
TABLE OF CONTENTS

CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

Cumulative Table.....2643

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Initial Agency Notice

Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic (18 VAC 85-20).2650

NOTICES OF INTENDED REGULATORY ACTION

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

Criminal Justice Services Board2651

TITLE 12. HEALTH

State Board of Health2651

Department of Medical Assistance Services2651

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

Department of Professional and Occupational Regulation.....2652

PROPOSED REGULATIONS

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (amending 18 VAC 110-30-10, 18 VAC 110-30-20, 18 VAC 110-30-30, 18 VAC 110-30-40, 18 VAC 110-30-50, 18 VAC 110-30-80, 18 VAC 110-30-110, 18 VAC 110-30-130, 18 VAC 110-30-150, 18 VAC 110-30-170 through 18 VAC 110-30-220, 18 VAC 110-30-240, 18 VAC 110-30-260, 18 VAC 110-30-270; repealing 18 VAC 110-30-35).2653

FINAL REGULATIONS

TITLE 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

Schedule of Fees for Hazardous Waste Facility Site Certification (amending 9 VAC 20-20-20, 9 VAC 20-20-40, 9 VAC 20-20-60, 9 VAC 20-20-80, 9 VAC 20-20-100, 9 VAC 20-20-110 through 9 VAC 20-20-150; adding 9 VAC 20-20-160). 2668

Technical Assistance Fund Administrative Procedures (amending 9 VAC 20-30-30, 9 VAC 20-30-50, 9 VAC 20-30-70 through 9 VAC 20-30-120; adding 9 VAC 20-30-130). 2669

Administrative Procedures for Hazardous Waste Facility Site Certification (amending 9 VAC 20-40-20 and 9 VAC 20-40-40 through 9 VAC 20-40-150; adding 9 VAC 20-40-160). 2671

Hazardous Waste Facility Siting Criteria (amending 9 VAC 20-50-20 and 9 VAC 20-50-40 through 9 VAC 20-50-100; adding 9 VAC 20-50-110). 2680

Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (amending 9 VAC 20-70-290). 2693

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Methods and Standards for Establishing Payment Rates; Inpatient Hospital Services (amending 12 VAC 30-70-331). 2696

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

Board for Contractors Regulations (amending 18 VAC 50-22-100, 18 VAC 50-22-140, 18 VAC 50-22-170 and 18 VAC 50-22-250). 2696

Tradesman Rules and Regulations (amending 18 VAC 50-30-90, 18 VAC 50-30-120 and 18 VAC 50-30-130). 2696

FAIR HOUSING BOARD

Fair Housing Certification Regulations (adding 18 VAC 62-20-10 through 18 VAC 62-20-180). 2699

BOARD OF MEDICINE

Regulations Governing the Practice of Doctors of Medicine, Osteopathic Medicine, Podiatry and Chiropractic (amending 18 VAC 85-20-30 and 18 VAC 85-20-100). 2707

BOARD OF NURSING

Regulations Governing the Practice of Nursing (amending 18 VAC 90-20-230). 2707

Table of Contents

BOARD FOR OPTICIANS

Board for Opticians Regulations (amending 18 VAC 100-20-54 and 18 VAC 100-20-81).....2708

Board for Opticians Regulations (adding 18 VAC 100-20-53).
.....2709

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Virginia Professional Boxing and Wrestling Events Regulations (amending 18 VAC 120-40-50).....2712

BOARD OF PSYCHOLOGY

Regulations Governing Delegation to an Agency Subordinate (adding 18 VAC 125-15-10, 18 VAC 125-15-20, and 18 VAC 125-15-30).....2712

TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

Background Checks for Licensed Child Day Centers (amending 22 VAC 15-51-50).....2713

EMERGENCY REGULATIONS

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-520).....2715

Standards Established and Methods Used to Assure High Quality Care (amending 12 VAC 30-60-40 and 12 VAC 30-60-350).2715

Methods and Standards for Establishing Payment Rates for Long-Term Care (amending 12 VAC 30-90-41).2715

Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (amending 12 VAC 30-70-291). ...2719

Waivered Services (Medallion II) (amending 12 VAC 30-120-380).2720

Family Access to Medical Insurance Security Plan (amending 12 VAC 30-141-200).2720

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Load (TMDL) for Chowan River Basin (Prince Edward Nottoway, Lunenburg and Dinwiddie Counties).....2722

Total Maximum Daily Load (TMDL) for Chowan River Basin (Isle of Wight, Surry, Sussex and Southampton Counties).....
.....2722

Total Maximum Daily Load (TMDL) for Locklies Creek, Mill Creek, Sturgeon Creek, Bush Park Creek, Piankatank River, Rappahannock River2723

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intent to Eliminate the Formula for Calculating the Adjustment Factor for Private (Type Two) Inpatient Hospitals and Set the Adjustment Factor at 76%2723

Notice of Intent to Enhance IME Payments to High Medicaid Neonatal Intensive Care Unit (NICU) Providers.....2723

STATE CORPORATION COMMISSION

Administrative Letter 2005 - 7.....2724

Administrative Letter 2005 - 8.....2730

Administrative Letter 2005 - 9.....2735

STATE WATER CONTROL BOARD

Proposed Consent Special Order for H.P. Hood, LLC dba Crowley Foods.....2735

Proposed Consent Special Order for Motion Control Industries, Incorporated2735

VIRGINIA CODE COMMISSION

Notice to State Agencies.....2736

Forms for Filing Material for Publication in *the Virginia Register of Regulations*.....2736

ERRATA

MARINE RESOURCES COMMISSION

Pertaining to Scup (4 VAC 20-910).....2736

CALENDAR OF EVENTS

EXECUTIVE

Open Meetings and Public Hearings2737

INDEPENDENT

Open Meetings and Public Hearings2762

LEGISLATIVE

Open Meetings and Public Hearings2763

CHRONOLOGICAL LIST

Open Meetings2764

Public Hearings.....2767

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

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2005 VAC Supplement includes final regulations published through *Virginia Register* Volume 21, Issue 11, dated February 7, 2005). 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 55-30-10 through 1 VAC 55-30-90 emer	Added	21:19 VA.R. 2599-2602	5/16/05-5/15/06
Title 3. Alcoholic Beverages			
3 VAC 5-30-10	Amended	21:19 VA.R. 2530	6/29/05
3 VAC 5-30-30	Amended	21:19 VA.R. 2531	6/29/05
3 VAC 5-30-60	Amended	21:19 VA.R. 2532	6/29/05
3 VAC 5-30-70	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-20	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-20	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-40	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-50	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-40-50	Amended	21:19 VA.R. 2533	6/29/05
3 VAC 5-70-220	Added	21:19 VA.R. 2533	6/29/05
Title 4. Conservation and Natural Resources			
4 VAC 20-170-10 emer	Amended	21:16 VA.R. 2219	4/1/05-4/30/05
4 VAC 20-170-30 emer	Amended	21:16 VA.R. 2219	4/1/05-4/30/05
4 VAC 20-170-30	Amended	21:18 VA.R. 2372	5/1/05
4 VAC 20-252-50	Amended	21:13 VA.R. 1824	2/2/05
4 VAC 20-252-55	Amended	21:13 VA.R. 1824	2/2/05
4 VAC 20-252-130	Amended	21:13 VA.R. 1825	2/2/05
4 VAC 20-252-135 emer	Added	21:16 VA.R. 2219	4/1/05-4/30/05
4 VAC 20-252-135	Added	21:18 VA.R. 2372	5/1/05
4 VAC 20-252-150	Amended	21:13 VA.R. 1825	2/2/05
4 VAC 20-252-160	Amended	21:13 VA.R. 1826	2/2/05
4 VAC 20-320-20 emer	Amended	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-320-20	Amended	21:18 VA.R. 2373	5/1/05
4 VAC 20-320-65 emer	Added	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-320-65	Added	21:18 VA.R. 2373	5/1/05
4 VAC 20-430-10 emer	Amended	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-430-10	Amended	21:18 VA.R. 2373	5/1/05
4 VAC 20-430-15 emer	Amended	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-430-15	Amended	21:18 VA.R. 2373	5/1/05
4 VAC 20-430-65 emer	Added	21:16 VA.R. 2220	4/1/05-4/30/05
4 VAC 20-430-65	Added	21:18 VA.R. 2373	5/1/05
4 VAC 20-450-30	Amended	21:13 VA.R. 1827	2/2/05
4 VAC 20-620-40	Amended	21:14 VA.R. 1992	3/1/05
4 VAC 20-620-50	Amended	21:14 VA.R. 1993	3/1/05
4 VAC 20-620-60	Amended	21:14 VA.R. 1993	3/1/05
4 VAC 20-620-70	Amended	21:14 VA.R. 1994	3/1/05
4 VAC 20-720-10 emer	Amended	21:12 VA.R. 1563	2/1/05-2/28/05
4 VAC 20-720-20 emer	Amended	21:12 VA.R. 1563	2/1/05-2/28/05
4 VAC 20-720-20	Amended	21:14 VA.R. 1994	3/1/05
4 VAC 20-720-40 emer	Amended	21:12 VA.R. 1564	2/1/05-2/28/05
4 VAC 20-720-40	Amended	21:14 VA.R. 1995	3/1/05
4 VAC 20-720-49 emer	Added	21:14 VA.R. 2016	3/1/05-3/9/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-720-50 emer	Amended	21:12 VA.R. 1564	2/1/05-2/28/05
4 VAC 20-720-50	Amended	21:14 VA.R. 1995	3/1/05
4 VAC 20-720-60 emer	Amended	21:12 VA.R. 1565	2/1/05-2/28/05
4 VAC 20-720-110 emer	Amended	21:12 VA.R. 1565	2/1/05-2/28/05
4 VAC 20-910-45	Amended	21:13 VA.R. 1827	2/2/05
4 VAC 20-920-45	Added	21:8 VA.R. 914	12/1/04
4 VAC 20-950-45	Amended	21:16 VA.R. 2191	4/1/05
4 VAC 20-950-48	Amended	21:13 VA.R. 1828	2/2/05
4 VAC 20-1065-10 through 4 VAC 20-1065-40	Added	21:12 VA.R. 1523	2/1/05
4 VAC 20-1080-10 through 4 VAC 20-1080-50 emer	Added	21:16 VA.R. 2221	4/1/05-4/30/05
4 VAC 20-1080-10 through 4 VAC 20-1080-50	Added	21:18 VA.R. 2374	5/1/05
Title 6. Criminal Justice and Corrections			
6 VAC 20-130-60	Amended	21:16 VA.R. 2192	5/18/05
6 VAC 20-180-10 through 6 VAC 20-180-50	Amended	21:14 VA.R. 1996-1998	4/20/05
6 VAC 20-180-60	Added	21:14 VA.R. 1998	4/20/05
6 VAC 35-140-10	Amended	21:19 VA.R. 2534	7/1/05
6 VAC 35-140-20	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-22	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-23	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-24	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-30	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-40	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-45	Added	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-50 through 6 VAC 35-140-90	Amended	21:19 VA.R. 2536	7/1/05
6 VAC 35-140-110 through 6 VAC 35-140-140	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-170 through 6 VAC 35-140-190	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-192	Added	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-200 through 6 VAC 35-140-230	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-250 through 6 VAC 35-140-270	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-275	Added	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-280	Amended	21:19 VA.R. 2537	7/1/05
6 VAC 35-140-290	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-295	Added	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-300 through 6 VAC 35-140-350	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-385 through 6 VAC 35-140-389	Added	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-400	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-430 through 6 VAC 35-140-500	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-510	Repealed	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-530	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-540	Amended	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-545	Added	21:19 VA.R. 2538	7/1/05
6 VAC 35-140-550 through 610	Amended	21:19 VA.R. 2538-2540	7/1/05
6 VAC 35-140-615	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-620	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-630	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-660	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-670	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-680	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-685	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-690	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-700	Amended	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-701 through 6 VAC 35-140-709	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-711 through 6 VAC 35-140-715	Added	21:19 VA.R. 2540	7/1/05
6 VAC 35-140-730 through 6 VAC 35-140-770	Amended	21:19 VA.R. 2540	7/1/05
Title 8. Education			
8 VAC 20-21-580	Amended	21:15 VA.R. 2111	5/5/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
8 VAC 20-90-10	Amended	21:14 VA.R. 1999	5/2/05
8 VAC 20-90-30	Amended	21:14 VA.R. 2000	5/2/05
8 VAC 20-90-40	Amended	21:14 VA.R. 2003	5/2/05
8 VAC 20-90-70	Amended	21:14 VA.R. 2003	5/2/05
8 VAC 20-210-10	Erratum	21:13 VA.R. 1941	--
8 VAC 20-520-5 emer	Added	21:14 VA.R. 2016	3/1/05-2/28/06
8 VAC 20-520-10 emer	Repealed	21:14 VA.R. 2017	3/1/05-2/28/06
8 VAC 20-520-20 through 8 VAC 20-520-60 emer	Added	21:14 VA.R. 2017-2018	3/1/05-2/28/06
8 VAC 20-680-10	Added	21:12 VA.R. 1559	5/9/05
8 VAC 20-680-20	Added	21:12 VA.R. 1559	5/9/05
8 VAC 20-690-10 through 8 VAC 20-690-50	Added	21:12 VA.R. 1525	3/29/05
8 VAC 20-700-10 through 8 VAC 20-700-50 (emer)	Added	21:13 VA.R. 1928-1929	2/16/05-2/15/06
Title 9. Environment			
9 VAC 5-10-20	Amended	21:15 VA.R. 2112	5/4/05
9 VAC 5-20-204	Amended	21:15 VA.R. 2119	5/4/05
9 VAC 5-40-6620	Amended	21:15 VA.R. 2120	5/4/05
9 VAC 5-40-7260	Erratum	21:13 VA.R. 1941	--
9 VAC 5-40-7270	Erratum	21:13 VA.R. 1941	--
9 VAC 5-50-260	Amended	21:19 VA.R. 2577	8/29/05
9 VAC 5-60-92	Added	21:19 VA.R. 2577	8/29/05
9 VAC 5-80-1100	Amended	21:19 VA.R. 2577	8/29/05
9 VAC 5-80-1110	Amended	21:19 VA.R. 2578	8/29/05
9 VAC 5-80-1120	Amended	21:19 VA.R. 2583	8/29/05
9 VAC 5-80-1140	Amended	21:19 VA.R. 2584	8/29/05
9 VAC 5-80-1160	Amended	21:19 VA.R. 2584	8/29/05
9 VAC 5-80-1170	Amended	21:19 VA.R. 2584	8/29/05
9 VAC 5-80-1280	Amended	21:19 VA.R. 2585	8/29/05
9 VAC 5-80-1290	Amended	21:19 VA.R. 2586	8/29/05
9 VAC 5-80-1300	Amended	21:19 VA.R. 2586	8/29/05
9 VAC 5-80-1320	Amended	21:19 VA.R. 2587	8/29/05
9 VAC 5-91-20	Amended	21:19 VA.R. 2541	6/29/05
9 VAC 5-91-160	Amended	21:19 VA.R. 2547	6/29/05
9 VAC 5-91-180	Amended	21:19 VA.R. 2547	6/29/05
9 VAC 5-91-740	Amended	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-741	Added	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-742	Added	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-743	Added	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-750	Amended	21:19 VA.R. 2548	6/29/05
9 VAC 5-91-760	Amended	21:19 VA.R. 2548	6/29/05
9 VAC 20-80 (Forms)	Amended	21:13 VA.R. 1930	--
9 VAC 20-130 (Forms)	Amended	21:13 VA.R. 1930	--
9 VAC 25-31-10	Erratum	21:13 VA.R. 1941	--
9 VAC 25-31-100	Erratum	21:14 VA.R. 2022	--
9 VAC 25-31-120	Erratum	21:13 VA.R. 1941	--
9 VAC 25-260-5	Amended	21:18 VA.R. 2375	*
9 VAC 25-260-10	Amended	21:18 VA.R. 2375	*
9 VAC 25-260-50	Amended	21:18 VA.R. 2377	*
9 VAC 25-260-185	Added	21:18 VA.R. 2377	*
9 VAC 25-260-186	Added	21:18 VA.R. 2379	*
9 VAC 25-260-350	Amended	21:18 VA.R. 2379	*
9 VAC 25-720-50	Amended	21:12 VA.R. 1526	3/23/05
9 VAC 25-720-60	Amended	21:17 VA.R. 2302	6/1/05
9 VAC 25-720-80	Amended	21:12 VA.R. 1527	3/23/05

