination, and Vacation, September 1, 1998, 3 pages

DMLR-ENF-047S-CO, Cessation Order, Modification, Termination, and Vacation, September 1, 1998, 3 pages

DMLR-ENF-099, Addendum – Complaint Form (Blasting), June 1, 1997, 2 pages

DMLR-ENF-194S, Revision Order Notice, September 1, 1998, 2 pages

DMLR-PT-008, Application Checklist & Routing Slip, revised September 1, 2000, 2 pages

DMLR PT-012, Analysis, Premining -v- Postmining, August 2003, 1 page

DMLR PT-013, Surety Bond, August 2003, 2 pages

DMLR PT-013A, Surety Bond Federal Lands, August 2003, 2 pages

DMLR-PT-019, Combined Permit To Conduct Coal Surface Mining Operations (CSMO) and to Discharge Under the National Pollutant Discharge Elimination System (NPDES), January 1993, 1 page

DMLR-PT-026, Example (form letter to banks issuing a certificate of deposit as performance bond), August 1, 2003, 1 page

DMLR-PT-026A, Form Letters to Banks Issuing a CD for Coal Operator, Federal Lands, August 2003

DMLR-PT-028, Anniversary Notification, January 1, 1999, 1 page

DMLR-PT-237, Written Findings, 4 VAC 25-130-773.15 (c), September 2002, 14 pages

DMLR-PT-256, Midterm Review Checklist, revised February 1999, 2 pages

Division of Mineral Mining (DMM)

Division of Mineral Mining Documents and Communication Memoranda

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O. Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Tina R. Knight at the same address, telephone (434) 951-6311 or FAX (434) 951-6325.

Questions regarding interpretation or implementation of these documents may be directed to Conrad Spangler, same address, telephone (434) 951-6312 or FAX (434) 951-6325.

Guidance Documents:

2002 Risk Assessment, July 26, 2002, § 45.1-161.292:55, 8 pages

Division of Mineral Mining Rescue and Recovery Plan, November 20, 2002, § 45.1-161.292:50 F, 14 pages

Guidance Documents

Communication Memorandum No. 10-00; Employee Exposure to Noise Limits, 4 VAC 25-40-770, September 13, 2000, 2 pages

Communication Memorandum No. 03-99; pertains to submittal of contractor information needed to perform risk assessments; July 16, 1999, § 45.1-161.292:32 A 5 and § 45.1-161.292:55, 4 pages

Communication Memorandum No. 02-99; pertains to reporting of contractor information required as part of the mine license application; July 16, 1999, § 45.1-161.292:32 A 3, 3 pages

Communication Memorandum No. 01-99; pertains to reporting of non-serious and non-fatal personal injuries; June 14, 1999, 4 VAC 25-40-50, 6 pages

Communication Memorandum No. 01-98; pertains to reporting of serious and/or potentially serious personal injuries; November 11, 1998, 4 VAC 25-40-50, 3 pages

Communication Memorandum No. 2-93; pertains to temporary cessation, May 12, 1993, 4 VAC 25-30-400, 3 pages

Communication Memorandum No. 01-93; Reclamation Schedule, March 20, 1993, 4 VAC 25-30-170, 6 pages

Record Book for Mineral Mine Operators; a book of forms and information to assist mine operators in the keeping of required mine records; September 24, 2002, Mineral Mine Safety Laws of Virginia-1999 Edition-various code sections as identified in the Record Book, 64 pages

Contractors Memorandum: Independent Contractors Annual Report to the Division of Mineral Mining, December 29, 2000, § 45.1-161.292:32.3, 3 pages

Operators Memorandum addressing proof of the legal authority of persons signing permit applications and alternative blasting criteria, March 1, 1990, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 4 pages

Operators Memorandum: Transferability of Mineral Mining Permits, June 28, 1996, § 45.1-181, 9 pages

Operators Memorandum: Waste Materials Brought onto Mine Sites, January 25, 1993, §§ 45.1-182.1 and 45.1-184, 1 page

Surface Foreman Certification Study Guide; March 1, 2002, § 45.1-161.292:19, 115 pages

Surface Blaster's Certification Guide, March 1, 2001, § 45.1-161.292:19, 78 pages

General Mineral Miner Training Course Guide, March 2001, § 45.1-161.292:28 and 4 VAC 25-35-120, 48 pages

Board of Mineral Mining Examiners Certification Requirements (Summary Sheets), September 1, 2001, 2 pages

Surface and Underground Foreman Certification, July, 1996, 4 VAC 25-35-10 and 4 VAC 25-35-20; 4 VAC 25-35-50 and 4 VAC 25-35-60, 1 page

Surface and Underground Blaster Certification, 3/1/2001, 4 VAC 25-35-10 and 4 VAC 25-35-20; 4 VAC 25-30-80 and 4 VAC 25-35-90, 1 page

Mineral Mine Electrician Certification Directions, 5/1/2003, § 45.1-161.292:19 and 4 VAC 25-35-100, 4 pages

Waivered Program Performance Evaluation, revised November 1997, § 45.1-197, 4 pages

Non-Point Source Pollution Protocol and Orphaned Mined Land Site Investigation Report, revised October 2000, § 45.1-197.3 through 45.1-197.7, 22 pages

Orphaned Mined Land Advisory Committee By-Laws, revised June 14, 2000, §§ 45.1-197.3 through 45.1-197.7, 3 pages

Public Hearings Informational Brochure, revised January 1998, § 45.1-184.1 et seq., 2 pages

Education and Training Plan for Mineral Mining, January 1, 1996, §§ 45.1-161.292:71 and 45.1-161.292:72, 50 pages

Information for Mine Maps, December 9, 1994, revised October 11, 1995, § 45.1-161.292:37, 8 pages

Underground Blaster Certification Study Guide, November 1994, § 45.1-161.292:19, 42 pages

Inspectors' Guidelines for Materials Brought onto Mine Sites, February 1993, 4 VAC 25-30-170, 7 pages

Excavation Activity Evaluation Chart, February 20, 1991, § 45.1-180 et seq., 1 page

Internal Communication and Directive Regarding Broken or Damaged Windows on Mobile Equipment and Haulroad Dust Control Measures, August 20, 1990, 4 VAC 25-40-1360, 2 pages

Acknowledgment of Certificate of Deposit as Bond, issued prior to 1989, December 31, 1998, 4 VAC 25-30-170, 1 page

DMM Abandoned Mineral Mining Inventory Protocol, June 2003, 28 pages

DMM Certification Requirements for Blaster, 3/1/2001, 1 page

DMM Mineral Mine Operators and Mineral Mine Contractors Memorandum, 4/25/2003, 6 pages

Division of Mineral Mining Procedures

The following procedures may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O.Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Tina R. Knight at the same address, telephone (434) 951-6311 or FAX (434) 951-6325.

Questions regarding interpretation or implementation of these procedures may be directed to Conrad Spangler, same address, telephone (434) 951-6312 or FAX (434) 951-6325. These procedures are used by agency staff to implement 4 VAC 25-30 and 4 VAC 25-40.

Guidance Documents:

Procedure No. 2.1, Operator Assistance, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 2.4, Inspections, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 2.5, Inspection Frequency: Safety, May 21, 1997, § 45.1-161.292:1 et seq., 3 pages

Procedure No. 2.6, Inspection Frequency: Reclamation, revised May 21, 1997, § 45.1-180 et seq., 1 page

Procedure No. 2.7, Inspection Reports, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 3 pages

Procedure No. 2.8, Special Orders/Notices of Violation, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 3 pages

Procedure No. 2.9, Notice of Non-Compliance, revised May 21, 1997, § 45.1-180 et seq., 2 pages

Procedure No. 2.10, Closure Orders, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 2.11, Recommending Bond Forfeitures, revised May 21, 1997, § 45.1-180 et seq., 2 pages

Procedure No. 2.12, Safety/Health/Reclamation Complaints, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 2 pages

Procedure No. 2.13, Blasting Complaint Investigations, revised May 21, 1997, § 45.1-161.292:1 et seq., 2 pages

Procedure No. 2.14, Accident/Fire Investigations, revised May 21, 1997, § 45.1-161.292:1 et seq., 6 pages

Procedure No. 2.15, Unlicensed Mine Sites, revised May 21, 1997, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 2 pages

Procedure No. 3.1, General Procedures for Reclaiming Orphaned Land Sites, revised February 24, 1998, § 45.1-180 et seq., 1 page

Procedure No. 4.1, Relinquishments and Repermitting, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 4.2, Permit Renewal and Progress Reports, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 3 pages

Procedure No. 4.3, Additional Bond Required at Anniversary Time, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.4, Bond Reduction and Release, revised September 10, 1991, § 45.1-180 et seq., 2 pages

Procedure No. 4.5, Completion Material/Permit Close-out, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.6, Amendments, 1/8/1996, § 45.1-180 et seq., 1 page

Procedure No. 4.7, Change in Operating Officials, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 4.8, Temporary Cessation of Surface Mines, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.9, Exemption for Extraction of Coal Incidental to the Extraction of Other Minerals, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.10, Field Approval, January 8, 1996, § 45.1-180 et seq., 4 pages

Procedure No. 4.11, Initial Site Inspection, revised September 10, 1991, § 45.1-180 et seq., 1 page

Procedure No. 4.12, Mineral Mining Quarrying Schedule (Tonnage Report), revised September 10, 1991, § 45.1-161.292:1 et seq., 1 page

Procedure No. 4.13, Permit Application Review, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 2 pages

Procedure No. 4.14, Hearing Procedures, revised September 10, 1991, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 6 pages

Procedure No. 4.15, Termination of License Requirement, October 24, 1995, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 4.18, Contractor Information, January 8, 1996, § 45.1-161.292:1 et seq., 1 page

Procedure No. 4.19, Confidential Files, March 24, 1997, § 45.1-161.292:1 et seq., 1 page

Procedure No. 4.20, Permit Transfers, January 8, 1996, § 45.1-161.292:1 et seq. and § 45.1-180 et seq., 1 page

Procedure No. 5.1, Training and Certification of Mineral Mining Personnel, September 12, 2002, § 45.1-161.292:1.1 et seq., 4 pages

Procedure No. 5.2, Certification of Mineral Mining Industry Personnel by the Board of Mineral Mining Examiners, September 1, 2002, § 45.1-161.292:1 et seq., 9 pages

Procedure No. 5.6, Accident Reports and Posting, September 12, 2002, § 45.1-161.292:1 et seq., 2 pages

Procedure No. 5.7, Education and Training Plan and Service, September 12, 2002, § 45.1-161.292:1 et seq., 1 page

Division of Mineral Mining Forms

The following forms may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Mineral Mining, 900 Natural Resources Drive, P.O. Box 3727, Charlottesville, VA 22903 (Fontaine Research Park). Copies may be obtained by contacting Anne Grassler at the same address, telephone (434) 951-6311 or FAX (434) 951-6325.

Questions regarding interpretation or implementation of these forms may be directed to Conrad Spangler, same address, telephone (434) 951-6312 or FAX (434) 951-6325. These forms are used by agency staff to implement 4 VAC 25-30 and 4 VAC 25-40.

Guidance Documents:

DMM -101, Permit/License Application for Mineral Mining, September 2003, 4 pages

DMM -102, Initial Site Investigation, revised September 1999, 2 pages

Guidance Documents

DMM - 103, Notice of Application to Mine, September 2003, 2 pages

DMM-104, Inspection Report, July 1, 1994, 1 page

DMM-104A, Inspection Report Continuation Sheet, July 1, 1994, 1 page

DMM-104B, Notice/Order Form, June 1, 1997, 1 page

DMM-104BS, Violation Form - Computer Generated Form Used To Generate Special Orders, Non-Compliance, Violations, And Closure Orders From The Automated DMM Enforcement System, October 1998, 5 pages

DMM-104C, Accident Report, revised May 1, 1999, 1 page

DMM-104D, Bond Release Inspection, September 1999, 1 page

DMM-104E, Blasting Complaint Investigation Data, December 1994, 1 page

DMM-104F, Complaint Investigation Form, December 1994, 1 page

DMM-104FS, Complaint Investigation - Computer Generated Form Used To Generate Complaint Investigation Reports From The Automated DMM Enforcement System. This Form Is Used For All Complaints Including Blasting Complaints, October 1998, 2 pages

DMM-104s-s, Inspection Report, Computer generated form used to generate inspection reports from the automated DMM inspection system, December 2003, 1 page

DMM-104s, Inspection Report (Carbon Copy-field use), October 1998, 1 page

DMM-106, Renewal - Special Order Notice, 4/1/2002, 1 page

DMM-106a, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106b, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106c, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106e, Renewal - Special Order Attachment, December 1, 1995, 1 page

DMM-106f, Renewal Notice, December 1, 1995, 1 page

DMM-106g, Renewal - Special Order Notice, December 1, 1995, 1 page

DMM-106h, Renewal - Minerals Reclamation Fund, December 1, 1995, 1 page

DMM-106l, Renewal - Bond/No License, December 1, 1995, 1 page

DMM-106j, Renewal - Restricted Permit/No License, December 1, 1995, 1 page

DMM-106k, Renewal - Special Order Notice, December 1, 1995, 1 page

DMM-106m, Renewal - Reclamation Fund 1st Year, December 1, 1995, 1 page

DMM-106n, Renewal - Special Order Notice, December 1, 1995, 1 page

DMM-106p, Renewal - Restricted/No License, December 1, 1995, 1 page

DMM-107 Surety Bond Form, July 2004, 5 pages

DMM - 109, Revised map legend form, July 2004, 1 page

DMM-110, Notice of Non-Compliance, September 1999, 1 page

DMM-111, Release of Bond, January 2001, 1 page

DMM-112, Relinquishment of Mining Permit, September 2003, 1 page

DMM-115, Permit/License for Mineral Mining, July 1, 1994, 1 page

DMM-135, Reclamation Construction Inspection Report, 6/13/2003, 1 page

DMM-141, Final Inspection Report, September 1, 1989, 1 page

DMM-146, Operators Memorandum: Annual Tonnage Reports, January 2, 2003, 4 pages

DMM-148, DMM Application Checklist, revised December 2001, 6 pages

DMM-153, Red Tag Closure Order, March 1, 1991, 1 page

DMM- 157, License Renewal/Transfer Application, March 2004, 3 pages

DMM-161, Permit Transfer Acceptance, September 2003, 1 page

DMM-162s, Contractor Contact Report, January 2002, 1 page

DMM-163, Permit Renewal Checklist, October 2002, 2 pages

DMM-164, Certification of No Changes in Permit Map, September 2003, 1page

DMM-165, Mineral Mine Contractor Annual Report WorkSheet, October 2002, 1 page

DMM-166, Contractor Identification Form, 10/31/2002, 1 page

DMM-167, Surety Bond Rider, July 2004, 1 page

DMM-168, General Permit for Sand and Gravel Operations less than 10 acres, September 2003, 6 pages

DMM-169, Certificate of Deposit form example, October 2003, 1 page

Division of Gas and Oil (DGO)

Division of Gas and Oil Memoranda to Operators and Bulletins

The following documents may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Gas and Oil, 230

Charwood Drive, P.O. Box 1416, Abingdon, VA 24212. Copies may be obtained by contacting Diane Davis at the same address, telephone (276) 676-5423 or FAX (276) 676-5459.

Questions regarding interpretation or implementation of these documents may be directed to Bob Wilson, Director, Division of Gas and Oil, same address and telephone.

Guidance Documents:

Client Assistance Bulletin, Landfarming of Drill Cuttings, December 2002, 2 pages

Safety Memorandum of Understanding between DOLI and DMME, Rev. 6/1/2001, 2 pages

DGO Complaint Procedure by Landowners with Suspected Water Loss, Rev. 1/1/1999, 4 pages

Division of Gas and Oil Forms

The following forms may be viewed or copied during regular workdays from 8 a.m. until 5 p.m. at the Department of Mines, Minerals and Energy, Division of Gas and Oil, 230 Charwood Drive, P.O. Box 1416, Abingdon, VA 24212. Copies may be obtained by contacting Diane Davis at the same address, telephone (276) 676-5423 or FAX (276) 676-5459.

Questions regarding interpretation or implementation of these forms may be directed to Bob Wilson, Director, Division of Gas and Oil, same address and telephone.

Guidance Documents:

DGO-11-S, Incident Report, February 1991, 1 page

DGO-GO-AP, Application for Payment, February 1996, 1 page

DGO-CI-S, Complaint Investigation, February 1999, 1 page

DGO-CO, Closure Order, February 1999, 1 page

DGO-CO-E, Expiration of Closure Order, February 1999, 1 page

DGO-CO-L, Lifting of Closure Order, February 1999, 1 page

DGO-CO-M, Modification of Closure Order, February 1999, 1 page

DGO-CO-V, Vacation of Closure Order, February 1999, 1 page

DGO-IR-S, Inspection Report, October 2001, 1 page

DGO-NOV, Notice of Violation, November 1998, 1 page

DGO-NOV-C, Cancellation of Violation, February 1999, 1 page

DGO-NOV-E, Extension of Violation, February 1999, 1 page

DGO-NOV-M, Modification of Violation, February 1999, 1 page

DGO-NOV-V, Vacation of Violation, February 1999, 1 page

DGO-P, Permit for Gas and Oil Operations, December 1, 1991, 1 page

DGO-GO-PA, Approval of Payment, February 1996, 1 page

DGO-ROWB, Release of Well Operator's Bond, August 2, 1993, 1 page

DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

You may view copies of the following guidance documents during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Minority Business Enterprise, 200-202 North Ninth Street, 11th Floor, Richmond, VA 23219. You may obtain copies free of charge by contacting William Lee, III, at the same address, telephone (804) 786-3102, FAX (804) 371-7359 or e-mail wlee@dmbe.state.va.us. You may direct questions about interpretation or implementation of these documents to William Lee, III. You may download these documents from the DMBE website at www.dmb.e.state.va.us.

Guidance Documents:

P.A.C.E. Program: Loan Loss Reserve Fund Program Manual and Application, issued December 2000, § 2.2-1402.

P.A.C.E. Program: Loan Guarantee Program Manual and Application, issued December 2000, § 2.2-1402.

P.A.C.E. Program: Loan Guarantee Approval Process, issued December 2000, § 2.2-1402.

P.A.C.E. Program: Qualification as a Disadvantaged Business, issued December 2000, § 2.2-1402.

The following documents are used as guidance documents for the Virginia Department of Minority Business Enterprise, Services Division. You may view copies of the following guidance documents during regular workdays from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Minority Business Enterprise, 200-202 North Ninth Street, 11th Floor, Richmond, VA 23219. You may obtain copies free of charge by contacting Nichelle D. McDaniel, telephone (804) 371-2696, FAX (804) 786-9736 or e-mail nmcdaniel@dmbe.state.va.us. You may direct questions about interpretation or implementation of these documents to Nichelle D. McDaniel.

Guidance Documents:

Services Division's Standard Operating Procedure (Technical and Management), issued January 2003, § 2.2-1402.

Engineering Managers' Operating Instructions (Technical and Management), issued January 2003, § 2.2-1402.

The following document is used as a guidance document for the Virginia Department of Minority Business Enterprise, Services Division. You may view copies of the following guidance documents during regular workdays from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Minority Business Enterprise, 200-202 North Ninth Street, 11th Floor, Richmond, VA 23219. You may obtain copies free of charge

Guidance Documents

by contacting Willie W. Miles, Jr., telephone (804) 786-8973, FAX (804) 786-9736 or e-mail wmiles@dmbe.state.va.us. You may direct questions about interpretation or implementation of these documents to Willie W. Miles, Jr.

Guidance Document:

Policy and Procedure for Evaluating Firms Applying for SWAM Certification, issued October 1, 2004, revised December 6, 2004, Executive Order 029.

MOTOR VEHICLE DEALER BOARD

Copies of the following documents may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. in the Motor Vehicle Dealer Board's (MVDB) Office, 2201 W. Broad Street, Suite 104, Richmond, VA 23220. Copies may be obtained free of charge by contacting Alice Weedon at the same address, telephone (804) 367-1100, ext. 3001 or toll free at 877-270-0203, ext. 3001, e-mail dboard@mvb.virginia.gov or FAX (804) 367-1053.

Questions regarding interpretation or implementation of these documents may be directed to Bruce Gould, Executive Director, Motor Vehicle Dealer Board, at the same address and telephone numbers noted above.

Guidance Documents: Dealer Practices

PR010-97, Variance for Hours of Operation, May 1997, § 46.2-1533

PR020-97, Off-Site Storage of Records, May 1997, § 46.2-1529

PR030-97, Temporary Supplemental Licenses for Used Car Sales, December 1997, § 46.2-1516; and Temporary Supplemental Licenses for Used Car Sales (Rev.1), August 2000

PR050-97, Wholesale Sales Agreement, December 1997, § 46.2-1530

"Dealers Who Are Not Maintaining Hours," MVDB Meeting Summary from July 1998

"Procedures For Violations of Minimum Hours And Established Place of Business," MVDB Meeting Summary from July 1998.

Guidance Documents: Dealer Licensing

LI010-97, Certificate of Qualification, December 1997, §§ 46.2-1511 and 46.2-1512

LI020-01, Dual Licensing Process, July 2001

"Guidelines for Review of Applicants Who Have a Criminal History" (March 17, 1998)

"Process for Determining Sanctions" (July 1999)

"Salesperson and Dealer-Operator Test," MVDB Meeting Summaries from March 1996, May 1996 and September 1996.

"Review of the Dealer's Buyer's Order," MVDB Meeting Summary from January 1996, § 46.2-1530

"Delegation of Authority to the Executive Director and Office Manager," Meeting Summaries from March 1996, September 1996, September 1997 and July 1999

"Bonding Requirements," Memorandum from the executive director to the members of the Board dated October 27, 2000

Guidance Documents: Dealer Advertising

AV010-00, Deviations from Standard Practices June 2000

"Delegation of Authority to the Executive Director and Office Staff for Enforcing Regulations and Determining Civil Penalties," MVDB Meeting Summaries, January 1996, and November 1998.

Guidance Documents: Administration

AD010-95, Board Meetings (Parliamentary Guidelines), May 1997

AD020-95, Board Meetings (Public Comment), May 1997

AD030-96, Board Meetings (Meeting Documentation), Rev. Dec 2002

AD040-95, Board Meetings (Vice-Chair), May 1997

AD050-96, Board Meetings (Meeting Dates and Times), December 2001

AD060-95, Executive Director (Office Supplies), May 1997

AD070-95, Executive Director (Board Guidance), May 1997

AD075-99, MVDB 800 Toll Free Customer Service Line, May 1999

AD080-00, MVDB American Express Purchase Policy, September 2000

AD090-00, MVDB Annual Loss Analysis Policy, September 2000

AD0100-00, MVDB Internet Privacy Policy, October 2000

AD0-105-01, MVDB Purchasing Policy

AD110-02, MVDB, Internal Database System Data Manipulation, Storage, Mainframe and Record Deletion Policy

AD111-02, MVDB Freedom of Information Act Compliance

AD120-02, MVDB Minority, Women & Small Business Source Procurement Policy

Guidance Documents: Internal Process

MVDB-01, Qualifications, October 1999

MVDB-02, Initial Salesperson Licensing, October 1999

MVDB-03, Monthly Renewals, November 1999

MVDB-04, Dealer Licensing, October 1999

MVDB-05, Nonprofit Organization Consignment Processing, April 2000

MVDB-06, Permanent and Temporary Supplemental Licensing, May 2000

MVDB-07, Field Inspections, June 2000

MVDB-08, Plate and Decal Inventory, August 2000

DEPARTMENT OF MOTOR VEHICLES

Copies of the following documents may be viewed during regular business hours, Monday through Friday, 8:30 a.m. until 5 p.m. in Legislative Services, Room 724, at the Department of Motor Vehicles, 2300 West Broad Street, Richmond, VA 23220. Copies totaling under ten pages may be obtained for no charge. Copies totaling ten pages or more may be obtained at a cost of 50 cents a page. Requests for copies of these documents may be made by contacting Marc Copeland at the same address, telephone (804) 367-1875, FAX (804) 367-6631 or e-mail Marc.Copeland@dmv.virginia.gov.

Guidance Documents:

Personal Property Tax Relief Guidelines for Direct Compensation Years, revised July 2004, § 58.1-3532

Personal Property Tax Relief Technical Reference Guide for Local Government Officials, revised October 2004, revised October 2004, § 58.1-3532

A DMV Guide for Family Members and Friends of the Recently Deceased, revised July 2000

AD 107, Request for Use of DMV Facilities, revised April 25, 1994

AD 305, Resolving Contractual Disputes, revised January 14, 1984, § 11-69

AD 305.1, Resolving Contractual Disputes: How to Handle Contractual Disputes, issued October 14, 1983

AD 307, Contractor Contracts: Bids for Contracts Under \$100,000, issued December 6, 1985, § 11-57

AD 308, Contractor Contracts: Negotiations with Low Bidder, issued December 6, 1985

AD 309, Procurement Records Searching and Copying Charges, issued December 6, 1985, § 2.1-342

AD-508, State Vehicles Assigned or Owned by DMV Policy

AD-508.1, How to Request for Occasional Use Policy

AD-508.2, How to Request Permanently Assigned Vehicle Policy

AD-508.4, Reporting Accident/Loss Involving State Vehicle

AD 509, CommuniPlate Issuance Guidelines, issued October 30, 1997, § 46.2-726

DMV Seizure/Black-out Policy, revised November 1986, § 46.2-322

DOIM-HQ, Dissemination of Information/Materials on DMV Property, issued March 1, 1993

Driver Licensing Guide, updated on a regular basis, as necessary

Financial Responsibility Insurance Filing Via Internet, Issued January 1999

Instructions to Contracted Hearings Officers, revised September 1997, § 46.2-1566

Insurance Verification Activities Annual Report

Licensee Responsibilities Regarding Recordkeeping Requirements in Accordance with the International Registration Plan (IRP) and the International Fuel Tax Agreement (IFTA), issued June 1996

MCTS247, Motor Carrier Guidelines, revised July 2002, §§ 58.1-2700 et. al, 46.2-703, 46.2-2000 et. al, and 46.2-2100 et. al

MED 5, Minimum Vision Requirements for Licensed Drivers of Motor Vehicles, revised June 2001, § 46.2-311

MED 12, Virginia Parking Placards and Plates for Customers with Disabilities, revised July 2003, §§ 46.2-731, 46.2-732, 46.2-739 and 46.2-1241.

MED 31, Conditions of Variance for CDL Drivers to Haul Hazardous Materials, revised September 1998, §§ 10.1-1402 (11), 10.1-1405, 10.1-1450 and 46.2-341.9:1.

MED 44, Driver Licensing Information for Wearers of Biotopic Telescopic Lens, revised June 2001, § 46.2-312

Memorandum from Richard D. Holcomb to All DMV Investigators Re: Sale of Trailer Kits and Trailers, dated August 13, 1996, § 46.2-1992.6 et seq.

Memorandum from Richard D. Holcomb to All On-line Dealers Re: Processing Fee, dated November 21, 1995

Memorandum from Richard D. Holcomb to Holders of Drive-Away License Plates Re: Drive-Away License Plate Usage, dated May 23, 1994, § 46.2-733

Memorandum from Richard D. Holcomb to Motor Vehicle Dealers, DMV Personnel, CVR Personnel Re: Transfer of License Plates to Leased Vehicles, dated September 7, 1995

DMV 2, Virginia Motorcycle Operator Manual, July 2003

DMV 7, Virginia webCAT – Virginia's Electronic Motor Carrier Solution, April 2003

DMV 16, Parents in the Driver's Seat, July 2003

DMV 30, Legal Presence Frequently Asked Questions, October 2003, § 46.2-105.2

DMV 32, Alternative Services card, January 2003

DMV 33, Self-Service Center brochure, April 2003

DMV 34, Alternate Motorcycle Skill Test, January 2003

DMV 34A, Alternate Motorcycle Skill Test (for smaller testing area), January 2003

DMV 35, Your driver's license expires on your birthday! card, September 2003

DMV 39, Virginia Driver's Manual – Rules of the Road, July 2003

DMV 39S, Manual del Conductor de Virginia – Reglas de la Carretera 2003-2004, Julio de 2003

Guidance Documents

DMV 51, Legal Presence affects you. insert, September 2003, § 46.2-105.2

DMV 51S, La Presencia Legal lo afecta a usted., Septiembre 2003, § 46.2-105.2

DMV 52, Saving lives through organ and tissue donation/Legal Presence, September 2003

DMV 60, Virginia Commercial Driver's Manual, July 2000

DMV 72, Automobile Liability Insurance Reporting Requirements/Reporting Guide for Insurance Companies, May 2003

DMV 105, DMV Guide for family members and friends of the recently deceased, September 2003

DMV 106, What Can I Do Online?, February 2003

DMV 109, Virginia's Size, Weight, and Equipment Requirements for Trucks, Trailers, and Towed Vehicles, August 2002

DMV 114, A Different Kind of Crash Course, The Virginia DI Program, July 2004, § 46.2-489 et seq.

DMV 115, Moving Violations and Point Assessments, The Virginia DI Program, July 2004, §§ 46.2-491 through 46.2-494

DMV 137, What is the Personal Property Tax Relief Act?/Legal Presence, September 2003

DMV 138, Congratulations on your new driver's license!, July 2002

DMV 140, New to Virginia?, August 2003

DMV 141, Acceptable Documents for Obtaining a Driver's License or Photo Identification Card, effective March 25, 2004

DMV 141S, Documentos aceptables para obtener una licencia de conductor o una tarjeta de identificación con foto, (25 de Marzo de 2004)

DMV 142, Basic Steps to your Driver's License, effective January 1, 2004

DMV 142S, Pasos basicos para obtener su licencia de conducir o tarjeta de identificación con foto, (Vigente el 1ro de enero de 2004)

DMV 143, Re-Establishing your Virginia Residency or Qualifying for a Virginia Address Requirement Exception, July 2002, § 46.2-323.1

DMV 144, If you hold a photo ID card.../Legal Presence, September 2003, § 46.2-345

DMV 166, Are You Covered? To protect our citizens, Virginia law requires insurance coverage for all motor vehicles, July 2003

DMV 168, Virginia is Tough on drunk and drugged drivers, July 2003

RDT131, International Fuels Tax Agreement Guidebook, July 2002, § 58.1-2700 et seq.