* Upon filing a notice of EPA approval with the Registrar of Regulations.

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-720-80	Amended	21:17 VA.R. 2302	6/1/05
9 VAC 25-720-90	Amended	21:12 VA.R. 1527	3/23/05
9 VAC 25-720-100	Amended	21:17 VA.R. 2303	6/1/05
9 VAC 25-720-130	Amended	21:12 VA.R. 1528	3/23/05
9 VAC 25-720-130	Amended	21:17 VA.R. 2303	6/1/05
Title 11. Gaming			
11 VAC 10-180-10	Amended	21:16 VA.R. 2197	5/18/05
11 VAC 10-180-20	Amended	21:16 VA.R. 2193	3/31/03
11 VAC 10-180-20	Amended	21:16 VA.R. 2198	5/18/05
11 VAC 10-180-30	Repealed	21:16 VA.R. 2199	5/18/05
11 VAC 10-180-40	Repealed	21:16 VA.R. 2200	5/18/05
11 VAC 10-180-50	Repealed	21:16 VA.R. 2200	5/18/05
11 VAC 10-180-60	Amended	21:16 VA.R. 2194	3/31/03
11 VAC 10-180-60 through 11 VAC 10-180-90	Amended	21:16 VA.R. 2202-2207	5/18/05
11 VAC 10-180-80	Amended	21:16 VA.R. 2196	3/31/03
11 VAC 10-180-85	Added	21:16 VA.R. 2206	5/18/05
11 VAC 10-180-90	Amended	21:16 VA.R. 2197	3/31/03
11 VAC 10-180-100	Added	21:16 VA.R. 2207	5/18/05
11 VAC 10-180-110	Added	21:16 VA.R. 2207	5/18/05
Title 12. Health			
12 VAC 5-410-10	Amended	21:12 VA.R. 1561	5/9/05
12 VAC 5-590-10	Amended	21:13 VA.R. 1829	4/6/05
12 VAC 5-590-140	Amended	21:16 VA.R. 2209	5/18/05
12 VAC 5-590-150	Amended	21:16 VA.R. 2212	5/18/05
12 VAC 5-590-370	Amended	21:13 VA.R. 1835	4/6/05
12 VAC 5-590-410	Amended	21:13 VA.R. 1860	4/6/05
12 VAC 5-590-420	Amended	21:13 VA.R. 1863	4/6/05
12 VAC 5-590-500	Amended	21:13 VA.R. 1879	4/6/05
12 VAC 5-590-530	Amended	21:13 VA.R. 1880	4/6/05
12 VAC 5-590-540	Amended	21:13 VA.R. 1886	4/6/05
12 VAC 5-590-550	Amended	21:13 VA.R. 1890	4/6/05
12 VAC 5-590, Appendix L	Amended	21:13 VA.R. 1891	4/6/05
12 VAC 5-590, Appendix M	Amended	21:13 VA.R. 1897	4/6/05
12 VAC 5-590, Appendix O	Amended	21:13 VA.R. 1901	4/6/05
12 VAC 30-40-290	Amended	21:15 VA.R. 2128	6/20/05
12 VAC 30-40-300	Amended	21:15 VA.R. 2130	6/20/05
12 VAC 30-50-490 emer	Amended	21:12 VA.R. 1566	2/1/05-1/31/06
12 VAC 30-60-70	Amended	21:19 VA.R. 2592	8/15/05
12 VAC 30-70-301	Amended	21:14 VA.R. 2014	6/6/05
12 VAC 30-80-40	Amended	21:15 VA.R. 2121	7/1/05
12 VAC 30-90-41	Amended	21:15 VA.R. 2136	7/1/05
12 VAC 30-120-10 through 12 VAC 30-120-60 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-490 through 12 VAC 30-120-550 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-700 emer	Amended	21:12 VA.R. 1568	2/1/05-1/31/06
12 VAC 30-120-710 emer	Amended	21:12 VA.R. 1572	2/1/05-1/31/06
12 VAC 30-120-720 emer	Amended	21:12 VA.R. 1572	2/1/05-1/31/06
12 VAC 30-120-730 emer	Amended	21:12 VA.R. 1576	2/1/05-1/31/06
12 VAC 30-120-740 emer	Amended	21:12 VA.R. 1578	2/1/05-1/31/06
12 VAC 30-120-750 emer	Amended	21:12 VA.R. 1579	2/1/05-1/31/06
12 VAC 30-120-752 emer	Amended	21:12 VA.R. 1580	2/1/05-1/31/06
12 VAC 30-120-753 emer	Amended	21:12 VA.R. 1582	2/1/05-1/31/06
12 VAC 30-120-754 emer	Amended	21:12 VA.R. 1583	2/1/05-1/31/06
12 VAC 30-120-756 emer	Amended	21:12 VA.R. 1584	2/1/05-1/31/06
12 VAC 30-120-758 emer	Amended	21:12 VA.R. 1585	2/1/05-1/31/06
12 VAC 30-120-760 emer	Amended	21:12 VA.R. 1586	2/1/05-1/31/06
12 VAC 30-120-762 emer	Amended	21:12 VA.R. 1586	2/1/05-1/31/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-120-764 emer	Amended	21:12 VA.R. 1587	2/1/05-1/31/06
12 VAC 30-120-766 emer	Amended	21:12 VA.R. 1588	2/1/05-1/31/06
12 VAC 30-120-768 emer	Amended	21:12 VA.R. 1590	2/1/05-1/31/06
12 VAC 30-120-770 emer	Amended	21:12 VA.R. 1592	2/1/05-1/31/06
12 VAC 30-120-772 emer	Amended	21:12 VA.R. 1596	2/1/05-1/31/06
12 VAC 30-120-774 emer	Amended	21:12 VA.R. 1597	2/1/05-1/31/06
12 VAC 30-120-776 emer	Amended	21:12 VA.R. 1598	2/1/05-1/31/06
12 VAC 30-120-780 emer	Repealed	21:12 VA.R. 1600	2/1/05-1/31/06
12 VAC 30-120-790 emer	Repealed	21:12 VA.R. 1601	2/1/05-1/31/06
12 VAC 30-120-900 through 12 VAC 30-120-990 emer	Added	21:12 VA.R. 1601-1619	2/1/05-1/31/06
12 VAC 30-141-500	Amended	21:19 VA.R. 2549	6/29/05
Title 13. Housing			
13 VAC 5-63-110	Erratum	21:14 VA.R. 2021	--
Title 15. Judicial			
15 VAC 5-50-10 through 15 VAC 5-50-210	Repealed	21:17 VA.R. 2304	4/13/05
15 VAC 5-60-10 through 15 VAC 5-60-240	Repealed	21:17 VA.R. 2304	4/13/05
Title 18. Professional and Occupational Licensing			
18 VAC 60-20-10	Amended	21:19 VA.R. 2551	6/29/05
18 VAC 60-20-16	Amended	21:19 VA.R. 2551	6/29/05
18 VAC 60-20-17	Added	21:19 VA.R. 2550	6/29/05
18 VAC 60-20-20	Amended	21:19 VA.R. 2551	6/29/05
18 VAC 60-20-20	Amended	21:19 VA.R. 2555	6/29/05
18 VAC 60-20-50 through 18 VAC 60-20-90	Amended	21:19 VA.R. 2551-2552	6/29/05
18 VAC 60-20-91	Added	21:19 VA.R. 2555	6/29/05
18 VAC 60-20-105	Amended	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-106	Added	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-107	Added	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-110	Amended	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-120	Amended	21:19 VA.R. 2553	6/29/05
18 VAC 60-20-130	Repealed	21:19 VA.R. 2554	6/29/05
18 VAC 60-20-135	Added	21:19 VA.R. 2554	6/29/05
18 VAC 60-20-190	Amended	21:19 VA.R. 2554	6/29/05
18 VAC 60-20-195	Amended	21:19 VA.R. 2554	6/29/05
18 VAC 65-20-15	Added	21:18 VA.R. 2380	6/15/05
18 VAC 75-40-10	Added	21:16 VA.R. 2215	5/18/05
18 VAC 75-40-20	Added	21:16 VA.R. 2215	5/18/05
18 VAC 75-40-30	Added	21:16 VA.R. 2215	5/18/05
18 VAC 76-20-60	Amended	21:19 VA.R. 2556	6/29/05
18 VAC 76-40-10	Amended	21:19 VA.R. 2596	8/15/05
18 VAC 85-20-330	Amended	21:19 VA.R. 2597	8/15/05
18 VAC 95-10-10	Amended	21:18 VA.R. 2380	7/1/05
18 VAC 95-10-20	Amended	21:18 VA.R. 2380	7/1/05
18 VAC 95-20-10	Amended	21:18 VA.R. 2381	7/1/05
18 VAC 95-20-471	Added	21:19 VA.R. 2557	6/29/05
18 VAC 105-20-41	Added	21:18 VA.R. 2382	6/15/05
18 VAC 110-20-15	Added	21:15 VA.R. 2122	5/4/05
18 VAC 112-20-26	Added	21:19 VA.R. 2557	6/29/05
Title 19. Public Safety			
19 VAC 30-70-210	Amended	21:18 VA.R. 2382	4/15/05
Title 20. Public Utilities and Telecommunications			
20 VAC 5-315 (Forms)	Amended	21:19 VA.R. 2603	--
20 VAC 5-315-20	Amended	21:18 VA.R. 2387	4/26/05
20 VAC 5-315-30	Amended	21:18 VA.R. 2388	4/26/05
20 VAC 5-315-40	Amended	21:18 VA.R. 2388	4/26/05
20 VAC 5-315-90	Repealed	21:18 VA.R. 2389	4/26/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 22. Social Services			
22 VAC 15-30-10	Amended	21:12 VA.R. 1528	6/1/05
22 VAC 15-30-30	Amended	21:12 VA.R. 1532	6/1/05
22 VAC 15-30-50	Amended	21:12 VA.R. 1532	6/1/05
22 VAC 15-30-70	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-80	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-90	Amended	21:12 VA.R. 1533	6/1/05
22 VAC 15-30-110	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-140	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-150	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-160	Amended	21:12 VA.R. 1534	6/1/05
22 VAC 15-30-180	Amended	21:12 VA.R. 1535	6/1/05
22 VAC 15-30-190	Amended	21:12 VA.R. 1535	6/1/05
22 VAC 15-30-200	Amended	21:12 VA.R. 1536	6/1/05
22 VAC 15-30-200	Erratum	21:13 VA.R. 1941	--
22 VAC 15-30-230	Amended	21:12 VA.R. 1536	6/1/05
22 VAC 15-30-250	Amended	21:12 VA.R. 1537	6/1/05
22 VAC 15-30-260	Amended	21:12 VA.R. 1537	6/1/05
22 VAC 15-30-290	Amended	21:12 VA.R. 1538	6/1/05
22 VAC 15-30-310 through 22 VAC 15-30-390	Amended	21:12 VA.R. 1538-1542	6/1/05
22 VAC 15-30-410	Amended	21:12 VA.R. 1542	6/1/05
22 VAC 15-30-430	Amended	21:12 VA.R. 1543	6/1/05
22 VAC 15-30-440	Amended	21:12 VA.R. 1543	6/1/05
22 VAC 15-30-451	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-461	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-471	Amended	21:12 VA.R. 1545	6/1/05
22 VAC 15-30-490	Amended	21:12 VA.R. 1546	6/1/05
22 VAC 15-30-500	Amended	21:12 VA.R. 1547	6/1/05
22 VAC 15-30-510	Amended	21:12 VA.R. 1547	6/1/05
22 VAC 15-30-520	Amended	21:12 VA.R. 1548	6/1/05
22 VAC 15-30-540 through 22 VAC 15-30-670	Amended	21:12 VA.R. 1548-1556	6/1/05
22 VAC 15-30-575	Erratum	21:13 VA.R. 1941	--
22 VAC 15-30-585	Added	21:12 VA.R. 1550	6/1/05
22 VAC 30-40-10	Amended	21:16 VA.R. 2215	5/18/05
22 VAC 30-40-70	Amended	21:16 VA.R. 2217	5/18/05
22 VAC 30-40-130	Amended	21:16 VA.R. 2218	5/18/05
22 VAC 30-40-140	Amended	21:16 VA.R. 2218	5/18/05
22 VAC 30-40-150	Amended	21:16 VA.R. 2218	5/18/05
22 VAC 40-90-10 through 22 VAC 40-90-60	Amended	21:18 VA.R. 2393	7/1/05
22 VAC 40-90-70	Added	21:18 VA.R. 2395	7/1/05
22 VAC 40-170-10	Amended	21:19 VA.R. 2558	8/1/05
22 VAC 40-170-20	Repealed	21:19 VA.R. 2559	8/1/05
22 VAC 40-170-30 through 22 VAC 40-170-210	Amended	21:19 VA.R. 2560-2567	8/1/05
22 VAC 40-170-230	Amended	21:19 VA.R. 2567	8/1/05
22 VAC 40-191-40	Amended	21:18 VA.R. 2395	7/1/05
22 VAC 40-191-50	Amended	21:18 VA.R. 2399	7/1/05
22 VAC 40-191-90	Amended	21:18 VA.R. 2400	7/1/05
22 VAC 40-660-10 through 22 VAC 40-660-100	Repealed	21:19 VA.R. 2568	8/1/05
22 VAC 40-661-10 through 22 VAC 40-661-90	Added	21:19 VA.R. 2568-2572	8/1/05
Title 24. Transportation and Motor Vehicles			
24 VAC 30-41-30	Amended	21:13 VA.R. 1911	4/6/05
24 VAC 30-41-50	Amended	21:13 VA.R. 1913	4/6/05
24 VAC 30-41-110	Amended	21:13 VA.R. 1913	4/6/05
24 VAC 30-41-190	Amended	21:13 VA.R. 1914	4/6/05
24 VAC 30-41-210	Amended	21:13 VA.R. 1915	4/6/05
24 VAC 30-41-220	Amended	21:13 VA.R. 1916	4/6/05

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
24 VAC 30-41-230	Amended	21:13 VA.R. 1916	4/6/05
24 VAC 30-41-250	Amended	21:13 VA.R. 1917	4/6/05
24 VAC 30-41-280	Amended	21:13 VA.R. 1917	4/6/05
24 VAC 30-41-290	Amended	21:13 VA.R. 1918	4/6/05
24 VAC 30-41-300	Amended	21:13 VA.R. 1918	4/6/05
24 VAC 30-41-310	Amended	21:13 VA.R. 1918	4/6/05
24 VAC 30-41-320	Amended	21:13 VA.R. 1919	4/6/05
24 VAC 30-41-350	Amended	21:13 VA.R. 1920	4/6/05
24 VAC 30-41-430	Amended	21:13 VA.R. 1920	4/6/05
24 VAC 30-41-500	Amended	21:13 VA.R. 1921	4/6/05
24 VAC 30-41-510	Amended	21:13 VA.R. 1921	4/6/05
24 VAC 30-41-520	Amended	21:13 VA.R. 1921	4/6/05
24 VAC 30-41-530	Amended	21:13 VA.R. 1922	4/6/05
24 VAC 30-41-580	Amended	21:13 VA.R. 1922	4/6/05
24 VAC 30-41-650	Amended	21:13 VA.R. 1923	4/6/05
24 VAC 30-41-660	Amended	21:13 VA.R. 1923	4/6/05
24 VAC 30-41-680	Amended	21:13 VA.R. 1923	4/6/05
24 VAC 30-91-10	Erratum	21:12 VA.R. 1776	--
24 VAC 30-91-110	Erratum	21:12 VA.R. 1776	--
24 VAC 30-91-130	Erratum	21:12 VA.R. 1776	--
24 VAC 30-620-10	Amended	21:15 VA.R. 2123	5/22/05
24 VAC 30-620-30	Amended	21:15 VA.R. 2123	5/22/05

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Initial Agency Notice

Title of Regulation: **18 VAC 85-20. Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic.**

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

Name of Petitioner: Robert B. Stroube, M.D., M.P.H.

Nature of Petitioner's Request: Amend regulations for administration of anesthesia in office-based settings to require a registered nurse, qualified by education and experience in perioperative nursing, to be present as the circulating nurse during the procedure.

Agency's Plan for Disposition of Request: The board will publish the petition and send it to persons on its public participation guidelines mailing list with a request for comment. At its meeting on July 14, 2005, the board will take action on the petition request.

Public comments may be submitted until July 5, 2005.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-7423, FAX (804) 662-9943, or e-mail william.harp@dhp.virginia.gov.

VA.R. Doc. No. R05-202; Filed May 20, 2005, 2:50 p.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending regulations entitled **6 VAC 20-50, Rules Relating to Compulsory Minimum Training Standards for Jailors or Custodial Officers, Courthouse and Courtroom Security Officers and Process Service Officers**. The purpose of the proposed action is to update minimum training standards to be consistent with performance expectations based on an updated job task analysis.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until July 13, 2005.

Contact: Judith Kirkendall, Job Task Analysis Administrator, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-8003, FAX (804) 786-0410 or e-mail judith.kirkendall@dcjs.virginia.gov.

VA.R. Doc. No. R05-208; Filed May 20, 2005, 11:10 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider promulgating regulations entitled **6 VAC 20-240, Regulations Relating to School Security Officers**. The purpose of the proposed action is to identify compulsory minimum standards for employment, entry-level and in-service training requirements and certification requirements for school security officers.

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

Statutory Authority: § 9.1-102 of the Code of Virginia.

Public comments may be submitted until June 15, 2005.

Contact: Donna Bowman, Manager, Center for School Safety, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 371-6506, FAX (804) 371-8981 or e-mail donna.bowman@dcjs.virginia.gov.

VA.R. Doc. No. R05-188; Filed May 5, 2005, 10:04 a.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

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 Health intends to consider amending regulations entitled **12 VAC 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide regulations and standards for enforcement and land application site management practices, to ensure permit compliance, to address nutrient management concerns, and other related amendments.

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

Statutory Authority: §§ 32.1-164.6 and 32.1-164.7 of the Code of Virginia.

Public comments may be submitted until June 29, 2005.

Contact: Cal Sawyer, Director, Division of Wastewater Engineering, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7463, FAX (804) 864-7475 or e-mail cal.sawyer@vdh.virginia.gov.

VA.R. Doc. No. R05-190; Filed May 10, 2005, 2:53 p.m.

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 30-60, Standards Established and Methods Used to Assure High Quality Care**, and **12 VAC 30-90, Methods and Standards for Establishing Payment Rates for Long-Term Care**. The purpose of the proposed action is to provide additional reimbursement (\$10 per day) to nursing facilities for residents who require specialized treatment beds due to their having at least one treatable Stage IV pressure ulcer.

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 July 13, 2005.

Contact: Suzanne Klaas, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4239, FAX (804) 786-1680 or e-mail suzanne.klaas@dmas.virginia.gov.

Notices of Intended Regulatory Action

VA.R. Doc. No. R05-198; Filed May 25, 2005, 1:27 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 30-70, Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care**. The purpose of the proposed action is to provide, for qualifying hospitals, additional indirect medical education (IME) payment to hospitals based on their NICU utilization, above and beyond the IME payment calculated for the hospitals every year.

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 July 13, 2005.

Contact: Steve Ford, Project Manager, 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.

VA.R. Doc. No. R05-194; Filed May 12, 2005, 4:09 p.m.

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-120, Waivered Services, and 12 VAC 30-141, Family Access to Medical Insurance Security Plan**. The purpose of the proposed action is to delete the list of dental services that do not require prior authorization, add that certain dental services and limited oral surgery procedures require preauthorization as described in the Dental Provider Manual, and reference prior dental preauthorization for FAMIS benefits reimbursement.

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 July 13, 2005.

Contact: Daniel Plain, Health Care Services Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4218, FAX (804) 786-1680 or e-mail daniel.plain@dmas.virginia.gov.

VA.R. Doc. No. R05-196; Filed May 12, 2005, 1:21 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

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 120-40, Virginia Professional Boxing and Wrestling Events Regulations**. The purpose of the proposed action is to make clarifying changes and add regulation of mixed martial arts and similar contests.

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

Statutory Authority: § 54.1-831 of the Code of Virginia.

Public comments may be submitted until July 13, 2005.

Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475 or e-mail karen.oneal@dpor.virginia.gov.

VA.R. Doc. No. R05-200; Filed May 19, 2005, 11:44 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 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Title of Regulation: **18 VAC 110-30. Regulations for Practitioners of the Healing Arts to Sell Controlled Substances (amending 18 VAC 110-30-10, 18 VAC 110-30-15, 18 VAC 110-30-20, 18 VAC 110-30-30, 18 VAC 110-30-40, 18 VAC 110-30-50, 18 VAC 110-30-80, 18 VAC 110-30-110, 18 VAC 110-30-130, 18 VAC 110-30-150, 18 VAC 110-30-170 through 18 VAC 110-30-220, 18 VAC 110-30-240, 18 VAC 110-30-260, 18 VAC 110-30-270; repealing 18 VAC 110-30-35).**

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia.

Public Hearing Date: June 22, 2005 - 8:45 a.m.

Public comments may be submitted until August 12, 2005.

(See Calendar of Events section for additional information)

Agency Contact: Elizabeth Scott Russell, RPh, Executive Director, Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, or e-mail elizabeth.russell@dhp.virginia.gov.

Basis: Chapter 24 (§ 54.1-2400 et seq.) of Title 4.1 of the Code of Virginia establishes the general powers and duties of health regulatory boards including the responsibility to promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The specific statutory authority for the Board of Pharmacy to regulate the practice of pharmacy including the dispensing of controlled substances is found in § 54.1-3307 of the Code of Virginia.

The authority for the board to issue licenses to physicians to dispense drugs is found in § 54.1-3304.

Purpose: Amendments to regulations governing the practice of pharmacy, adopted in response to an extensive periodic review, became effective on August 25, 2004. Since physicians are licensed under these regulations to store, dispense and sell controlled substances, certain requirements should be comparable, while others are unique to regulations for physicians selling drugs to their patients. Some requirements that should be similar for pharmacists and physicians are now dissimilar with the change to the pharmacy regulations, so there is a need to amend 18 VAC 110-30 accordingly. Other requirements are now outdated with changes to the law, such as the registration of pharmacy technicians, or with changes in pharmacy practice. The goal of this action is to conform and update requirements for physicians selling drugs in their practice.

The board has determined that the regulation is necessary for the protection of public health, safety and welfare in that it specifies requirements for the security, integrity and efficacy of prescription drugs and for the physician to make patients aware of their freedom to choose another provider to fill their prescriptions. The regulation has not been challenged for a lack of clarity, but is now inconsistent with rules governing pharmacies and should be amended accordingly.

Substance: The substantive provisions and changes are as follows:

Fees and renewal/reinstatement requirements. Fees are amended for consistency with similar fees for similar activities by a pharmacist or a pharmacy. Renewal and reinstatement requirements are also amended for consistency in the timing and amount of fee. A fee is added to cover the approximate cost of conducting a reinspection, if required.

Acts to be performed by the licensee. Amendments to this section will allow practitioners to utilize the services of registered pharmacy technicians or other licensed health care practitioners who have been specifically trained in the acts performed by a technician to supervise a person who can assist in the preparation, packaging and labeling of prescriptions. In situations in which the practitioner is using a registered nurse or physician assistant to assist in preparation of prescriptions, the amended regulation requires specific training for those tasks normally performed by a registered pharmacy technician and would specify that a training manual and documentation of training be made available for inspectors.

In addition, compounding of a controlled substance can only be performed by the licensee in the current rules; an amendment would expand that activity to allow compounding under a registered pharmacy technician under the practitioner's supervision.

Inspection and notice required. Consistent with newly amended language in 18 VAC 110-20, the board will require that if an applicant substantially fails to meet the requirements for issuance of a license and a reinspection is required, or if the applicant is not ready for the inspection on the established date and fails to notify the inspector or the board at least 24 hours prior to the inspection, the applicant must pay a reinspection fee prior to a reinspection being conducted. Without an inspection of the facility, there is no assurance that drugs are being stored under proper conditions to protect the drugs' integrity, that expired drugs are not being dispensed or that drugs are being packaged and labeled appropriately. These and other standards necessary for patient health and safety are examined during an inspection.

Minimum equipment. The listing of the equipment the licensee must maintain is amended to delete reference materials no longer required in a pharmacy and to include a general requirement for other equipment, supplies, and references

Proposed Regulations

consistent with the practitioner's scope of practice and with the public safety. In addition, the specific requirement for a laminar flow hood will be replaced with a general requirement for equipment necessary for sterile compounding of controlled substances consistent with USP standards and provisions of § 54.1-3410.2 of the Code of Virginia (enacted by the 2003 General Assembly).

Selling area enclosures. Amendments recognize newer technology in gaining access to a secured area. Rather than specifying the security of the "door keys" only, the regulation will also refer to "other means of entry" or "other means of opening the locking device." Consistent with the pharmacy regulations, the executive director for the board should be able to approve other methods of securing the emergency keys or access codes to the enclosed area in lieu of the licensee's signature across a seal, as is currently required.

Sign and written prescription requirements. Requirements in this section are intended to ensure that the licensee provides a patient with a written prescription whether or not he intends to sell the controlled substance to the patient and that the patient is informed that he has a right to obtain the controlled substance from a pharmacy rather than from the practitioner. Amendments: (i) specify that the sign advising patients of their right to choose may be displayed in the patient examining room(s), (ii) provide for electronic maintenance of the prescription records, and (iii) provide alternative methods for transferring the patient's prescription to a pharmacy.

Automated data processing records of sale. Amendments are necessary to conform and update rules related to automated data processing records for consistency with new regulations for pharmacies. Rules will allow an electronic image of a prescription to be maintained in an electronic database provided it preserves and provides an exact image of the prescription that is clearly legible and made available within 48 hours of a request by a person authorized by law to have access to prescription information. Also, if the pharmacy system's automated data processing system fields are automatically populated by an electronic transmission, the automated record can constitute the prescription and a hard copy or electronic image is not required.