Recommended Guidelines of the Medical Control Advisory Board, Administrative Procedures, revised November 1995, §§ 46.2-200, 46.2-203, 46.2-204 and 46.2-322.

SB97-005A, Mechanics and Storage Lien: Program Enhancements Special Bulletin, issued August 15, 1997, §§ 43-32 through 43-34

Special Employee Identification Card Program for Agencies/Organizations in State and Local Governments Information Sheet, revised October 2004, § 46.2-345

US531A, Information Use Agreement, revised February 2003, § 46.2-208

US531E, Application for Extranet Transaction Access, revised February 2003, § 46.2-208

Vehicle Registration Guidebook, updated on a regular basis, as necessary

Virginia Fuels Tax Act Guidelines, dated August 2000, § 58.1-2200 et. al

Virginia International Registration Plan, issued September 1997, § 46.2-703

Virginia International Registration Plan, issued September 1997

Virginia Motor Vehicle Dealer Manual, revised July 1997

Virginia Department of Motor Vehicles Electronic Liens Participant Package, issued June 1, 1998, §§ 46.2-216.1 and 46.2-216.2

Virginia Motor Vehicle Rental Tax Questions and Answers Guidelines for Rentors, revised July 1997, §§58.1-2400 - 2426, 24 VAC 20 -100 through 100-540

In addition to the above documents, the following documents are continuously updated:

Notices Relating to Fuels Tax Issues and Requirements, updated throughout the year

Bulletins Relating to Motor Carrier Issues and Requirements, updated throughout the year

The following is continuously updated throughout the year on a daily basis.

DMV Web Site – contents as of December 2004 include:

ONLINE TRANSACTIONS

- Address Change
- Administrative Hearing Request
- Appointment Scheduling
- Compliance Summary Request – New
- Customer Inquiry
- Disabled Parking Placard Renewal
- Driver's License Renewal
- Driver's License Replacement
- Hauling Permits
- Insurance Verification
- Organ Donor Status Change
- PIN Administration
- Plate Purchase

Prospective Purchaser Inquiry (PPI)
Record Request
Registration Card Replacement
Report a Vehicle Sold or Traded
Souvenir Plate Orders
Trip Permit Purchase
Vehicle Registration Renewal
What Have I Done Online

Citizen Services

Legal Presence
Disability Services
Driver Services
Family of Deceased
Fees
Fuels Tax Refund
Hauling Permits
ID Services
Local Vehicle Registration Program (LVR)
Medical Information
Record Services
Vehicle Services

Information for Businesses

Business Opportunities
Commercial Driver Improvement Clinic Program
Dealer Services
Electronic Lien Program
Fuels Tax
Governmental Access to DMV Records
Insurance Industry Services
Motor Carrier Services
Non-Governmental Access to DMV Records
Online Dealer
Online Fleet
Online Salvage Pools
Rental Tax
Salvage and Nonrepairable Vehicles

Size and Weight Enforcement
Voluntary Driving Record Monitoring Program
Webcat

General DMV Information

A message from the Commissioner
Business Opportunities
Commonwealth Transportation Fund (CTF) Revenues
Contact Us
DMV Legislation
DMV News
Employment Opportunities
Freedom of Information Act (FOIA)
Insurance Consumer Information
Office Locations
Outside of VA?
Personal Property Tax Relief (PPTR)
Privacy and Security
Recognition and Awards
Resources
Safety
Selective Service Registration
Vehicle Consumer Information
Voter Registration
Website Survey

DMV Forms and Publications

DMV Forms Online

CDT 001	Commercial Driver Training School License, Application for
CDT 002	Commercial Driver Training School Instructor License, Application for
CDT 005	Certificate of Insurance
CDT 006	Surety Bond
CDT 12	Commercial Driver Training School Student Questionnaire
CDT B	Instructions for Completing the CDT-B
CRD 01	Request for Vehicle Information by a Prospective Purchaser
CRD 93	Information Request
CSDA 01	Contact Information for Vital Statistics
DI 3	Driver Improvement Clinic (DI) Student Questionnaire
DI 15	DI Clinic Certification & Agreement (& Instructions), App. for
DI 505	Driver Improvement Clinic Instructor Personal Data Sheet
DL 1M	Driver's License, ID Card and Voter Registration Application
DL 5	Identification Card Application for Minors Under Age 15
DL 15	Private Trucking Drivers Status Report
DL 18	Cancellation of Minor's Driving Privilege
DL 19	Commercial/Private Business Drivers Status Report
DL 29	Private School and Day Care Status Report
DL 30	Driver Status Report
DL 32	School Bus Drivers Status Report
DL 34	Public/Private School Driver Education Instructors
DL 55	Request for NDR File Check on Current or Prospective Employee
DL 56	Individual Request for NDR Check

Guidance Documents

DL 140	Vehicle Inspection Study Guide- Tractor Trailer
DL 141	Vehicle Inspection Study Guide - Straight Truck/School Bus
DL 142	Vehicle Inspection Study Guide - Coach/Transit Bus
DMV 2	Motorcycle Operator Manual
DMV 16	Parents in the Driver's Seat
DMV 25	Be an Online Dealer
DMV 30	Legal Presence Fact Sheet
DMV 30S	La Nueva Ley de La P Presencia resencia Legal de Virginia
DMV 32	Alternative Service Card
DMV 34	Alternative Motorcycle Skill Test
DMV 34A	Virginia's Motorcycle Skills Test
DMV 35	Your Driver's License Expires on Your Birthday
DMV 39	Driver's Manual
DMV 39-SP	Manual de Conductor de Virginia
DMV 51	Legal Presence Affects You
DMV 51-SP	La Presencia Legal lo afecta a usted
DMV 52	Organ Donor/Legal Presence Brochure
DMV 53	Turning 80? Come See Us
DMV 60	Commercial Driver's Manual
DMV 65	Credit Card Charge Request
DMV 72	VA Automobile Liability Insurance Reporting Requirements
DMV 105	DMV Guide for Family Members and Friends of the Recently Deceased
DMV 106	Online Transaction List
DMV 109	Size,Weight,Equipment and Other Requirements for Trucks...
DMV 110	Coloring Book, Snap Dragon
DMV 114	A Different Kind of Crash Course DI Program
DMV 115	Moving Violations and Point Assessment
DMV 137	What is the Personal Property Tax Relief Act?/Legal Presence
DMV 140	New to Virginia
DMV 141	Acceptable Documents for Obtaining a Driver's License or Photo ID Card
DMV 141-SP	Documentos Aceptables para Obtener una Licencia de Conductor...
DMV 142	Basic Steps to your Driver's License
DMV 142-SP	Pasos Basicos Para Obtener su Licencia de Conducir
DMV 143	Re-establishing Your VA Residency/Qualifying for a VA Address...
DMV 144	If You Hold a Photo ID Card.
DMV 166	Are You Covered?/Insurance Requirements
DMV 168	Virginia is Tough on Drunk and Drugged Drivers
DMV 168s	Virginia es MUY ESTRICTA con los conductores borrachos y drogados
DSD 2	Motor Vehicle Dealer Bond
DSD 4	Dealer Application for Temporary Registration/Transport Plates
DSD 5	Temporary Transport Certificate
DSD 5A	Temporary Transport Certificate
DSD 7	Certificate of Qualification/Salesperson's license, Application for
DSD 9	Dealer/Drive-away/Office Trailers Plates, Application for
DSD 10	Motor Vehicle Dealer License Application for Initial License or Renewal
DSD 10-A	Salvage Dealer, Demolisher, Rebuilder... Application
DSD 12	Reissue or Exchange of Dealer /Drive-away Plates, Application for
DSD 13	Temporary or Permanent Dealer License, Application for
DSD 14	Foreign Motor Vehicle Dealer Cert. of Reg. Application for Initial or Renewal
DSD 14-A	Manufactured Home Dealer Certificate of Registration Application
DSD 15	Watercraft Trailer Dealer Certificate of Registration Application
DSD 21	Record of All Wholesale Sales and Retail Sales Registered Out of State
DSD 27	Permission to Use Dealer's License Plates
DSD 27-A	Permission to Use Dealer Transport License Plates...
DSD 27-B	Permission to Use Drive Away License Plates
DSD 36	Dealer Request for DMV Forms
DSD 40	Motor Vehicle Dealer Board Application - Subsequent 30 Day Plates
DSD41	Temporary Certificate of Ownership / Authorization for Dealer to Issue Third Set of 30-day Temporary Plates
DSD 42	Motor Vehicle Dealer Board Application - Increase 30-Day Plate Purchase
DSD43	Motor Vehicle Dealer Application To Authorize Temporary Plate Purchaser

DSD 65	Certificate of Zoning Compliance
DSD 65-A	Certificate of Zoning Compliance
FMS 210	Vehicle Registration Refund, Application for
FMS 216	Fuels Tax Refund, Application for
FMS 310	ACH Authorization Package
FR 1	Insurance Coverage Report
FR 3	Insurance Verification Annual Report
FR 4	Financial Responsibility Insurance Filing via Internet
FR 200	Voluntary Report of an Accident
FR 521	Self-Insured Accident Involvement Quarterly Report
FSPA 2	Architect/Engineer Services Invoice
FSPA 3	Hold Harmless Agreement
FT 213	Virginia Fuels Tax Application
FT 214	Virginia Fuels Tax Notice of Tax Payment Default
FT 215	Diversion Registration Input Sheet
FT 218	Tax and Tank Fee Assessment
FT 219	Schedule of Diversion Corrections
FT 220	Interstate Fuel Diversion Fax Notification Application
FT 441	Fuel Alcohol Provider's Report
FT 442	Fuel Alcohol Provider's Schedule of Disbursements
FT 443	Fuel Alcohol Provider's Schedule of Receipts
FT 445	Alternative Fuel Report
FT 446	Alternative Fuel Schedule of Disbursements
FT 447	Alternative Fuel Schedule of Receipts
FT 448	Distributor's Report
FT 449	Distributor's Schedule of Disbursements
FT 450	Distributor's Schedule of Receipts
FT 451	Supplier's Report
FT 455	Supplier's Schedule of Disbursements
FT 456	Supplier's Schedule of Tax-Paid Receipts(1)
FT 457	Terminal Report
FT 458	Terminal Operator's Schedule of Disbursements(4A)
FT 459	Assignment of Securities in Lieu of Surety Bond
FT 460	Terminal Operator's Schedule of Receipts(2A)
FT 461	Motor Fuel Transporter's Report
FT 462	Fuels Tax Bond
FT 463	Motor Fuel Transporter's Schedule of Deliveries
FT 464	Alternative Fuel License Certificate Application
FT 465	Aviation Consumer's Report
FT 466	Aviation Consumer's Schedule of Disbursements
FT 467	Aviation Consumer's Schedule of Receipts
FT 468	Importer's Report
FT 469	Importer's Schedule of Disbursements
FT 470	Importer's Schedule of Receipts
FT 471	Blender's Report Form
FT 472	Blender's Schedule of Receipts(2B)
FT 473	Electronic Funds Transfer Program Application
FT 474	Electronic Funds Transfer Summary
FT 477	Motor Fuels Tax and Alternative Fuels Tax Irrevocable Letter of Credit
FT 486	Schedule of Defaulted Tax Payments Receipts
FT 510	Fuels Tax Electronic/Internet Filing Application
HP 400	Hauling Permits Single Trip Application
HP 401	Hauling Permits Blanket Permit Application
HP 402	Superload Permit Application
HS 1	Home Schooled In-car Driver Education Parental Authority
HS 3	Home Schooled In-car Driver Education Information Sheet
IRP 1	Virginia Apportioned Registration Application
IRP 5	International Registration Plan Guide
IS 22A	Request for Repaired or Rebuilt Salvage Vehicle Examination
ISD 01	Address Change Request Form
LSD 03	Certificate of Recovered Stolen Vehicle

Guidance Documents

MC 122	Motor Fuel Road Tax Quarterly Report
MCTS 247	Motor Carrier Guidelines
MCTS 270	Individual Vehicle Mileage and Fuel Report
MCTS 271	Virginia IRP and/or Fuel Trip Permit, Application for
MED 2	Customer Medical Report
MED 3	Medical Review Request
MED 4	Vision Screening Report
MED 5	Minimum Vision Requirements
MED 10	Disabled Parking Plates or Placard Application
MED 11	Institutional/Organizational Permanent Placard Application
MED 12	Disability Parking Application Information
MED 20	Sun-Shading Medical Waiver Application
MED 21	Sun-Shading Removal Certification
MED 30	CDL Disability Waiver or Hazardous Materials Variance Application
MED 31	Conditions of Variance for CDL Drivers to Haul Hazardous Materials
MED 40	Vision Examination Form for Wearers of Biotopic Telescopic Lens
MED 41	Certification for Use of Biotopic Telescopic Lens
MED 44	Driver Licensing Information for Biotopic Telescopic Lens Wearers
MVB 21	Criminal History Check Data Form
OA 141	For-Hire Intrastate Operating Authority Certificate or License Application
OA 142	For-Hire Intrastate Operating Authority Permit and/or Decal Application
OA 143	Intrastate Operation of Rental Vehicle Authorization Application
OA 144M	For Hire Intrastate Op. Authority Cert., License or Permit Renewal Application
OA 145M	For Hire Intrastate Operating Authority Decal Renewal Application
OA 411	Household Goods Mover Complaint Form
OA 435	Passenger Carrier and Passenger Broker Bond
OA 436	Households Goods Carrier Bond
OA 437	Broker for the Transportation of Property Bond
OA 447	For-Hire Operating Authority Certificate or License
OA 448	Sample Tariff for Common Carriers Over Irregular Routes
OA 449	Sample Tariff and Time Schedule for Common Carriers...Regular Routes
OA 450	Sample Tariff for Household Goods Carriers
OA 451	Sample Tariff and Time Schedule for Sight-Seeing Carriers
OA 456	For-Hire Operating Authority Certificate or License
PPTR 9	Personal Property Tax Relief Guidelines
PPTR 10	Personal Property Tax Relief Technical Reference Guide
PPTR 11	Personal Property Tax Relief - Paper Submission Instructions
RDT 120	IFTA Licensing Application
RDT 121	IFTA Quarterly Tax Report
RDT 123	IFTA License Renewal or Additional Decal Application
RDT 131	IFTA Guidebook
RDT 382	IFTA Fee Schedule
RT 420	Motor Vehicle Rental Tax Return
RT 421	Rentor's Tax Bond
RT 422	Assignment of Security in Lieu of Surety Bond
RT 423	Motor Vehicle Rental Tax Application
RT 424	Motor Vehicle Rental Tax Schedule Of Additional Tax
RT 428	Irrevocable Letter of Credit
SSRS 40	Single State Registration Application
SSRS 41	RS2 - SSR Fee Schedule - Virginia
SSRS 360	RS2 - SSR Fee Schedule - Delaware
SSRS 361	RS2 - SSR Fee Schedule - Florida
SSRS 362	RS2 - SSR Fee Schedule - Maryland
SSRS 363	RS2 - SSR Fee Schedule - New Jersey
SSRS 364	RS2 - SSR Fee Schedule - Pennsylvania
SUT 1	(A)Supplemental Information for Procurement of Title (B) Seller's Statement
SUT 1A	Affidavit for Procurement of Title
SUT 2	Refund of Erroneous Payment of Sales and Use Tax, Appl.
SUT 3	Purchaser's Statement of Tax Exemption
SUT 4	Transfer of Certification of Lien Information
SUT 5	Cert. of exemption from Sales and Use Tax for Special Equip.

TSS 1	Virginia Traffic Crash Facts
TSS 2	Alcohol-Related Motor Vehicle Statistics ('78-'01)
TSS 3	Motor Vehicle Statistics in Va. ('66-'01)
TSS 10	Highway Safety Project Grant, Application for
TSS 10A	Guidelines For The Submission Of Highway Safety Grant Appl.
TSS 12	Safety Project Agreement
TSS 13	Highway Safety Mini-grant, Application for
TSS 14	Project Monitoring/Evaluation Report
TSS 15	Reimbursement Voucher for Highway Safety Project Costs
TSS 15A	Salary Reimbursement(s) Reporting
TSS 17	Child Safety Seat Mini-Grant, Application for
TSS 18	Occupant Protection Checkpoint Mini-Grant, Application for
TSS 19	Checkpoint Strikeforce Mini-Grant, Application for
US 002	Extranet LogonID Request Form
US 531A	Information Use Application
US 531C	DMV Information Use Criteria
US 531E	Extranet Transaction Access, Application for
VSA 3	Certification of Stolen Vehicle
VSA 5	Odometer Disclosure Sheet
VSA 6	Color Chart
VSA 9	Disabled Personalized Plates, Application for
VSA 10	Application for Personalized License Plates
VSA 12	Affidavit in Lieu of Title Certificate
VSA 14	Registration, Application for
VSA 15	Special Registration, Application for
VSA 16	Registration Information Sheet
VSA 17A	Certificate of Title and Registration, Application for
VSA 22	Assigned Vehicle Identification Number, Application for
VSA 24	Statement of Authority to Assign Title
VSA 40	Abandoned Motor Vehicles
VSA 41	Mechanics' or Storage Lien Title Application
VSA 44	Vehicle Disposition History
VSA 54	Veteran Certification of Disability
VSA 56	Salvage Certificate, Application for
VSA 57	Non-Repairable Certificate, Application for
VSA 61	Special Revenue Sharing Series Application
VSA 62	Report of Levied and Seized Vehicle
VSA 64	Required Evidence of Ownership
VSA 66	Supplemental Lien, Transfer of Lien, Replacement Title or Substitute Title, Application for
VSA 70	Power of Attorney
VSA 71	Change of Record, Application for
VSA 86	How to Title and License a Motor Vehicle
VSA 94	License Plates or Decals for Deaf Person, Application for
VSA 124	Fire Department/Rescue Squad License Plate Application
VSA 145	Overload Permit Application

Moving ?

New to Virginia?

Leaving Virginia?

Moving Within Virginia

Temporarily Outside of Virginia?

Copies of Motor Carrier Services bulletins relating to motor carrier issues and requirements totaling under ten pages may be obtained for no charge. Copies of these documents totaling ten pages or more may be obtained at a cost of 50 cents a page. Requests for copies of these documents may be made by contacting Department of Motor Vehicles, Motor Carrier Services, 2300 West Broad Street, Richmond, VA 23220-0001, telephone (804) 367-0040, FAX (804) 367-1746 or e-mail mcsonline@dmv.state.va.us.

The DMV Web Site Contents documents may be viewed and downloaded at no charge by visiting www.dmv.state.va.us. These Site Contents documents provide general information to the public about DMV, its administrative processes and procedures and the services it offers. For more information about the DMV Web Site, please contact Jamie Habecker, Department of Motor Vehicles, Web Services, Room 411, 2300 West Broad Street, Richmond, VA 23220, telephone (804) 367-1175, FAX (804) 367-6631 or e-mail jamie.habecker@dmv.virginia.gov.

Guidance Documents

BOARD OF NURSING

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at nursebd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Jay Douglas, R.N., Executive Director of the Board, at the address above or by telephone at (804) 662-9909. Copies are free of charge.

Guidance Documents:

90-1, Policy statement on Registered Nurses or Licensed Practical Nurses as first assistants in surgery, adopted 1976 and 1994, revised by Board motion, November 18, 2003

90-2, Guidelines for agency to use regarding transmittal of third-party orders, accepted by the Boards of Nursing and Medicine, December 1982

90-3, Board motion to accept the National Certification Examination for Therapeutic Massage (NCETM) for certification as a massage therapist in Virginia, July 20, 2004

90-4, Opinion on how licensure as a nurse relates to service on a volunteer rescue squad, revised by Board motion, November 18, 2003

90-5, Board opinion of the administration of neuromuscular blocking agents by nurses, adopted November 1990, revised by Board motion, November 18, 2003

90-6, Guidance statement by board regarding peripherally inserted central catheters, adopted January 27, 1993

90-8, Board opinion on delegation of collection of specimens for gonorrhea and chlamydia, adopted January 1993, revised November 18, 2003

90-10, Board guidelines for processing applications for licensure by examination, endorsement and reinstatement, accepted 1985, revised by Board motion 1993 and September 24, 2003

90-13, Authority granted to Special Conference Committees to approve or deny applicants, adopted on March 26, 1995

90-14, Disposal of narcotics in the home following death of a patient, internal memo of November 25, 1996

90-15, Insertion of Prostaglandin E2 Gel by Registered Nurses, revised by Board motion, November 18, 2003

90-16, Evaluation form for adult immunization protocols, developed by staff, August 1996

90-17, Opinion of cutting of corns and warts with a scalpel by Licensed RN/LPN, adopted December 16, 1996, revised November 18, 2003

90-18, Opinion regarding prescriptive authority in Virginia, prepared by Elizabeth Russell, revised April 1997 and September 2000.

90-19, Board interpretative statement on bolusing epidural anesthesia by Registered Nurses, adopted September 23, 1997, amended September 22, 1998, revised by Board motion, November 18, 2003

90-21, Preparation of medications, letter from Executive Director, Corinne Dorsey, October 2, 1990

90-22, Execution of a Do Not Resuscitate Order, letter from Executive Director, Nancy Durrett, February 19, 1998

90-23, Decision-making Model for Determining RN/LPN Scope of Practice, adopted by the Board September 24, 1996

90-25, Transcribing a physician order to a prescription, letter from Executive Director, Nancy Durrett, May 27, 1998

90-26, Board opinion on reinstatement applications for individuals with revoked certificates based on a finding of abuse, neglect or misappropriation of resident property, adopted July 23, 1996, revised by Board motion, November 18, 2003

90-27, Board opinion on reinstatement requests by individuals with lapsed certificates who have findings of abuse, neglect or misappropriation of resident property, adopted May 20, 1998, revised by Board motion, November 18, 2003

90-29, Definition of the term "administer" for patient in private residence and for students on a school field trip, adopted by the Board of Pharmacy on June 11, 1998, with concurrence of the Board of Nursing on July 21, 1998

90-30, Ability of registered nurses to take orders from physician assistants, letter from Executive Director, Nancy K. Durrett, September 3, 1998

90-31, Drug orders conveyed by pharmacists, letter from Executive Director, Nancy K. Durrett, September 8, 1998

90-32, Board opinion on adverse findings of neglect by certified nurse aides, adopted September 23, 1998, revised by Board motion, November 18, 2003

90-33, Board motion on applicants who are enrolled in the Health Practitioner Intervention Program, adopted July 20, 1999

90-34, Board motion on review and challenge of NCLEX, adopted July 20, 1999

90-35, Board motion authorizing staff to offer pre-hearing consent orders to certified nurse aides for patient abandonment, adopted September 28, 1999

90-36, Guidelines for the training of employees of school boards in the administration of insulin and glucagon, adopted August 1999

90-37, Board motion on requesting strategies for improvement for nursing education programs having less than 80% passing rate on the licensure examination for at least two years, adopted March 24, 1998.

90-38, Board motion on disposition of cases against nurses practicing with expired licenses, adopted May 11, 1999, revised by Board motion, November 18, 2003

90-39, Board motion authorizing staff to offer pre-hearing Consent Orders in cases of noncompliance or dismissal in Health Practitioners' Intervention Program cases, adopted September 26, 2000

90-40, Board opinion that the surveillance activities required by the OSHA Respiratory Standards are within the scope of practice of the registered nurse, adopted November 15, 2000

90-41, Board motion adopting article on patient abandonment by Dr. Shelley Conroy in the Spring 2001 Nursing Notes, adopted March 20, 2001

90-42, Board opinion on the delegation of circulating duties in the operating room to unlicensed persons, adopted July 17, 2001

90-43, Board opinion on attachment of scalp leads for internal fetal monitoring adopted October 22, 1983, revised by Board motion on November 18, 2003

90-44, Board opinion on reinstatement authority to a Special Conference Committee, adopted November 1, 1992

90-46. Board opinion on administration of over-the counter drugs by certified nurse aides, adopted March 19, 2002

90-47, Board motion authorizing staff to offer pre-hearing consent orders for reprimand in cases involving a one-time failure to provide an acceptable standard of care adopted May 21, 2002

90-48, Board motion authorizing staff to offer pre-hearing consent orders in additional scenarios, adopted September 24, 2002

90-49, Board motion authorizing staff to modify probation orders, adopted September 24, 2002

90-50, Board motion authorizing staff to issue order following successful completion of the Health Practitioners Intervention Program, adopted September 24, 2002

90-51, Board motion on types of cases that may be considered for possible confidential consent agreements, adopted May 14, 2003

90-52, Board opinion on delegation of the removal of venous and arterial sheaths by registered nurses to unlicensed personnel, adopted May 1, 2002

90-53, Board opinion on treatment by women's health nurse practitioners of male clients for sexually transmitted diseases, adopted by the Board of Nursing on May 18, 2004 and by the Board of Medicine on June 24, 2004

90-54, Board motion on process for delegation of informal fact-finding to an agency subordinate, adopted September 21, 2004

BOARD OF NURSING HOME ADMINISTRATORS

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at

www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at dennha@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Sandra K. Reen, Executive Director of the Board, at the address above or by telephone at (804) 662-7457. Copies are free of charge.

Guidance Documents:

95-1, Memorandum of Understanding with the Virginia Department of Health, Division of Licensure and Certification, adopted by board on April 28, 1989

95-2, Board Procedures for Auditing Continuing Education, July 10, 2002

95-3, Board guidelines on disciplinary case intake requirements, adopted February 27, 1996

95-4, Board policy on confidential consent agreements, July 23, 2003

95-5, Document of Department of Health; Common understanding of definitions and terms used to identify resident mistreatment, April 17, 2000

95-6, Board policy on process for delegation of informal fact-finding to an agency subordinate, October 13, 2004

OLD DOMINION UNIVERSITY

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the office of the Assistant to the Vice President for Administration and Finance, Koch Hall, Room 225A, 49th Street and Hampton Boulevard, Norfolk, VA 23529. Copies may be obtained, free of charge, by contacting Donna Meeks at the same address, telephone (757) 683-3072, FAX (757) 683-5679 or e-mail dmeeks@odu.edu. The documents may be downloaded from the Old Dominion University website (<http://web.odu.edu>).

Questions regarding interpretation or implementation of these guidance documents may be directed to Ms. Donna Meeks, Assistant to the Vice President for Administration and Finance, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3073, FAX (757) 683-5679 or e-mail dmeeks@odu.edu.

Guidance Documents:

Faculty Handbook

Student Handbook

Board of Visitors Policies and Procedures

Parking Regulations

BOARD OF OPTOMETRY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at

Guidance Documents

www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at optbd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Carter, Ph.D., Executive Director of the Board, at the address above or by telephone at (804) 662-9910. Copies are free of charge.

Guidance Documents:

105-1, Consent Order for Richard D. Ayuso, O.D.; September 26, 1990, Practice in mercantile establishment; advertising

105-2, Order by the Board for Eustace F. Bourne, O.D.; January 5, 1990, Practice in mercantile establishment; advertising

105-3, Consent Order for Paul T. Edwards, O.D.; December 19, 1994, Practice in mercantile establishment

105-4, Consent Order for Louis A. Espejo, O.D.; October 24, 1995, Practice in mercantile establishment

105-5, Consent Order for Nava Ezra, O.D.; August 21, 1996, Practice in mercantile establishment; indirect control and supervision over practice by sublessor

105-6, Consent Order for Solomon Holsveig, O.D.; May 15, 1997, Practice in mercantile establishment

105-7, Consent Order for Barry M. Lebowitz, O.D.; May 9, 1995, Practice in mercantile establishment; indirect control and supervision over practice by non-optometrist

105-8, Consent Order for Marcia K. Leverett, O.D.; May 9, 1995, Practice in mercantile establishment; indirect control and supervision over practice by non-optometrist; advertising

105-9, Consent Order for Blake A. Mitvick, O.D.; January 26, 1996, Practice in mercantile establishment

105-10, Consent Order for Gilbert J. Nelson, O.D.; February 17, 1995, Practice in mercantile establishment

105-11, Consent Order for Jane Atkinson Trump, O.D.; October 18, 1995, Practice in mercantile establishment

105-12, Consent Order for David A. Tufts, O.D.; February 2, 1997, Practice in mercantile establishment

105-13, Consent Order for Michael E. Zalar, O.D.; November 4, 1995, Practice in mercantile establishment

105-14, Matrix of disciplinary sanctions, January 1993 to November 29, 1999

105-15, Newsletter, January 1995, Prescription release and expiration dates; recordkeeping.

105-16, Newsletter, July 1996, Recordkeeping

105-17, Board minutes, February 7, 1997, Advertising guidelines

105-19, Consent Order for Jack David Cadenhead, O.D.; July 12, 1996, Mercantile practice

105-20, Consent Order for Lynne A. Chintala, O.D.; November 13, 1997, Mercantile practice

105-21, Consent Order for Robert Fornilli, O.D.; March 12, 1998, Mercantile practice

105-22, Consent Order for Christopher A. McGlone, O.D.; October 1, 1998, Mercantile practice

105-23, Consent Order for Mary Vaughan-Camp, O.D.; March 12, 1998, Mercantile practice

105-24, Consent Order for Thomas Hwa-Hong, O.D.; July 26, 1999, Mercantile practice

105-25, Current Procedural Terminology (CPT) Codes for Optometry, January 25, 2002

105-26, Board motion on Delegation of informal fact-finding to an agency subordinate, October 12, 2004

BOARD OF PHARMACY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by e-mail at pharmbd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Scott Russell, Executive Director of the Board, at the address above or by telephone at (804) 662-9911. Copies are free of charge.