Repackaging of controlled substances; records required; labeling requirements. Rules for determining the expiration date on a prescription are amended for consistency with the pharmacy regulations, which require conformity to USP guidelines for any repackaged or reconstituted units.

Special packaging. Rather than requiring a signed release from a patient requesting nonspecial packaging, documentation of such a release can be obtained from the patient or the patient's authorized agent and maintained for two years from the date of dispensing.

Returning of controlled substances. Amendments for the return of controlled substances are necessary to track changes in the Code, which permit certain returns and transfer. The regulations are amended for consistency with pharmacy regulations and provisions of § 54.1-3411.1 of the Code of Virginia.

Issues: The primary advantage to the public is consistency in regulation between a permitted pharmacy and a physician's practice in which drugs are being stored, compounded, prepared and dispensed. Without the same precautions related to labeling, preparation of a prescription, storage, recordkeeping and supervision, patients receiving prescription medication through a physician's practice would not have the same assurances of the drug integrity and efficacy. Amended rules will also ensure that patients understand their right to have a prescription filled elsewhere and that a prospective drug review and counseling will occur before a drug is dispensed. There are no disadvantages to the public.

There are no disadvantages to the agency. There may be an advantage in having a regulation that is consistent with rules for the practice of pharmacy, and the board will be able to recover some of its costs for inspections by institution of a reinspection fee.

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. Following a periodic review of these regulations, the Board of Pharmacy (board) proposes to make several amendments to these regulations, including: (i) amending fees for consistency with similar fees for similar activities by a pharmacist or a pharmacy, (ii) amending renewal and reinstatement requirements for consistency with pharmacist and pharmacy requirements, (iii) adding a required reinspection of storage and selling area for reinstated licensees, (iv) adding a fee to cover the approximate cost of conducting a reinspection, if required, (v) eliminating a restriction on limited-use licenses, (vi) eliminating the inactive license, (vii) specifying qualifications of nonlicensee permitted in storage and selling area, (viii) allowing compounding to be performed by registered pharmacy technicians under the licensee's supervision, (ix) requiring that the licensee conduct a prospective drug review and offer counsel prior to dispensing, (x) amending the list of required minimum equipment and resources, (xi) requiring that a conspicuous sign be posted in every examination room notifying patients of their right to choose where to have their prescription filled, (xii) permitting electronic storage of records, and (xiii) clarifying language.

Estimated economic impact. License renewal, late fees, and reinstatement. Currently, a practitioner who fails to renew his license on or before its expiration date may renew the license if he pays a \$30 late fee and the \$90 annual renewal fee within 60 days after the expiration date. After the 60 days, the

Proposed Regulations

licensee must apply for reinstatement, pay a \$70 delinquent fee, and pay all back renewal fees.

The proposed regulations allow licensees one year from the expiration date to renew a late license. During that year the licensee may simply pay the \$30 late fee in addition to the \$90 renewal fee. Thus, those individuals who seek to renew their license from 31 days after its expiration to one year after its expiration save \$40 in fees and the time and effort it takes to apply for reinstatement.

After the one year, the licensee must apply for reinstatement and pay a \$210 reinstatement fee, but is not required to pay all back renewal fees. An individual who seeks to reinstate two years after expiration will also be \$40 better off under the proposed regulations.¹ (See table below.) An individual who seeks to reinstate three years after expiration will be \$130 better off under the proposed regulations.² An individual who seeks to reinstate four years after expiration will be \$220 better off under the proposed regulations.³ An individual who seeks to reinstate five years after expiration will be \$310 better off under the proposed regulations.⁴ Thus, the fee savings under the proposed regulations versus the current regulations increase the longer the license was expired.

	Current	Proposed
On-time	\$90	\$90
Within 60 days after expiration date	\$120	\$120
61 days to one year after expiration date	\$160	\$120
Up to two years after expiration date	\$250	\$210
Up to three years after expiration date	\$340	\$210
Up to four years after expiration date	\$430	\$210
Up to five years after expiration date	\$520	\$210

Reinspection. Under the current regulations if an applicant fails their site inspection, but successfully completes all other aspects of their permit application, the applicant must still submit a new permit application with a \$270 fee and wait 14 days to reschedule an inspection. The board proposes to amend the regulations to allow the applicant to schedule a reinspection without resubmitting a full permit application. The reinspection fee is set at \$150. This will save the time and cost of redoing the initial part of the application process for both the applicant and the Department of Health Professions (department). In addition to saving \$120 in fees, the facility

¹ Fees for reinstatement after two years under the current regulations: (\$180 in back fees) + (\$70 delinquent fee) = \$250. Fees for reinstatement after two years under the proposed regulations: \$210. \$250 - \$210 = \$40.

² Fees for reinstatement after three years under the current regulations: (\$270 in back fees) + (\$70 delinquent fee) = \$340. Fees for reinstatement after three years under the proposed regulations: \$210. \$340 - \$210 = \$130.

³ Fees for reinstatement after four years under the current regulations: (\$360 in back fees) + (\$70 delinquent fee) = \$430. Fees for reinstatement after four years under the proposed regulations: \$210. \$430 - \$210 = \$220.

⁴ Fees for reinstatement after five years under the current regulations: (\$450 in back fees) + (\$70 delinquent fee) = \$520. Fees for reinstatement after four years under the proposed regulations: \$210. \$520 - \$210 = \$310.

will likely be able to be reinspected sooner, potentially permitting it to begin operations and earning revenue sooner. This amendment produces a net benefit since there is no downside to the change in procedure.

The current regulations do not specify a requirement that applicants for reinstatement have their storage and selling area reinspected. Under the proposed regulations, a licensee applying for reinstatement must have their storage and selling area reinspected and pay the \$150 reinspection fee unless another practitioner at the same location has held an active license to sell controlled substances during that period. For those licensees applying for reinstatement that do not have another practitioner at the same location who has held an active license during the period that the applicant's license was expired, the total fees for reinstatement will be \$360.⁵ The table below compares the required fees for renewal and reinstatement under the current regulations, with the required fees for renewal and reinstatement under the proposed regulations when the applicant has a continually licensed colleague at the same location, and with the required fees for renewal and reinstatement under the proposed regulations when the applicant does not have a continually licensed colleague at the same location.

	Current	Proposed with a licensed colleague	Proposed without a licensed colleague
On-time	\$90	\$90	\$90
Within 60 days after expiration date	\$120	\$120	\$120
61 days to one year after expiration date	\$160	\$120	\$120
Up to two years after expiration date	\$250	\$210	\$360
Up to three years after expiration date	\$340	\$210	\$360
Up to four years after expiration date	\$430	\$210	\$360
Up to five years after expiration date	\$520	\$210	\$360

In terms of fees, an individual without a continually licensed colleague at the same location who seeks to reinstate two years after expiration will be \$110 worse off under the proposed regulations.⁶ An individual who seeks to reinstate three years after expiration will be \$20 worse off under the proposed regulations.⁷ An individual who seeks to reinstate four years after expiration will be \$70 better off under the proposed regulations.⁸ An individual who seeks to reinstate

⁵ \$360 = \$210 reinstatement fee + \$150 reinspection fee

⁶ Fees for reinstatement after two years under the current regulations: (\$180 in back fees) + (\$70 delinquent fee) = \$250. Fees for reinstatement after two years under the proposed regulations: (\$210 reinstatement fee) + (\$150 reinspection fee) = \$360. \$250 - \$360 = -\$110.

⁷ Fees for reinstatement after three years under the current regulations: (\$270 in back fees) + (\$70 delinquent fee) = \$340. Fees for reinstatement after three years under the proposed regulations: (\$210 reinstatement fee) + (\$150 reinspection fee) = \$360. \$340 - \$360 = -\$20.

⁸ Fees for reinstatement after four years under the current regulations: (\$360 in back fees) + (\$70 delinquent fee) = \$430. Fees for reinstatement after four years under the proposed regulations: (\$210 reinstatement fee) + (\$150 reinspection fee) = \$360. \$430 - \$360 = \$70.

Proposed Regulations

five years after expiration will be \$160 better off under the proposed regulations.⁹ Thus, for individuals without a continually licensed colleague at the same location who seek to renew or reinstate their license between one year and one day after expiration and three years after expiration, the required fees are higher under the proposed regulations. Individuals without a continually licensed colleague at the same location who seek to renew or reinstate their license either 61 days to one year after expiration, or more than three years after expiration, will encounter lower fees under the proposed regulations.

Limited-use license. Both the current and proposed regulations permit the board to issue a limited-use license when the scope, degree, or type of services provided to the patient is of a limited nature. The issued license is based on conditions of use requested by the applicant or imposed by the board in cases where certain requirements of regulations may be waived. Under the current regulations possessors of limited-use licenses can only sell controlled substances that have been received prepackaged in ready to dispense quantities and containers needing only the addition of required labeling. The board proposes to eliminate this limitation.

Limited-use licenses can vary in detail and are approved by the board on a case-by-case basis. Repealing the language that restricts limited-use licensees to only selling controlled substances that are received prepackaged in ready to dispense quantities and containers provides the board with the flexibility to permit other type of sales for some limited-use licensees where qualifications and conditions indicate no undue safety risk. The removal of this restriction can potentially reduce costs for affected limited-use licensees. The board retains the right to create and approve limited-use licenses where the licensee is not permitted to sell nonprepackaged controlled substances. This proposed amendment should provide a net benefit since costs can be lowered without significant addition to health risks, assuming that the board can accurately judge when the introduced risks are minimal.

Inactive license. Licensees who intend to cease selling controlled substances are required to notify the board 10 days prior to cessation. Under the current regulations, the individual chooses to either place his license on inactive status, or to surrender the license. An individual with an inactive license is not permitted to engage in the sale of controlled substances. The inactive license may be reactivated through application to the board. There is no reactivation fee beyond the standard licensing fee.

The board proposes to eliminate inactive status. In its stead, the board proposes to state that "a licensee who has surrendered his license pursuant to (cessation) may request that it be made current again at anytime within the same renewal year without having to pay an additional fee, ..." In practice, the proposed change will not change behavior beyond that the designation "inactive license" will not be used.

Compounding and assistance. The current regulations permit one nonlicensee in the storage and selling area at any given time for the purpose of assisting the licensee in the preparation, packaging, and labeling of a controlled substance. The board proposes to specify that the nonlicensee be a registered pharmacy technician, or a licensed nurse or physician assistant who has received training in technician tasks consistent with training required for pharmacy technicians. The department is not aware of any practitioner seller of controlled substances who uses anyone other than a nurse to assist in the storage and selling area for preparation, packaging and labeling of a controlled substance. Thus, in practice, the proposal to specify that the assistant be either a registered pharmacy technician, or a licensed nurse or physician assistant will likely have little impact.

The current regulations state, "Any compounding of a controlled substance shall be personally performed by the licensee." The board proposes to permit a registered pharmacy technician under the supervision of the licensee to compound controlled substances. Registered pharmacy technicians are deemed competent to assist in this field. Permitting registered pharmacy technicians to compound can result in the faster processing of prescriptions. The time that the licensee would have spent compounding can be productively used on other activities. Given the profession's relative wage rates, spending a pharmacy technician's time on compounding rather than a physician's time can be considered a cost saving.¹⁰ Since, as stated above, the department is not aware of any practitioner seller of controlled substances who uses anyone other than a nurse to assist in the storage and selling area for preparation, packaging and labeling of a controlled substance, this proposed will initially not have a significant impact. Since compounding will become less expensive to conduct under the proposed regulations, it may occur more often going forward.

Prospective drug review and counseling. Pharmacists are required to conduct a prospective drug review before each new prescription is dispensed. Such reviews "include screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions, including serious interactions with nonprescription or over-the-counter drugs, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse."¹¹ The pharmacist is also required to offer counsel to counsel any person who presents a new prescription for filling.

The current regulations do not address prospective drug review and counseling for doctors licensed to sell controlled substances. The board proposes to explicitly state that licensees must conduct a prospective drug review and offer counsel. It is hoped that licensees are already doing this. Failure to check for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions, drug-allergy interactions, etc., can lead to

⁹ Fees for reinstatement after four years under the current regulations: (\$450 in back fees) + (\$70 delinquent fee) = \$520. Fees for reinstatement after four years under the proposed regulations: (\$210 reinstatement fee) + (\$150 reinspection fee) = \$360. \$520 - \$360 = \$160.

¹⁰ November 2003 U.S. Bureau of Labor Statistics National Occupational Employment and Wage Estimates (mean annual salary): Family and General Practitioners (\$139,860), Internists (\$159,820), Podiatrists (\$107,390), Pharmacy Technicians (\$24,540).

¹¹ Source: § 54.1-3319 of the Code of Virginia.

seriously adverse health outcomes. Despite the high wages earned by licensees (see footnote 10), it seems likely that the cost of the time spent conducting prospective drug reviews is outweighed by the benefit of reduced adverse health outcomes. Thus, to the extent that explicitly stating this requirement increases the frequency that licensees conduct prospective drug reviews and offer counsel, this proposed new language will create a net benefit.

Required minimum equipment or resources. The board proposes changes to the list of required equipment. The current regulations require that licensees keep current copies of the Virginia Drug Control Act, board regulations, and the Virginia Voluntary Formulary. Since these documents are readily retrievable through the Internet at no cost, the board proposes to eliminate the requirement that copies are kept in the dispensing area. Eliminating this requirement saves the expenses incurred by the Department of Health Professions (department) for copying and mailing the documents to the licensees. Lower expenses will in the long run result in lower fees than otherwise would be charged.

The current regulations specify that a laminar flow hood be present if sterile products are prepared. The board proposes to allow more flexibility in the type of equipment used for sterile product preparation. Potentially this could result in cost savings for affected licensees. The current regulations also require that prescription balances, sensitive to 15 milligrams, and weights or an electronic scale be present, if the licensee is engaged in extemporaneous compounding. The board proposes to only require this weighing equipment if the licensee is engaged in "dispensing activities that require the weighing of components." Some extemporaneous compounding can occur where weighing is not necessary. Thus, this proposed change could save licensees the cost of purchasing, maintaining, and providing space for weight-measuring equipment. The department estimates that balances and weights or an electronic scale used for pharmacy sell for between \$700 to \$1200. Since department staff are not aware of any physicians preparing sterile products for dispensing or engaged in extemporaneous compounding, the proposed amendment is not likely to have a significant impact.

Notification of dispensing choice. The current regulations require that licensees conspicuously display a sign in the public area of the office that advises patients of their right to choose where they have their prescriptions filled. The board proposes to further require that such signs be also conspicuously posted in every patient examination room. The reasoning is that patients may be more likely to notice the signs in the exam rooms. It will cost licensees a small amount to produce and post the additional signs. Some patients may prefer to purchase their prescriptions outside the licensee's office due to lower prices or other reasons. These patients in particular will value knowing that they may purchase the drugs elsewhere. To the extent that more patients learn about their right of purchase location, this proposal will likely produce a net benefit.

Electronic storage of records. The board proposes to allow electronic storage of Schedule II through VI drugs sold, rather than hard copies. This proposal has the potential to produce

significant savings that result from not having to file and store thousands of hard copy prescription records. Valuable physical space could be used for productive purposes other than paper storage. Worker filing time will also be saved. As long as the electronic data is adequately backed-up, so that the risk of loss of that data is minimal, this proposed amendment produces a net benefit.

Businesses and entities affected. The proposed amendments affect the 227 doctors of medicine, osteopathic medicine or podiatry with active licenses to sell controlled substances, the four individuals with inactive licenses, as well as their employers and potential employers, their patients and potential patients, and future doctors that may become interested in becoming licensed to sell controlled substances.

Localities Particularly Affected. The proposed regulations affect all Virginia localities.

Projected impact on employment. Currently, the department is not aware of any practitioner seller of controlled substances who uses anyone other than a nurse to assist in the storage and selling area for preparation, packaging, and labeling of a controlled substance. There is a small probability that the proposal to permit a registered pharmacy technician under the supervision of the licensee to compound controlled substances will encourage the hiring of pharmacy technicians.

Effects on the use and value of private property. The proposed amendments to the timing and amounts of late fees and reinstatements will in most instances lower costs for affected licensees. The proposal to allow an applicant to schedule a reinspection without resubmitting a full permit application will save him \$120 in fees, and will likely enable his facility to be reinspected sooner, potentially permitting it to begin operations and earning revenue sooner. Repealing the language that restricts limited-use licensees to only selling controlled substances that are received prepackaged in ready to dispense quantities and containers can potentially reduce costs for affected limited-use licenses. Permitting registered pharmacy technicians to compound can result in the faster processing of prescriptions, allowing the licensee to use her time more productively. Allowing electronic storage of records in lieu of hard copies can produce significant savings for licensees. These licensees will have their net worth correspondingly affected.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Board of Pharmacy concurs with the analysis of the Department of Planning and Budget for the proposed regulation, 18 VAC 110-30, Regulations for Practitioners of the Healing Arts to Sell Controlled Substances, relating to a periodic review and revision of requirements.

Summary:

The amendments eliminate unnecessary requirements for equipment and security, increase the initial license application fee and the reinstatement fee for a license expired for more than a year, add a facility reinspection fee, allow electronic transmission and storage of records, amend a burdensome reinstatement requirement and clarify rules for repackaging and storage. In addition, amendments are

Proposed Regulations

updated for consistency with changes in the Code of Virginia changes requiring registration and training of pharmacy technicians and counseling of patients.

18 VAC 110-30-10. Definitions.

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

"Board" means the Virginia Board of Pharmacy.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act.

"Licensee" means a practitioner who is licensed by the Board of Pharmacy to sell controlled substances.

"Personal supervision" means the licensee must be physically present and render direct, personal control over the entire service being rendered or acts being performed. Neither prior nor future instructions shall be sufficient nor shall supervision be rendered by telephone, written instructions, or by any mechanical or electronic methods.

"Practitioner" means a doctor of medicine, ~~osteopathy~~ *osteopathic medicine* or podiatry who possesses a current active license issued by the Board of Medicine.

"Sale" means barter, exchange, or gift, or offer thereof, and each such transaction made by any person, whether as an individual, proprietor, agent, servant or employee. It does not include the gift of manufacturer's samples to a patient.

"Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the controlled substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging which all such children cannot open or obtain a toxic or harmful amount within a reasonable time.

"U.S.P.-N.F." means the United States Pharmacopeia-National Formulary.

18 VAC 110-30-15. Fees.

A. Unless otherwise provided, fees listed in this section shall not be refundable.

B. Fee for initial license for a practitioner of the healing arts to sell controlled substances.

1. The application fee for initial licensure shall be ~~\$200~~ \$240.

2. The application fee for reinstatement of a license that has been revoked or suspended indefinitely shall be \$500.

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

1. The annual fee for renewal of an active license shall be \$90.

2. The annual fee for renewal of an inactive license shall be \$45.

3. The late fee for renewal of a license within ~~60 days one~~ year after the expiration date is \$30 in addition to the annual renewal fee.

4. The ~~delinquent~~ fee for reinstatement of a lapsed license is ~~\$70 in addition to all unpaid renewal fees expired for more than one year~~ shall be \$210.

D. *The fee for reinspection of any facility shall be \$150.*

18 VAC 110-30-20. Application for licensure.

A. Prior to engaging in the sale of controlled substances, a practitioner shall make application on a form provided by the board and be issued a license.

B. In order to be eligible for a license to sell controlled substances, a practitioner shall possess a current, active license to practice medicine issued by the Virginia Board of Medicine. Any disciplinary action taken by the Board of Medicine against the practitioner's license to practice medicine shall constitute grounds for the board to deny, restrict, or place terms on the license to sell.

C. For good cause shown, the board may issue a limited-use license, when the scope, degree or type of services provided to the patient is of a limited nature. The license to be issued shall be based on conditions of use requested by the applicant or imposed by the board in cases where certain requirements of regulations may be waived. The following conditions shall apply:

1. A policy and procedure manual detailing the type and volume of controlled substances to be sold and safeguards against diversion must accompany the application. The application shall list the regulatory requirements for which a waiver is requested and a brief explanation as to why each requirement should not apply to that practice; *and*

2. The issuance and continuation of such license shall be subject to continuing compliance with the conditions set forth by the board; ~~and~~.

~~3. Application for a limited use license is contingent on the practitioner selling only controlled substances which have been received prepackaged in ready to dispense quantities and containers needing only the addition of required labeling.~~

18 VAC 110-30-30. Renewal of license.

A. A license so issued shall be valid until December 31 of the year of issue. Renewal of the license shall be made on or before December 31 of each year.

B. If a practitioner fails to renew his license to sell within the Commonwealth by the renewal date, he must pay the renewal fee plus the late fee. He may renew his license by payment of these fees for ~~60 days one year~~ from the date of expiration.

C. Failure to renew the license to sell within ~~60 days one year~~ following expiration shall cause the license to lapse. The selling of controlled substances with a lapsed license shall be illegal and may subject the practitioner to disciplinary action by the board. *To reinstate a lapsed license, a practitioner shall submit an application for reinstatement and pay the reinstatement fee, plus the reinspection fee if a reinspection is*

required as set forth in subsection D of this section. Reinstatement is at the discretion of the board and may be granted by the executive director on the board's behalf upon ~~submission of a reinstatement application, payment of all unpaid renewal fees, and the delinquent fee provided no grounds exist to deny said reinstatement.~~

D. Prior to reinstatement of a license that has been lapsed for more than one year, a reinspection of the storage and selling area shall be conducted unless another practitioner at the same location has held an active license to sell controlled substances during that period. A practitioner seeking reinstatement shall not stock drugs until approved by the board or its authorized agent.

E. The selling of controlled substances without a current, active license is unlawful and shall constitute grounds for disciplinary action by the board.

18 VAC 110-30-35. Inactive status. (Repealed.)

~~A. A licensee who intends to cease selling controlled substances may take inactive status. An inactive license may be reactivated by applying to the board for reactivation and paying any unpaid portion of the current renewal fee for an active license.~~

~~B. A licensee with inactive status shall not engage in the sale of controlled substances. Engaging in the sale of controlled substances with an inactive license shall constitute grounds for disciplinary action by the board.~~

18 VAC 110-30-40. Acts to be performed by the licensee.

A. The selection of the controlled substance from the stock, any preparation or packaging of a controlled substance or the preparation of a label for a controlled substance to be transferred to a patient shall be the personal responsibility of the licensee.

1. Any compounding of a controlled substance shall be personally performed by the licensee or a registered pharmacy technician under the supervision of the licensee.

~~2. Only one person who is not a licensee may be present in the storage and selling area at any given time for the purpose of assisting the licensee in the preparation, packaging and labeling of a controlled substance. A licensee may supervise one person who may be present in the storage and selling area to assist in performance of pharmacy technician tasks, as set forth in § 54.1-3321 of the Code of Virginia, provided such person is either:~~

a. A pharmacy technician registered with the board; or

b. A licensed nurse or physician assistant who has received training in technician tasks consistent with training required for pharmacy technicians.

3. Unless using one of the board-approved training courses for pharmacy technicians, a licensee who uses a nurse or physician assistant to perform pharmacy technician tasks shall develop and maintain a training manual and shall document that such licensee has successfully completed general training in the following areas:

a. The entry of prescription information and drug history into a data system or other recordkeeping system;

b. The preparation of prescription labels or patient information;

c. The removal of the drug to be dispensed from inventory;

d. The counting or measuring of the drug to be dispensed to include pharmacy calculations;

e. The packaging and labeling of the drug to be dispensed and the repackaging thereof;

f. The stocking or loading of automated dispensing devices or other devices used in the dispensing process, if applicable; and

g. Applicable laws and regulations related to dispensing.

4. A licensee who employs or uses pharmacy technicians, licensed nurses or physician assistants to assist in the storage and selling area shall develop and maintain a site-specific training program and manual for training to work in that practice. The program shall include training consistent with that specific practice to include, but not be limited to, training in proper use of site-specific computer programs and equipment, proper use of other equipment used in the practice in performing technician duties, and pharmacy calculations consistent with the duties in that practice.

5. A licensee shall maintain documentation of successful completion of the site-specific training program for each pharmacy technician, nurse or physician assistant for the duration of the employment and for a period of two years from date of termination of employment. Documentation for currently employed persons shall be maintained on site or at another location where the records are readily retrievable upon request for inspection. After employment is terminated, such documentation may be maintained at an off-site location where it is retrievable upon request.

B. Prior to the dispensing, the licensee shall:

1. Conduct a prospective drug review and offer to counsel a patient in accordance with provisions of § 54.1-3319 of the Code of Virginia; and

2. Inspect the prescription product to verify its accuracy in all respects, and place his initials on the record of sale as certification of the accuracy of, and the responsibility for, the entire transaction.

C. If the record of sale is maintained in an automated data processing system as provided in 18 VAC 110-30-200, the licensee shall personally place his initials with each entry of a sale as a certification of the accuracy of, and the responsibility for, the entire transaction.

18 VAC 110-30-50. Licensees ceasing to sell controlled substances; inventory required prior to disposal.

A. Any licensee who intends to cease selling controlled substances shall notify the board 10 days prior to cessation and surrender his license, and his license will be placed on an inactive expired status or may be surrendered.

Proposed Regulations

B. Any Schedule II through V controlled substances shall be inventoried and may be disposed of by transferring the controlled substance stock to another licensee or other person authorized by law to possess such drugs or by destruction as set forth in this chapter.

C. The licensee or other responsible person shall inform the board of the name and address of the licensee to whom the controlled substances are transferred.

D. A licensee who has surrendered his license pursuant to this section may request that it be made current again at any time within the same renewal year without having to pay an additional fee, provided the licensee is selling from the same location or from another location that has been inspected and approved by the board.

18 VAC 110-30-80. Inspection and notice required.

A. The area designated for the storage and selling of controlled substances shall be inspected by an agent of the board prior to the issuance of the first license to sell controlled substances from that site. Inspection prior to issuance of subsequent licenses at the same location shall be conducted at the discretion of the board.

B. Applications for licenses which indicate a requested inspection date, or requests which are received after the application is filed, shall be honored provided a 14-day notice to the board is allowed prior to the requested inspection date.

C. Requested inspection dates which do not allow a 14-day notice to the board may be adjusted by the board to provide 14 days for the scheduling of the inspection.

D. At the time of the inspection, the controlled substance selling and storage area shall comply with 18 VAC 110-30-90, 18 VAC 110-30-100, 18 VAC 110-30-110, 18 VAC 110-30-120 and 18 VAC 110-30-130.

E. If an applicant substantially fails to meet the requirements for issuance of a license and a reinspection is required, or if the applicant is not ready for the inspection on the established date and fails to notify the inspector or the board at least 24 hours prior to the inspection, the applicant shall pay a reinspection fee as specified in 18 VAC 110-30-15 prior to a reinspection being conducted.

~~E. F.~~ No license shall be issued to sell controlled substances until adequate safeguards against diversion have been provided for the controlled substance storage and selling area and approved by the ~~board or its authorized agent~~ the inspector or board staff.

G. The licensee shall notify the board of any substantive changes to the approved selling and storage area including moving the location of the area, making structural changes to the area, or making changes to the alarm system for the area prior to the changes being made and pay a reinspection fee. An inspection shall be conducted prior to approval of the new or altered selling and storage area.

18 VAC 110-30-110. Minimum equipment.

The licensee shall be responsible for maintaining the following equipment in the designated area:

1. A current dispensing information reference source, either hard copy or electronic;

2. A refrigerator with a monitoring thermometer, located in the selling area, if any controlled substances requiring refrigeration are maintained;

~~3. A current copy of the Virginia Drug Control Act and board regulations;~~

~~4. A current copy of the Virginia Voluntary Formulary;~~

~~5. A laminar flow hood~~ 3. Equipment consistent with requirements of § 54.1-3410.2 of the Code of Virginia and USP-NF standards, if sterile products are to be prepared; and

~~6. 4.~~ Prescription balances, sensitive to 15 milligrams, and weights or an electronic scale, if the licensee is engaged in ~~extemporaneous compounding~~ dispensing activities that require the weighing of components; and

5. Other equipment, supplies, and references consistent with the practitioner's scope of practice and with the public safety.