Guidance Documents:

110-1, List of categories of facility licenses and a brief description of each, April 2001

110-2, Application information for the pharmacist examination, December 2002

110-3, Guidance on alternative delivery of prescriptions, pharmacy to physician type of delivery, December 12, 2002

110-5, Instructions and forms for reporting of thefts or losses of drugs, July 2001

110-6, Instructions and forms for destruction of drugs by pharmacies, May 24, 2002

110-7, Guidelines of the Virginia Board of Medicine on physician/patient relationship and the prescribing of drugs for family or self, revised June 1996

110-8, Information on prescriptive authority in Virginia, revised August 2004

110-9, Board guidance on use of confidential consent agreements, November 25, 2003

110-13, Consent Order for the Board of Pharmacy v. CVS/pharmacy, case decision holding the corporate owner responsible for violations of pharmacy laws and regulations, October 9, 1997

110-14, Consent Order for the Board of Pharmacy v. Eckerd Corporation, case decision holding the corporate owner

responsible for violations of pharmacy laws and regulations, August 19, 1997

110-16, Guidance for pharmacies on returning drugs to stock from "will-call," February 20, 2002

110-17, Instructions for graduates of foreign schools of pharmacy, revised November 10, 2004

110-18, Interpretation of "administer" to include preparation for administration, June 11, 1998

110-19, Guidance for sanctions for violations of continuing education requirements, November 25, 2003

110-20, Guidance for pharmacies providing prescriptions blanks to prescribers, December 8, 1998

110-22, Guidance for waivers for free clinics related to restricted access, February 2, 2001

110-23, Repackaging medications into unit dose or compliance packaging for long term care facilities when one pharmacy dispenses and a second pharmacy repackages, June 15, 1999

110-24, Guidance for setting NAPLEX passing score, October 5, 1999

110-25, Guidance for life of a prescription after a prescriber no longer in practice, October 5, 1999

110-26, Inspection Violations - suggested sanctions, November 25, 2003

110-27, Pharmacist-In-Charge responsibilities, June 2000

110-28, Guidance for free clinic pharmacy permit applicants, July 2000

110-29, Guidance Document for physician dispensing, October 2004

110-30, Methods prescribed or approved for animal euthanasia and competency certification requirements, Directive from the State Veterinarian, December 1, 2000

110-31, Approved capture drugs and drug administering equipment, Directive from the State Veterinarian, December 1, 2000

110-32, Regulatory Information for New Pharmacies, November 2004

110-33, Use of Pharmacy Interns as Pharmacy Technicians - Interpretation of § 54.1-3321 (C), Board motion, January 14, 2004

110-34, Records for Compounding IV Admixtures - Interpretation of § 54.1-3410.2 (I), Board motion, January 14, 2004

110-35, Requirements for Prescription Blanks, Board motion, September 20, 2004

110-36, Compliance with USP Chapter 797 on Sterile Compounding, Board motion, June 8, 2004

BOARD OF PHYSICAL THERAPY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at ptboard@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Young, Executive Director of the Board, at the address above or by telephone at (804) 662-9911. Copies are free of charge.

Guidance Documents:

112-1, By-Laws of the Board of Physical Therapy, adopted September 22, 2000

112-2, Board guidance on the use of confidential consent agreements, October 24, 2003

112-3, Board guidance for conduct of an informal conference by an agency subordinate, October 29, 2004

112-7, Board guidance on physical therapists and Individualized Educational Plans in public schools, November 15, 2002

112-8, Board guidance on review of applicants from non-approved schools, March 7, 2003

112-10, Board interpretation on credits for continuing competency requirements, May 2, 2004

112-11, Board guidance on functional capacity evaluations and use of aides in a home care, August 20, 2004

DEPARTMENT OF PLANNING AND BUDGET

Contact for questions or to obtain a copy: Billy Barbee, 200 North Ninth Street, Room 418, Richmond, VA 23219, telephone (804) 786-0216 or e-mail billy.barbee@dpb.virginia.gov. Copies may be obtained at no charge at <http://dpb.virginia.gov/Forms/05instrux/nonstate/nsa-1.doc> or at the above address.

Guidance Document:

Nonstate Agency Budget Request Instructions and Form, updated September 9, 2004. Nonstate agencies are defined in §§ 2.2-1505 and 2.2-4343 A 14 of the Code of Virginia and § 4-5.05 of the 2004 Appropriation Act.

VIRGINIA PORT AUTHORITY

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of Rodney W. Oliver, Director of Finance, or David C. James, Director of Contracts and Real Estate, Virginia Port Authority, 600 World Trade Center, Norfolk, VA 23510. Copies may be obtained for a fee (varies depending on document) by

Guidance Documents

contacting Rodney W. Oliver, at the same address, telephone (757) 683-2170 or FAX (757) 683-8211.

Questions regarding interpretation or implementation of these documents may be directed to Rodney W. Oliver at the same address and phone number.

Guidance Documents:

Virginia Port Authority Purchasing Policies and Procedures Manual, revised November 23, 2004, § 62.132.1, 62.132.6 and 2.2-4343. Cost: \$15

Virginia Port Authority Capital Outlay Manual, May 1997, §§ 62.1-132.1, 62.1-132.6, 2.2-1132, and 2.2-4343. Cost: \$30.00

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the Policy, Planning and Public Records Section of the Department of Professional and Occupational Regulation, 5th Floor, 3600 West Broad Street, Richmond, VA 23230. Copies may be obtained by contacting Dawn Waters at the same address, telephone (804) 367-8583, FAX (804) 367-2475 or e-mail recordsmgt@dpor.virginia.gov or documents are available electronically at no charge on the Town Hall. Questions regarding interpretation or implementation of these documents may be directed to Dawn Waters, Policy, Planning and Public Records Director, Department of Professional and Occupational Regulation, 5th Floor, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8583, FAX (804) 367-2475, or e-mail waters@dpor.virginia.gov.

Guidance documents pertaining to the agency - Department of Professional and Occupational Regulation

1144, Establishing and Revising Policies and Related Procedures, 03/06/2003

1145, Compliance with Americans with Disabilities Act, 07/17/2002

2388, Release of Information, 11/03/2004

1147, License Suspensions, 03/06/2003

1148, Subpoenas/Service of Process/Notices, 11/12/2002

1150, Gifts and Honoraria, 07/23/2002

1152, Internet Web Site, 11/01/2002

1154, Establishing Department Procedures and Forms, 03/06/2003

1331, Public Service Hours, 05/21/2003

2530, Equal Employment Opportunity, 08/18/2004

1157, Regulant Name & Address Change, 08/16/2004

1158, Examination Fees, 04/08/2003

1159, Examination Site Conduct, 02/10/2003

1000, Filing of Complaints Against Regulants, 02/10/2003

2531, Alternative Dispute Resolution, 12/18/2003

1061, APELSCIDLA Board Sanction Guidelines Before 7/1/99, 03/06/2003

Guidance documents pertaining to specific boards or regulations under Department of Professional and Occupational Regulation

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers, and Landscape Architects

1061, APELSCIDLA Board Sanction Guidelines Before 7/1/99, 03/06/2003

1062, APELSCIDLA Board Sanction Guidelines After 7/1/99, 03/06/2003

Real Estate Appraiser Board

2022, Real Estate Appraisers Experience Hours, 11/18/2003

Real Estate Board

2021, Real Estate Advisory Council's Report Regarding Post-Licensure Education, 10/23/2003

Fair Housing Board

1836, Fair Housing New Board Member Training Manual, 07/01/2003

BOARD OF PSYCHOLOGY

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at psy@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Evelyn Brown, Executive Director of the Board, at the address above or by telephone at (804) 662-9913. Copies are free of charge.

Guidance Documents:

125-2, Assistant Attorney General Opinions

125-2.1, Interpretation of statutes pertaining to release of health care records, April 7, 1997

125-3, Minutes of the Board

125-3.1, Residency requirements applied to both exempt and non-exempt work settings, May 21, 1992

125-3.2, Clarification that a residency cannot begin until approved by the board, November 19, 1992

125-3.3, Clarification that applicants are required to file registrations of residency and applications for licensure concurrently, and receive approval before starting the residency. Clarification that applications are not considered complete until all requirements have been met, January 12, 1993

125-3.4, Determination that the Chair of the Examination Committee would have the authority to make decisions on special accommodation requests, January 18, 1994

125-3.5, Authorization for the Executive Director to conduct a preliminary review of discipline cases and make a recommendation to the Chair of the Discipline Committee or his designee for appropriate disposition, March 23, 1999

125-3.6, Policy that all forms within the applicant's control be received prior to the examination deadline in order for applicants to be deemed eligible for the examination, June 8, 1999

125-3.7, Table outlining reporting requirements for health care practitioners, April 2000

125-3.8, Flowchart and narrative explanation for guidance on conduct of an informal conference by an agency subordinate, October 12, 2004

125-3.9, Policy on the use of confidential consent agreements in lieu of disciplinary action by the Board, January 13, 2003

125-4, Newsletters of the Board

125-4.1, Guidance from the Assistant Attorney General on how to provide services while under supervision for sex offender treatment provider certification, Summer 1998

125-4.2, Guidance regarding mandatory reporting of impaired practitioners who may present a danger to the public. Summary of Virginia statutes regarding maintenance and release of client records, Fall 2000

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. at the office of the Department of Rail and Public Transportation, 1313 East Main Street, Suite 300, P.O. Box 590, Richmond, VA 23218-0590. Single copies may be obtained free of charge by contacting Babette Golding at the same address, telephone (804) 786-4440, FAX (804) 225-3664 or e-mail receptionist@drpt.virginia.gov. Copies of all guidance documents are available to view or download at the DRPT website www.drpt.virginia.gov.

Questions regarding the interpretation or implementation of these documents may be directed to Charles M. Badger, Director of Public Transportation, at the same address, telephone (804) 786-8135, FAX (804) 225-3664 or e-mail charles.badger@drpt.virginia.gov or George R. Conner, Director of Rail, at the same address, telephone (804) 786-1052, FAX (804) 225-3664 or e-mail george.conner@drpt.virginia.gov.

Guidance Documents:

Public Transportation (Transit, Paratransit, and Vanpools):

State Aid for Public Transportation: Grant Application Package, November 2004, § 33.1-391.5

Federal Transit Administration Section 5303 (Metropolitan Planning) Program: Grant Application Package, revised November 2004, § 33.1-391.5

Federal Transit Administration Section 5310 (Elderly and Persons with Disabilities) Program: Information and Application Package, revised November 2004, § 33.1-391.5

Vanpooling Made Easy: An Informational Sourcebook, First Edition, revised June 2002, § 33.1-391.5

Rail:

Official State Railroad Map, revised April 2003, § 33.1-391.5

Rail Industrial Access Program: Application Procedures and Forms, revised September 2003, § 33.1-391.5

Rail Preservation Program: Application Procedures and Forms, revised April 2003, § 33.1-391.5

The Virginia State Rail Plan: A Multimodal Strategy to Meet the Commonwealth's Passenger and Freight Transportation Needs Through 2025, First Edition, revised July 2004, § 33.1-391.5

DEPARTMENT OF SOCIAL SERVICES

To obtain copies or to arrange viewing of the following documents, contact the Freedom of Information Act (FOIA) Coordinator at the offices of the Department of Social Services, Office of Communications, 7 N. 8th Street, Richmond, VA 23219-1849, telephone.

If there are costs for any of the listed documents, they are indicated below. Where documents are available free of charge, it is for a single copy of the document. There may be charges for multiple copies.

Copies of the following documents may be viewed during regular business hours, 8:30 a.m. until 5 p.m. on normal work days, at the above address. Some of the listed documents are available for viewing in Department of Social Services' regional and district offices located throughout the Commonwealth. Other documents may be viewed in local departments of social services serving that locality; there is a local agency serving every city and county in the state.

Questions concerning interpretation or implementation of these documents may be directed to Richard Martin, Regulatory Coordinator, Department of Social Services, 7 N 8th Street, Richmond, VA 23219-1849, telephone (804) 726.7902 or email richard.martin@dss.virginia.gov.

You may obtain the most up-to-date information on many of the Department of Social Services' guidance documents on the department's Internet home page (<http://www.dss.virginia.gov>).

The Department of Social Services provides administrative support to the Office of Interdepartmental Regulation of Children's Residential Facilities and to the Family and Children's Trust Fund. You may contact the above individual concerning these agencies' guidance documents.

Guidance Documents

Guidance Documents:

Appeals and Fair Hearings

Administrative Disqualification Hearings, Virginia Department of Social Services, October 1, 2002, free

Benefits & Services Appeals, Virginia Department of Social Services, October 1, 2002, free

Virginia Department of Social Services Appeals and Fair Hearings Unit Child Protective Services Section; October 1, 2002, free

Child Support Enforcement Appeals, Virginia Department of Social Services; October 1, 2002, free

Electronic Benefits Transfer (EBT) Appeals; July 14, 2003

Electronic Benefits Transfer (EBT)

Virginia Electronic Benefits Transfer (EBT) Policies and Procedures Guide, June 2002, free

Internal Audit

Fraud Reduction and Elimination Effort (FREE) Policy Manual, Revised September 2001, § 63.2-526, 22 VAC 40-325-10 et seq.,

Fraud Program Clearinghouse Documents

Benefit Programs

Volume IX, Energy Assistance Policy Manual, revised October 2004, 22 VAC 680-10 et seq., \$22.90 (can also be accessed via the Internet at www.dss.virginia.gov/pub/pdf/ea_manual.pdf).

Energy Assistance Program Quick Reference Guide, revised November 1, 2004, 22 VAC 680-10 et seq., \$3.10.

Volume V, Food Stamp Certification Policy Manual, October 2004, § 63.2-801, \$81 (can also be accessed via the Internet @ www.dss.virginia.gov/benefit/fs_manual.html)

Food Stamp Program Quick Reference Guide, October 2004, § 63.2-801, \$3.60

Volume XIII, Medicaid Policy Manual, December 2004, § 32.1-323 et seq., \$78.75 (can also be accessed via the Internet at www.dss.virginia.gov/benefit/medicaid_manual.html)

Volume II - GR Policy - Part IV, October 1, 1995

Volume II - State/Local Hospitalization Policy, February 1, 2004

Temporary Assistance For Needy Families (TANF) Policy Manual (VIEW included), October 2004, § 63.2-600, \$54.60 (can also be accessed via the Internet at www.dss.virginia.gov/benefit/tanf_manual.html).

Child Care and Development

Child Care Maximum Reimbursement Rates, free

Child Support Enforcement

Division of Child Support Enforcement Program Manual, September 1, 2004, 22 VAC 40-880-10 et seq., initial CD-ROM at \$35 annually which includes updates each 60 days.

Communications

Statewide Human Services Information & Referral Manual, June 2002, § 63.2-222, free

Office of Community Services

Neighborhood Assistance Program Donor Fact Sheet, revised July 2000 § 63.2-2000 et seq., free

Neighborhood Assistance Program Project Fact Sheet, revised July 2000, § 63.2-2000 et seq., free

Neighborhood Assistance Program Contribution Notification Forms, A, B, C, D, and E, revised July 2000, § 63.2-2000 et seq., free

Finance and Administration

Final Allocations for Local Departments of Social Services - Fiscal Year Ending June 30, 2005, free

Finance and Administration Guidelines Manual for LDSS - revised March 25, 2002, free

LASER Expenditure Guidelines Manual, free

Virginia Department of Social Services Information Security Policy, revised November 18, 2003 § 63.2

Virginia Department of Social Services Internet Policy, July 1, 2004, free and available at <http://www.localagency.dss.state.va.us>.

Human Resource Management

Administrative Manual for Local Departments of Social Services, revised September 2001, § 63.2-219, free

State Compensation Plan for Local Department of Social Services, December 2000, § 63.2-330, free

Agency Salary Administration Plan, March 28, 2001, free

Standard Operating Procedure 1.1, Alcohol & Other Drugs; October 2001, free

Standard Operating Procedure 1.2, Awards of Length of State Service, October 2001, free

Standard Operating Procedure 1.3, Emergency Office Closings, October 2001, free

Standard Operating Procedure 1.4, Hours of Work, September 2003, free

Standard Operating Procedure 1.5, Layoff, October 2001, free

Standard Operating Procedure 1.6, Performance Planning & Evaluation, October 2001, free

Standard Operating Procedure 1.7, Probationary Period, October 2001, free

Standard Operating Procedure 1.8, Standards of Conduct, October 2001, free

Standard Operating Procedure 1.9, Temporary Work Force Reduction, October 2001, free

Standard Operating Procedure 1.10, Termination/Separation from Service, October 2001, free

- Standard Operating Procedure 1.11, Employment Eligibility Verification, October 2001, free
- Standard Operating Procedure 1.12, Criminal History Checks, October 2001, free
- Standard Operating Procedure 1.13, Identification Badges, October 2001, free
- Standard Operating Procedure 1.14, Parking, October 2001, free
- Standard Operating Procedure 1.15, Telecommuting, September 2003, free
- Standard Operating Procedure 1.16, Wage Employees, October 2001, free
- Standard Operating Procedure 2.1, Equal Employment Opportunity, October 2001, free
- Standard Operating Procedure 2.2, Recruitment, Screening & Selection, October 2001, free
- Standard Operating Procedure 2.3, Temporary Help, October 2001, free
- Standard Operating Procedure 2.4, Harassment, October 2001, free
- Standard Operating Procedure 3.1, Compensation Guidelines, October 2001, free
- Standard Operating Procedure 3.2, Compensatory Leave, September 2003
- Standard Operating Procedure 4.1, Training and Development, October 2001, free
- Standard Operating Procedure 4.2, Tuition Reimbursement, October 2001, free
- Recruitment and Selection Handbook for Supervisors, May 2002, free
- Licensing Programs
- Adverse Enforcement: Goals, Principles, guidelines, and Office Procedures, October 28, 1999, \$4.00
- Adverse Enforcement: Goals, Principles, guidelines, and Office Procedures, October 28, 1999, \$4.00
- Criteria for Training, February 2003, free
- Curriculum Outline for Assisted Living Facility Administrators, February 1997, 22 VAC 40-71-10 et seq., free
- Curriculum Outline for Assisted Living Facility Direct Care Staff Training, November 2002, 22 VAC 40-71-10 et seq., free
- Curriculum Form for First Aid and Cardiopulmonary Resuscitation (CPR) for Licensed Child Day Centers, December 2001, 22 VAC 15-30-10 et seq., free
- First Aid Curriculum Form for Minimum Standards for Licensed Family Day Homes, August 2000, 22 VAC 40-110-10 et seq., free
- First Aid and CPR Curriculum Form for Standards and Regulations for Licensed Assisted Living Facilities, January 2002, 22 VAC 40-71-10 et seq., free
- Requirements for Proof of Child Identity and Age for Licensed Child Day Centers & Certified Preschools, July 1999, § 63.2-1809, free
- Performance-based Licensing and Monitoring, July 10, 1999, free
- Requirements for Proof of Child Identify and Age for Licensed Family Day Homes, February 1999, § 63.2-1809, free
- Information for Religiously Exempt Child Day Centers, August 2004, § 63.2-1716, free
- Technical Assistance Questions and Answers for Standards and Regulations for Licensed Assisted Living Facilities, revised June 2003, 22 VAC 40-71, \$6.00
- Technical Assistance for Minimum Standards for Licensed Family Day Homes, May 2000, 22 VAC 40-110-10 et seq., free
- Technical Assistance Questions and Answers for Minimum Standards for Licensed Child Day Centers, revised Nov. 2004, 22 VAC 15-30, free
- Technical Assistance Questions and Answers for Standards and Regulations for Licensed Adult Day Care Centers, October 2003, 22 VAC 40-60
- Risk Assessment Guidance Manual, June 6, 2003
- Family Services
- Aid to Families with Dependent Children-Foster Care (AFDC-FC) Policy Manual, July 2002, \$54.60
- Assisted living Facility Assessment Manual, revised November 2002, 22 VAC 40-745-10 et seq., free
- Volume VII, Social Services Policy Manual, various, those sections of Title 63.2 pertaining to adult services, adult protective services, adoption, child care, child protective services, domestic violence prevention services, interstate/intercountry placement of children, foster care, independent living, and family preservation/support services, \$104.70 plus actual shipping and handling
- User's Manual: Virginia Uniform Assessment Instrument (UAI), revised April 1998, 22 VAC 40-745-10 et seq., free
- User's Manual: Virginia Uniform Assessment Instrument (UAI) for Private Pay Residents of Adult Care Residences, revised April 1998, 22 VAC 40-71-170 et seq. and 22 VAC 40-745-10 et seq., free
- Virginia's Guide to the Interstate Compact on the Placement of Children, updated November 2002, § 63.2-100, § 63.2-1000 and § 63.2-1100-1105, free
- Parental Placement for Adoption and the Interstate Compact on the Placement of Children, revised November 2002, § 63.2-1230 through 1240, free

Guidance Documents

Virginia's Guide to Intercountry Placement: Virginia's Preadoptive Requirements, updated November 2002, § 63.2-1104, free

Request to Place Virginia youth Out-of-Commonwealth, updated November 2002, § 63.2-100; § 63.2-1000; and § 63.2-1100-1105; § 22.1-218.1; § 16.1-286A, free

032-01-300, Access to Information From A finalized Adoption Record in Virginia, December 1995, free

Adoption in Virginia booklet, 2000, \$2.00

032-01-926/1, Parental Placement Adoptions in Virginia, April 1990, free

Permanency Unit (Adoption/Family Preservation/Foster Care) Broadcast Notebook, 2002

Volume II - Auxiliary Grants Policy Manual - Part III, February 2002

Virginia Refugee Resettlement Program manual, free

Family and Children's Trust Fund

Small Grant Awards Policy Statement, revised November 1997, § 63.2-2103, free

Interdepartmental Regulation of Children's Residential Facilities

Procedures for Conducting Background Investigations required by § 63.2-1726 of the Code of Virginia on Employees, Volunteers, and Contractual Service Providers Affiliated with Children's Residential Facilities, January 15, 2004, § 63.2-1726, free

Addendum to Background Investigation Procedures Required by § 37.1-183.3 of the Code of Virginia. April 21, 2003, § 37.1-183.3, free

Standards Manual for Interdepartmental Regulation of Children's Residential Facilities, July 1, 2000, 22 VAC 42-10-10 et seq., free

Virginia Commission on National and Community Service

Virginia AmeriCorps Policy Supplement, revised September 2000, free

BOARD OF SOCIAL WORK

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at bsw@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Evelyn Brown, Executive Director of the Board, at the address above or by telephone at (804) 662-9914. Copies are free of charge.

Guidance Documents:

140-1, Board guidance on use of confidential consent agreements, October 31, 2003

140-2, Newsletters

140-2.1, Interpretation of work settings exempted from licensure requirements by state law. Clarification of standards of practice pertaining to dual relationships, recordkeeping and competency areas, 1995

140-2.2, Summary of Virginia statutes regarding maintenance and release of client records, 2000.

140-3, Assistant Attorney General Opinions

140-3.1, Interpretation of § 32.1-127.1:02 regarding the release of medical records, September 20, 1995

140-3.2, Interpretation of § 32.1-127.1:03 pertaining to release of health care records, April 7, 1997

140-4, Minutes of the Board

140-4.1, Authorization for the Executive Director to conduct a preliminary review of discipline cases and make a recommendation to the Chair of the Discipline Committee or his designee for appropriate disposition, February 26, 1999

DEPARTMENT OF STATE POLICE

Copies of the following document may be viewed during regular workdays from 8:30 a.m. until 4:30 p.m. at the headquarters of the State Police, 7700 Midlothian Turnpike, Richmond, VA 23235, or downloaded and printed from the Department of State Police website at www.virginiatrooper.org/. Mail inquiries should be submitted to the Department of State Police, Firearms Transaction Center, Post Office Box 85608, Richmond, VA 23285-5608. Copies may be obtained for a fee of \$5.00 by contacting our Firearms Transaction Center Manager, at the same address, telephone (804) 674-2210 or FAX (804) 674-6704.

Questions concerning interpretation or implementation of this document may be directed to the Criminal Justice Information Services Division Officer, Department of State Police, P.O. Box 27472, Richmond, VA 23261, telephone (804) 674-2147 or FAX (804) 674-2105.

Guidance Document:

Virginia Firearms Transaction Program, Procedures Manual for Firearms Dealers (http://www.vsp.state.va.us/VFTP%20documents/2004_Dealer_Manual.pdf), revised July 1, 2004, § 18.2-308.2:2, Code of Virginia. (Free)

Copies of the following document may be obtained from any of the Department of State Police, Field Division Headquarters, or by writing to the Internal Affairs Section, Professional Standards Unit, Department of State Police, Post Office Box 27472, Richmond, VA 23261-7472.

Questions concerning the contents of this document may be directed to the Internal Affairs Manager at the above address or at telephone (804) 323-2383.

Guidance Document:

Brochure entitled How the Complaint Process Works (<http://www.vsp.state.va.us/professionalstandards.htm>), revised January 1, 2004, § 9.1-600, Code of Virginia. (Free)

DEPARTMENT OF TAXATION

Copies of the following documents may be obtained from TAX's internet website <http://www.tax.Virginia.gov> or viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the Office of Customer Relations, Department of Taxation, 3600 West Broad Street, Richmond, VA 23230. These forms are used to implement the return filing requirements for the taxes administered by the Virginia Department of Taxation. Primarily, these return filing requirements are found in Title 58.1 of the Code of Virginia. The Department of Taxation is also required to collect certain agricultural commodity taxes found under Title 3.1 of the Code of Virginia. Copies may be obtained by contacting the Forms Request Unit at the Department of Taxation, P.O. Box 1317, Richmond, VA 23218-1317, telephone (804) 236-2760 or (804) 236-2761.

Questions regarding interpretation or implementation of these forms may be directed to Office of Customer Relations, Department of Taxation, P.O. Box 1115, Richmond, VA 23218-1115, FAX (804) 786-2670. Telephone numbers for contact regarding the various forms listed below are noted by section and in some cases by the form.

Individual Taxes

Unless otherwise noted, questions can be directed to Customer Service at (804) 367-8031

Form 760, Individual Tax Filing Form, Annually

Form 760 Inst, Instructions for Form 760, Annually

Form 760C, "Underpayment of Estimated tax by Individuals, Estates, and Trusts", Annually

Form 760C Inst, Instructions for Form 760C, Annually

Form 760E, "VA Tentative Tax Return and Application for filing Extension for individual or fiduciary income tax return (Forms 760, 760PY, 763 and 770) and Instructions," Annually

Form 760ES, "VA Estimated Income Tax Payment Vouchers and Instructions for Individual, Estates, and Trusts," Annually

Form 760F, Form & Instructions for Underpayment of Estimated tax by Farmers and Fisherman, Annually

Form 760PY, Part-Year Resident Individual Income Tax Return 760PY, Annually

Form 760PY Inst, Instructions for Form 760PY, Annually

Form 762, "Return of Tangible Personal Property, Machinery and Tools, and Merchant's Capitol," Annually

Form 763, Nonresident Individual Income Tax Return 763, Annually

Form 763 Inst, Instructions for Form 763, Annually

Form 763S, Claim for Individual Income Tax Withheld, Annually

Form 770, VA Fiduciary Income Tax Return 770, Annually

Form 770 Inst, Instructions for Form, Annually

Form CU-7, Form & Instructions for Virginia Consumer's Use Tax Return for Individuals, Annually

Schedule ADJ, Schedule ADJ, Annually

Schedule CR, "Credit Computation Schedule for Forms 760, 760PY, and 763 Schedule," Annually

Form CR Inst, Instructions for Schedule CR, Annually

Schedule NPY, Schedule NPY (Form 763 and Form 760PY filers), Annually

Schedule OSC, Credit for tax paid to another state Schedule, Annually

Form VA 8453, Individual Electronic Filing Declaration, Annually

Individual Credits

Form 301, Enterprise Zone Credit - Individual Tax and Instructions, Annually

Form 304, Major Business Facility Job Tax Credit and Instructions, Annually

Form 305, Clean Fuel Vehicle Job Creation Tax Credit and Instructions, Annually

Form 306, Coalfield Employment Enhancement Tax Credit and Instructions, Annually

Form EDC, Taxpayer Application for Qualified Equity and Subordinated Debt Investments Credit, Annually

Form HAC, Application for Home Accessibility Features for the Disabled Credit, Annually

Form LPC, Virginia Land Preservation Tax Credit Notification Form, Annually

Schedule CLI, Computation for Tax Credit for Low Income Individuals, 2000

Individual Miscellaneous

Form 760PMT, ELF/iFile/Telefile Payment Voucher, Annually

Form EST-80, Estate Tax Return, 04/2004

Form GFD, General Fund Donation Voucher, 12/2002

Form OIC-Ind, OIC Offer in Compromise Individual, 03/2003

Form PAR101, Power of Attorney Release Form, 04/2003

Form PP-2, Partial Payment Voucher, 09/1997

Form PT-1, Probate Tax Return, 08/1999

Guidance Documents

Form R-5, Nonresidential Real Property Owner Registration Form, 07/2000

Form R-5E, Nonresidential Real Property Owner Exemption Certificate, 07/2000

Form R-5P, Nonresidential Real Property Owner Shareholder/Partner Schedule, 04/1992

Form STA Worksheet, Spouse Tax Adjustment Worksheet

Form VA-4, Employee's Withholding Exemption Certificate, 10/2004

Form VA-4B, Employee's Withholding Income Tax Credit for Income Taxes Paid to Another State, 03/1999

Form VA-4P, Withholding Exemption Certificate for Recipients of Pension and Annuity Payments, 10/2004

Business Taxes

Unless otherwise noted, questions can be directed to Customer Service at (804) 367-8037.