18 VAC 110-30-130. Selling area enclosures.

A. The controlled substance selling and storage area of the licensee shall be provided with enclosures subject to the following conditions:

1. The enclosure shall be construed in such a manner that it protects the controlled substance stock from unauthorized entry and from pilferage at all times whether or not the licensee is on duty;

2. The enclosure shall be of sufficient height as to prevent anyone from reaching over to gain access to the controlled substances;

3. Entrances to the enclosed area must have a door which extends from the floor and which is at least as high as the adjacent counters or adjoining partitions; and

4. Doors to the area must have locking devices which will prevent entry in the absence of the licensee.

B. The door keys or other means of entry and alarm access code to the selling and storage area shall be subject to the following requirements:

1. Only the licensee shall be in possession of the alarm access code and any keys or other means of entry to the locking device on the door to such enclosure;

2. The selling and storage area must be locked when the licensee is not present and engaged in preparation or selling of drugs; and

3. The licensee may place a key or other means of opening the locking device and the alarm access code in a sealed envelope or other sealed container with the licensee's signature across the seal in a safe or vault within the office or other secured place for use by another licensee. *In lieu of the licensee's signature across a seal, the executive director for the board may approve other methods of securing the emergency keys or access codes to the enclosed area.*

C. The controlled substance selling and storage area is restricted to the licensee and one person designated by the licensee. The designated person may be present in the selling and storage area only during the hours when the licensee is on duty to render personal supervision.

18 VAC 110-30-150. Expired controlled substances; security.

Any controlled substance which has exceeded the expiration date *shall not be dispensed or sold* and shall be separated from the stock used for selling ~~and may but shall be maintained in a designated the selling and storage area with the unexpired stock~~ prior to the disposal of the expired controlled substances.

18 VAC 110-30-170. Sign and written prescription requirements.

~~A. The licensee shall provide the patient with a written prescription whether or not he intends to sell the controlled substance to the patient.~~

~~B.~~ A. The licensee shall conspicuously display a sign in the public area of the office *and in each patient examination room* advising patients of their right to choose where they have their prescriptions filled.

~~C.~~ B. The licensee ~~after delivery of the written prescription to the patient shall, in each case, advise the patient~~ *patients* of their right to obtain the controlled substance from him or from a pharmacy.

C. *If the patient chooses to obtain the controlled substance from a pharmacy, the licensee shall either provide the patient with a written prescription or transmit the prescription orally, electronically or by fax to a pharmacy of his choice.*

D. If the patient chooses to purchase the controlled substance from the licensee, *the licensee shall either:*

1. *Have the patient sign the written prescription shall be returned and return it to the licensee and signed by the patient.* If the licensee chooses to use the hard copy prescription as his record of sale, he shall record all information and file as required by 18 VAC 110-30-190. If the licensee chooses to record the sale in book form or maintain it in an automated data system, he shall mark the prescription void, file chronologically, and maintain for a period of two years; *or*

2. *In lieu of a written prescription, have the patient sign a separate waiver form to be maintained for at least two years with the dispensing records according to date of dispensing. The waiver form may not be kept in the patient's chart.*

18 VAC 110-30-180. Manner of maintaining inventory records for licensees selling controlled substances.

Each licensee shall maintain the inventories and records of controlled substances as follows:

1. Inventories and records of all controlled substances listed in Schedule II shall be maintained separately from all other records of the licensee;

2. Inventories and records of controlled substances listed in Schedules III, IV and V may be maintained separately or with records of Schedule VI controlled substances but shall not be maintained with other records of the licensee;

3. All records of Schedule II through V controlled substances shall be maintained at the same location as the stock of controlled substances to which the records pertain except that records maintained in an off-site database shall be retrieved and made available for inspection within 48 hours of a request by the board or an authorized agent;

4. In the event that an inventory is taken as the result of a theft of controlled substances pursuant to § 54.1-3404 of the Drug Control Act of the Code of Virginia, the inventory shall be used as the opening inventory within the current biennial period. Such an inventory does not preclude the taking of the required inventory on the required biennial inventory date; ~~and~~

5. All inventories required by § 54.1-3404 of the Code of Virginia shall be signed and dated by the person taking the inventory and shall indicate whether the inventory was taken prior to the opening of business or after close of business; and

~~5.~~ 6. All records required by this section shall be filed chronologically.

18 VAC 110-30-190. Manner of maintaining records for Schedule II through VI controlled substances sold.

A. *A hard copy prescription shall be placed on file for every new prescription dispensed and be maintained for two years from date of last refill. All prescriptions shall be filed chronologically from date of initial dispensing. In lieu of a hard copy prescription, a licensee may have an alternative record of all drugs sold maintained for two years from date of dispensing or of refilling an order. Such record shall be in chronological order by date of initial dispensing with refills listed with initial dispensing information or by date of dispensing.*

~~B.~~ C. The hard copy prescription or records of sale for Schedule II controlled substances shall be maintained as follows:

1. They shall be maintained separately from other records; *and*

2. They shall be maintained in chronological order and shall show the selling date, a number which identifies the sale, the name and address of the patient, the name and strength of the controlled substance, the initials of the licensee, and the quantity sold.

~~B.~~ C. The hard copy prescription or records of sale for Schedule III through V controlled substances shall be maintained as follows:

1. They shall be maintained in the manner set forth in subsection A of this section; *and*

2. The hard copy prescription or records of sale for Schedule III through V controlled substances may be maintained separately from other selling records or may be maintained with selling records for Schedule VI controlled

Proposed Regulations

substances provided the Schedule III through V controlled substance records are readily retrievable from the selling records for Schedule VI controlled substances. The records shall be deemed readily retrievable if a red "C" is placed uniformly on the record entry line for each Schedule III through V controlled substance sold. However, if the licensee employs an automated data processing system or other electronic recordkeeping system for prescriptions that permits identification by prescription number and retrieval of original documents by prescriber's name, patient's name, drug dispensed, and date filled, then the requirement to mark the hard copy record with a red "C" is waived.

18 VAC 110-30-200. Automated data processing records of sale.

A. An automated data processing system may be used for the storage and retrieval of the sale of controlled substances instead of manual recordkeeping requirements, subject to the following conditions:

1. Any computerized system shall also provide retrieval via computer monitor display or printout of the sale of all controlled substances during the past two years, the listing to be in chronological order and shall include all information required by the manual method; *and*
2. If the system provides a printout of each day's selling activity, the printout shall be verified, dated and signed by the licensee. The licensee shall verify that the data indicated is correct and then sign the document in the same manner as he would sign a check or legal document (e.g., J.H. Smith or John H. Smith). In place of such printout, the licensee shall maintain a bound log book, or separate file, in which the licensee shall sign a statement each day, in the manner previously described, attesting to the fact that the selling information entered into the computer that day under his initials has been reviewed by him and is correct as shown; ~~and.~~
3. ~~A hard copy prescription shall be placed on file chronologically and maintained for a period of two years.~~

B. Any computerized system shall have the capability of producing a printout of any selling data which the practitioner is responsible for maintaining under the Drug Control Act *and such printout shall be provided within 48 hours of a request of an authorized agent.*

18 VAC 110-30-210. Repackaging of controlled substances; records required; labeling requirements.

A. A licensee repackaging controlled substances shall maintain adequate control records for a period of one year or until the expiration, whichever is greater. The records shall show the name of the controlled substances repackaged, strength, if any, quantity prepared, initials of the licensee supervising the process, the assigned control number, or the manufacturer's or distributor's name and control number, and an expiration date.

B. The controlled substance name, strength, if any, the assigned control number, or the manufacturer's or distributor's name and control number, and an appropriate expiration date *determined by the licensee in accordance with USP-NF*

guidelines shall appear on any subsequently repackaged or reconstituted units as follows: .

1. ~~If U.S.P. N.F. Class B or better packaging material is used for oral unit dose packages, an expiration date not to exceed six months or the expiration date shown on the original manufacturing bulk containers, whichever is less, shall appear on the repackaged units;~~
2. ~~If it can be documented that the repackaged unit has a stability greater than six months, an appropriate expiration date may be assigned; and~~
3. ~~If U.S.P. N.F. Class C or less packaging material is used for oral, solid medication, an expiration date not to exceed 30 days shall appear on the repackaged units.~~

18 VAC 110-30-220. Labeling of prescription as to content and quantity.

Any controlled substances sold by a licensee shall bear on the label of the container, in addition to other requirements, the following information:

1. The name and address of the practitioner and the name of the patient;
2. The date of the dispensing;
3. The drug name and strength, when strength is applicable:
 - a. For any drug product possessing a single active ingredient, the generic name of the drug shall be included on the label.
 - b. If a generic drug is dispensed when a prescription is written for a brand name drug, the label shall contain the generic name followed by the words "generic for" followed by the brand name of the drug prescribed, and ~~in accordance with § 32.1-87 A of the Code of Virginia,~~ the label shall also contain the generic's brand name or the manufacturer or distributor of the drug dispensed; and
4. The number of dosage units or, if liquid, the number of millimeters dispensed.

18 VAC 110-30-240. Special packaging.

A. Each controlled substance sold to a person in a household shall be sold in special packaging, except when otherwise requested by the purchaser, or when such controlled substance is exempted from such requirements promulgated pursuant to the Poison Prevention Packaging Act of 1970, 15 USC §§ 1471-1476.

B. Each licensee may have a sign posted near the compounding and selling area advising the patients that nonspecial packaging may be requested.

C. If nonspecial packaging is requested, a signed release of such request shall be obtained ~~pursuant to § 54.1-3427 of the Code of Virginia~~ *from the patient or the patient's authorized agent* and maintained for two years from the date of dispensing.

18 VAC 110-30-260. Returning of controlled substances.

Controlled substances shall not be accepted for return or exchange by any licensee for resale after such controlled substances have been taken from the premises where sold, unless such controlled substances are in the manufacturer's original sealed container or in a unit-dose container which meets the U.S.P.-N.F. Class A or Class B container requirement, have not been stored under conditions whereby they may have become contaminated, in which official compendium storage requirements can be assured and provided such return or exchange is consistent with federal law and regulation.

18 VAC 110-30-270. Grounds for disciplinary action.

In addition to those grounds listed in § 54.1-3316 of the Code of Virginia, the board may revoke, suspend, refuse to issue or renew a license to sell controlled substances or may deny any application if it finds that the licensee or applicant has had his license to practice medicine, ~~osteopathy~~ *osteopathic medicine* or podiatry suspended or revoked in Virginia or in any other state or no longer holds a current active license to practice ~~medicine~~ in the Commonwealth of Virginia.

<p>NOTICE: The forms used in administering 18 VAC 110-30, Regulations for Practitioners of the Healing Arts to Sell Controlled Substances, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.</p>
--


FORMS

Application for a License to Sell Controlled Substances by a Practitioner of the Healing Arts (rev. ~~4/02~~ 8/04).

Renewal Notice (rev. 4/05).

License Renewal Notice and Application (rev. ~~4/99~~ 4/05).

Proposed Regulations

	<p>COMMONWEALTH OF VIRGINIA</p> <p>Board of Pharmacy</p> <p>6603 W. Broad Street, 5th Floor Richmond, Virginia 23230</p>	<p>(804) 662-9911 (Tel) (804) 662-9313 (Fax)</p>
---	--	--

APPLICATION FOR A LICENSE TO SELL CONTROLLED SUBSTANCES BY A PRACTITIONER OF THE HEALING ARTS

Check Appropriate Box(es):

<input type="checkbox"/> New ¹	\$200.00	<input type="checkbox"/> Change of location of selling area ¹	\$150.00
<input type="checkbox"/> Reinstatement ² , possibly 1	_____	<input type="checkbox"/> Change in designated practitioner ³	No fee

²If reinstatement, due to: Lapse of License or Suspension or Revocation of a License
 The required fees must accompany the application. Make check payable to "Treasurer of Virginia".

Applicant—Please provide the information requested below. (Print or Type) Use full name not initials

Name of Medical Practitioner Applicant			Medical License Number
Street Address Where Applicant Wishes to Sell Controlled Substances			Area Code and Telephone Number
City	State	Zip Code	Social Security Number (or Virginia DMV number) ⁴
Name of Facility (if applicable)		Has this drug selling and storage area already passed inspection?	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
(Print) Name of the Responsible Designated Practitioner if Common Stock of Drugs Used ⁴			License Number of the Designated Practitioner
Signature of the Practitioner Applicant			Date
Expected Hours of Operation		³ Effective Date of Change	
Expected Opening, Moving, or Completion Date		Requested Inspection Date	
Please read and complete page 2 of this application.			

FOR BOARD USE ONLY: Acknowledgement of Inspection Request				
An inspector will call prior to the requested date to confirm readiness for inspection. If the inspector does not call to confirm the date, the responsible party should call the Enforcement Division at (804) 662-9934 to verify the inspection date with the inspector.				
Date Processed: _____		Assigned Inspection Date ¹ : _____		
Application Number Assigned	Date Inspected	Approved	License Number	Date Issued
0213-			0213-	

Revised August 2004

Practitioner Selling Drugs Application, Page 2

Please respond to the following questions:

1. Has your federal registration with the Drug Enforcement Administration been revoked or suspended? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach a detailed explanation and have a certified copy of the order sent to the Board office.
2. Has your medical license ever been voluntarily surrendered to a licensing authority in any jurisdiction, placed on probation, suspended, revoked, or have your prescribing privileges been restricted? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach a detailed explanation and provide a copy of the order or other document of the licensing authority.
3. Is your medical license in all jurisdictions where licensed current and unrestricted. Yes <input type="checkbox"/> No <input type="checkbox"/> . If no, attach explanation.
4. Have you ever been convicted, pled guilty to or pled <i>nolo contendere</i> to a violation of any federal, state, or other drug related law? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach a detailed explanation and have a certified copy of the court order sent to the Board office.

² REINSTATEMENT ONLY:

1. Have you engaged in the selling of prescription drugs in Virginia during the time that your license was lapsed? Yes <input type="checkbox"/> No <input type="checkbox"/> . If yes, attach explanation.
--

¹A 14-day notice is required for scheduling a new or change of location inspection. Drugs may not be stocked prior to inspection and approval of the drug selling and storage area.

³18 VAC 100-30-70 requires that when two or more licensees maintain a common stock of controlled substances for dispensing, one licensee shall be designated as the primary responsible party for assuring security against diversion and compliance with all recordkeeping requirements.

⁴In accordance with § 54.1-116 of the Code of Virginia, you are required to submit your Social Security Number or your control number issued by the Virginia Department of Motor Vehicles. If you fail to do so, the processing of your application will be suspended and fees will not be refunded. This number will be used by the Department of Health Professions for identification and will not be disclosed for other purposes except as provided for by law. Federal and state law requires that this number be shared with other agencies for child support enforcement activities. **NO LICENSE WILL BE ISSUED TO ANY INDIVIDUAL WHO HAS FAILED TO DISCLOSE ONE OF THESE NUMBERS.** In order to obtain a Virginia driver's license control number, it is necessary to appear in person at an office of the Department of Motor Vehicles in Virginia. A fee and disclosure to DMV of your Social Security Number will be required to obtain this number.

Revised August 2004

Proposed Regulations

S27032A

COMMONWEALTH of VIRGINIA



RENEWAL NOTICE

April 25, 2005

«First_Name» «Last_Name»
«L_Address_Line_1» :
«L_Address_Line_2»
«L_Address_Line_3»
«L_Address_Line_4»

Dear «First_Name» «Last_Name»:

Your «License_Type» license will expire on «L_Expiration_Date». You may now renew your license on-line and pay with a Visa or MasterCard. You may also use the on-line service to change your address of record, obtain duplicate licenses, and stay informed by e-mail about your profession.

To use the new on-line service, have this Notice and a credit card in hand, go to www.license.dhp.virginia.gov, enter your license number and the temporary PIN as shown below, and then just follow the directions. The on-line renewal service is available 24 hours a day, 7 days a week.

License Number: «License_No» PIN: «Registration_Code»

Key:

Numbers: 0123456789

lowercase letters: a b c d e f g h i j k l m n o p q r s t u v w x y z

UPPERCASE LETTERS: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Once your renewal payment has been processed, your license will be mailed to your address of record within 3 business days. The status of your license will be updated on the Department's website and on its License Verification phone line at (804) 662-7636 within 2 business days of renewing on-line.

Remember, you must renew your license by the date shown above. If you do not, you will be assessed a late fee. A late fee will be imposed if you renew after the expiration date shown above. Practicing on an expired license may result in disciplinary action. Fees are non-refundable.

You may not change your license status online (Active to Inactive or Inactive to Active).

If you do not have access to the Internet and wish to request a paper renewal form, call the Department's automated service system at (804) 288-1167.

Renewing by mail will delay the renewal process. To ensure adequate mailing and processing time, a paper renewal should be requested at least 30 days prior to the expiration date. The completed form and payment should be returned at least 10 days prior to the expiration date. A late fee will be imposed if your renewal is received after the expiration date shown above. Practicing with an expired license is unlawful and may result in a disciplinary action by the Board. If you do not receive the paper renewal form within 2 weeks of your request, call (804) 662-9999 during business hours (Monday-Friday, 9am-5pm) for further instructions.

N14EZ

8266 (3/16-02) 529064 All rights reserved. Printed on Recycled Paper 4/28/05

-ONLINE LICENSE RENEWAL WITH CREDIT CARD NOW AVAILABLE-

«First_Name» «Middle_Name» «Last_Name»	Renewal Fee--Amount «renewal_fee»
«License_status» «License_Type» - «License_No»	
Renewal Period «period_from» to «period_to»	Current Expiration Date: «L_Expiration_Date»
Please take this opportunity to renew this license online and pay with a Visa or MasterCard. In doing so you will have the opportunity to sign up for future e-mail notifications to assist you in maintaining your professional license in good standing, obtain duplicate licenses and keep informed about your profession. By renewing your license this way you will be able to save money and keep abreast of important changes that will affect your practice. Please visit: www.license.dhp.virginia.gov and enter your Virginia License Number («License_No»), and the temporary Pin Number («Registration_Code»).	
RECEIPT—KEEP THIS PORTION FOR YOUR RECORDS—DO NOT RETURN	



8034 1222 3222 52003 Moore Wilson North America, Inc. 410 378 0474
 PMS/MS/SH Printed 4 918 128 5271 164 5 361 145 0 0207

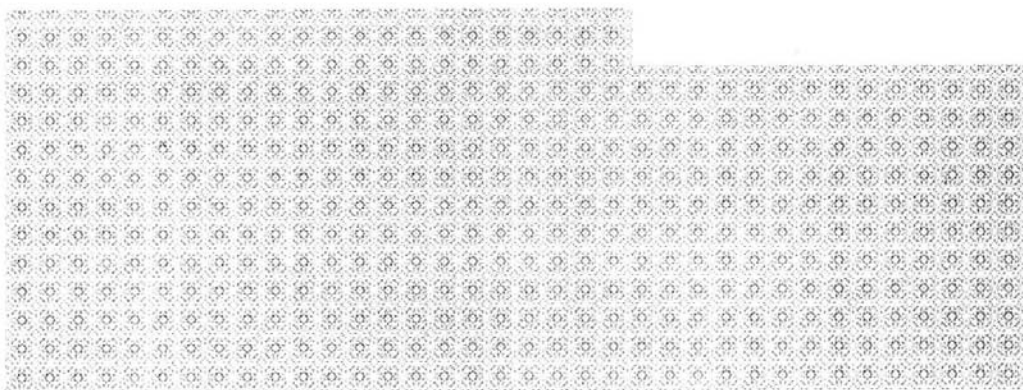
If you are unable to renew online, detach and mail this form with payment.

Renewal Form for «License_status» «License_Type»		Amount Due:
«License_No»	Renewal Period: «period_from» to «period_to»	«renewal_fee»
«First_Name» «Middle_Name» «Last_Name»		
«L_Address_Line_1» «L_Address_Line_2» «L_Address_Line_3» «L_Address_Line_4»		
<input type="checkbox"/> Check here if you do not wish to renew, and sign. Signature _____		
If Payment Is Received by Board After «L_Expiration_Date», Amount Due \$		
Do not staple check to renewal form or fold renewal form.		

<<VA_Scanline>>

1. If you are unable to renew online, detach "renewal form" portion and return completed form with your check in attached return envelope.
2. Make checks payable to "Treasurer of Virginia."
3. **Do not** make any changes to printed information on this form. Contact Board for an application for any name, address or other changes.

Detach Along Perforation
MOISTEN AND FOLD TO SEAL



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 9. ENVIRONMENT

VIRGINIA WASTE MANAGEMENT BOARD

REGISTRAR'S NOTICE: The amendments to 9 VAC 20-20, 9 VAC 20-30, 9 VAC 20-40 and 9 VAC 20-50 are excluded from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Virginia Waste Management 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 20-20. Schedule of Fees for Hazardous Waste Facility Site Certification (amending 9 VAC 20-20-20, 9 VAC 20-20-40, 9 VAC 20-20-60, 9 VAC 20-20-80, 9 VAC 20-20-100, 9 VAC 20-20-110 through 9 VAC 20-20-150; adding 9 VAC 20-20-160).

Statutory Authority: § 10.1-1434 of the Code of Virginia.

Effective Date: July 13, 2005.

Agency Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4327 or e-mail rgwickline@deq.virginia.gov.

Summary:

The amendments reflect changes in the Code of Virginia that have occurred since 1986 and reflect the current administration of the statutory provisions and regulations by the board. The major changes are the replacement of references to the Hazardous Waste Facility Siting Council and its Executive Director with references to the Virginia Waste Management Board and the Director of the Department of Environmental Quality. Legal citations are replaced with those that are currently correct. Other changes include providing current addresses and the current manner of conducting business tasks under the regulations. This action also incorporates a delegation by the board to the Director of the Department of Environmental Quality to administer the regulations to the extent that such delegations are not proscribed by the statute. This delegation is a confirmation of pre-existing statutory authority under § 10.1-1405 of the Code of Virginia.

9 VAC 20-20-20. Purpose of chapter.

~~Sections 10.1-1433 et seq.~~ Section 10.1-1434 B 6 of the Code of Virginia, authorizes the ~~Hazardous Waste Facility Siting Council~~ board to "adopt a schedule of fees to charge applicants and to collect such fees for the cost of processing

applications and site certifications." This chapter establishes an application fee and guidelines for its collection.

9 VAC 20-20-40. Definitions.

Section 10.1-1433 of the ~~Virginia Hazardous Waste Facilities Siting Act~~ Code of Virginia defines several words and terms used in this chapter.

Unless the context clearly indicates otherwise, those words and terms will have the same meaning when used in this chapter. In addition, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

"Application fee" means the average estimated cost of processing an application for certification of site approval. Such costs include photocopying, mailing, print and broadcast media notices, travel expenses (transportation, meals, and lodging) for members of the ~~council~~ board and additional personnel, production of transcripts, meeting room rental, compensation for members of the ~~council~~ board and all other administrative costs associated with the processing of an application for site certification. Staff time is not included.

"Board" means the Virginia Waste Management Board.

"Category I facilities" means containerized or enclosed storage of hazardous waste.

"Category II facilities" means a closed treatment process with spill containment.

"Category III facilities" means an open treatment process with spill containment.

"Category IV facilities" means above-ground treatment process with no spill containment.

"Category V facilities" means disposal without complete treatment and all other treatment/disposal methods.

~~*"Council" means the Hazardous Waste Facility Siting Council established pursuant to § 10.1-1433 et seq. of the Code of Virginia.*~~

"Department" means the Virginia Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

9 VAC 20-20-60. Waiver of fees.

A. The ~~council~~ board may, in its discretion, waive all or part of the fees if it determines that the public interest is served thereby due to special circumstances.

B. In the event an applicant believes he should be entitled to a waiver of fees, the applicant should request the waiver in

writing to the ~~council~~ board. The request may be made anytime after the applicant submits the final impact analysis, but no later than the date the application for certification of site approval is due.

C. The request for waiver of fees shall be sent to the ~~council~~ board by registered mail or by other means requiring a receipt of delivery and shall contain at a minimum the following information:

1. The name and address of the applicant;
2. The location of the facility and a brief description of its operation;
3. A brief description of the nature and extent of the construction to be done;
4. A discussion of the reasons a waiver of all or part of the fees as appropriate, with particular focus on how the public interest will be served by a waiver; and
5. Any additional information or documentation the applicant believes will be helpful.

D. The ~~council~~ board will consider the request for a waiver of fees at its next regularly scheduled meeting. The applicant requesting waiver may attend the meeting and make a presentation.

E. Within 30 days of the meeting at which the request for waiver is considered, the ~~council~~ board will determine whether it will waive the fee requirement, and will notify the applicant in writing of its decision.

9 VAC 20-20-80. Review of costs.

The ~~executive~~ director will review annually the costs upon which the application fee is based. The ~~executive~~ director may recommend adjustment of the fees to the ~~council~~ board to reflect the changes in costs.

9 VAC 20-20-100. Acknowledgement of receipt of fee.

The ~~executive~~ director shall promptly acknowledge by certified mail, or by other means requiring a receipt of delivery, the receipt of an application for certification of site approval with payment of application fee. Notice to the applicant of receipt of the fee payment should not be construed as any comment on the completeness of the application.

9 VAC 20-20-110. Manner of payment.

~~Fees shall be paid by cashier's check or certified check made payable to the Commonwealth of Virginia, Virginia Hazardous Waste Facility Siting Council. Fees shall be paid by check, draft or postal money order made payable to "Treasurer of Virginia" and shall be sent to the Department of Environmental Quality, Receipts Control, P.O. Box 10150, Richmond, VA 23240. When the department is able to accept electronic payments, payments may be submitted electronically.~~

9 VAC 20-20-120. Effect of failure to pay fee.

No application will be deemed complete until proper payment is received by the ~~council~~ board.

9 VAC 20-20-130. Refunds.

The ~~council~~ board may refund all or part of the fee in the event of a termination of the application process prior to the ~~council's~~ board's final decision on certification of site approval if the ~~council~~ board determines that, as a result of cause by federal or state government action, the applicant is unable to complete the site certification - application process - despite his good faith.

9 VAC 20-20-140. Request for refund.

An applicant desiring such a refund must make the request in writing to the ~~council~~ board within 30 days of the federal or state government action making the applicant unable to complete the site certification process. The request shall be sent by certified mail and shall, at a minimum, contain the following information:

1. Name and address of the applicant;
2. Location of the proposed facility and a brief description of its operation;
3. A copy of the document containing the federal or state government action making completion of the site certification process impossible or impracticable for the applicant despite the applicant's good faith, or if a copy of such document cannot be obtained, a complete description of the government action; and
4. A comprehensive discussion of the way in which the government's action has resulted in the applicant's good faith inability to complete the site certification process, with supporting documentation, if any.

9 VAC 20-20-150. Decision on refund.

At its next regularly scheduled meeting, the ~~council~~ board will consider the request for refund. The applicant may attend and make a presentation to the ~~council~~ board as well as answer any questions members of the ~~council~~ board may have.

PART VI.
DELEGATIONS.

9 VAC 20-20-160. Delegations.

The director may perform any act of the board provided under this chapter, except as limited by §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

VA.R. Doc. No. R05-203; Filed May 24, 2005, 3:45 p.m.

* * * * *

Title of Regulation: **9 VAC 20-30. Technical Assistance Fund Administrative Procedures (amending 9 VAC 20-30-30, 9 VAC 20-30-50, 9 VAC 20-30-70 through 9 VAC 20-30-120; adding 9 VAC 20-30-130)**

Statutory Authority: §§ 10.1-1434 and 10.1-1438 of the Code of Virginia.

Effective Date: July 13, 2005.

Agency Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA

Final Regulations

23240, telephone (804) 698-4213, FAX (804) 698-4327 or e-mail rgwickline@deq.virginia.gov.

Summary:

The amendments reflect changes in the Code of Virginia that have occurred since 1986 and reflect the current administration of the statutory provisions and regulations by the board. The major changes are the replacement of references to the Hazardous Waste Facility Siting Council and its Executive Director with references to the Virginia Waste Management Board and the Director of the Department of Environmental Quality. Legal citations are replaced with those that are currently correct. Other changes include providing current addresses and the current manner of conducting business tasks under the regulations. This action also incorporates a delegation by the board to the Director of the Department of Environmental Quality to administer the regulations to the extent that such delegations are not proscribed by the statute. This delegation is a confirmation of pre-existing statutory authority under § 10.1-1405 of the Code of Virginia.