Corporate Taxes

Form 500, Corporate Income Tax Return 500, Annually

Form 500 Inst, Instructions for Form 500, Annually

Form 500C, Underpayment of Estimated Tax by Corporations and Instructions, Annually

Form 500CR, Credit Computation Schedule for Form 500, Annually

Form 500E, Extension Payment Voucher and Tentative Tax Return, Annually

Form 500EC, Modified Net Income Tax Return for Electric Cooperatives, Annually

Form 500EC Inst, Instructions for Form 500EC, Annually

Form 500ES, Forms and Instructions for Declaration of Estimated Income Tax, Annually

Form 500NOLD, Corporation Application for Refund-Carryback of Net Operating Loss and Instructions, Annually

Form 500S, Small Business Corporation Income Tax Return, Annually

Form 500T, Telecommunications Companies Minimum Tax and Credit Schedule, Annually

Form 500T Inst, Instructions for Form 500T, Annually

Form 500V, Corporation Income Tax Payment Voucher, Annually

Form 500X, Amended Corporation Income Tax Return 500X and Instructions, Annually

Schedule A, Multistate Corporation Allocation and Apportionment of Income (Form 500) Schedule A, Annually

Form 500 Sch A Inst, "Instructions for Form 500, Schedule A", Annually

Forms for Pass Through Entity

Form 502, Pass Through Entity Return of Income, Annually

Form 502 Instructions, "Instructions for Form 502, Schedule A and VK-1", Annually

Form 502 Schedule A, Multistate Pass Through Entity, Annually

Form 502E, Pass Through Entity Filing Extension Request, Annually

Form VK-1, Owner's Share of Income and Virginia Modifications and Credits, Annually

Bank Franchise

Form 301 Banks, Enterprise Zone Credit - Bank Franchise Tax and Instructions, Annually

Form 64 and Schedules, Virginia Bank Franchise with Schedules and Instructions, Annually, (804) 786-3503

Business Credits

Form 301 Corp, Enterprise Zone Credit - Corporation Tax, Annually

Form 301 Banks, Enterprise Zone Credit - Bank Franchise Tax and Instructions, Annually

Form 301 Indiv, Enterprise Zone Credit - Individual Tax and Instructions, Annually

Form 304, Major Business Facility Job Tax Credit and Instructions, Annually, (804) 786-2992

Form 305, Clean Fuel Vehicle Job Creation Tax Credit and Instructions, Annually

Form 306, Coalfield Employment Enhancement Tax Credit and Instructions, Annually

Form EDC, Taxpayer Application for Qualified Equity and Subordinated Debt Investments Credit, Annually, (804) 786-2992

Form LPC, Virginia Land Preservation Tax Credit Notification Form, Annually, (804) 786-2992

Form PTE, Pass-Through Credit Allocation, Annually, (804) 786-2992

Form QBA, Application for Designation as a Qualified Business for the Qualified Equity and Subordinated Debt Investments Tax Credit, Annually, (804) 786-2992

Form WRC, Worker Retraining Tax Credit Application, Annually, (804) 786-2992

Business Miscellaneous

Form 200, Litter Tax Return and Instructions, 05/2003

Form OIC Bus, Offer in Compromise Business, 11/2002

Form PAR101, Power of Attorney Release Form, 10/2003

Form R-5, Nonresident Real Property Owner Registration Form, 07/2000, (804) 367-8031

Form R-5E, Nonresident Real Property Owner Exemption Certificate, 07/2000, (804) 367-8031

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Office of Policy and Administration, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting the Office of Policy and Administration, Policy Development, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-2294 or FAX (804) 371-2355.

Questions regarding interpretation or implementation of these documents may be directed to the Office of Policy and Administration, Policy Development, Department of Taxation, P.O. Box 27185, Richmond, VA 23261-7185, telephone (804) 371-2294 or FAX (804) 371-2355.

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* The most recent issue of this document is no longer available in hard copy. It may be downloaded from the department's website www.tax.va.us/publications.htm

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Virginia Tax Bulletin No. 85 - 4, Subtraction of Railroad Retirement Benefits From Virginia Taxable Income, February 19, 1985

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Virginia Tax Bulletin No. 85 - 8, Stamping 25 Cigarette Packages in Cartons of Eight, February 19, 1985

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Virginia Tax Bulletin No. 85 - 14, 1985 Legislative Changes Affecting Taxes Administered by Localities, July 26, 1985

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- Virginia Tax Bulletin No. 88 - 12, Individual and Withholding Taxation: Virginia State Lottery Winnings, September 26, 1988
- Virginia Tax Bulletin No. 88 - 13, Interest Rates, September 15, 1988
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- Virginia Tax Bulletin No. 88 - 15, Motor Vehicle Fuel Sales Tax: Imposition in Loudoun County, November 28, 1988
- Virginia Tax Bulletin No. 88 - 16, Interest Rates, December 7, 1988
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- Virginia Tax Bulletin No. 89 - 2, Local License Tax and Merchants' Capital Tax: Lottery Sales Agents Selling Instant Lottery Tickets, January 9, 1989
- Virginia Tax Bulletin No. 89 - 3, Telecommunication Companies
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- Virginia Tax Bulletin No. 90 - 1, Withholding Virginia Income Tax from Wages Paid to Agricultural Workers, March 15, 1990
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Virginia Tax Bulletin No. 90 - 3, Local License Tax on Motor Vehicle Dealers, July 10, 1990

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Virginia Tax Bulletin No. 91 - 2, Interest Rates: Second Quarter 1991, April 1, 1991

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Virginia Tax Bulletin No. 91 - 5, Corporate Income Tax: Late Filing Penalty, April 1, 1991

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Virginia Tax Bulletin No. 92 - 3, Important Information for 1992 Estimated Tax Filers, April 15, 1992

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Virginia Tax Bulletin No. 92 - 12, Collection of Property Taxes Restrained for the 1992 Tax Year, December 8, 1992

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- Virginia Tax Bulletin No. 96 - 3, Interest Rates, Third Quarter 1996, June 19, 1996
- Virginia Tax Bulletin No. 96 - 4, Virginia Egg Excise Tax, August 23, 1996
- Virginia Tax Bulletin No. 96 - 5, Employer Withholding by Electronic Fund Transfer (EFT), September 27, 1997
- Virginia Tax Bulletin No. 96 - 6, Retail Sales and Use Tax: Film Purchased by Commercial Photographers, September 27, 1997
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- Virginia Tax Bulletin No. 98 - 1, Major Business Facility Job Tax Credit, January 13, 1998
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Virginia Tax Bulletin No. 03 - 10, Real Estate Appeals to Local Boards of Equalization, November 18, 2003

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Virginia Tax Bulletin No. 04 -1 (PD 04-7) 03/05/2004, Second Quarter Interest Rates

Virginia Tax Bulletin No. 04-2 (PD 04-12) 04/23/2004, Fixed-Date Conformity Advancement

Virginia Tax Bulletin No. 04-3 (PD 04-30) 07/09/2004, Third Quarter 2004 Interest Rates

Virginia Tax Bulletin No. 04-4 (PD 04-113) 09/15/2004, Fourth Quarter Interest Rates

Virginia Tax Bulletin No. 04-05 (PD 04-220) 12/17/2004, First Quarter Interest Rates 2005

Additionally, the Department of Taxation is required under § 58.1-204 of the Code of Virginia to publish (i) orders of the Tax Commissioner under §§ 58.1-1822 and 58.1-1824, (ii) final orders entered by a circuit court under § 58.1-1826 or § 58.1-1827, and any written opinion or memorandum of the court; and (iii) any written ruling or other interpretation of Virginia law which the Tax Commissioner believes may be of interest to taxpayers and practitioners. These Public Documents interpret both law (Title 58.1 of the Code of Virginia) and regulations (Title 23 of the Virginia Administrative Code) as they apply to taxpayers. Since 1984, the department has published over 5,000 public documents and adds an additional 40 to 50 documents to this list each month.

* * *

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the Office of Customer Relations/Compliance/Audit, Department of Taxation, 3600 West Broad Street, Richmond, VA 23230. Copies may be obtained for a per page copy fee of \$.10 per page by contacting Richard Dotson at the Office of Customer Relations/Compliance/Audit, Department of Taxation, P.O. Box 5771, Richmond, VA 23220-0771, telephone (804) 786-2081 or FAX (804) 786-2087.

Questions regarding interpretation or implementation of these documents may be directed to Richard Dotson, Office of Customer Relations/Compliance/Audit, Department of Taxation, P.O. Box 5771, Richmond, VA 23220-0771, telephone (804) 786-2081 or FAX (804) 786-2087.

Guidance Documents:

Office of Compliance, Sales and Use Tax Audit Procedures Manuals, revised June 2003, Vols. 1-4, 2,000 pages

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Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the Office

of Customer Relations/Compliance/Collections, Department of Taxation, 3600 West Broad Street, Richmond, VA 23230. Copies may be obtained for a per page copy fee of \$.10 per page by contacting David Jordan, Office of Customer Relations/Compliance/Collections, Department of Taxation, P.O. Box 5771, Richmond, VA 23220-0771, telephone (804) 786-2081 or FAX (804) 786-2087.

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Guidance Documents:

Commonwealth of Virginia, Department of Taxation, Office of Compliance, Procedures for Safeguarding Federal Tax Information, July 1981, revised September 30, 2004, 16 pages

DEPARTMENT OF TRANSPORTATION

The list of guidance documents submitted by the Virginia Department of Transportation (VDOT) is subdivided by the work unit (division or district) that issued or has custody of the document.

Asset Management Division - Administration

Copies of the following documents may be viewed during regular workdays from 8:15 a.m. until 4 p.m. in the VDOT's Asset Management Division, located in the Monroe Building, 14th and Broad Streets, 19th Floor, Richmond, Virginia. Mailing address: VDOT, Asset Management Division, 1401 East Broad Street, Richmond, VA, 23219. One copy of any document or a combination of documents, up to five pages, may be obtained free of charge by contacting Bob Kardian at the same address, telephone (804) 786-2849 or FAX (804) 786-7987. Additional copies and/or pages may be received at a cost of \$.15 per page, checks are to be made payable to the "Treasurer of Virginia." Questions regarding interpretation or implementation of these documents may be directed to Mr. Quintin D. Elliott, Asset Management Director, VDOT, 1401 East Broad Street, Richmond, VA, 23219, telephone (804) 786-4244, FAX (804) 786-7987 or e-mail Quintin.Elliott@VDOT.Virginia.gov.

Guidance Documents:

Abandoned Vehicles, Asset Management Best Practices Manual (2004), Section 6.6.5, § 46.2-1210

Contracts, Asset Management Policy Manual 4.0 (2004), "Maintenance Funded Contracts" Memorandum CD-93-2/M-300-93 (1 page), February 16, 1993, "Hired Equipment Funded From Maintenance Allocations" Memorandum (2 pages), February 15, 1993, "Hired Equipment" Memorandum (10 pages), May 29, 1990, "Extra Contract Work" Memorandum CD-97-15 (8 pages), September 17, 1997, Chapter 7, Title 11, of the Code of Virginia

Driveways of Volunteer Fire Departments and Rescue Squads, Asset Management Best Practices Manual (2004), Section 14.2.9, § 33.1-200.1

Dump Creating Fire Hazard to Public Bridges, Asset Management Best Practices Manual (2004), Sections 11.5.5.2 and 16.9.14, § 33.1-347

Entrances, Asset Management Policy Manual 6.0 (2004), Asset Management Best Practices Manual (2004), Chapter 6 (specifically, Sections 6.3.4 and 6.5), §§ 33.1-197 through 33.1-199

Ferries, Bridges, and Turnpikes, Asset Management Policy Manual 15.0 (2004), Asset Management Best Practices Manual (2004), Chapter 15, §§ 33.1-252 and 33.1-268

Fishing From Bridges, Asset Management Best Practices Manual (2004), Section 16.9.1, § 33.1-207, 24 VAC 30-20-90

Illegal Signs on Right-of-Way, Asset Management Best Practices Manual (2004), Section 11.8.2, § 33.1-373, 24 VAC 30-20-160

Inmate Labor, Asset Management Policy Manual 9.0 (2004), Asset Management Best Practices Manual (2004), Chapter 9, §§ 53.1-56, 53.1-57, and 53.1-58

Junkyards, Asset Management Best Practices Manual (2004), Section 11.8, § 33.1-348

Litter and Debris, Asset Management Best Practices Manual (2004), Sections 11.5.2 and 11.5.3, "Disposal of Animals Killed on Rights-of-Way" Memorandum (1 page), November 29, 1990, §§ 10.1-1424, 18.2-323, 18.2-324, and 33.1-346

Newspaper Boxes, Asset Management Best Practices Manual (2004), Section 6.6.3, § 33.1-206, 24 VAC 30-20-110

Pesticide Use, Asset Management Best Practices Manual (2004), Section 11.4, Virginia Pesticide Control Act, Title 3.1, Chapter 14.1, Articles 1 and 2 of the Code of Virginia

Primary System Overhead Crossing and Underpass, Asset Management Best Practices Manual (2004), Section 10.3, § 56.368-1

Posted Roads and Bridges, Asset Management Policy Manual 12.0 and 16.0 (2004), Asset Management Best Practices Manual (2004), Sections 12.8 and 16.9.3, "Instructions for Posted Bridge Signs" Memorandum M-272-90 (6 pages), March 15, 1990, §§ 46.2-1104 and 46.2-1124 through 46.2-1127

Railroad Grade Crossings, Asset Management Best Practices Manual (2004), Sections 10.2 and 10.5, §§ 56-405 and 56-406.2

Railroads, Asset Management Policy Manual 10.0 (2004), §§ 56-405 and 56-406.2, 24 VAC 30-20-130

Rest Areas and Waysides, Asset Management Policy Manual 15.0 (2004), Asset Management Best Practices Manual (2004), Sections 15.5 and 15.6, "Rest Area Identification Signing" Memorandum M-290-91 (2 pages), August 29, 1991, "Rest Area Women's Restrooms" Memorandum M-277-90 (1

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page), June 27, 1990, §§ 33.1-12(3) and 33.1-218, 24 VAC 30-20-140 and 24 VAC 30-50-10

Roads in State Institutions, Asset Management Best Practices Manual (2004), Section 15.11, § 33.1-33

Sale of Materials, Rental of Equipment, and Use of Equipment by Local Governments and School Boards, Asset Management Policy Manual 4.0 and 7.0 (2004), Asset Management Best Practices Manual (2004), Sections 1.15 and 7.3.8, "Disposal of Material" Memorandum M-293-92 (1 page), February 13, 1992, §§ 5.1-49, 5.1-50 and 33.1-195

School Zone Signs, Asset Management Best Practices Manual (2004), Section 18.1.4, § 46.2-873

Sledding Play Areas Designated by Local Governments, Asset Management Best Practices Manual (2004), Section 14.2.12, § 46.2-1302

Snow Emergency Routes, Asset Management Best Practices Manual (2004), Section 14.2.10, § 46.2-1302

Speed Limits, Asset Management Best Practices Manual (2004), Section 18.1.5, § 46.2-878

Unauthorized Signs/Advertising, Asset Management Best Practices Manual (2004), Section 11.8.2, § 33.1-373

Scheduling and Contract Division

Copies of the following documents may be viewed during regular work days from 8:15 until 4:30 p.m. in the office of the Virginia Department of Transportation's Scheduling and Contract Division, 1401 E. Broad St., 12th Floor, Richmond, VA 23219. Copies may be obtained either free of charge, or at the specified cost by contacting the Scheduling and Contract Division Administrator at the same address, telephone (804) 371-2531 or FAX (804) 786-7778.

Questions regarding interpretation or implementation of these documents may be directed to the Scheduling and Contract Division Administrator at the same address, telephone, and FAX numbers given above.

The documents below are issued pursuant to § 33.1-13 of the Code of Virginia. The Post Construction Manual and the Instructional Memoranda are available at the following Internet address:

http://www.virginiadot.org/business/const/pc_manual.pdf

Guidance Documents:

VDOT Construction and Maintenance Claims Manual, issued 1992, no charge

VDOT Emergency Contract Manual, issued August 2003, no charge

VDOT Post Construction Manual (Imperial and Metric), revised 1997, no charge

VDOT Construction Manual, revised 2003, \$11

VDOT Construction Phase Inspection Manual, revised December 2001, no charge

VDOT Special Advertisement and Award Process Manual, revised April 2001, no charge

VDOT Construction Division Memoranda, issued 1994 - 2003, \$.15 per page

VDOT Value Engineering Program Administration Manual, revised August, 2003, § 33.1-190, no charge

These documents are generally two pages or less in length, and pertain to construction activities such as documentation requirements, design guidelines, specification interpretation, and contractual issues. Memoranda are revised, rescinded, or issued throughout the year, generally every two or three months. For copies, contact the Construction Management Division Administrator at the address and phone number shown above.

Financial Planning Division

Copies of the following documents may be viewed during regular workdays from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Financial Planning Division, located on the 4th Floor of the Highway Building, 1221 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge at the same address or via telephone at (804) 786-6065 or FAX (804) 786-2564.

Questions regarding interpretation or implementation of the VDOT Annual Budget and Supplement may be directed to John W. Lawson, Director of Financial Planning, 1401 E. Broad St., Richmond VA 23219, telephone (804) 786-2454, FAX (804) 786-2564 or e-mail john.lawson@VDOT.virginia.gov.

Guidance Document:

Virginia Department of Transportation Fiscal Year 2005 Annual Budget, (updated annually at the end of the fiscal year as required by the Code of Virginia, § 33.1-12(9)). This item may also be viewed at the VDOT website at the following address:

VDOT Info & Service: VDOT Budget and Supplement <http://www.virginiadot.org/infoservice/reports-budget.asp>

Innovative Project Delivery Division

Copies of the following document may be viewed during regular workdays from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Innovative Project Delivery Division, located at 1221 E. Broad St., 4th Floor, Richmond, VA 23219. Copies may be obtained free of charge at the same address or via telephone @ (804) 786-1103 or FAX 786-7221. The document is also accessible via the Internet from the following address:

<http://www.virginiadot.org/business/resources/PPTA-overview.pdf>

Questions regarding interpretation or implementation of the Public-Private Transportation Act Guidelines may be directed to Thomas W. Pelnik, III, P.E., Director, Innovative Project Delivery Division, 1401 E. Broad St., Richmond VA 23219, telephone (804) 786-1103, FAX 786-7221 or e-mail thomas.pelnik@VDOT.virginia.gov.

Guidance Document:

Commonwealth of Virginia Public-Private Transportation Act of 1995 Guidelines, April 2001, § 56-556

Copies of the following document may be viewed during regular workdays from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Innovative Project Delivery Division, located at 1221 E. Broad St., 4th Floor, Richmond, VA 23219. Copies may be obtained free of charge at the same address or via telephone @ (804) 786-1103 or FAX 786-7221. The document is also accessible via the Internet from the following address:

http://www.virginiadot.org/business/resources/Final%20DB%20manual_November12%2020041.pdf

Questions regarding interpretation or implementation of the Design-Build Procurement Manual may be directed to Thomas W. Pelnik, III, P.E., Director, Innovative Project Delivery Division, 1401 E. Broad St., Richmond VA 23219, telephone (804) 786-1103, FAX 786-7221 or e-mail thomas.pelnik@VDOT.virginia.gov

Guidance Document:

Design-Build Procurement Manual, November 2004, § 33.1-12(2)(b)

Local Assistance Division

Copies of the following document may be viewed during regular workdays from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Local Assistance Division, located in the VDOT Annex Building, 4th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained either free of charge or at a specified charge for excessive copies by contacting W.R. Dandridge, Transportation Engineer Senior, at the same address, telephone (804) 786-2745 (or Hugh W. Adams, Transportation Engineering Program Supervisor, telephone (804) 786-2744), or FAX (804) 786-2603.

Guidance Document:

Guide For The Industrial Access Program, revised April 2002, § 33.1-221, 24 VAC 30-271-10, et. seq. (Industrial Access Policy)

Copies of the following document may be viewed during regular workdays from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Local Assistance Division, located in the VDOT Annex Building, 4th Floor, 1401 E. Broad St., Richmond, VA 23219.

For more information on this program or to obtain a copy of the application packet, please contact our Transportation Enhancement Program Staff, at 1-800-444-7832. In the Richmond area, please call (804) 786-2264, FAX (804) 786-2603 or e-mail H.Chenault@VDOT.virginia.gov, or Pamela.Liston@VDOT.virginia.gov, or Cynthia.Clark@VDOT.virginia.gov.

Guidance Document:

Transportation Enhancement Program Guidelines, issued 2003, § 33.1-12(9) and (11)

Copies of the following document may be viewed during regular workdays from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Local Assistance Division, 4th Floor, VDOT Annex, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge by contacting the Local Assistance Division at the same address, telephone (804) 786-2585 or FAX (804) 371-0847.

Questions regarding interpretation or implementation of this document may be directed to the Assistant Division Administrator at the same address, telephone number, and FAX number given above.

Guidance Document:

Urban Division Manual, May 2001, 24 VAC 30-320-10 (Urban Street Payment Program), 24 VAC 30-330-10 (Urban Construction Program)

Location and Design Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Location and Design Division, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained at the same location and mailing address, telephone (804) 786-2393 or FAX (804) 786-5157.

Guidance Document:

VDOT Public Involvement Policy and Procedure Manual, issued March 2004, § 33.1-18, no charge

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Location and Design Division, Engineering Services Section, located in Room 710 of the VDOT Annex Building, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained by contacting the Engineering Services Section Manager at the same location and mailing address, telephone (804) 786-2543 or FAX (804) 225-3686. Questions regarding interpretation or implementation of this document may be directed to the Engineering Services Section Manager.

Guidance Document:

Instructional and Informational Memorandum IIM-LD-55.7, Curb Ramps for Persons with Mobility Impairments, issued February 12, 2003, § 15.2-2021, no charge

Mobility Management Division

Copies of the Mobility Management Memoranda (1967-present), issued pursuant to authority set forth in §§ 33.1-12 (3) and (5), and which deal with traffic control devices, along with related safety issues, may be viewed during regular work days from 8 a.m. until 4:30 p.m. in Room 206, 2nd floor of the Virginia Department of Transportation's Mobility Management Division, located in the VDOT Annex Building, 1401 E. Broad St., Richmond, VA 23219. Electronic copies will be furnished upon request by contacting Mr. Mansour Mahbanoozadeh at the same address, telephone (804) 786-7983.

Guidance Documents

Guidance Document:

Mobility Management Division Memoranda, issued 1967-present, §§ 33.1-12(3) and (5), 24 VAC 30-520 (Classifying, Designating and Marking State Highways)

Questions regarding interpretation or implementation of this document may be directed to the State Mobility Management Engineer, Room 207, 2nd Floor, Virginia Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2965.

Programming Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation's Programming Division, Room 404, 1401 E. Broad St., Richmond, VA 23219, as well as each of the nine construction district offices across the state. The Virginia Transportation Six-Year Program (SYP) may also be viewed on the Internet at <http://www.virginiadot.org/projects/syp-default.asp>

Questions regarding interpretation or implementation of this document may be directed to the Programming Division Administrator at (804) 786-2587 or FAX (804) 371-0847.

Guidance Document:

Virginia Transportation Six Year Program, implemented July 1, 2004, § 33.1-12(9)

Office of Public Affairs

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 5 p.m. in the office of the Virginia Department of Transportation's Office of Public Affairs, located in the VDOT Hospital Building, 2nd Floor, 1201 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge by contacting the Cartography Manager at the same address, telephone (804) 786-5595, FAX (804) 786-5323 or e-mail bryan.kelley@VDOT.virginia.gov.

Questions regarding interpretation or implementation of this document may be directed to the Cartography Manager.

Guidance Documents:

Interagency (State Transportation) Map Committee Policy, revised February 1993, § 33.1-36, no charge

Statement on the Use of VDOT County Map Series Digital Files, August 2001, § 33.1-84, no charge

Right of Way and Utilities Division

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Right of Way and Utilities Division, located in the VDOT Annex Building, 5th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained either free of charge or at a specified charge for excessive copies by contacting the State Utilities Engineer, at the same address, telephone (804) 786-2979 or FAX (804) 786-1706.

Questions regarding interpretation or implementation of this document may be directed to the State Utilities Engineer.

Guidance Document:

Utility Relocation Policies and Procedures Manual, Volume II, revised November 2004, 24 VAC 30-210-10 (Policy on Placing Utilities Underground)

Copies of the following document may be viewed during regular work days from 8 a.m. until 4 p.m. in the office of the Virginia Department of Transportation's Right of Way and Utilities Division, located in the VDOT Annex Building, 5th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained either free of charge or at a specified charge for excessive copies by contacting B. D. Fulwider, Relocation Program Manager, at the same address, telephone (804) 786-4366 or FAX (804) 786-1706.

Guidance Document:

Guidance Document for Determination of Certain Financial Benefits For Displacees, effective November 21, 2001, 24 VAC 30-41 (Rules and Regulations Governing Relocation Assistance)

Security and Emergency Management Division - Transportation Emergency Operations Center

Copies of the following documents may be viewed at the Emergency Operations Center (EOC) within VDOT's Security Management Division, located at 1221 E. Broad Street, 4th Floor, South Wing, Richmond, VA 23219. The EOC is staffed on a 24-hour basis, so arrangements may be made to view the documents as needed. Any document or a combination of documents may be obtained free of charge by contacting the Emergency Operations Center at the same address, telephone (804) 786-2848, FAX (804) 225-4979, or e-mail Perry.Cogburn@VDOT.virginia.gov.

Questions regarding interpretation or implementation of these documents may be directed to Perry Cogburn at the same addresses, telephone, and FAX number shown above.

The following documents are related to Title 44 (Military and Emergency Laws) of the Code of Virginia: Chapters 3.2 (Emergency Services and Disaster Law), 3.3 (Transportation of Hazardous Radioactive Materials), 3.4 (Funding for State and Local Government Radiological Emergency Preparedness), and 3.5 (Virginia Hazardous Materials Emergency Response Program).

Guidance Documents:

Volume 7 (Transportation) of the Commonwealth of Virginia Emergency Operations Plan, September 2004, (an eight-volume set of plans promulgated under Executive Order and published under the auspices of the Virginia Department of Emergency Management)

VDOT Hurricane Guidance Manual, March 1997

Structure and Bridge Division

Copies of the following document may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of

the Virginia Department of Transportation's Structure and Bridge Division, located in the VDOT Annex Building, 10th Floor, 1401 E. Broad St., Richmond, VA 23219. Copies may be obtained free of charge by contacting Cynthia Harney at the same address, telephone (804) 786-3161 or FAX (804) 786-2988.

Questions regarding interpretation or implementation of this document may be directed to Fred J. Townsend at Structure and Bridge Division, VDOT Annex Building, 9th Floor, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2853 or FAX (804) 786-7787.

Guidance Document:

Structure and Bridge Division Instructional and Informational Memorandum 02-27.5, Bridge Safety Inspections, issued 2002, § 33.1-12

Transportation Research Council

Copies of the following document may be viewed during regular work days from 8 a.m. until 5 p.m. in the office of the Virginia Transportation Research Council, 530 Edgemont Drive, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting the Virginia Transportation Research Council Librarian at the same address, telephone (804) 293-1959 or FAX (804) 293-1990. Copies may also be obtained by submitting a request via electronic mail to imc6s@virginia.edu. The document is accessible through VDOT's Internet website at the following address: http://www.virginiadot.org/vtrc/main/online_reports/02-tar8.pdf

Questions regarding interpretation or implementation of this document may be directed to the Research Director, Virginia Council, Transportation Research Council, 530 Edgemont Drive, Charlottesville, VA 22903, telephone (804) 293-1938 or FAX (804) 293-1990.

Guidance Document:

Intellectual Property Handbook, Third Edition, issued March 2002, § 2.1-20.1:1, no charge

Staunton District

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Department of Transportation, Staunton District Office, Rt. 11 Bypass/Commerce Rd., Staunton, VA 24401. Copies may be obtained free of charge by contacting Guy Tudor, Transportation Engineer, at the same address, telephone (540) 332-9120 or FAX (540) 332-9267.

Questions regarding interpretation or implementation of this document may be directed to Guy Tudor at the same address, telephone, and FAX numbers given above.

Guidance Documents:

VDOT General Notes for Subdivisions, revised May 2004, 24 VAC 30-91 (Subdivision Street Requirements)

Subdivision Checklist for Subdivisions in the Staunton District, revised May 2000, 24 VAC 30-91 (Subdivision Street Requirements)

DEPARTMENT OF THE TREASURY

General Management

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the office of the Department of the Treasury, James Monroe Building, 3rd Floor, 101 N. 14th Street, Richmond, VA 23219.

Questions regarding interpretation or implementation of these documents may be directed to Connie O. Vaughan at telephone (804) 225-2268, FAX (804) 225-3187 or email at connie.vaughan@trs.virginia.gov. Copies may be obtained free of charge.

Guidance Documents:

Department of the Treasury Policy & Procedures Manual, revised continually.

Department Purchasing Manual, revised continually.

Debt Management

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the office of the Department of the Treasury, James Monroe Building, 3rd Floor, 101 N. 14th Street, Richmond, VA 23219. Questions regarding interpretation or implementation of these documents may be directed to the Director of Debt Management at telephone (804) 225-4927 or FAX (804) 225-3187. Copies may be obtained free of charge.

Guidance Documents:

List of Approved Rating Agencies, dated October 31, 2000, § 2.2-4902

Treasury Board Debt Structuring and Issuance Guidelines for the Issuance of Appropriation-Supported Debt, dated November 2003, §§ 2.2-2416, 33.1-12, and 23-19

Treasury Board Guidelines for Credit Purchases of Equipment and Energy Projects by State Agencies, Institutions, Boards & Authorities, dated May 17, 1995, § 2.2-2416

Treasury Board Guidelines for Regional Jail Projects Reimbursement, dated February 19, 1998, §§ 53.1-80 through 53.1-82

Virginia College Building Authority By-Laws, dated October 15, 1996, § 23-30.31

Virginia College Building Authority Statement of Policy and Procedures for Loans to Private, Non-Profit Institutions of Higher Education, dated August 1, 2002

Virginia Public Building Authority By-Laws, dated July 25, 2002 § 2.2-2263

Virginia Public Building Authority Debt Issuance and Management Guidelines, dated August 25, 1994

Virginia Public Building Authority Guidelines for Jail Projects Reimbursements, dated July 16, 1996, §§ 2.2-2263 and 53.1-80 through 53.1-82

Guidance Documents

Virginia Public School Authority By-Laws, dated December 18, 1962 and amended January 25, 1988, § 22.1-171

Virginia Public School Authority General Pooled Bond Policy, dated June 23, 1997

Virginia Public School Authority Stand Alone Bond Policy, dated June 23, 1997

Virginia Public School Authority 1987 General Fund Balance Policy, dated as of September 27, 1999

Cash Management and Investments

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the office of the Department of the Treasury, James Monroe Building, 3rd Floor, 101 N. 14th Street, Richmond, VA 23219. Questions regarding interpretation or implementation of these documents may be directed to Belinda Blanchard at telephone (804) 225-3166 or FAX (804) 225-3478. Copies may be obtained free of charge.

Guidance Documents:

General Account Investment Policy and Guidelines, revised September 1, 2004, §§ 2.2-4500 et. al.

Local Government Investment Pool Policy and Guidelines, revised June 17, 1998, §§ 2.2-4500 et. al.

Local Government Investment Pool Investment Circular, revised June 30, 2004, §§ 2.2-4600 et. al.

State Non-Arbitrage Program Information Statement, dated September 17, 2004

Operations

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the office of the Department of the Treasury, James Monroe Building, 3rd Floor, 101 N. 14th Street, Richmond, VA 23219.

Questions regarding interpretation or implementation of these documents may be directed to Kristin Reiter at telephone (804) 225-3240 or FAX (804) 225-3187. Copies may be obtained free of charge.

Guidance Documents:

Security for Public Deposits Handbook, dated November 18, 1993, 1 VAC 75-20

Copies of the following document may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Division of Risk Management, 101 North 14th Street, 6th Floor, James Monroe Building, Richmond, VA 23219. Copies may be obtained free of charge by contacting Ms. Joyce E. Palmer at the Division of Risk Management, 101 North 14th Street, 6th Floor, James Monroe Building, Richmond, VA 23219, telephone (804) 225-4621 or FAX (804) 371-8400 or e-mail Joyce.Palmer@trs.virginia.gov.

Questions regarding this document may be directed to Joyce E. Palmer at the Division of Risk Management, 101 North 14th Street, 6th Floor, James Monroe Building, Richmond, VA

23219, telephone (804) 225-4621 or FAX (804) 371-8400 or e-mail Joyce.Palmer@trs.virginia.gov.

Guidance Documents:

Virginia Risk Management Plan, revised January 6, 2005, § 2.2-1837

Virginia Property Risk Management Plan, revised January 6, 2005, § 2.2-1836

Virginia Faithful Performance of Duty Bond Plan, revised January 6, 2005, § 2.2-1840

Virginia Constitutional Officer Risk Management Plan "VaRISK", revised January 6, 2005, § 2.2-1839

Virginia Local Government Risk Management Plan "VaRISK 2," revised January 6, 2005, § 2.2-1840

Unclaimed Property

Copies of the following documents may be viewed during regular work days from 8:30 a.m. until 4:30 p.m. in the office of the Department of the Treasury, James Monroe Building, 3rd Floor, 101 N. 14th Street, Richmond, VA 23219.

Questions regarding these documents may be directed to the Accounting Manager: Telephone (804) 225-2393 or FAX (804) 786-4653. Copies may be obtained free of charge and are available on the internet at www.trsvirginia.gov.

Guidance Document:

Unclaimed Property Holder Reporting Package, revised July, 2004, §§ 55-210.1 through 55-210.30

UNIVERSITY OF VIRGINIA

Office of the Vice President for Finance

Unless noted otherwise, the documents below are used in interpreting the Code of Virginia, § 23-76.

Department of Parking and Transportation Services

Copies of the following document may be viewed Monday through Friday from 7:30 a.m. until 5 p.m. at the Department of Parking and Transportation Services, 1101 Millmont Street, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Rebecca White, Director of Parking and Transportation Services at the Department of Parking and Transportation Services, P.O. Box 400000, Charlottesville, VA 22904-4000, telephone (434) 924-6763, FAX (434) 924-3980 or e-mail rwc6j@virginia.edu.

The policies may also be viewed at the University of Virginia's website (<http://www.virginia.edu/registrar/records/ugradrec/chapter5/chapter5-5.htm>). Questions concerning interpretation or implementation of the policies may be directed to Rebecca White (same telephone and address as above).

Guidance Document:

University of Virginia Graduate and Undergraduate Record, Chapter 5 (UVA Parking Regulations), revised August 2003, § 23-9.2:3

Conference Services

Copies of the following documents may be viewed Monday through Friday from 8 a.m. until 5 p.m. at the UVA Housing Division Conference Services, P.O. Box 400734 Charlottesville, VA 22904-4734. Copies may be obtained free of charge by contacting Sheri States, Director for Conference Services, at the same address, telephone (434) 924-4479, FAX (434) 924-1027 or e-mail ssstates@virginia.edu.

Questions concerning interpretation or implementation of the policies may be directed to Sheri States (same address and telephone number as above).

Web address: <http://www.virginia.edu/housing/conferences/>

Guidance Document:

Conference Services Agreement, revised 2004

Office of the Vice President for Finance

Copies of the following documents may be viewed Monday through Friday from 7 a.m. until 3:30 p.m. in the office of the Policy Manager, Carruthers Hall, 1001 North Emmet St., P.O. Box 400194, Charlottesville, VA 22904. Copies may be obtained free of charge by contacting Lynn Mitchell at the same address, telephone (434) 924-4037, FAX (434) 924-3694, or by e-mail: lm2z@virginia.edu.

The document may also be viewed at the University of Virginia's home page <http://www.virginia.edu/uvapolicies/>.

Questions regarding interpretation or implementation of these documents may be directed to Lynn Mitchell at the address and phone number above.

Guidance Document:

University of Virginia Policy Directory

Office of the Vice President and Provost

Copies of the University of Virginia's Undergraduate Prospectus can be viewed at the Office of Admission, Peabody Hall, Charlottesville, VA, Monday through Friday from 8:30 a.m. to 5 p.m. Questions regarding viewing may be directed to Marjorie Schiff, Senior Assistant Dean of Admission, Peabody Hall, Charlottesville, VA, telephone (434) 982-3200, or e-mail at mas4ys@virginia.edu.

The document may also be viewed at the University of Virginia's home page (<http://www.virginia.edu/OfStud.html>).

Copies may be obtained at no charge by contacting Carol Craig, Office of Admission, P.O. Box 400160, Charlottesville, VA 22904-4160, telephone (434) 982-3383.

Questions regarding interpretation or implementation of this document may be directed to Marjorie Schiff at the above telephone number, e-mail, and address.

Copies of the Undergraduate and Graduate records can be viewed in the Office of the Vice President and Provost, Madison Hall, Charlottesville, VA, Monday through Friday from 8:30 a.m. to 5 p.m. Questions regarding viewing may be directed to Patricia Hartsook, Executive Staff Assistant to the Vice President and Provost, Madison Hall, P.O. Box 400226, Charlottesville, VA 22904-4226, telephone (434) 982-2362, or e-mail at pah8h@virginia.edu.

Individuals eligible to receive a complimentary copy of the Undergraduate and Graduate Records should contact Robert LeHeup, Associate Registrar, Office of the University Registrar, P.O. Box 900203, Charlottesville, VA 22904-4203, telephone (434) 924-4122, or e-mail at rdl9e@virginia.edu. Other persons may obtain a copy of the Undergraduate and Graduate Records from the University Bookstore at (434) 924-3721, or write to the University of Virginia Bookstore, Charlottesville, VA 22904-4820. The cost is \$6.

The documents may also be viewed at the University of Virginia's home page (<http://www.virginia.edu/docs.html>).

Questions regarding interpretation and implementation of these documents may be directed to Laura Hawthorne, Special Assistant to the Vice President and Provost, Office of the Vice President and Provost, Madison Hall, P. O. Box 400226, Charlottesville, VA 22904-4226, telephone (434) 983-2362, or e-mail at LauraH@virginia.edu.

Copies of the Faculty Handbook may be viewed at Alderman Library, McCormick Road at University Avenue, Charlottesville, VA, Monday through Thursday from 8 a.m. to 12 a.m., Friday from 8 a.m. to 9 p.m., Saturday from 9 a.m. to 6 p.m., and Sunday from 12 p.m. to 12 a.m. (Times may vary; check prior to coming: telephone, (434) 924-3021.) Assistance in locating a computer terminal is available at the circulation desk.

Hard copies of the Faculty Handbook are no longer available.

The document may also be viewed at the University of Virginia's home page (<http://www.virginia.edu/provost/policies.html>).

Questions regarding the interpretation and implementation of the Faculty Handbook may be directed to Laura Hawthorne at the above telephone number and address.

Guidance Documents:

University of Virginia's Undergraduate Prospectus, Fall 2004

University of Virginia Undergraduate and Graduate Record, 2004-2005

University of Virginia Faculty Handbook, last revised paper date 1994

Claude Moore Health Sciences Library

Copies of the following documents may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of Gretchen Arnold, Associate Director for Library Operations, Claude Moore Health Sciences Library, 2nd Floor, Room 2237C, Charlottesville, VA 22908. Copies may be obtained free of charge by contacting Gretchen Arnold at the same

Guidance Documents

address, telephone (434) 924-5591, or e-mail: gvn8r@virginia.edu.

The documents may also be viewed at the University of Virginia's Claude Moore Health Sciences Library home page (<http://www.healthsystem.virginia.edu/internet/library/admin/policy/eligibility.cfm>).

Questions regarding interpretation or implementation of these documents may be directed to Gretchen Arnold at the above telephone number, e-mail, and address.

Guidance Document:

University of Virginia Claude Moore Health Sciences Library User Eligibility Policy, revised November 2003.

Libraries

Copies of the following document may be viewed at any University library public information desk during regular library hours (hours vary by facility). Copies may be obtained free of charge by contacting Diane Walker, Deputy University Librarian for User Services, telephone (434) 924-4606, or e-mail dpw@virginia.edu. The documents may also be viewed at the University of Virginia's home page (<http://www.lib.virginia.edu/policies/>).

Questions concerning interpretation or implementation of the policies may be directed to Diane Walker (same address and telephone number as above).

Guidance Document:

University Library Policies, July 2002

Office of the Vice President for Management and Budget

Facilities Management

Copies of the Higher Education Capital Outlay Manual (HECOM) may be viewed during regular workdays from 8 a.m. until 5 p.m. in the Office of Facilities Planning and Construction, University of Virginia, 575 Alderman Road, Charlottesville, VA 22903. Copies may be obtained for \$30 per copy from Kim Morris at the same address, telephone (434) 982-4615, FAX (434) 982-4628 or e-mail kbm4n@virginia.edu. Additionally, a web mounted copy of this document may be accessed at "<http://www.fm.virginia.edu/fpc/HECOMManual/HECOMManualRev2.pdf>."

Questions regarding interpretation or implementation of this document may be directed to Patricia Mathews, Manager Contract Administration, University of Virginia, P.O. Box 400726, Charlottesville, VA 22904-4726, telephone (434) 982-5472, FAX (434) 982-4628 or e-mail pcm8b@virginia.edu.

Guidance Document:

Higher Education Capital Outlay Manual, Edition 2, thru Revision II of February 24, 2004.

Procurement Services

The following document may be viewed on line Monday through Friday from 8 a.m. until 5 p.m. at Procurement Services, Carruthers Hall, 1001 N. Emmet Street, P.O. Box 400202, Charlottesville, VA 22904-4202. Copies may be obtained free of charge by contacting Eric Denby, Director of Procurement Services, at the above address, telephone (434) 924-4019, FAX (434) 982-2690 or e-mail: end@virginia.edu. This document and other relevant information as to how the University conducts business in the areas of purchasing, accounts payable, surplus property, and procurement with small, women-owned, and minority firms are also available on the University of Virginia's Procurement Services website (<http://www.procurement.virginia.edu/main/>) at any time.

Questions concerning interpretation or implementation of the policies may be directed to Eric Denby (same address and telephone number as above).

Guidance Document:

Commonwealth of Virginia Purchasing Manual for Institutions of Higher Education and Their Vendors, July 2004.

Senior Vice President for Development and Public Affairs

Office of University Development

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 5 p.m. at the University Development Office, 400 Ray C. Hunt Drive, #100, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Julian Bivins, Assistant Vice President for Advancement Services, University Development Office, at the above address, telephone (434) 924-4022 or FAX (434) 924-0556.

Interpretive or implementation questions may be directed to Julian Bivins (same address and telephone number as above).

Guidance Document:

University Development Mission and Values Statement, October 1991

Vice President for Student Affairs

Division of Student Affairs

Copies of the following documents may be viewed during regular work days from 8 a.m. until 5 p.m. in the Office of the Vice President for Student Affairs, S.W. Wing, the Rotunda, Charlottesville, VA 22903. Copies may be obtained free of charge by contacting Patricia M. Lampkin at the same address, telephone (434) 924-7984, FAX (434) 924-1002, or e-mail: vpsa@virginia.edu. Unless stated otherwise, the documents also may be viewed and printed from Chapter 5 of the University's Graduate and Undergraduate Record websites (<http://www.virginia.edu/~regist/gradrec/> and <http://www.virginia.edu/~regist/ugradrec/>, respectively).

Questions regarding interpretation or implementation of these documents may be directed to Patricia M. Lampkin, Vice President for Student Affairs.

Guidance Documents:

Alcohol and Drug Policy, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Spring 2004.

Discriminatory Harassment Policy, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Spring 2004.

Sexual Assault, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 2002. Policies and procedures may be viewed at http://sexualassault.virginia.edu/uva_policies.htm.

Use of University Equipment, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

Use of University Facilities, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Fall 1998

University Services and Activities, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised Spring 2004

Vice President and Chief Information Officer Office of Information Technologies/Department of Information Technology and Communication

Electronic versions of the following documents are accessible for viewing at and may be printed from the URLs listed below.

Questions regarding interpretation or implementation of these documents may be directed to Robert Reynolds, Vice President and Chief Information Officer, University of Virginia, 108 Cresap Road, P.O. Box 400217, Charlottesville, VA 22904-4217, telephone (434) 982-2249, FAX (434) 924-3579 or e-mail: oit@virginia.edu.

Guidance Documents:

Virginia Information Technology Agency Information Technology Resource Management (ITRM) Policies, Standards and Guidelines (<http://www.vita.virginia.gov/docs/psg.cfm>)

University of Virginia university-wide computing policies and procedures (<http://www.itc.virginia.edu/policy>)

Vice President and Chief Executive Officer of the Medical Center

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of the Vice President and Chief Executive Officer, McKim Hall, 3rd Floor, Room 3004, Charlottesville, VA 22908-0788. Copies may be obtained free of charge by contacting Sally Barber at the same address, telephone (434) 243-5788 or (434) 243-5920 FAX (434) 243-9328 or by e-mail: snb4af@virginia.edu.

Questions regarding interpretation or implementation of these documents may be directed to Sally Barber at the address and phone number above.

Guidance Document:

Medical Center Policy Manual, revised 2004

Medical Center Supply Chain Management

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of Supply Chain Management, Medical Center Level 0, Room G-525, P.O. Box 800690, Charlottesville, VA 22908. Copies may be obtained free of charge by contacting James P. Keathley, Administrator, Supply Chain Management, at the same address, telephone (434) 982-3865, FAX (434) 982-1796 or e-mail: jpk7a@virginia.edu.

Questions regarding interpretation or implementation of these documents may be directed to James P. Keathley at the address and phone number above.

Guidance Document:

Medical Center Policy #0189, Purchasing Guidelines, Revised December 2004

Vice President for Research and Graduate Studies

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. at 314 Madison Hall & Booker House, Charlottesville, VA 22904. Copies may be obtained free of charge by contacting Jeff Blank, telephone (434) 924-3990, or e-mail jdb9b@virginia.edu.

Questions concerning interpretation or implementation of the policies may be directed to Jeff Blank at the address and telephone number above.

Web address: <http://www.virginia.edu/vprgs/>.

or

<https://etg07.itc.virginia.edu/policy/policydisplay?id=%27RES-001%27>

Guidance Document:

Copyright Law, Ch. 5 - "Non-academic Regulations," University of Virginia Graduate and Undergraduate Record, revised April 1, 2004.

Office of Equal Opportunity Programs

Copies of the following document may be viewed Monday through Friday from 8 a.m. until 4:30 p.m. in the office of Equal Opportunity Programs, Washington Hall East Range, Charlottesville, VA 22904. Copies may be obtained free of charge by contacting Brad Holland, telephone (434) 924-3200, or e-mail bkh9d@virginia.edu.

Questions concerning interpretation or implementation of the policies may be directed to Brad Holland at the address and telephone number above.

Web address: <http://www.virginia.edu/eop/>.

Guidance Documents

Guidance Document:

Non Discrimination Policy
(<http://www.virginia.edu/eop/policies.html#non-discrim>)

Discrimination Complaint Procedures
(<http://www.virginia.edu/eop/policies.html#complaintproced>),
Ch 5 "Non-Academic Regulations," University of Virginia
Undergraduate Record; Ch. 4 "Non-Academic Regulations,"
University of Virginia Graduate Record.

THE UNIVERSITY OF VIRGINIA'S COLLEGE AT WISE

Copies of the following document may be viewed during regular workdays from 8 a.m. until 5 p.m. in the Office of Enrollment Management, The University of Virginia's College at Wise, 1 College Avenue, Bowers-Sturgill Hall, Wise, Virginia 24293. Copies may be obtained free by contacting Linda Baker, Office of Enrollment Management, same address, telephone (276) 328-0102 or FAX (276) 328-0251.

Questions regarding interpretation or implementation of this document may be directed to Rusty Necessary, Vice Chancellor for Enrollment Management, The University of Virginia's College at Wise, 1 College Avenue, Wise, Virginia 24293, telephone (276) 328-0102 or FAX (276) 328-0251.

Guidance Documents:

Admissions Viewbook, August 2004, no charge

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Copies of the following documents can be viewed during regular work days from 8 a.m. until 5 p.m. in the Office of the Provost, The University of Virginia's College at Wise, 1 College Avenue, Bowers-Sturgill Hall, Wise, Virginia 24293. Copies may be obtained free by contacting Darlene Moore, Office of the Provost, same address, telephone (276) 328-0120 or FAX (276) 376-4518.

Questions regarding interpretation or implementation of this document may be directed to Gil Blackburn, Provost and Senior Vice Chancellor, The University of Virginia's College at Wise, 1 College Avenue, Wise, Virginia 24293, telephone (276) 328-0120 or FAX (276) 376-4518.

Guidance Document:

The University of Virginia's College at Wise Faculty Handbook, August 2004, no charge

The University of Virginia's College at Wise Catalog, August 2004, no charge
(<http://www.uvawise.edu/academics/catalog.html>)

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Electronic versions of the following documents are accessible for viewing at and may be printed from the URLs listed below.

Questions regarding interpretation or implementation of this document may be directed to Gil Blackburn, Provost and Senior Vice Chancellor, The University of Virginia's College at Wise, 1 College Avenue, Wise, Virginia 24293, telephone (276) 328-0120 or FAX (276) 376-4518.

Guidance Document:

Computing Policies: <http://www.uvawise.edu/oit/policies.html>

Library Use Policies: <http://lib.uvawise.edu/services.htm>

BOARD OF VETERINARY MEDICINE

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. at the offices of the Department of Health Professions, 6603 W. Broad Street, 5th Floor, Richmond, VA 23230. Copies may also be downloaded from the board's webpage at www.dhp.virginia.gov or the Regulatory Townhall at www.townhall.virginia.gov or requested by email at vetbd@dhp.virginia.gov. Questions regarding interpretation or implementation of these documents or requests for copies may be directed to Elizabeth Carter, Ph.D., Executive Director of the Board, at the address above or by telephone at (804) 662-9915. Copies are free of charge.

Guidance Document:

150-1, Newsletter of January 1988, Drug Recordkeeping at shared facilities

150-2, Board minutes of February 12, 2003, Expanded duties for Licensed Veterinary Technicians

150-3, Board motion of May 21, 2003, Distance learning programs and preceptorships for veterinary technicians

150-4, Board minutes of June 15, 1994, "Chip" clinics outside approved facilities

150-5, Board minutes of January 31, 1995, Criteria for an approved rabies clinic

150-6, Board minutes of December 19, 1995, Mobile facilities allowed to change location without an inspection

150-7, Board minutes of August 13, 1996, Use of term "specialist" or "specialty"

150-12, Newsletter of December 1999, Unannounced inspections and veterinary facilities acting as pharmacies

150-13, Board opinion on veterinary prescriptions, May 16, 2002, revised February, 2004

150-14, Board guidance on process for delegation of informal fact-finding to an agency subordinate, November 3, 2004

VIRGINIA COMMONWEALTH UNIVERSITY

Copies of the following document may be viewed Monday through Friday from 8:30 a.m. until 5 p.m. in the Office of the Vice Provost for Academic Affairs, 901 West Franklin Street, Richmond, VA 23284. Copies may be obtained free of charge by contacting Anne M. Peterson at (804) 828-6162 or e-mail ampeters@vcu.edu.

These policies may also be downloaded at Virginia Commonwealth University's website (<http://www.vcu.edu/provost/handbook/general/>). Questions concerning interpretation or implementation of the policies

may be directed to Donna R. Brodd (same telephone and address as above).

Guidance Document:

Faculty Handbook

Copies of the following document may be viewed Monday through Friday from 8:30 a.m. until 5 p.m. in the Office of the Dean of Student Affairs, 901 Floyd Avenue, Richmond, VA 23284. Copies may be obtained free of charge by contacting Janet Coury at (804) 828-8940 or e-mail jmcoury@vcu.edu.

These policies may also be downloaded at Virginia Commonwealth University's website <http://www.vcu.edu/vcu/current.html>. Questions concerning interpretation or implementation of the policies may be directed to Janet Coury (same telephone and address as above).

Guidance Document:

VCU Resource Guide for Students

Copies of the following document may be viewed Monday through Friday from 8:30 a.m. until 5:00 p.m. in the Academic Campus Customer Service Office at 1111 West Broad Street, Suite A, Richmond, VA 23284. Copies may be obtained free of charge by contacting Miriam Maddux at (804) 827-0556 or e-mail madduxmf@vcu.edu.

These policies may also be downloaded at Virginia Commonwealth University's website <http://www.bsv.vcu.edu/vcupark/guide1.htm>. Questions concerning interpretation or implementation of the policies may be directed to Miriam Maddux (same telephone and address as above).

Guidance Document:

Parking Guidelines

VIRGINIA RETIREMENT SYSTEM

Copies of the following documents may be viewed during regular work days from 8 a.m. until 4:30 p.m. in the office of the Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219. Copies may be obtained free of charge by contacting Ann Black, Communications Manager, at the same address, telephone (804) 649-8059, FAX (804) 786-1541 or e-mail ablack@vrs.state.va.us. The documents may be downloaded from the Virginia Retirement System Website (www.varetire.org).

Questions regarding interpretation of benefit plan provisions or implementation of procedures outlined in these documents may be directed to Bo Harris, Deputy Director, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541 or e-mail bo@vrs.state.va.us.

Guidance Documents:

Virginia Retirement System, 2004 Edition - revised August 2004, Code of Virginia

Employer Manual - revised August 2004, Code of Virginia, Title 51.1

Handbook for Members - Virginia Retirement System, summary plan description, revised September 2004, Code of Virginia, Title 51.1, Chapters 1-7, 10, 11, 13, 14

Handbook for Members – State Police Officers' Retirement System, summary plan description, published October 2003, Code of Virginia, Title 51.1, Chapters 1-7, 10, 11, 13, 14

Handbook for Members – Virginia Law Officers' Retirement System, summary plan description, revised September 2004, Code of Virginia, Title 51.1, Chapters 1-7, 10, 11, 13, 14

Applying for Service Retirement – revised July 2004, Code of Virginia, Title 51.1, Chapters 1, 3

Applying for Disability Retirement – revised July 2004, Code of Virginia, Title 51.1, Chapters 1, 2, 3, 5

Pre-Retirement Planning Guide – revised July 2004, Code of Virginia, Title 51.1, Chapters 1, 2, 3, 5

Making the Future Secure After The Loss of A Loved One – revised May 2003, Code of Virginia, Title 51.1, Chapters 1, 2, 3, 5

Member Benefit Profile – last published September 2004, Code of Virginia, Title 51.1, Chapters 1-7, 10

Defined Contribution Plans Manual – revised February 2001, Code of Virginia, Title 51.1, Chapter 6

Deferred Compensation Plan of The Commonwealth Of Virginia Plan Document – revised June 2004, Code of Virginia, Title 51.1, Chapter 6

Composite Copy Of The Master Trust for The Deferred Compensation Plan of The Commonwealth Of Virginia – revised October 200, Code of Virginia, Title 51.1, Chapter 6

The VRS Deferred Compensation and Cash Match Plans Planning Guide – revised January 1, 2002, Code of Virginia, Title 51.1, Chapter 6

The VRS Defined Contribution Plans Investment Guide – revised June 2003, Code of Virginia, Title 51.1, Chapter 6

Explorations, published quarterly – Code of Virginia, Title 51.1, Chapter 6

Deferred Compensation Plan and Match Plans Plan Features and Highlights – revised May 2004, Code of Virginia, Chapter 6

Optional Retirement Plan for Political Appointees or School Superintendents – Plan Features and Highlights, revised February 2002, Code of Virginia, Title 51.1, Chapter 2

Choosing Your Retirement Plan – Guidelines and Provider Information for Employees of Colleges and Universities Eligible to Select the Optional Retirement Plan for Higher

Guidance Documents

Education – revised September 2004, Code of Virginia, Title 51.1, Chapter 2

Handbook for Participants in The Commonwealth of Virginia Optional Retirement Plan for Higher Education – published September 2004, Code of Virginia, Title 51.1, Chapter 2

VRS Retirement Benefits and Divorce – revised May 1996, addendum printed July 2003, Code of Virginia, Title 51.1, Chapter 1

Virginia Sickness and Disability Program Handbook – revised January 2004, Code of Virginia, Title 51.1, Chapter 11

Employer Update – published bi-monthly, Code of Virginia, Title 51.1, Chapters 1-7

Member Bulletin – published semi-annually, Code of Virginia, Title 51.1, Chapters 1-7

Retiree News – published semi-annually, Code of Virginia, Title 51.1, Chapters 1-7

Retiree Handbook – Code of Virginia – revised December 2004, Title 51.1, Chapters 1-7

Retirement Benefits Under the Workforce Transition Act – revised January 2003, Title 51.1, Chapter

VRS Annual Report, December 2004 – published annually, Code of Virginia, Title 51.1, Chapters 1-7

What's Quick, Easy And Only A Phone Call Away? (VIPS For VRS Employers) – revised March 2003, Code of Virginia, Title 51.1, Chapters 1-7

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY

Copies of the following documents may be viewed during the regular work days from 8 a.m. to 5 p.m. in the Office of the Chief of Staff to the Executive Vice President and Chief Operating Officer, 321 Burruss Hall, Virginia Tech, Blacksburg, VA 24060. Copies may be obtained free of charge by contacting Kathy Sanders at the 400 Burruss Hall, Virginia Tech, Blacksburg VA 24060, telephone 540-231-3852, FAX 540-231-6474 or email sandersk@vt.edu. The documents may be downloaded from the Virginia Tech's website (<http://www.vt.edu>).

Questions regarding interpretation or implementation of these guidance documents may be directed to Lisa J. Wilkes, Chief of Staff, Office of the Executive Vice President and Chief Operating Officer, Virginia Tech, Blacksburg, VA 24060, telephone, 540-231-5706, FAX 540-231-4830 or email lwilkes@vt.edu.

Guidance Documents:

Board of Visitors Bylaws, amended November 2003 (<http://www.bov.vt.edu/bylaws.html>)

Faculty Handbook, revised September 2004 (http://www.provost.vt.edu/web_pages/Faculty%20Handbook%202004.pdf)

Special Research Faculty Handbook, revised November 2002 (http://www.provost.vt.edu/web_pages/fac_handbook_sp_rese_arch.pdf)

Virginia Tech Employee Handbook, revised April 2001 (<http://www.ps.vt.edu/downloads/handbook.pdf>)

Undergraduate Course Catalog and Academic Policies, 2004-05, (<http://www.undergradcatalog.registrar.vt.edu/0405/index.html>)

Graduate Policies and Procedures and Course Catalog, revised 2003 (<http://www.vt.edu/academics/gcat/index.html>)

Hokie Handbook (student handbook), 2004-05 (<http://www.hokiehandbook.vt.edu/>)

2004 Jeanne Clery Act Report (<http://www.police.vt.edu/2004%20Full%20page%20Clery.doc>)

Parking Rules and Regulations, 2004-05 (<http://www.parking.vt.edu/rules.htm>)

VIRGINIA STATE UNIVERSITY

Please find below the following guidance documents filing for Virginia State University. Additional information on these documents can be obtain by going to the Virginia State University website.

Graduate Catalog. <http://www.vsu.edu/docs.grad-cat04.pdf>

Undergraduate Catalog. <http://www.vsu.edu/docs/Undergrad-cat04.pdf>

COLLEGE OF WILLIAM AND MARY

Copies of the following documents may be viewed during the regular work days from 8 a.m. to 5 p.m. in the Office of University Publications, Holmes House, College of William and Mary, Williamsburg, VA 23185. Copies may be obtained free of charge by contacting Lucinda H. Baker at the same address, telephone 757-221-2632, FAX 757-221-3243 or email lhbake@wm.edu. The documents may be downloaded from the College of William and Mary Web site (<http://www.wm.edu>).

Questions regarding interpretation or implementation of these guidance documents may be directed to Lucinda H. Baker, Director of Publications, College of William and Mary, Williamsburg, VA 23185, telephone, 757-221-2632, FAX 757-221-3243 or email lhbake@wm.edu.

Guidance Documents:

Faculty Handbook, revised April 1999

Student Handbook, revised August 2003

Employee Handbook, revised 1998

Campus Security and Crime Information Annual Report for Calendar 2003

Board of Visitors Bylaws, November, 2000

Undergraduate Program Catalog, revised August 2003

VIRGINIA WORKERS' COMPENSATION COMMISSION

Copies of the following documents may be viewed during regular work days from 8:15 a.m. until 5 p.m. in the office of the Virginia Workers' Compensation Commission, 1000 DMV Drive, Richmond, VA 23220. Copies may be obtained free of charge by contacting Ann Beverly at the same address, telephone (804) 367-8269, toll-free in Virginia at 1-877-664-2566, or e-mail ann.beverly@vwc.state.va.us. The documents are be available on the commission's website (<http://www.vwc.state.va.us>).

Guidance Documents:

A Brief Guide to Workers' Compensation for Employees, § 65.2-100 et seq.

A Brief Guide to Workers' Compensation for Employees (minor injury cases), § 65.2-100 et seq.

Appealing A Case to the Court of Appeals from the VWC, § 65.2-706.

Workers' Compensation Requirements for Employers in Virginia, § 65.2-100 et seq.

Mediation Services Brochure

Requirements for Individual Self-Insurance under the Virginia Workers' Compensation Act, 16 VAC 30-80-10 et seq.

Second Injury Fund Information Sheet, § 65.2-1100 et seq.

Workers' Compensation Notice, Workplace Placard, §§ 65.2-100 et seq.

Notice To All Employers Regarding Mandatory Insuring Requirement, § 65.2-800.

Guidelines for Administering Provisions Relating to Professional Employer Organizations (Rev. 09/04), § 65.2-803.1.

VWC Information Resource Manual (Rev. 1/04), § 65.2-100 et seq.

Seventh Annual Virginia Workers' Compensation Seminar Notebook (Rev. 09/04), § 65.2-100, et seq.

Help For Crime Victims/Criminal Injuries Compensation Fund, §§ 19.2-368.1 et seq.

Procedures and Guidelines of the Criminal Injuries Compensation Fund (Rev. 11/04), §§ 19.2-368.1 et seq.

Outline for Analyzing Claims Under The Compensating Victims of Crime Act, §§ 19.2-368.1 et seq.

GENERAL NOTICES/ERRATA

COMMISSION ON LOCAL GOVERNMENT

Schedule for the Assessment of State and Federal Mandates on Local Governments

Pursuant to the provisions of §§ 2.2-613 and 15.2-2903(6) of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by the Secretary of Administration and Governor Warner, represents the timetable which the listed executive agencies will follow in conducting their assessments of certain State and federal mandates on local governments that they administer. Such mandates are either new (in effect for at least 24 months), newly identified, or have been previously assessed more than four years ago. In conducting these assessments, agencies will follow the process established by EXECUTIVE MEMORANDUM 1-98 which became effective October 13, 1998, succeeding EXECUTIVE MEMORANDUM 5-94. These mandates are abstracted in the CATALOG OF STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS as published by the Commission on Local Government.

For further information contact Ted McCormack, Associate Director, Commission on Local Government (e-mail ted.mccormack@dhcd.virginia.gov or telephone (804) 786-6508) or visit the Commission's website at <http://www.clg.state.va.us>.

STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS

Approved Schedule of Assessment Periods - February 2005 through April 2006 for
Executive Agency Assessment of Cataloged Mandates

AGENCY/Mandate Short Title	CATALOG NUMBER	ASSESSMENT PERIOD
AGING, DEPARTMENT FOR THE Area Plan for Aging Services	SHHR.VDA001	11/1/05 to 11/30/05
AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF Enforcement of Comprehensive Animal Laws	SCT.VDACS002	2/1/05 to 4/30/05
USDA Food Program Participation Requirements	SCT.VDACS003	2/1/05 to 4/30/05
Regulate Public Animal Holding Facilities	SCT.VDACS004	2/1/05 to 4/30/05
Cooperative Gypsy Moth Suppression Program	SCT.VDACS006	2/1/05 to 4/30/05
ARTS, VIRGINIA COMMISSION FOR THE Local Government Challenge Grants Program	SOE.VCA001	2/1/05 to 4/30/05
Artist in Residence Grants Program	SOE.VCA002	2/1/05 to 4/30/05
AVIATION, DEPARTMENT OF Airport Operation Standards	STO.DOAV001	3/1/05 to 5/31/05
Airport Licensing	STO.DOAV002	3/1/05 to 5/31/05
Airport Property Lease	STO.DOAV003	3/1/05 to 5/31/05
Airport Grant Application Approval	STO.DOAV004	3/1/05 to 5/31/05
Airport Grant Assurances	STO.DOAV005	3/1/05 to 5/31/05
Airport Safety Overlay Zoning	STO.DOAV006	3/1/05 to 5/31/05
Based Aircraft Survey	STO.DOAV007	3/1/05 to 5/31/05
Airport Financial Responsibility	STO.DOAV008	3/1/05 to 5/31/05
BLIND AND VISION IMPAIRED, DEPARTMENT FOR THE Teacher of Blind Salary Reimbursement	SHHR.DBVI002	6/1/05 to 8/31/05
Operation of Vending Stand by Blind Person	SHHR.DBVI003	6/1/05 to 8/31/05
COMPENSATION BOARD Constitutional Officer Legal Expenses	SOA.CB001	2/1/05 to 3/31/05
Constitutional Officer Annual Budget Request	SOA.CB002	2/1/05 to 3/31/05
Funding Constitutional Officer Expenses	SOA.CB003	2/1/05 to 3/31/05
COMPREHENSIVE SERVICES, OFFICE OF Comprehensive Svcs for At-Risk Youth and Families	CSA.001	12/1/05 to 1/31/06
CONSERVATION AND RECREATION, DEPARTMENT OF Virginia Outdoors Fund	SNR.DCR001	6/1/05 to 8/31/05
Land and Water Conservation Fund	SNR.DCR002	6/1/05 to 8/31/05
Flood Prevention and Protection Assistance Fund	SNR.DCR003	6/1/05 to 8/31/05
Perpetual Conservation Easement	SNR.DCR004	6/1/05 to 8/31/05
Virginia Impounding Structure Regulations	SNR.DCR005	6/1/05 to 8/31/05
Stormwater Management Program	SNR.DCR006	6/1/05 to 8/31/05

General Notices/Errata

Public Beach Grant and Advisory Commission	SNR.DCR007	6/1/05 to 8/31/05
Erosion and Sediment Control Program	SNR.DCR008	6/1/05 to 8/31/05
Virginia Water Quality Improvement Act NPSP Control Grant	SNR.DCR010	6/1/05 to 8/31/05
Chesapeake Bay Preservation Area Designation	SNR.DCR013	6/1/05 to 8/31/05
Comprehensive Plan Requirements in Tidewater	SNR.DCR014	6/1/05 to 8/31/05
Zoning Ordinance Requirements in Tidewater	SNR.DCR015	6/1/05 to 8/31/05
Development Review Requirements in Tidewater	SNR.DCR016	6/1/05 to 8/31/05
Subdivision Ordinance Requirements in Tidewater	SNR.DCR017	6/1/05 to 8/31/05
Erosion Ordinance Requirements in Tidewater	SNR.DCR018	6/1/05 to 8/31/05
Land Development Requirements in Tidewater	SNR.DCR019	6/1/05 to 8/31/05
CORRECTIONS, DEPARTMENT OF		
Correctional Facility Cost-sharing	SPS.DOC002	2/1/05 to 4/30/05
Correctional Facility Compliance Audit	SPS.DOC005	8/1/05 to 10/31/05
CRIMINAL JUSTICE SERVICES, DEPARTMENT OF		
Forfeited Asset Sharing Program (FASP)	SPS.DCJS001	7/1/05 to 9/30/05
Criminal History Record Information	SPS.DCJS002	7/1/05 to 9/30/05
McGruff House Program	SPS.DCJS003	7/1/05 to 9/30/05
Edward Byrne Memorial Grant	SPS.DCJS005	7/1/05 to 9/30/05
Juvenile Delinquency Prevention Grants	SPS.DCJS006	7/1/05 to 9/30/05
Local Law Enforcement Block Grant Program	SPS.DCJS020	7/1/05 to 9/30/05
EDUCATION, DEPARTMENT OF		
School Board Employee Grievance Procedures	SOE.DOE002	4/1/05 to 5/31/05
Attendance Guidelines for HIV-Infected Students	SOE.DOE019	4/1/05 to 5/31/05
Use of Approved Textbooks	SOE.DOE024	4/1/05 to 5/31/05
School Facility Standards	SOE.DOE032	4/1/05 to 5/31/05
Radon Testing of Public Schools	SOE.DOE035	6/1/05 to 7/31/05
Drugs and Drug Abuse Instruction	SOE.DOE047	6/1/05 to 7/31/05
Physical and Health Education	SOE.DOE048	6/1/05 to 7/31/05
Home Instruction	SOE.DOE094	8/1/05 to 9/30/05
Required Local Funding Effort for School Division	SOE.DOE095	8/1/05 to 9/30/05
Fees and Charges	SOE.DOE096	8/1/05 to 9/30/05
Suspension, Expulsion, and Exclusion of Pupils	SOE.DOE097	10/1/05 to 11/30/05
Drug-Free Schools and Campuses	SOE.DOE098	10/1/05 to 11/30/05
Jointly Owned and Operated Schools and Programs	SOE.DOE099	10/1/05 to 11/30/05
School Activity Funds	SOE.DOE100	10/1/05 to 11/30/05
Student Code of Conduct	SOE.DOE103	10/1/05 to 11/30/05
ELECTIONS, STATE BOARD OF		
Voting Equipment and Systems	SOA.SBE001	5/1/05 to 7/31/05
EMERGENCY MANAGEMENT, DEPARTMENT OF		
Appoint Local Emergency Services Director	SPS.VDEM001	2/1/05 to 4/30/05
Emergency Management Assistance (EMA)	SPS.VDEM002	2/1/05 to 4/30/05
Local Emergency Operations Plan	SPS.VDEM003	2/1/05 to 4/30/05
Radiological Emergency Plan	SPS.VDEM004	2/1/05 to 4/30/05
Disaster Assistance	SPS.VDEM006	2/1/05 to 4/30/05
Hazardous Materials Response Team	SPS.VDEM007	2/1/05 to 4/30/05
SARA Title III Requirements	SPS.VDEM008	2/1/05 to 4/30/05
ENVIRONMENTAL QUALITY, DEPARTMENT OF		
Clean Air Act Section 105 Grant	SNR.DEQ002	9/1/05 to 11/30/05
Virginia Coastal Resources Management Program	SNR.DEQ003	9/1/05 to 11/30/05
Litter Control Recycling Grant	SNR.DEQ010	4/1/05 to 6/30/05
Solid Waste Management Plan	SNR.DEQ014	4/1/05 to 6/30/05
Recycling Program	SNR.DEQ015	4/1/05 to 6/30/05
Solid Waste Management Reporting	SNR.DEQ028	4/1/05 to 6/30/05
Compliance with Air Emission Standards	SNR.DEQ031	9/1/05 to 11/30/05
GAME AND INLAND FISHERIES, DEPARTMENT OF		
Carrying Loaded Firearms on Public Roads	SNR.DGIF001	6/1/05 to 8/31/05
County Hunting Damage Stamp	SNR.DGIF002	6/1/05 to 8/31/05

General Notices/Errata

Hunting or Trapping Near Highways	SNR.DGIF003	6/1/05 to 8/31/05
Safe and Responsible Boating	SNR.DGIF004	6/1/05 to 8/31/05
Hunting Weapons Restrictions Enforcement	SNR.DGIF005	6/1/05 to 8/31/05
GENERAL SERVICES, DEPARTMENT OF Design-Build Construction	SOA.DGS004	1/1/06 to 3/31/06
HISTORIC RESOURCES, DEPARTMENT OF Historic Preservation Grants	SNR.DHR001	4/1/05 to 6/30/05
Grants to Certified Local Governments	SNR.DHR002	4/1/05 to 6/30/05
Cultural Resource Survey and Planning Cost-Share Program	SNR.DHR003	4/1/05 to 6/30/05
HOUSING AND COMMUNITY DEVELOPMENT, DEPARTMENT OF Small Cities Community Development Block Grant Program	SCT.DHCD004	4/1/05 to 6/30/05
Home Investment Partnership Act (HOME)	SCT.DHCD007	4/1/05 to 6/30/05
HUMAN RESOURCE MANAGEMENT, DEPARTMENT OF Optional Health Insurance	SOA.DHRM001	4/1/05 to 6/30/05
JUVENILE JUSTICE, DEPARTMENT OF Juvenile Correctional Facility Report	SPS.DJJ001	2/1/05 to 3/31/05
Delinquency Prevention	SPS.DJJ002	2/1/05 to 3/31/05
Court Service Unit Standards	SPS.DJJ003	3/1/05 to 4/30/05
Court Service Unit Office Space	SPS.DJJ004	3/1/05 to 4/30/05
Juvenile Detention, Probation, and Court Service Unit Standards	SPS.DJJ005	3/1/05 to 4/30/05
Transportation of Detained Youth	SPS.DJJ006	2/1/05 to 3/31/05
Community-Based Juvenile Services and Sanctions	SPS.DJJ007	2/1/05 to 3/31/05
LABOR AND INDUSTRY, DEPARTMENT OF Boiler and Pressure Vessel Safety	SCT.DOLI001	7/1/05 to 9/30/05
Nat'l Emissions Standards for Hazardous Air Pollution	SCT.DOLI002	7/1/05 to 9/30/05
Occupational Safety and Health Act	SCT.DOLI003	7/1/05 to 9/30/05
Boiler and Pressure Vessel Operator Certification	SCT.DOLI004	7/1/05 to 9/30/05
Volunteer Apprenticeship Programs	SCT.DOLI005	7/1/05 to 9/30/05
LIBRARY OF VIRGINIA, THE Planning & Develop Standards for Public Library Services	SOE.LVA004	7/1/05 to 9/30/05
Virginia Public Record Act	SOE.LVA005	5/1/05 to 7/31/05
MENTAL HEALTH, MENTAL RETARDATION, AND SUBSTANCE ABUSE SERVICES, DEPT OF CSB Participation in the Community Medicaid Initiative	SHHR.DMHMRSAS002	3/1/05 to 5/31/05
Establishment of Community Services Board	SHHR.DMHMRSAS003	6/1/05 to 8/31/05
Community Services Board Licensing	SHHR.DMHMRSAS004	9/1/05 to 11/30/05
Community Services Board Emergency Services	SHHR.DMHMRSAS005	12/1/05 to 2/28/06
MINES, MINERALS, AND ENERGY, DEPARTMENT OF Coal Surface Mining Reclamation Regulation	SCT.DMME001	5/1/05 to 7/31/05
Regulation of Mineral Mining Operations	SCT.DMME002	5/1/05 to 7/31/05
RAIL AND PUBLIC TRANSPORTATION, DEPARTMENT OF Federal Mass Transportation Grants	STO.DRPT003	7/1/05 to 9/30/05
Public Transit System Financial Report	STO.DRPT004	7/1/05 to 9/30/05
Disadvantaged/Minority Business Participation	STO.DRPT005	7/1/05 to 9/30/05
Clean Air Amendments	STO.DRPT006	7/1/05 to 9/30/05
Railroad Grant Programs	STO.DRPT007	7/1/05 to 9/30/05
Contracting Regulations for Rail or Public Transportation Facility	STO.DRPT008	7/1/05 to 9/30/05
REHABILITATIVE SERVICES, DEPARTMENT OF Establishment of Local Disability Services Boards	SHHR.DRS001	6/1/05 to 8/31/05
SOCIAL SERVICES, DEPARTMENT OF Assessment in Adult Care Residences	SHHR.DSS062	2/1/05 to 5/31/05

STATE POLICE, DEPARTMENT OF Uniform Crime Reporting System Missing Children Information Clearinghouse Sex Offender and Crimes Against Minors Registry Youth Gangs Reporting Unserved Felony Warrant or Capias Reporting	SPS.VSP005 SPS.VSP006 SPS.VSP009 SPS.VSP010 SPS.VSP012	2/1/05 to 4/30/05 5/1/05 to 7/31/05 8/1/05 to 10/31/05 11/1/05 to 1/31/06 2/1/06 to 4/30/06
TAXATION, DEPARTMENT OF Bus., Prof., and Occ. License Tax Administrative Appeals Process	SFIN.TAX009	8/1/05 to 10/31/05
TRANSPORTATION, DEPARTMENT OF Entrance to State Highway Standards Traffic Signs, Signals, and Markings Maintenance and Construction Operations Transportation Enhancement Program Bridge Safety Inspection Local Use of Transportation Funds Six-year Secondary Roads Improvement Plan	STO.VDOT012 STO.VDOT013 STO.VDOT014 STO.VDOT016 STO.VDOT018 STO.VDOT022 STO.VDOT023	4/1/05 to 6/30/05 4/1/05 to 6/30/05 4/1/05 to 6/30/05 8/1/05 to 10/31/05 8/1/05 to 10/31/05 8/1/05 to 10/31/05 4/1/05 to 6/30/05

BOARD OF EDUCATION

Revision of Standards of Learning for Computer Technology

The Board of Education plans to review and or revise the current Standards of Learning for Computer Technology (pursuant to § 22.1-253.13:1-2 of the Code of Virginia). The public is invited to comment on the proposed revisions, which may be viewed beginning on February 18, 2005, on the Board of Education's website: http://www.pen.k12.va.us/VDOE/VA_Board/bd-sched.html.

A public hearing will be held on March 23, 2005, beginning immediately upon the adjournment of the Board of Education's business meeting, which will be held in Conference Rooms D and E in the James Monroe Building at 101 N. 14th Street, Richmond, VA 23219. Persons are invited to send comments by mail, fax, or e-mail to Ms. Gloria Barber, Director of Instructional Technology and Training, Department of Education, P.O. Box 2120, Richmond, VA 23218; (804) 225-4429; FAX (804) 225-2524; Gloria.Barber@doe.virginia.gov. Public comment will be received until March 31, 2005.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Loads (TMDLs) for Blackwater River Basin Tributaries and the Raccoon Creek Watershed

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) and an Implementation Plan (IP) to address multiple impairments in the Blackwater River Basin tributaries and the Raccoon Creek watershed. The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report, the Virginia 2002 303(d) Report on Impaired Waters, and the 2004 VA Water Quality Assessment

305(b)/303(d) Integrated Report as impaired due to violations of Virginia's water quality standards for fecal coliform bacteria. The streams are therefore not supporting the Primary Contact Recreation (Swimmable) Designated Use. The impairments include: 16.78 miles of Mill Swamp located in Isle of Wight and Surry Counties, 8.16 miles of Rattlesnake (Creek) Swamp located in Isle of Wight, 17.1 miles of Cypress Swamp located in Surry County, and 19.3 miles of Raccoon Creek in Sussex and Southampton Counties.

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. Sections 62.1-44.19:7 A and 62.1-44.19:7 C of the Code of Virginia require the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits, and environmental impacts.

A public meeting on the development of the Blackwater River Tributary TMDL has been scheduled for Thursday, March 3, 2005, at 7 p.m. at the Airfield 4-H Center, Spain Conference Lodge, in Wakefield, Virginia. Directions to the Airfield 4-H center can be found at <http://www.ext.vt.edu/resources/4h/airfield/drivingdir.html>.

This meeting is a rescheduling of two originally scheduled on January 19th and January 20th, which were postponed due to inclement weather.

The purpose of the meeting is to discuss the TMDL development process in the Blackwater Tributaries and Raccoon Creek and to share information on bacteria sources in these watersheds. Anyone interested in attending this meeting should contact the regional TMDL coordinator, Chris French (contact information provided below). Information from this meeting will be made available on the DEQ TMDL web site at <http://www.deq.virginia.gov/tmdl/>.

General Notices/Errata

The public comment period for this phase of the TMDL development will end on April 2, 2005. A fact sheet on the development of these TMDLs is available upon request or can be viewed on the DEQ website at <http://www.deq.virginia.gov/tmdl>. Questions or information requests should be addressed to Chris French. Written comments regarding the water quality study and TMDL development should include the name, address, and telephone number of the person submitting the comments and should be sent to Chris French, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, or e-mail rcfrench@deq.virginia.gov.

Total Maximum Daily Load (TMDL) for Mill Creek in Page County

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation (DCR) seek written and oral comments from interested persons on the development of a Total Maximum Daily Load (TMDL) for Mill Creek in Page County. This stream was listed on the 1998 303(d) TMDL Priority List and Report as impaired due to violations of the State's water quality standard for bacteria. The impairment extends from the headwaters to the confluence with the South Fork Shenandoah River for a total of 6.78 miles.

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 final public meeting on the development of this TMDL will be held on Wednesday, March 2, 2005, 7 p.m. at the Page County Circuit Court Room, 116 South Court Street, Luray, VA 22835.

A copy of the draft TMDL report addressing the Mill Creek impairment will be available for review on or before March 2, 2005, on the DEQ website at <http://www.deq.state.va.us/tmdl/tmdlrpts.html>. The public comment period for the draft report and the meeting will end on April 2, 2005. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or e-mail mbrent@deq.virginia.gov.

VIRGINIA WASTE MANAGEMENT BOARD

Notice of Periodic Review of Regulations

Pursuant to Executive Order Number Twenty-one (2002), the Department of Environmental Quality on behalf of the Virginia Waste Management Board, will review the Vegetative Waste Management and Yard Waste Composting Regulations (9 VAC 20-101-10 et seq.). The purpose of the review is to determine whether the regulations should be terminated, amended or retained in

their current form. The review of the regulations will be guided by the principles listed in Executive Order Number Twenty-One (2002).

The department and the board are seeking public comment on the review of any issue relating to these regulations including whether (i) the regulations are effective in achieving their goals; (ii) the regulations are essential to protect the health, safety or welfare of citizens or for the economical performance of important governmental functions; (iii) there are less burdensome and less intrusive alternatives for achieving the purpose of the regulations; and (iv) the regulations are clearly written and easily understandable by the affected persons.

The purpose of these regulations is to implement the statutory provisions of § 10.1-1408.1 I, K, and L of the Code of Virginia. The regulations are designed to protect public health and/or welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth and to allow for the thorough and efficient review of a proposed site by state and local governments designed to evaluate potential impact on public health, safety and welfare, and the environment. Comments should be sent to Michael J. Dieter, Department of Environmental Quality, Post Office Box 10009, 629 East Main Street, Richmond, VA 23240-0009, (804) 698-4146, FAX (804) 698-4327, or e-mail mjdieter@deq.virginia.gov.

Comments on the above regulations are welcome and will be accepted until March 14, 2005. (Note: Please include your full name and mailing address when providing public comment by e-mail.)

ERRATA

COMMONWEALTH TRANSPORTATION BOARD

Titles of Regulation: **24 VAC 30-91. Subdivision Street Requirements.**

Publication: 21:6 VA.R. 643-663 November 29, 2004.

Correction to Final Regulation:

Page 643, 24 VAC 30-91-10, in the definition of "abandon," line 2, change "grated" to "granted"

Page 645, 24 VAC 30-91-10, in the definition of "private streets," line 5, after "state highways" insert "maintained by the department"

Page 656, 24 VAC 30-91-110 M 5 a, last paragraph, line 2, change "us" to "use"

Page 656, 24 VAC 30-91-110 M 5 c, line 4, change "approximate" to "approximately"

Page 659, 24 VAC 30-91-130, second paragraph, line 3, change "type" to "types of"

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://register.state.va.us>.

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
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

CALENDAR OF EVENTS

Symbol Key

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

April 22, 2005 - 9 a.m. -- Public Hearing
Department of Professional and Occupational Regulation,
3600 West Broad Street, Room 395, Richmond, Virginia.

May 8, 2005 - 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 Accountancy intends to amend regulations entitled **18 VAC 5-21, Board of Accountancy Regulations**. The purpose of the proposed action is to revise and clarify (i) qualifications for licensure including new language about the current computer based CPA exam and (ii) continuing professional education (CPE) requirements for initial applicants and regulants in ethics.

Statutory Authority: §§ 54.1-4402 and 54.1-4410 of the Code of Virginia.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Richmond, VA 23230, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174 or e-mail boa@boa.virginia.gov.

† **April 22, 2005 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Room 395, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss general business matters. A public comment period will be held at the beginning of the meeting. All meetings are subject to cancellation. The time of the meeting is subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail boa@boa.virginia.gov.

COMMONWEALTH COUNCIL ON AGING

† **March 16, 2005 - 11 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Nominating Committee to prepare a slate of officers for the full council's vote at the May 19, 2005, council meeting. Public comments are welcome.

Contact: Marsha Mucha, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

BOARD OF AGRICULTURE AND CONSUMER SERVICES


March 17, 2005 - 9 a.m. -- Open Meeting
Washington Building, 1100 Bank Street, 2nd Floor,
Boardroom, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia agriculture and consumer services. 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 Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

Contact: Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail roy.seward@vdacs.virginia.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Virginia Bright Flue-Cured Tobacco Board

March 8, 2005 - 9:30 a.m. -- Open Meeting
Sheldon's Restaurant, Business Routes 15 and 360, Keysville, Virginia 

A meeting to (i) review and consider approval of minutes of the last meeting; review the financial statement and budget for FY05-06; and (iii) consider funding proposals for research, promotion, and education projects pertaining to the Virginia flue-cured tobacco industry. Other business that may come before the board will be considered, as well. 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 D. Stanley Duffer at least five days before the meeting date so that suitable arrangements can be made.

Contact: D. Stanley Duffer, Board Secretary, Virginia Bright Flue-Cured Tobacco Board, P.O. Box 129, Halifax, VA 24558, telephone (434) 572-4568, FAX (434) 572-8234.


Virginia Cattle Industry Board

February 24, 2005 - 1:30 p.m. -- Open Meeting
The Homestead, P.O. Box 2000, Hot Springs, Virginia 

A meeting to (i) approve minutes from the November 2004 meeting; (ii) review the financial statements for the period October 1 through February 1; (iii) review financial statements for fiscal year 2002-2003, ending September 30, 2004, with a report from Herman Murray of Cherry, Bekeart, and Holland. Staff will give program updates for the state and national level. 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 Bill R. McKinnon at least five days before the meeting date so that suitable arrangements can be made.

Contact: Bill R. McKinnon, Executive Director, Virginia Cattle Industry Board, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632.

Virginia Corn Board


February 21, 2005 - 8 a.m. -- Open Meeting
DoubleTree Hotel, Richmond Airport, 5501 Eubank Street, Richmond, Virginia 

A meeting to (i) discuss checkoff revenues resulting from sales of the 2004 corn crop and approve the previous meeting minutes; (ii) hear FY 2004-2005 project reports and receive FY 2005-2006 project proposals; and (iii) make funding decisions for the fiscal year beginning July 1, 2005. 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 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail Phil.Hickman@vdacs.virginia.gov.


Virginia Cotton Board

March 3, 2005 - 9:30 a.m. -- Open Meeting
Tidewater Agriculture Research and Extension Center, 6321 Holland Road, Suffolk, Virginia 

A meeting to (i) discuss and approve contractual arrangements with national and regional organizations; (ii) receive reports of programs and projects funded over the past year, (iii) conduct a hearing of Project Proposal Grant Requests on cotton by VPIandSU, VSU, and other groups for the year 2005-06; and (iv) approve financial reports and minutes of the last Cotton Board meeting. 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 Gail Moody Milteer at least five days before the meeting date so that suitable arrangements can be made.

Contact: Gail Moody Milteer, Program Director, Virginia Cotton Board, 1100 Armory Drive, Suite 120, Franklin, VA 23851, telephone (757) 569-1100, FAX (757) 562-6104.


Virginia Soybean Board

March 10, 2005 - 8 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia 

A meeting to (i) discuss checkoff revenues resulting from sales of the 2004 soybean crop and approve previous meeting minutes; (ii) hear project reports for FY 2004-2005 and project proposals for FY 2005-2006; and (iii) make funding decisions for the fiscal year beginning July 1, 2005. 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 906, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail Phil.Hickman@vdacs.virginia.gov.

Virginia Wine Board

February 24, 2005 - 11 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia 


A meeting to (i) approve the minutes of the last meeting held on November 18, 2004; (ii) review its financial statement; and (iii) discuss old business arising from the last meeting and any new business to come before the

Calendar of Events

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


Contact: David Robishaw, Board Secretary, Virginia Wine Board, 900 Natural Resources Dr., Suite 300, Charlottesville, VA 22903, telephone (434) 984-0573, FAX (434) 984-4156, e-mail David.Robishaw@vdacs.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

March 1, 2005 - 7 p.m. -- Public Hearing
Pulaski County Board Room, 143 Third Street NW, Pulaski, Virginia. 


A public hearing to receive comments on an air permit application from Volvo Trucks North America to expand and operate a facility for the assembly and painting of heavy duty trucks near Dublin, Virginia, with a concurrent increase in emission rates of air pollutants.

Contact: Gary Bradley, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6738, FAX (540) 562-6729, e-mail grbradley@deq.virginia.gov.

March 2, 2005 - 9:30 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A regular meeting of the board.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmb Berndt@deq.virginia.gov.

† March 7, 2005 - 7:30 p.m. -- Public Hearing
Henry County Administrative Building, 3300 Kings Mountain Road, Martinsville, Virginia. 


A public hearing to receive comments on a State Operating Permit application from Oak Level Finishing and Repair, Inc. for their facility located at 451 Beaver Creek Drive, Martinsville. The source is seeking a State Operating Permit governing its air emissions from a facility to finish and repair assorted wood products. An information briefing will be held at 7 p.m.

Contact: Lillian Alexander, Department of Environmental Quality, 3019 Peters Creek Rd., Roanoke, VA 24019, telephone (540) 562-6783, e-mail ljalexander@deq.virginia.gov.


ALCOHOLIC BEVERAGE CONTROL BOARD

February 28, 2005 - 9 a.m. -- Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 


A meeting to receive and discuss reports and activities from staff members and to discuss other matters not yet determined.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY , e-mail wccolen@abc.state.va.us.


ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

March 22, 2005 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. 


A quarterly meeting.

Contact: Janet L. Honeycutt, Director of Grant Operations, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9333, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail janet.honeycutt@vda.virginia.gov.

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

March 17, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. 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, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail APELSCIDLA@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

March 4, 2005 - 10 a.m. -- Open Meeting

April 1, 2005 - 10 a.m. -- Open Meeting


May 6, 2005 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. 


A monthly meeting to review projects submitted by state agencies. Art and Architectural Review Board submittal forms and submittal instructions can be downloaded by visiting the DGS Forms Center at www.dgs.state.va.us. Request form #DGS-30-905 or submittal instructions #DGS-30-906. The deadline for submitting project datasheets and other required information is two weeks prior to the meeting date.

Contact: Richard L. Ford, AIA Chairman, Art and Architectural Review Board, 101 Shockoe Slip, 3rd Floor, Richmond, VA 23219, telephone (804) 648-5040, FAX (804) 225-0329, toll free (804) 786-6152, or e-mail rford@comarchs.com.


VIRGINIA COMMISSION FOR THE ARTS

March 31, 2005 - 9 a.m. -- Open Meeting
Location to be determined. 


A quarterly meeting.


Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , e-mail peggy.baggett@arts.virginia.gov.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS


† March 16, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

An informal fact-finding conference.


Contact: David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail asbestos@dpor.virginia.gov.

† May 18, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail alhi@dpor.virginia.gov.


BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

February 24, 2005 - 9:30 a.m. -- Open Meeting
† May 19, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. 


A meeting to discuss issues and matters related to board business.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.


BOARD FOR BARBERS AND COSMETOLOGY

† February 28, 2005 - 9 a.m. -- Open Meeting
April 4, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4W, Richmond, Virginia. 


A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. 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: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail barbercosmo@dpor.virginia.gov.

BOARD FOR THE BLIND AND VISION IMPAIRED


† April 12, 2005 - 1 p.m. -- Open Meeting
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A quarterly meeting to receive information regarding department activities and operations, review expenditures from the board's endowment fund, and discuss other issues raised before the board.

Contact: Katherine C. Proffitt, Administrative 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 kathy.proffitt@dbvi.virginia.gov.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Vocational Rehabilitation Council for the Blind

† March 12, 2005 - 10 a.m. -- Open Meeting
Department for the Blind and Vision Impaired, Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

Calendar of Events

A quarterly meeting to advise the Department for the Blind and Vision Impaired on matters related to vocational rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

Contact: Susan D. Payne, Vocational Rehabilitation Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail susan.payne@dbvi.virginia.gov.

CEMETERY BOARD

February 24, 2005 - 10 a.m. -- Open Meeting

March 1, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.oneal@dpor.virginia.gov.

CHARITABLE GAMING BOARD

March 1, 2005 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Discovery Room, Richmond, Virginia. ♿

A regular quarterly meeting.

Contact: Clyde E. Cristman, Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 786-1681, FAX (804) 786-1079, e-mail clyde.cristman@dcg.virginia.gov.

STATE CHILD FATALITY REVIEW TEAM

March 11, 2005 - 10 a.m. -- Open Meeting

† May 13, 2005 - 10 a.m. -- Open Meeting
Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. ♿

The business portion of the meeting is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

Contact: Angela Myrick, Coordinator, Department of Health, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail Angela.Myrick@vdh.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES

† March 16, 2005 - 1:30 p.m. -- Open Meeting
Germanna Community College, Fredericksburg Campus, 10000 Germanna Point Drive, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

March 16, 2005 - 1:30 p.m. -- Open Meeting

† May 18, 2005 - 1:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Meetings of the Academic Committee, Student Affairs and Workforce Development Committee, and Budget and Finance Committee begins at 1:30 p.m. The Facilities Committee and the Audit Committee will meet at 3 p.m. The Personnel Committee will meet at 3:30 p.m. The Executive Committee will meet at 5 p.m.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

March 17, 2005 - 8:30 a.m. -- Open Meeting

Germanna Community College, Fredericksburg Campus, 10000 Germanna Point Drive, Fredericksburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting. The meeting will begin with a tour of the Fredericksburg Campus of Germanna Community College campus at 8:30 a.m. followed by the business meeting at 9:15 a.m. Public comment may be received at the beginning of the meeting upon written notification at at least five working days prior to the meeting date.

† May 19, 2005 - 8:30 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Godwin-Hamel Board Room, 15th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the full board. Public comment may be received at the beginning of the meeting upon notification at least five working days prior to the meeting.

Contact: D. Susan Hayden, Director of Public Affairs, Virginia Community College System, 15th Floor, 101 N. 14th St., Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY ☎

COMPENSATION BOARD

† March 23, 2005 - 11 a.m. -- Open Meeting

202 North 9th Street, 10th Floor, Richmond, Virginia. ♿

A monthly board meeting.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

Virginia Cave Board

March 19, 2005 - 11 a.m. -- Open Meeting
Endless Caverns, New Market, Virginia.

Committee meetings will begin at 11 a.m. A general board meeting will begin at 1 p.m.

Contact: David C. Dowling, Policy and Planning Manager, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.


Virginia Soil and Water Conservation Board

March 23, 2005 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.


A meeting of the Ad Hoc Committee on Dam Safety to be held in support of a July 15, 2004, motion of the Virginia Soil and Water Conservation Board that provides that the Virginia Soil and Water Conservation Board establish an ad Hoc Committee for the expressed purpose of studying the Classes of Impounding Structures (4 VAC 50-20-40), Performance Standards Required for Impounding Structures (4 VAC 50-20-50) and the attendant Table 1 established in the 2004 Virginia Impounding Structures Regulations.

Contact: David C. Dowling, Policy and Planning Manager, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, e-mail david.dowling@dcr.virginia.gov.

BOARD FOR CONTRACTORS

February 23, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting of the Tradesman and Education Committee to conduct committee business. The department fully complies with the Americans with Disabilities Act.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

NOTE: CHANGE IN MEETING TIME


February 23, 2005 - 1 p.m. -- Open Meeting
February 23, 2005 - 1:30 p.m. -- Open Meeting
February 24, 2005 - 9 a.m. -- Open Meeting
March 3, 2005 - 9 a.m. -- Open Meeting
March 8, 2005 - 9 a.m. -- Open Meeting
March 10, 2005 - 9 a.m. -- Open Meeting
March 15, 2005 - 9 a.m. -- Open Meeting
† March 16, 2005 - 9 a.m. -- Open Meeting
March 22, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

Informal fact-finding conferences.


Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.

March 1, 2005 - 9 a.m. -- Open Meeting
April 19, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.


A regular meeting to address policy and procedural issues and review and render decisions on matured complaints against licensees. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at (804) 367-2785 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: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail contractors@dpor.virginia.gov.


BOARD OF CORRECTIONAL EDUCATION

† March 18, 2005 - 10 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.


Contact: Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY , e-mail patricia.ennis@dce.virginia.gov.

BOARD OF CORRECTIONS

March 15, 2005 - 10 a.m. -- Open Meeting
† May 17, 2005 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Liaison Committee to discuss correctional matters of interest to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

March 15, 2005 - 1 p.m. -- Open Meeting
† May 17, 2005 - 1 p.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor, Room 3054, Richmond, Virginia. 

A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

Calendar of Events

March 16, 2005 - 9:30 a.m. -- Open Meeting

† **May 18, 2005 - 9:30 a.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. ☎

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

March 16, 2005 - 10 a.m. -- Open Meeting

† **May 18, 2005 - 10 a.m.** -- Open Meeting

Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. ☎

A regular meeting to discuss matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail woodhousebl@vadoc.state.va.us.

BOARD OF COUNSELING

February 25, 2005 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-2007 of the Code of Virginia that the Board of Counseling intends to adopt regulations entitled **18 VAC 115-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to set criteria for the delegation of certain types of cases to an appropriately qualified agency subordinate to conduct informal fact-finding on behalf of the board.

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

Public comments may be submitted until February 25, 2005, to Evelyn B. Brown, Executive Director, Board of Counseling, 6603 West Broad Street, Richmond, VA 23219.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

† **March 17, 2005 - 9 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A meeting of the Committee on Training.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

March 17, 2005 - 11 a.m. -- Open Meeting

† **May 12, 2005 - 11 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia.

A general business meeting.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

† **March 22, 2005 - 10 a.m.** -- Open Meeting

The Patrick Henry Hotel, 617 South Jefferson Street, Roanoke, Virginia.

A general meeting of the Private Security Services Advisory Board.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, Eighth Street Office Bldg., 805 E. Broad St., 10th Floor Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, e-mail lbaker@dcjs.state.va.us.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

May 4, 2005 - 10 a.m. -- Open Meeting

1602 Rolling Hills Drive, 2nd Floor Conference Room, Richmond, Virginia. ☎ (Interpreter for the deaf provided upon request)

A regular quarterly meeting of the advisory board.

Contact: Leslie Hutcheson Prince, Policy and Planning Manager, Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Dr., Suite 203, Richmond, VA 23235, telephone (804) 662-9703, toll-free (800) 552-7917, (804) 662-9703/TTY ☎, e-mail leslie.prince@vddhh.virginia.gov.

BOARD OF DENTISTRY

March 11, 2005 - 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 establish the qualifications for issuance of a temporary resident license in dentistry.

Statutory Authority: §§ 54.1-2400 and 54.1-2711.1 of the Code of Virginia.


Public comments may be submitted until March 11, 2005, to Sandra Reen, Executive Director, Board of Dentistry, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St.,

Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

† **February 26, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A formal hearing. There will not be a public comment period.


Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

† **March 18, 2005 - 9 a.m.** -- Open Meeting

† **March 25, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A Special Conference Committee will hold informal conferences. There will not be a public comment period.


Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , e-mail Cheri.Emma-Leigh@dhp.virginia.gov.

DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


March 17, 2005 - 11 a.m. -- Open Meeting

April 21, 2005 - 11 a.m. -- Open Meeting

† **May 19, 2005 - 11 a.m.** -- Open Meeting

Department of General Services, Eighth Street Office Building, 805 East Broad Street, 3rd Floor, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use design-build or construction-management-type contracts. Contact the Division of Engineering and Building to confirm the meeting.

Contact: Rhonda M. Bishton, Administrative Assistant, Department of General Services, 805 E. Broad Street, Room 101, Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/, or e-mail rhonda.bishton@dgs.virginia.gov.


BOARD OF EDUCATION

February 23, 2005 - 9 a.m. -- Open Meeting

March 23, 2005 - 9 a.m. -- Open Meeting

April 20, 2005 - 9 a.m. -- Open Meeting

April 21, 2005 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms C and D, Richmond, Virginia. 

A regular business meeting of the board. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting

arrangements and will note any last-minute changes in time or location. Persons who wish to speak or who require the services of an interpreter for the deaf should contact the agency at least 72 hours 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 margaret.roberts@doe.virginia.gov.

February 28, 2005 - 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 intends to amend regulations entitled **8 VAC 20-360, Rules Governing General Educational Development Certificates**. The purpose of the proposed action is to increase testing fees, change the language governing to whom a Virginia GED certificate may be issued, and change scoring requirements for issuance of a Virginia GED certificate.

Statutory Authority: §§ 22.1-16 and 22.1-224 of the Code of Virginia.

Contact: Dr. Yvonne Thayer, Director, Adult Education Programs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2293.

† **April 22, 2005** - 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 intends to adopt regulations entitled **8 VAC 20-680, Regulations Governing the General Achievement Diploma**. The regulation establishes an individual's eligibility and the course/credit/assessment requirements for the diploma. It replaces emergency regulations effective from November 4, 2003, through November 4, 2004, with very minor changes except in format.

Statutory Authority: §§ 22.1-253.13.4 and 22.1-254.2 of the Code of Virginia.

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 margaret.roberts@doe.virginia.gov.

Calendar of Events

DEPARTMENT OF EDUCATION

April 14, 2005 - 8:45 a.m. -- Open Meeting

April 15, 2005 - 8:45 a.m. -- Open Meeting

Tidewater region; location to be announced.

A meeting of the State Special Education Advisory Committee. Agenda to be determined.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, e-mail margaret.roberts@doe.virginia.gov.

Advisory Board on Teacher Education and Licensure

March 21, 2005 - 8:45 a.m. -- Open Meeting

April 18, 2005 - 8:45 a.m. -- Open Meeting


Location to be announced.

A regular meeting. The public is urged to confirm arrangements prior to each meeting by viewing the Department of Education's public meeting calendar at <http://www.pen.k12.va.us/VDOE/meetings.html>. This site will contain the latest information on the meeting arrangements and will note any last-minute changes in time or location. Please note that persons requesting the services of an interpreter for the deaf are asked to do so at least 72 hours in advance so that the appropriate arrangements may be made.

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 margaret.roberts@doe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY


February 22, 2005 - 7 p.m. -- Open Meeting

First Apostolic Faith Church of God, 403 Callahan Avenue, Appalachia, Virginia. 

A public meeting to present the draft TMDL report to address the benthic and bacteria impairments in Callahan Creek in Wise County. The public comment period ends on March 23, 2005. The public notice appears in the Virginia Register of Regulations on February 7, 2005.

Contact: Nancy T. Norton, Department of Environmental Quality, P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4807, FAX (276) 676-4899, e-mail ntnorton@deq.virginia.gov.

March 1, 2005 - 7 p.m. -- Open Meeting


Northumberland County Board Room, 72 Monument Place, Heathsville, Virginia. 

The first public meeting on the development of the fecal coliform bacteria TMDL for shellfish propagation waters in Cockrell Creek in Northumberland County. The public notice appears in the February 7, 2005, issue of the Virginia

Register of Regulations. The public comment period runs from March 1, 2005, through March 31, 2005.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.


† March 2, 2005 - 7 p.m. -- Open Meeting

Page County Circuit Court Room, 116 South Court Street, Luray, Virginia. 

The final public meeting on the development of a bacteria TMDL for Mill Creek in Page County. The public notice will appear in the Virginia Register of Regulations on February 21, 2005. The public comment period begins on February 21 and closes on April 2, 2005.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail rbrent@deq.virginia.gov.

March 2, 2005 - 7 p.m. -- Open Meeting

Town of Onancock Council Chambers, 15 North Street, Onancock, Virginia. 

The first public meeting on the development of the fecal coliform TMDL for shellfish propagation waters located in Onancock Creek in Accomack County. The public notice appears in the Virginia Register of Regulations on February 7, 2005. The comment period runs from March 2, 2005, through April 1, 2005.

Contact: Chester Bigelow, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, e-mail cbigelow@deq.virginia.gov.


March 3, 2005 - 7 p.m. -- Open Meeting

Accomack County Administration Building, 23296 Courthouse Avenue, Accomac, Virginia. 

The first public meeting on the development of fecal coliform bacteria TMDLs for seven shellfish propagations waters located in Accomack County. The public notice appears in the Virginia Register of Regulations on February 7, 2005. The public comment period runs from March 3, 2005, through April 1, 2005.


Contact: Chester Bigelow, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, e-mail cbigelow@deq.virginia.gov.

† March 3, 2005 - 7 p.m. -- Open Meeting

Airfield 4-H Center, Spain Conference Lodge, Wakefield, Virginia. 

The purpose of the meeting is to discuss the TMDL development process for multiple impairments in the Blackwater Tributaries and Raccoon Creek. The public notice will appear in the Virginia Register of Regulations on February 21, 2005. The public comment period for this phase of the TMDL development will end on April 2, 2005.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, e-mail rcfrench@deq.virginia.gov.

† **March 15, 2005 - 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.


Contact: Mary Ann Massie, Department of Environmental Quality, P.O.Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4032, e-mail mmassie@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

† **February 23, 2005 - 1 p.m.** -- Open Meeting
Virginia Beach Pavilion Convention Center, 1000 19th Street, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss the VFSB Training Mini-Grant policy.

Contact: Nausheen Khan, VFSB Clerk/Research Assistant, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, e-mail nkhan@vdfp.state.va.us.

† **February 24, 2005 - 10 a.m.** -- Open Meeting
Virginia Beach Pavilion Convention Center, 1000 19th Street, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

Fire Education and Training Committee will meet at 10 a.m. Fire Prevention and Control Committee will meet at 1 p.m. Administration, Policy and Finance Committee will meet at 2:30 p.m. Members of the VFSB will attend multiple functions relating to the VFCA Mid-Atlantic Expo and Symposium.


Contact: Nausheen I. Khan, VFSB Clerk/Research Assistant, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, e-mail nkhan@vdfp.state.va.us.

† **February 25, 2005 - 9 a.m.** -- Open Meeting
† **February 26, 2005 - 8 a.m.** -- Open Meeting
Virginia Beach Pavilion Convention Center, 1000 19th Street, Virginia Beach, Virginia.  (Interpreter for the deaf provided upon request)

The VFSB members will be attending various activities associated with VFCA Mid-Atlantic Expo and Symposium. No public business will be discussed.

Contact: Nausheen I. Khan, VFSB Clerk/Research Assistant, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, e-mail nkhan@vdfp.state.va.us.


BOARD OF FORESTRY

April 11, 2005 - 1 p.m. -- Open Meeting
Virginia Military Institute, Lexington, Virginia.  (Interpreter for the deaf provided upon request)


A business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist, Department of Forestry, 900 Natural Resources Dr., Suite 800, Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, e-mail donna.hoy@dof.virginia.gov.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS


† **March 1, 2005 - 9 a.m.** -- Open Meeting
† **April 12, 2005 - 9 a.m.** -- Open Meeting
† **May 10, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Legislative/Regulatory Committee to review and amend any of the regulations of the board.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

March 8, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting to discuss issues and matters as they relate to the board.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

March 25, 2005 - 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 Funeral Directors and Embalmers intends to amend regulations entitled **18 VAC 65-20, Regulations of the Board of Funeral Directors and Embalmers**. The purpose of the proposed action is to establish criteria for delegation of certain informal fact finding to an agency subordinate.

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

Public comments may be submitted until March 25, 2005, to Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, Alcoa Bldg., 6603 W.

Calendar of Events

Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.virginia.gov.

† **May 3, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Continuing Education Committee to discuss issues related to continuing education requirements.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY ☎, e-mail elizabeth.young@dhp.virginia.gov.

BOARD OF GAME AND INLAND FISHERIES

† **March 24, 2005 - 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 hear department staff's presentation of preliminary recommendations for amendments to all department-administered regulations, including those governing game wildlife, hunting, trapping, wildlife diversity, fish, fishing, and boating. This comprehensive regulatory review will occur over three board meetings, of March 24, August 18, and October 27, 2005. At the March 24 meeting, Department of Game and Inland Fisheries' staff will present preliminary recommendations for regulatory amendments and the board will solicit and hear comments from the public. A public comment period on staff preliminary recommendations will be offered from April 21 through August 1, 2005. At the August 18, 2005, board meeting, Department of Game and Inland Fisheries' staff will present proposal-stage 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 of Regulations, posted on the internet at www.dgif.state.va.us, and summaries advertised in newspapers. A public comment period on any proposed regulations will occur between August and early October 2005. Adoption of any regulations or regulation amendments as final will take place at the October 27, 2005, board meeting. The board is required by § 2.2-4031 to publish all proposed and final regulations. The regulations' effective date will be July 1, 2006. At the March 24 meeting the board also will hear a report of the Procurement Review Committee; and the board also may: discuss general and administrative issues, hold a closed session at some time during the March 24 meeting, and elect to hold a dinner Wednesday evening, March 23, 2005, at a location and time to be determined.

Contact: Phil Smith, Policy Analyst, Department of Game and Inland Fisheries, 4016 W. Broad St., Richmond VA 23230, telephone (804) 367-1000, FAX (804) 367-0488, e-mail DGIFRegs@dgif.virginia.gov.

BOARD FOR GEOLOGY

April 20, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY ☎, e-mail geology@dpor.virginia.gov.

STATE BOARD OF HEALTH

February 28, 2005 - 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 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide standards for installation and operation of biosolids storage areas on permitted sites.

Contact: C.M. Sawyer, Division Director, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475, e-mail cal.sawyer@vdh.virginia.gov.

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† **April 12, 2005 - 10 a.m.** -- Public Hearing
3600 Centre, 3600 West Broad Street, 3rd Floor, Conference Room, Richmond, Virginia.

† **April 22, 2005** - 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 **repeal** regulations entitled **12 VAC 5-380, Regulations for the Licensure of Home Health Agencies**, and **adopt** regulations entitled **12 VAC 5-381, Regulations for the Licensure of Home Care Organizations**. The purpose of the proposed action is to update criteria and standards for the licensure of home care organizations to reflect current national and health care industry standards and to remove archaic language and ambiguities.

Statutory Authority: §§ 32.1-12 and 32.1-162.12 of the Code of Virginia.

Contact: Carrie Eddy, Senior Policy Analyst, Department of Health, Center for Quality Health Care Services and Consumer Protection, 3600 West Broad Street, Suite 216, Richmond, VA 23230, telephone (804) 367-2157, FAX (804) 367-2149 or e-mail carrie.eddy@vdh.virginia.gov.

* * * * *

† **April 22, 2005** - 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 5-410, Regulations for the Licensure of Hospitals in Virginia**. The purpose of the proposed action is to prevent federal classification of rural areas as metropolitan statistical areas from affecting hospitals reimbursement.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.


Contact: Rene Cabral Daniels, Director, Division of General Environmental Services, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7425 or e-mail rene.cabraldaniels@vdh.virginia.gov.

DEPARTMENT OF HEALTH


† **February 25, 2005 - 8:30 a.m.** -- Open Meeting
Comfort Inn Conference Center, 3200 West Broad Street, Richmond, Virginia. 

A meeting to plan effectively the implementation of community HIV programs.

Contact: Elaine Martin, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7962, e-mail elaine.martin@vdh.virginia.gov.

March 11, 2005 - 10:30 a.m. -- Open Meeting
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 

A meeting of the Advisory Committee for the Virginia Early Hearing Detection and Intervention Program. The advisory committee meets four times a year.

Contact: Pat T. Dewey, Program Manager, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7713, FAX (804) 864-7721, toll-free (866) 493-1090, (804) 828-1120/TTY , e-mail pat.dewey@vdh.virginia.gov.


Sewage Handling and Disposal Appeal Review Board

February 23, 2005 - 10 a.m. -- Open Meeting
† **April 6, 2005 - 10 a.m.** -- Open Meeting
County of Henrico Government Center, 8600 Dixon Powers Drive, Human Services Board Room, 2nd Floor, Richmond, Virginia 

A meeting to hear appeals of health department denials of septic tank permits and/or Indemnification Fund Claim requests.

Contact: Susan Sherertz, Secretary to the Board, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7464, FAX (804) 864-7475, e-mail susan.sherertz@vdh.virginia.gov.


DEPARTMENT OF HEALTH PROFESSIONS

March 22, 2005 - 11 a.m. -- Open Meeting
Virginia State Forensic Science Building, 6600 Northside High School Road, Roanoke, Virginia. 


A working meeting of the Prescription Monitoring Program Advisory Committee for the purpose of reviewing data collected for the program evaluation workplan. Public comments will be received during the meeting.

Contact: Ralph Orr, Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9129, FAX (804) 622-9240.

BOARD FOR HEARING AID SPECIALISTS

March 21, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 804-367-8590 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: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , e-mail hearingaidspec@dpor.virginia.gov.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

March 17, 2005 - 10 a.m. -- Public Hearing
Greater Richmond Convention Center, 403 North 3rd Street, Room B-10, Richmond, Virginia.

April 11, 2005 - 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 Housing and Community Development intends to amend regulations entitled **13 VAC 5-21, Virginia Certification Standards**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-137 of the Code of Virginia.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail steve.calhoun@dhcd.virginia.gov.

Calendar of Events

March 17, 2005 - 10 a.m. -- Public Hearing
Greater Richmond Convention Center, 403 North 3rd Street,
Room B-10, Richmond, Virginia.

April 11, 2005 - 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 Housing and Community Development intends to amend regulations entitled **13 VAC 5-31, Virginia Amusement Device Regulations**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-98.3 of the Code of Virginia.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail steve.calhoun@dhcd.virginia.gov.

March 17, 2005 - 10 a.m. -- Public Hearing
Greater Richmond Convention Center, 403 North 3rd Street,
Room B-10, Richmond, Virginia.

April 11, 2005 - 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 Housing and Community Development intends to amend regulations entitled **13 VAC 5-51, Virginia Statewide Fire Prevention Code**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 27-97 of the Code of Virginia.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail steve.calhoun@dhcd.virginia.gov.

March 17, 2005 - 10 a.m. -- Public Hearing
Greater Richmond Convention Center, 403 North 3rd Street,
Room B-10, Richmond, Virginia.

April 11, 2005 - 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 Housing and Community Development intends to repeal regulations entitled **13 VAC 5-62, Virginia Uniform Statewide Building Code (USBC)** and adopt regulations entitled **13 VAC 5-63, Virginia Uniform Statewide Building Code (USBC)**. The purpose of the proposed action is to repeal 13 VAC 5-62 and adopt 13 VAC 5-63 to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-98 of the Code of Virginia.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail steve.calhoun@dhcd.virginia.gov.

March 17, 2005 - 10 a.m. -- Public Hearing
Greater Richmond Convention Center, 403 North 3rd Street,
Room B-10, Richmond, Virginia.

April 11, 2005 - 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 Housing and Community Development intends to amend regulations entitled **13 VAC 5-91, Virginia Industrialized Building Safety Regulations**. The purpose of the proposed action is to update regulations to the 2003 ICC model codes.

Statutory Authority: § 36-73 of the Code of Virginia.

Contact: Steve Calhoun, Regulatory Coordinator, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7015, FAX (804) 371-7090 or e-mail steve.calhoun@dhcd.virginia.gov.

† **March 17, 2005 - 11 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A regular business meeting. The meeting will begin one hour after adjournment of the public hearing.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ♿, e-mail steve.calhoun@dhcd.virginia.gov.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT


† **March 11, 2005 - 9:30 a.m.** -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A meeting of the Community Development Codes and Standards Committee to Review proposed regulations and public comment.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ♿, e-mail steve.calhoun@dhcd.virginia.gov.


VIRGINIA INFORMATION TECHNOLOGIES AGENCY

E-911 Wireless Services Board

† **March 9, 2005 - 9 a.m.** -- Open Meeting
110 South 7th Street, 1st Floor, Telecommunications
Conference Room, Suite 100, Richmond, Virginia. 

A meeting of the E-911 Wireless Services Board
Subcommittee. A request will be made to hold the meeting
in closed session.

Contact: Steve Marzolf, Public Safety Communications
Coordinator, Virginia Information Technologies Agency, 110
S. 7th St., 3rd Floor, Richmond, VA, telephone (804) 371-
0015, FAX (804) 786-4177, toll-free (866) 482-3911, e-mail
steve.marzolf@vita.virginia.gov.

† **March 9, 2005 - 10 a.m.** -- Open Meeting
110 South 7th Street, 4th Floor Auditorium, Richmond,
Virginia. 

A regular monthly meeting.

Contact: Steve Marzolf, Public Safety Communications
Coordinator, Virginia Information Technologies Agency, 110
S. 7th St., 3rd Floor, Richmond, VA, telephone (804) 371-
0015, toll-free (866) 482-3911, e-mail
steve.marzolf@vita.virginia.gov.

DEPARTMENT OF LABOR AND INDUSTRY


Virginia Apprenticeship Council

March 17, 2005 - 10 a.m. -- Open Meeting
New Horizons Regional Education Center, 520 Butler Road,
Hampton, Virginia.

A general business meeting.

Contact: Beverley Donati, Program Director, Department of
Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St.,
Richmond, VA 23219, telephone (804) 786-2382, FAX (804)
786-8418, (804) 786-2376/TTY , e-mail
bgd@doli.virginia.gov.

STATE LIBRARY BOARD


March 14, 2005 - 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


March 14, 2005 - 10 a.m. -- Open Meeting
The Jackson Center, 501 North 2nd Street, 1st Floor Board
Room, Richmond, Virginia. 

A regular meeting to consider matters as may be presented.

Contact: Ted McCormack, Associate Director, Commission
on Local Government, 501 N. 2nd St., Richmond, VA 23219,
telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-
1120/TTY , e-mail ted.mccormack@dhcd.virginia.gov.

LONGWOOD UNIVERSITY

NOTE: CHANGE IN MEETING DATE


† **March 4, 2005 - 9:30 a.m.** -- Open Meeting
Retail Merchants' Association of Greater Richmond, 5101
Monument Avenue, Richmond, Virginia. 

A meeting to conduct routine business of the Executive
Committee.


Contact: Jeanne S. Hayden, Office of the President,
Longwood University, 201 High Street, Farmville, VA,
telephone (434) 395-2004, e-mail haydenjs@longwood.edu.

MARINE RESOURCES COMMISSION


February 22, 2005 - 9:30 a.m. -- Open Meeting

March 22, 2005 - 9:30 a.m. -- Open Meeting
Marine Resources Commission, 2600 Washington Avenue,
4th Floor, Newport News, Virginia.  (Interpreter for the deaf
provided upon request)

A monthly meeting.

Contact: Jane McCroskey, Commission Secretary, Marine
Resources Commission, 2600 Washington Ave., 3rd Floor,
Newport News, VA 23607, telephone (757) 247-2215, FAX
(757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY
, e-mail jane.mccroskey@mrc.virginia.gov

BOARD OF MEDICAL ASSISTANCE SERVICES

March 8, 2005 - 10 a.m. -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor Conference Room, Richmond, Virginia. 

A quarterly meeting required in the BMAS bylaws.

Contact: Nancy Malczewski, Board Liaison, Department of
Medical Assistance Services, 600 E. Broad St., Suite 1300,
Richmond, VA 23219, telephone (804) 786-8096, FAX (804)

Calendar of Events

371-4981, (800) 343-0634/TTY ☎, e-mail
nancy.Malczewski@dmas.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **March 23, 2005 - 9 a.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor, Richmond, Virginia. ☎

Annual review of PDL Phase II and III Drug Classes.

Contact: Katina Goodwyn, Pharmacy Contract Manager,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 371-0428,
FAX (804) 786-0973, (800) 343-0634/TTY ☎, e-mail
katina.goodwyn@dmas.virginia.gov.

† **April 22, 2005** - 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-
70, Methods and Standards for Establishing Payment
Rates Inpatient Hospital Services**. The purpose of the
proposed action is to eliminate a separate DSH payment
calculation for Medicaid-recognized NICU programs and to
modify indirect medical education payments. This action
also proposes to exclude freestanding psychiatric hospitals
from the standard rebasing action conducted for other types
of hospitals' reimbursement.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of
Virginia; Items 326 (OO) and 326 (NN) of Chapter 4 of the
2004 Acts of Assembly, Special Session I.

Contact: Steve Ford, Provider Reimbursement Division,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 786-7355,
FAX (804) 786-1680 or e-mail Steve.Ford@dmas.virginia.gov.

† **May 18, 2005 - 1 p.m.** -- Open Meeting
Department of Medical Assistance Services, 600 East Broad
Street, 13th Floor, Board Room, Richmond, Virginia.

A meeting of the Medicaid Transportation Advisory
Committee to discuss issues and concerns about Medicaid
transportation issues with the committee and the
community.

Contact: Peter Lubinkas, Transportation Manager,
Department of Medical Assistance Services, 600 E. Broad St.,
Suite 1300, Richmond, VA 23219, telephone (804) 786-8855,
FAX (804) 371-6035, (800) 343-0634/TTY ☎, e-mail
peter.lubinkas@dmas.virginia.gov.

BOARD OF MEDICINE

February 23, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Richmond, Virginia.

The full board or a panel of the board will convene a formal
hearing to inquire into allegations that certain practitioners
may have violated laws and regulations concerning the
practice of medicine and other healing arts in Virginia. The
board may review cases with staff for case disposition
including consideration of consent orders for settlement.
The board will meet in open and closed sessions pursuant
to the Code of Virginia. Public comment will not be received.

Contact: Renee Dixon, Case Manager, Department of
Health Professions, 6603 W. Broad St., Richmond, VA,
telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-
7197/TTY ☎, e-mail renee.dixon@dhp.virginia.gov.

March 11, 2005 - 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 Medicine intends to
amend regulations entitled **18 VAC 85-80, Regulations
Governing the Practice of Occupational Therapy**. The
purpose of the proposed action is to establish criteria for
use of title of OTA.

Statutory Authority: §§ 54.1-2400 and 54.1-2956.5 of the
Code of Virginia.

Public comments may be submitted until March 11, 2005, to
William L. Harp, M.D., Executive Director, Board of Medicine,
6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator,
Department of Health Professions, Alcoa Bldg., 6603 W.
Broad St., 5th Floor, Richmond, VA 23230-1712, telephone
(804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎,
e-mail elaine.yeatts@dhp.virginia.gov.

March 11, 2005 - 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 Medicine intends to adopt
regulations entitled **18 VAC 85-15, Regulations for
Delegation to an Agency Subordinate**. The purpose of
the proposed action is to establish criteria for the types of
cases that may be heard by an agency subordinate in an
informal fact-finding proceeding.

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

Public comments may be submitted until March 11, 2005, to
William L. Harp, M.D., Executive Director, Board of Medicine,
6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator,
Department of Health Professions, Alcoa Bldg., 6603 W.
Broad St., 5th Floor, Richmond, VA 23230-1712, telephone

(804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.virginia.gov.

April 22, 2005 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

The Legislative Committee will consider regulatory matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

† May 20, 2005 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting of the Executive Committee to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Acupuncture

April 6, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of acupuncture. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Athletic Training

April 7, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of athletic training. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board of Occupational Therapy

April 5, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of occupational therapy. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Physician Assistants

April 7, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of physician assistants. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Radiologic Technology

April 6, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technologists and radiologic technologists-limited. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Respiratory Care

April 5, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia.

A meeting to consider issues related to the regulation of respiratory care. Public comment will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

Calendar of Events

VIRGINIA MILITARY INSTITUTE

† **March 11, 2005 - 8 a.m.** -- Open Meeting
Sheraton Inn Waterside, 777 Waterside Drive, Greenway
Room, Norfolk, Virginia. ☎

A regular meeting of the Board of Visitors.

Contact: Colonel Michael M. Strickler, Superintendent's
Office, Virginia Military Institute, Lexington, VA 24450,
telephone (540) 464-7206.

MOTOR VEHICLE DEALER BOARD

† **March 14, 2005 - 8:30 a.m.** -- Open Meeting
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. Licensing Committee - immediately
following Dealer Practices. Advertising Committee - 9:30
a.m. or immediately after Licensing, whichever is later.
Transaction Recovery Fund Committee - Immediately
following Advertising. Franchise Law Committee - To be
scheduled as needed. Full board meeting - 10 a.m. or 5-45
minutes following Transaction Recovery Fund. NOTE:
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@mvdb.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

March 1, 2005 - 8 a.m. -- Open Meeting
April 5, 2005 - 8 a.m. -- Open Meeting
May 3, 2005 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, Main Lobby Conference Room,
200 North Boulevard, Richmond, Virginia. ☎

A meeting for staff to update the Executive Committee.
Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum,
Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond,
VA 23220-4007, telephone (804) 340-1503, FAX (804) 340-
1502, (804) 340-1401/TTY ☎, e-mail
sbroyles@vmfa.state.va.us.

BOARD OF NURSING

February 22, 2005 - 9 a.m. -- Open Meeting
April 5, 2005 - 9 a.m. -- Open Meeting
April 6, 2005 - 9 a.m. -- Open Meeting
April 11, 2005 - 9 a.m. -- Open Meeting
April 12, 2005 - 9 a.m. -- Open Meeting
April 19, 2005 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ☎

A Special Conference Committee, comprised of two
members of the Virginia Board of Nursing or agency
subordinate, will conduct informal conferences with
licensees and certificate holders. Public comment will not be
received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive
Director, Board of Nursing, 6603 West Broad Street, 5th Floor,
Richmond, VA 23230, telephone (804) 662-9909, FAX (804)
662-9512, (804) 662-7197/TTY ☎, e-mail
nursebd@dhp.virginia.gov.

March 14, 2005 - 9 a.m. -- Open Meeting

March 16, 2005 - 9 a.m. -- Open Meeting

March 17, 2005 - 9 a.m. -- Open Meeting

† **May 16, 2005 - 9 a.m.** -- Open Meeting

† **May 18, 2005 - 9 a.m.** -- Open Meeting

† **May 19, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. ☎

A panel of the board will conduct formal hearings with
licensees and/or certificate holders. Public comment will not
be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive
Director, Board of Nursing, 6603 W. Broad St., 5th Floor,
Richmond, VA 23230, telephone (804) 662-9909, FAX (804)
662-9512, (804) 662-7197/TTY ☎, e-mail
nursebd@dhp.virginia.gov.

March 11, 2005 - 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 90-20, Regulations Governing
the Practice of Nursing**, and **18 VAC 90-25, Regulations
Governing Certified Nurse Aides**. The purpose of the
proposed action is to consolidate requirements for
advanced certified nurse aides and for wearing identification
and notifications to the Board of Nursing into 18 VAC 90-25,
regulations for nurse aides.

Statutory Authority: §§ 54.1-2400 and 54.1-3025.1 of the
Code of Virginia.

Public comments may be submitted until March 11, 2005, to
Jay Douglas, R.N., Executive Director, Board of Nursing, 6603
West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator,
Department of Health Professions, Alcoa Bldg., 6603 W.
Broad St., 5th Floor, Richmond, VA 23230-1712, telephone
(804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎,
e-mail elaine.yeatts@dhp.virginia.gov.

March 11, 2005 - 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 90-20, Regulations Governing the Practice of Nursing**. The purpose of the proposed action is to clarify requirements in the nurse practitioner regulations for consistency with the Nurse Licensure Compact.

Statutory Authority: §§ 54.1-2400 and 54.1-3025.1 of the Code of Virginia.

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.virginia.gov.

March 15, 2005 - 9 a.m. -- Open Meeting

† May 17, 2005 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

A general business meeting including committee reports, consideration of regulatory action and discipline case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail jay.douglas@dhp.virginia.gov.

March 25, 2005 - 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 90-15, Regulations Governing Delegation to an Agency Subordinate**. The purpose of the proposed action is to establish criteria for delegation of certain informal fact finding to an agency subordinate.

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

Public comments may be submitted until March 25, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.virginia.gov.

JOINT BOARDS OF NURSING AND MEDICINE

February 23, 2005 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

April 13, 2005 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting of the Joint Boards of Nursing and Medicine.

Contact: Jay P. Douglas, RN, MSM, CSAC, Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, e-mail nursebd@dhp.virginia.gov.

March 11, 2005 - 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 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to clarify requirements in the nurse practitioner regulations for consistency with the Nurse Licensure Compact.

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

Public comments may be submitted until March 11, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.virginia.gov.

March 25, 2005 - 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 90-30, Regulations Governing the Licensure of Nurse Practitioners**. The purpose of the proposed action is to establish the required content of the written protocol authorizing nurse practitioners to sign a certain document in lieu of the supervising physician.

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

Public comments may be submitted until March 25, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone

Calendar of Events

(804) 662-9918, FAX (804) 662-9114, (804) 662-7197/TTY ☎, e-mail elaine.yeatts@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

March 21, 2004 - 3 p.m. -- Open Meeting

† **May 16, 2005 - 3 p.m.** -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia. ♿

A regular meeting of the Board of Visitors' Executive Committee to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

NOTE: CHANGE IN MEETING DATE

† **April 4, 2005 - 1 p.m.** -- Open Meeting

Old Dominion University, Webb University Center, Norfolk, Virginia. ♿

A quarterly meeting of the governing board of the institution to discuss business of the board and the institution as determined by the Rector and the President.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, e-mail dmeeks@odu.edu.

BOARD FOR OPTICIANS

April 15, 2005 - 9:30 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia ♿

A general business meeting to consider regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person 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: William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail opticians@dpor.virginia.gov.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

March 16, 2005 - 10 a.m. -- Open Meeting

202 North 9th Street, 9th Floor, Richmond, Virginia. ♿

An Executive Committee meeting.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor,

Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY ☎, e-mail sandra.smalls@vbpd.virginia.gov.

March 17, 2005 - 9 a.m. -- Open Meeting

Holiday Inn, 6531 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY ☎, e-mail sandra.smalls@vbpd.virginia.gov.

BOARD OF PHARMACY

February 22, 2005 - 10 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel will discuss disciplinary matters. No public comment will be received.

Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9911, FAX (804) 662-9313.

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March 4, 2005 - 9 a.m. -- Public Hearing

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

March 11, 2005 - 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 regulation is to set requirements that must be met for a dispensing pharmacy to outsource prescription order processing to a remote or centralized pharmacy.

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.


Public comments may be submitted until March 11, 2005, to Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

BOARD OF PHYSICAL THERAPY


† **April 22, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting to discuss board issues and board business.


Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

† **April 22, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 


A meeting of the Legislative/Regulatory Committee to discuss legislative and regulatory changes to the regulations.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY , e-mail elizabeth.young@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

March 3, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulations,
3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpreter services should contact the department at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Kevin Hoefft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail kevin.hoefft@dpor.virginia.gov.

BOARD OF PSYCHOLOGY


February 22, 2005 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

An informal conference.


Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.virginia.gov.

April 12, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 


A business meeting to discuss reports from standing committees and any regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.


Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail evelyn.brown@dhp.virginia.gov.

REAL ESTATE APPRAISER BOARD


February 22, 2005 - 10 a.m. -- Open Meeting
May 3, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4 West Conference Room,
Richmond, Virginia. 

A meeting to discuss board business.


Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail karen.oneal@dpor.virginia.gov.

April 20, 2005 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 


An informal fact-finding conference.


Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail karen.oneal@dpor.virginia.gov.

REAL ESTATE BOARD

† **February 25, 2005 - 10 a.m.** -- Open Meeting
† **March 10, 2005 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. 

An informal fact-finding conference.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail karen.oneal@dpor.virginia.gov.

March 3, 2005 - 9 a.m. -- Open Meeting
March 23, 2005 - 3 p.m. -- Open Meeting
† **May 18, 2005 - 3 p.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A meeting of the Education Committee to review education applications.

Calendar of Events

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.oneal@dpor.virginia.gov.

March 24, 2005 - 8:30 a.m. -- Open Meeting

† **May 19, 2005 - 8:30 a.m.** -- Open Meeting

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

A meeting of the Fair Housing Committee to review fair housing cases.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.oneal@dpor.virginia.gov.

March 24, 2005 - 9 a.m. -- Open Meeting

† **May 19, 2005 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Conference Room 4-West, Richmond, Virginia. ♿

A meeting to discuss board business.

Contact: Karen W. O'Neal, Regulatory Programs Coordinator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail karen.oneal@dpor.virginia.gov.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

March 23, 2005 - 10 a.m. -- Open Meeting

Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, Abingdon, Virginia.

The council (VRMDC) will meet from 10 a.m. to noon, will break for lunch and then hold a joint meeting of its Local Government Assistance and Recycling Rate Subcommittees from 1 p.m. to 3 p.m. The primary purpose of the meeting is to obtain comments from Southwest Virginia localities, waste management authorities and other interested parties on (i) what, if any, changes are recommended in Virginia's 25% recycling rate mandate (including the statutes and regulations implementing that mandate) and (ii) ways in which the VRMDC and state could assist localities and waste management authorities in meeting the state recycling mandate. The VRMDC is traveling to Southwest Virginia in an effort to make it easier for localities, waste management authorities and members of the public from that region of the state to submit their views and the submission of comments at the meeting is encouraged. Public comments will be sought at the meeting of the full council (to be held from 10 a.m. to noon) and the two subcommittees will then meet jointly (from 1 p.m. to 3 p.m.) to consider the comments received and to discuss their plans for continuing their work in 2005.

Contact: Philip F. Abraham, Virginia Recycling Markets Development Council, 411 E. Franklin St., Suite 602, Richmond, VA 23219, telephone (804) 644-6600, FAX (804) 644-6628, e-mail pabraham@vectrecorp.com.

DEPARTMENT OF REHABILITATIVE SERVICES

State Rehabilitation Council

† **March 14, 2005 - 10 a.m.** -- Open Meeting

Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular meeting.

Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23288-0300, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, e-mail smithee@drs.state.va.us.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

† **March 8, 2005 - 11 a.m.** -- Open Meeting

Center for Innovative Technology, 2214 Rock Hill Road, Suite 600, Herndon, Virginia.

A quarterly meeting. Persons wishing to attend should RSVP in advance to Nancy Vorona.

Contact: Nancy Vorona, Interim Executive Director, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Road, Suite 600, Herndon, VA 20170, telephone (703) 689-3000, e-mail nvorona@cit.org.

VIRGINIA RESOURCES AUTHORITY

March 8, 2005 - 9 a.m. -- Open Meeting

Eighth and Main Building, 707 East Main Street, 2nd Floor, 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., Richmond, VA 23219, telephone (804) 644-3100, FAX (804) 644-3109, e-mail bmcr@vra.state.va.us.

STATE BOARD OF SOCIAL SERVICES

March 16, 2005 - 8:30 a.m. -- Open Meeting
Department of Social Services, 7 North 8th Street, 6th Floor, Conference Room, Richmond, Virginia.

A work session/roundtable to discuss assisted living facilities.

Contact: Pat Rengnerth, Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ☎, e-mail patricia.rengnerth@dss.virginia.gov.

DEPARTMENT OF SOCIAL SERVICES

Family and Children's Trust Fund

† **February 22, 2005 - 3 p.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, Richmond, Virginia. ♿

The Executive Committee will meet by telephone to finalize agenda for the March 2005 meeting.

Contact: Nan McKenney, Executive Director, Family and Children's Trust Fund, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7604, FAX (804) 726-7015.

BOARD OF SOCIAL WORK

February 25, 2005 - 10 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. ♿

March 25, 2005 - 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 Social Work intends to amend regulations entitled **18 VAC 140-20, Regulations Governing the Practice of Social Work**. The purpose of the proposed regulation is to establish criteria for delegation of certain informal fact finding to an agency subordinate.

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

Public comments may be submitted until March 25, 2005, to Evelyn B. Brown, Executive Director, Board of Social Work, 6603 West Broad Street, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

TREASURY BOARD

March 16, 2005 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Treasury Board Room, Richmond, Virginia. ♿

A regular meeting.

Contact: Melissa Mayes, Secretary, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-6011, FAX (804) 225-2142, e-mail melissa.mayes@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Joint Leadership Council of Veterans Service Organizations

February 23, 2005 - 11 a.m. -- Open Meeting
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia. ♿

A regular meeting. Public comment will be received at approximately 12:45 p.m.

Contact: Steven J. Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond VA 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

Board of Veterans Services

March 28, 2005 - 1 p.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting. Public comment will be received at approximately 2:45 p.m.

Contact: Steven Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond VA 23219, telephone (804) 786-0294, e-mail steven.combs@dvs.virginia.gov.

Veterans Services Foundation

March 9, 2005 - 11 a.m. -- Open Meeting
Virginia War Memorial, 621 South Belvidere Street, Richmond, Virginia. ♿

A meeting of the Board of Trustees.

Contact: Steve Combs, Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, e-mail steven.combs@dvs.virginia.gov.

STATE WATER CONTROL BOARD

February 23, 2005 - 3 p.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

Calendar of Events

A public meeting to receive comments on the Notice of Intended Regulatory Action (NOIRA) to amend the Virginia Water Protection Permit Regulation. The NOIRA appears in the Virginia Register of Regulations on January 24, 2005.

Contact: Catherine Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, e-mail cmharold@deq.virginia.gov.

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March 7, 2005 - 2 p.m. -- Public Hearing
Luray Fire Station, 1 Firehouse Lane, Luray, Virginia.

April 1, 2005 - 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 25-260, Water Quality Standards**. The proposed amendment to the Antidegradation Policy, part of the state's Water Quality Standards, would designate portions of Big Run, Brokenback Run, Doyles River, East Branch Naked Creek, East Hawksbill Creek, Hughes River, Jeremys Run, North Fork Thornton River, Piney River, Rose River, and White Oak Canyon Run for special protection as exceptional state waters.


Statutory Authority: § 62.1-44.15 of the Code of Virginia, the federal Clean Water Act (33 USC § 1251 et seq.) and 40 CFR Part 131.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113 or e-mail jwgregory@deq.virginia.gov.

March 10, 2005 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A public meeting to receive comments on the State Water Control Board's notice of intent to amend the general VPDES permit for ready-mix concrete plants to include concrete products plants. The notice of intent appears in the Virginia Register of Regulations on February 7, 2005, and the public comment period closes on March 11, 2005.

Contact: Lily Choi, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4054, FAX (804) 698-4032, e-mail ychoi@deq.virginia.gov.

March 10, 2005 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting to receive comments from the public on the State Water Control Board's notice of intent to adopt a general VPDES permit for wastewater discharges from coin operated laundromats. The notice of intent is published in the Virginia Register of Regulations on February 7, 2005, and the comment period closes on March 11, 2005.

Contact: George E. Cosby, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4067, FAX (804) 698-4032, e-mail gecosby@deq.virginia.gov.

March 15, 2005 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular board meeting. Agenda will be posted approximately 10 days before the meeting.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4378, FAX (804) 698-4346, e-mail cmberndt@deq.virginia.gov.

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† March 17, 2005 - 2 p.m. -- Public Hearing
Department of Environmental Quality, Valley Regional Office, 4111 Early Road, Harrisonburg, Virginia.

† March 21, 2005 - 2 p.m. -- Public Hearing
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia.

† March 22, 2005 - 1:30 p.m. -- Public Hearing
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia


† March 23, 2005 - 4 p.m. -- Public Hearing
Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia.


† April 25, 2005 - 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 25-40, Regulation for Nutrient Enriched Waters and Dischargers Within the Chesapeake Bay Watershed, and 9 VAC 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to establish numerical limitations for the discharge of total nitrogen, and the possible revision of numerical limitations for the discharge of total phosphorous, for certain dischargers located within the Chesapeake Bay Watershed.

Statutory Authority: §§ 62.1-44.15 of the Code of Virginia and § 303 of the federal Clean Water Act.

Contact: John Kennedy, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4312, FAX (804) 698-4116, or e-mail: jmkennedy@deq.virginia.gov

March 31, 2005 - 2 p.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

† April 5, 2005 - 1:30 p.m. -- Open Meeting
Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. 


† April 7, 2005 - 1:30 p.m. -- Open Meeting
Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia

A public meeting to receive comments on the State Water Control Board's notice of intent to amend the water quality


standards regulation to address nutrient criteria for lakes. The NOIRA will appear in the Virginia Register on February 21, 2005, and the comment period runs from February 21 through April 8, 2005.

Contact: Jean W. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4113, FAX (804) 698-4116, e-mail jwgregory@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

March 9, 2005 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 


A meeting to conduct board business.

Contact: David E. Dick, Executive Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.virginia.gov.


INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY


Disabilities Advisory Council

† April 28, 2005 - 10 a.m. -- Open Meeting
Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting. Public comment is welcome and will be received at the beginning of the meeting. For those needing interpreter services or other accommodations, please contact Delicia (Dee) Vance by April 14, 2005.


Contact: Delicia (Dee) Vance, Outreach Advocate, Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia 23230, telephone (804) 662-7099, FAX (804) 662-7057, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail delicia.vance@vopa.virginia.gov.


VIRGINIA RETIREMENT SYSTEM

March 23, 2005 - 11 a.m. -- Open Meeting
† May 18, 2005 - 11 a.m. -- Open Meeting
Bank of America, 1111 East Main Street, Virginia Retirement System Investment Department, Pavilion, 4th Floor, Richmond, Virginia. 


A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Phyllis Henderson, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219,

telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , e-mail phenderson@vrs.state.va.us.


March 24, 2005 - 9 a.m. -- Open Meeting
† May 19, 2005 - 9 a.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 


A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , or e-mail lking@vrs.state.va.us.

† May 17, 2005 - Noon -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the Optional Retirement Plan Advisory Committee. No public comment will be received at the meeting.


Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , or e-mail lking@vrs.state.va.us.

† May 18, 2005 - 2:30 p.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 

A regular meeting of the following committees:

- 2:30 p.m. - Benefits and Actuarial
- 4 p.m. - Audit and Compliance
- 4 p.m. - Administration and Personnel

No public comment will be received at the meeting.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main Street, Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , or e-mail lking@vrs.state.va.us.

LEGISLATIVE

Notice to Subscribers

Legislative meetings held during the Session of the General Assembly are exempted from publication in the *Virginia Register of Regulations*. You may call Legislative Information for information on standing committee meetings. The number is (804) 698-1500.

Calendar of Events

CHRONOLOGICAL LIST

OPEN MEETINGS

February 21

Agriculture and Consumer Services, Department of
- Virginia Corn Board

February 22

Environmental Quality, Department of
Marine Resources Commission
Nursing, Board of
Pharmacy, Board of
Psychology, Board of
Real Estate Appraiser Board
† Social Services, Department of
- Family and Children's Trust Fund

February 23

Contractors, Board for
Education, Board of
† Fire Services, Board, Virginia
Health, Department of
- Sewage Handling and Disposal Appeal Review Board
Medicine, Board of
Nursing and Medicine, Joint Boards of
Veterans Services, Department of
- Joint Leadership Council of Veterans Service
Organizations
Water Control Board, State

February 24

Agriculture and Consumer Services, Department of
- Virginia Cattle Industry Board
- Virginia Wine Board
Audiology and Speech-Language Pathology, Board of
Cemetery Board
† Contractors, Board for
† Fire Services Board, Virginia

February 25

† Fire Services Board, Virginia
† Health, Department of
† Real Estate Board

February 26

† Dentistry, Board of
† Fire Services Board, Virginia

February 28

Alcoholic Beverage Control Board
† Barbers and Cosmetology, Board for

March 1

Cemetery Board
Charitable Gaming Board
Contractors, Board for
Environmental Quality, Department of
† Funeral Directors and Embalmers, Board of
Museum of Fine Arts, Virginia

March 2

Air Pollution Control Board, State
† Environmental Quality, Department of

March 3

Agriculture and Consumer Services, Department of
- Virginia Cotton Board
Contractors, Board for
† Environmental Quality, Department of

Polygraph Examiners Advisory Board
Real Estate Board

March 4

Art and Architectural Review Board
† Longwood University

March 8

Agriculture and Consumer Services, Department of
- Virginia Bright Flue-Cured Tobacco Board
Contractors, Board for
Funeral Directors and Embalmers, Board of
Medical Assistance Services, Board of
† Research and Technology Advisory Commission, Virginia
Resources Authority, Virginia

March 9

† Information Technologies Agency, Virginia
- E-911 Wireless Services Board
Veterans Services, Department of
- Veterans Services Foundation
Waterworks and Wastewater Works Operators, Board for

March 10

Agriculture and Consumer Services, Department of
- Virginia Soybean Board
Contractors, Board for
Real Estate Board
Water Control Board, State

March 11

Child Fatality Review Team, State
Health, Department of
- Virginia Early Hearing Detection and Intervention
Program Advisory Committee
† Housing and Community Development, Department of
† Military Institute, Virginia

March 12

† Blind and Vision and Impaired, Department for the

March 14

Library Board, State
Local Government, Commission on
† Motor Vehicle Dealer Board
Nursing, Board of
† Rehabilitative Services, Department of

March 15

Contractors, Board for
Corrections, Board of
† Environmental Quality, Department of
Nursing, Board of
Water Control Board, State

March 16

† Aging, Commonwealth Council on
† Asbestos, Lead, and Home Inspectors, Virginia Board for
Community Colleges, State Board for
† Contractors, Board for
Corrections, Board of
Nursing, Board of
People with Disabilities, Virginia Board for
Social Services, State Board of
Treasury Board

March 17

Agriculture and Consumer Services, Board of
Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Community Colleges, State Board for

† Criminal Justice Services Board
Design-Build/Construction Management Review Team
† Housing and Community Development, Board of
Labor and Industry, Department of
- Virginia Apprenticeship Council
Nursing, Board of
People with Disabilities, Virginia Board for

March 18

† Correctional Education, Board of
† Dentistry, Board of

March 19

Conservation and Recreation, Department of
- Virginia Cave Board

March 21

Education, Department of
- Advisory Board on Teacher Education and Licensure
Hearing Aid Specialists, Board for
Old Dominion University

March 22

Alzheimer's Disease and Related Disorders Commission
Contractors, Board for
† Criminal Justice Services Board
Health Professions, Department of
- Prescription Monitoring Program Advisory Committee
Marine Resources Commission

March 23

† Compensation Board
Conservation and Recreation, Department of
- Soil and Water Conservation Board, Virginia
Education, Board of
† Medical Assistance Services, Department of
Real Estate Board
Recycling Markets Development Council
Retirement System, Virginia

March 24

† Game and Inland Fisheries, Board of
Real Estate Board
Retirement System, Virginia

March 25

† Dentistry, Board of

March 28

Veterans Services, Department of
- Board of Veterans Services

March 31

Arts, Virginia Commission for the
Water Control Board, State

April 1

Art and Architectural Review Board

April 4

Barbers and Cosmetology, Board for
† Old Dominion University

April 5

Medicine, Board
- Advisory Board of Occupational Therapy
- Advisory Board on Respiratory Care
Museum of Fine Arts, Virginia
Nursing, Board of
† Water Control Board, State

April 6

† Health, Department of
- Sewage Handling and Disposal Appeal Review Board
Medicine, Board of

- Advisory Board on Acupuncture
- Advisory Board on Radiologic Technology
Nursing, Board of

April 7

Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants
† Water Control Board, State

April 11

Forestry, Board of
Nursing, Board of

April 12

† Blind and Vision Impaired, Board for the
† Funeral Directors and Embalmers, Board of
Nursing, Board of
Psychology, Board of

April 13

Nursing and Medicine, Joint Boards of

April 14

Education, Department of
- State Special Education Advisory Committee

April 15

Education, Department of
- State Special Education Advisory Committee
Opticians, Board for

April 18

Education, Department of
- Advisory Board on Teacher Education and Licensure

April 19

Contractors, Board for
Nursing, Board of

April 20

Education, Board of
Geology, Board for
Real Estate Appraiser Board

April 21

Design-Build/Construction Management Review Team
Education, Board of

April 22

† Accountancy, Board of
Medicine, Board of
† Physical Therapy, Board of

April 28

† Protection and Advocacy, Virginia Office for
- Disabilities Advisory Council

May 3

† Funeral Directors and Embalmers, Board of
Museum of Fine Arts, Virginia
Real Estate Appraiser Board

May 4

Deaf and Hard-of-Hearing, Department for the

May 6

Art and Architectural Review Board

May 10

† Funeral Directors and Embalmers, Board of

May 12

† Criminal Justice Services Board

May 13

† Child Fatality Review Team, State

May 16

† Nursing, Board of
† Old Dominion University

Calendar of Events

May 17

- † Corrections, Board of
- † Nursing, Board of
- † Retirement System, Virginia

May 18

- † Asbestos, Lead, and Home Inspectors, Virginia Board for
- † Community Colleges, State Board for
- † Corrections, Board of
- † Medical Assistance Services, Department of
- † Nursing, Board of
- † Real Estate Board
- † Retirement System, Virginia

May 19

- † Audiology and Speech-Language Pathology, Board of
- † Community Colleges, State Board for
- † Design-Build/Construction Management Review Board
- † Nursing, Board of
- † Real Estate Board
- † Retirement System, Virginia

May 20

- † Medicine, Board of

PUBLIC HEARINGS

February 25

- Social Work, Board of

March 1

- Air Pollution Control Board, State

March 4

- Pharmacy, Board of

March 7

- † Air Pollution Control Board, State
- Water Control Board, State

March 17

- Housing and Community Development, Board of
- † Water Control Board, State

March 21

- † Water Control Board, State

March 22

- † Water Control Board, State

March 23

- † Water Control Board, State

April 12

- † Health, Department of

April 22

- Accountancy, Board of