9 VAC 20-30-30. Definitions.

Article 6 (§ 10.1-1433 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia defines several words and terms which are used in this chapter. Unless the context clearly indicates otherwise, those words and terms will have the same meaning when used in this chapter. In addition, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

"Board" means the Virginia Waste Management Board.

"Department" means the Virginia Department of Environmental Quality.

"Council" means the Hazardous Waste Facility Siting Council established pursuant to § 10.1-1433 et seq. of the Code of Virginia.

"Technical assistance" means aid which enable the governing body of the host community to better understand and assist the environmental, economic, and social impact of a hazardous waste facility at a particular site. "Technical assistance" does not include legal services or services of a negotiator as such.

9 VAC 20-30-50. Amount of allocation.

The ~~council~~ board shall make available to the host community up to \$50,000 per proposed facility.

9 VAC 20-30-70. Form and manner of request for allocation.

The host community's request for an allocation from the technical assistance fund shall be adopted by the governing body. The request shall be sent to the ~~council~~ board by registered mail or by other means requiring receipt for delivery.

9 VAC 20-30-80. Content of request.

A. The ~~council~~ board shall evaluate the request for funding within 30 days of receipt of the request. The ~~council~~ board shall notify the host community of the date, time, and location of the meeting to consider the request. A representative of the host community may make an oral presentation at the meeting.

B. The request must contain the following information:

1. A cover letter providing background information and a brief summary of the request;
2. A detailed breakdown of the manner in which the funds are to be spent;
3. A description of the technical assistance desired and the reasons it is necessary, including complexity or uniqueness of local government needs with respect to the proposed facility and staff requirements;
4. A detailed breakdown of each aspect of the technical assistance desired and the cost for each aspect; and
5. Any other relevant information or supporting documents the host community wishes to include.

C. Within 30 days of the meeting described in this section, the ~~council~~ board shall determine what funds, if any, shall be distributed to the host community for technical assistance.

9 VAC 20-30-90. Contract.

Upon approval of the request, the ~~executive~~ director shall promptly send to the host community a contract based on the model provided in Appendix I for the distribution of funds to localities. The contract must be approved and executed by the governing body of the host community and returned to the ~~council~~ board.

9 VAC 20-30-100. Unused moneys.

Any money awarded to a host community from the technical assistance fund which is not spent shall be returned to the ~~council~~ board within 60 days of the date of completed contract work.

9 VAC 20-30-110. Accounting of moneys spent.

Within 60 days of the date of the completed contract work, the governing body of the host community shall provide the ~~council~~ board with a certified accounting statement of all moneys expended from the technical assistance fund.

9 VAC 20-30-120. Misused moneys.

In the event the ~~council~~ board learns that moneys awarded to a host community from the technical assistance fund have not been spent on technical assistance, the ~~council~~ board shall take any action it deems necessary to recover the misused moneys.

PART V.
DELEGATIONS.

9 VAC 20-30-130. Delegations.

The director may perform any act of the board provided under this chapter, except as limited by §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

APPENDIX I. TECHNICAL ASSISTANCE FUND GRANT

In response to the Code of Virginia, Title 10.1, Chapter 14 (§ 10.1-1433 et seq.), the ~~Virginia Hazardous Waste Facilities Siting Council~~ Virginia Waste Management Board (the ~~council board~~) shall make available to the governing body of a host community a reasonable sum of money from the technical assistance fund. (The host community) is this day receiving the sum of \$___ from the technical assistance fund.

The host community agrees to take the grant subject to all the requirements and restrictions imposed by the Act and by the regulation of the ~~council board~~ regarding the technical assistance fund and to use the grant only to provide itself with technical assistance as defined in those chapters.

The host community agrees to return to the ~~council board~~ any unused moneys from the grant along with a certified accounting statement of all moneys expended from the grant, within 60 days of the date of the completed contract work. The host community acknowledges its liability for any moneys from the grant which the ~~council board~~ finds have not been spent on technical assistance.

VA.R. Doc. No. R05-204; Filed May 24, 2005, 3:47 p.m.

Title of Regulation: 9 VAC 20-40. Administrative Procedures for Hazardous Waste Facility Site Certification (amending 9 VAC 20-40-20 and 9 VAC 20-40-40 through 9 VAC 20-40-150; adding 9 VAC 20-40-160).

Statutory Authority: §§ 10.1-1434 and 10.1-1436 of the Code of Virginia.

Effective Date: July 13, 2005.

Agency Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4327 or e-mail rgwickline@deq.virginia.gov.

Summary:

The amendments reflect changes in the Code of Virginia that have occurred since 1986 and reflect the current administration of the statutory provisions and regulations by the board. Amendments are made for the regulations to conform to Virginia statutes. The major changes are the replacement of references to the Hazardous Waste Facility Siting Council and its Executive Director with references to the Virginia Waste Management Board and the Director of the Department of Environmental Quality. Legal citations are replaced with those that are currently correct. Other changes include providing current addresses and the current manner of conducting business tasks under the regulations. This action also incorporates a delegation by

the board to the Director of the Department of Environmental Quality to administer the regulations to the extent that such delegations are not proscribed by the statute. This delegation is a confirmation of pre-existing statutory authority under § 10.1-1405 of the Code of Virginia.

9 VAC 20-40-20. Purpose of chapter.

~~The Virginia Hazardous Waste Facilities Siting Act Article 6 (§ 10.1-1433 et seq.) of Chapter 14 of Title 10.1 of the Code of Virginia~~ contains a detailed description of the process and procedures for a certification of site suitability. ~~Because of the Act's specificity,~~ This chapter is designed to amplify and supplement the statutes where appropriate. This chapter together with the statute establish administrative procedures for the submission and evaluation of applications for certification of hazardous waste facility sites.

9 VAC 20-40-40. Definitions.

Section 10.1-1433 of the ~~Act~~ Code of Virginia defines several words and terms which are used in this chapter. Unless the context clearly indicates otherwise, those words and terms will have the same meaning when used in this chapter. In addition, the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Act" means §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

"Affected communities" means those counties, cities or towns contiguous to the host community which may be affected by the siting of a hazardous waste facility in the host community.

"Applicant" means the person applying for a certification of site suitability or submitting a notice of intent to apply for that. The applicant must be the person who intends to own or operate the proposed facility.

"Application" means an application to the ~~council board~~ for a certification of site suitability.

"Board" means the Virginia Waste Management Board.

"Certification of site suitability" or "certification" means the certification issued by the ~~Hazardous Waste Facility Siting Council board~~ pursuant to Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.

"Construct or construction" means: ~~After July 1, 1984, no person shall construct or commence construction of a hazardous waste facility without first obtaining a certification of site approval by the board in the manner prescribed here. For the purpose of this section, "construct" and "construction" shall mean~~ (i) with respect to new facilities, the significant alteration of a site to install permanent equipment or structures or the installation of permanent equipment or structures; (ii) with respect to existing facilities, the alteration or expansion of existing structures or facilities to initially accommodate hazardous waste, any expansion of more than 50% of the area or capacity of an existing hazardous waste facility, or any change in design or process of a hazardous waste facility that will, in the opinion of the ~~council board~~, result in a substantially different type of facility. It does not include preliminary

Final Regulations

engineering or site surveys, environmental studies, site acquisition, acquisition of an option to purchase or activities normally incident to that.

~~"Council" means the Hazardous Waste Facility Siting Council established pursuant to § 10.1-1433 et seq. of the Code of Virginia.~~

"Criteria" means the criteria adopted by the ~~council board~~, pursuant to § 10.1-1436 of the Code of Virginia.

"Department" means the Virginia Department of Environmental Quality.

"Disposal" means the discharge, deposit, injunction, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent ~~of that thereof~~ may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Emergency situation" means where an imminent and substantial endangerment to human health or the environment is determined.

"Fund" means the technical assistance fund created pursuant to § 10.1-1448 of the Code of Virginia.

"Hazardous waste" means a solid waste classified as a hazardous waste by ~~regulations adopted pursuant to § 10.1-1433 et seq. of the Code of Virginia~~ *the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60.*

"Hazardous waste facility" or "facility" means any facility, including land and structures, appurtenances, improvements and equipment for the treatment, storage or disposal of hazardous wastes, which accepts hazardous waste for storage, treatment or disposal. For the purposes of this chapter, it does not include: (i) facilities which are owned and operated by and exclusively for the on-site treatment, storage or disposal of wastes generated by the owner or operator; (ii) facilities for the treatment, storage or disposal of hazardous wastes used principally as fuels in an on-site production process; and (iii) facilities used exclusively for the pretreatment of wastes discharged directly to a publicly-owned sewage treatment works.

"Hazardous waste management facility permit" means the permit for a hazardous waste management facility issued by the ~~State Health Commissioner~~ *director* or the U.S. Environmental Protection Agency.

"Host community" means any county, city or town within whose jurisdictional boundaries construction of a hazardous waste facility is proposed.

"On-site" means facilities that are located on the same or geographically contiguous property which may be divided by public or private right-of-way, and the entrance and exit between the contiguous properties are at a crossroads intersection so that the access is by crossing, as opposed to going along, the right-of-way. On-site also means noncontiguous properties owned by the same person but connected by a right-of-way which the owner controls and to which the public does not have access.

"Operating characteristics": These include, but are not limited to:

1. Brief description of the nature of the business of the facility, including an estimate of the size of the business (number of employees, etc.);
2. Specification of each hazardous waste involved in the operation of the facility and an estimate of the annual quantity of each;
3. Description of the physical facility (number and size of buildings, tanks and other structures);
4. General description of the process to be used in the treatment, storage, or disposal or both of each hazardous waste;
5. Description of the anticipated traffic to and from the facility (number, type, and capacity of those vehicles transporting hazardous waste as well as other types of vehicles);
6. Short and long term projections for the facility, including its projected life expectancy; and
7. Any other relevant information which will assist the ~~council board~~ and other persons to gain a clear understanding of the nature and operation of the facility.

"Operator" means a person who is responsible for the overall operation of a facility.

"Owner" means a person who owns a facility or a part of a facility.

"Person" means an individual, trust, firm, joint stock company, corporation, including a government corporation, partnership, association, state, municipality, commission, political subdivision of a state, interstate body or federal government agency.

"Site plan" means a design of the proposed facility and site. The site plan must accurately represent all structures of the proposed facility. If the site has existing structures, the site plan must designate these and specify the alterations to be made to each. The site plan shall also include a topographic map showing a distance of 1,000 feet around the facility at a scale of 2.5 centimeters (one inch) equal to not more than 61.0 meters (200 feet). Contours shall be shown on the map. The contour interval shall be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility, for example, contours with an interval of 1.5 meters (five feet), if relief is greater than 6.1 meters (20 feet) or an interval of 0.6 meters (two feet), if relief is less than 6.1 meters (20 feet). Owners and operators of facilities proposed in mountainous areas should use a larger contour interval to adequately show topographic profiles of facilities. The map shall clearly show the following:

1. Map scale and date;
2. 100 year floodplain area;
3. Surface waters including intermittent streams;
4. Surrounding land uses (residential, commercial, agricultural, recreational);

5. A wind rose (i.e., prevailing wind speed and direction);
6. Orientation of the map (north arrow);
7. Legal boundaries of the facility site;
8. Access control (fences and gates);
9. Injection and withdrawal wells, both on-site and off-site;
10. Buildings; treatment, storage, or disposal operations; or other structures (recreation areas, run-off control systems, access and internal roads; storm, sanitary, and process sewerage systems; loading and unloading areas; fire control facilities, etc.);
11. Barriers for drainage or flood control;
12. Location of operational units within the facility site where hazardous waste is proposed to be treated, stored or disposed, including equipment cleanup areas; and
13. Such additional information as the ~~council~~ *board* deems necessary to carry out its duties as required by the Act.

"Solid waste" means any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities but does not include (i) solid or dissolved material in domestic sewage; (ii) solid or dissolved material in irrigation return flows or in industrial discharges which are sources subject to a permit from the State Water Control Board, or (iii) source, special nuclear, or byproduct material as defined by the Federal Atomic Energy Act of 1954 (42 USCS §§ 2011 et seq.), as amended.

"Storage" means the containment or holding of hazardous wastes pending treatment, recycling, reuse, recovery or disposal.

"Treatment" means any method, technique or process, including incineration or neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste less hazardous or nonhazardous, safer for transport, amenable to recovery, amenable to storage or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of a hazardous waste so as to render it less hazardous or nonhazardous.

9 VAC 20-40-50. Requirement of certification and waiver.

A. ~~After July 1, 1984,~~ No person shall construct or commence construction of a hazardous waste facility without first obtaining a certification of site approval by the ~~council~~ *board* in the manner prescribed here.

An owner or operator of a facility may submit a notice of intent as prescribed in 9 VAC 20-40-60 below or submit a request for a waiver from the procedures established in the ~~Hazardous Waste Facilities Siting Act~~ and this chapter.

B. Upon receiving a written request from the owner or operator of a facility, the ~~council~~ *board* may grant a waiver upon such conditions as it may determine, provided that the proposed changes to the facility are designed to:

1. Prevent a threat to human health or the environment because of an emergency situation; ~~or~~
2. Comply with federal or state laws and regulations promulgated after July 1, 1984; or
3. Demonstrably result in safer or environmentally more acceptable processes.

C. The waiver provisions of this chapter shall apply to existing facilities when construction is defined to be:

1. The alteration or expansion of existing structures or facilities to initially accommodate hazardous waste;
2. Any expansion of more than 50% of the area or capacity of an existing hazardous waste facility; or
3. Any change in the design or process of a hazardous waste facility that will result in a substantially different type of facility or will cause the facility to be reclassified as a higher numbered category.

D. Emergency situation.

1. Scope of waiver: The owner or operator of a facility may be permitted to make changes which are designed to prevent a threat to human health or the environment because of an emergency situation.

2. Applying for waiver: The owner or operator of the facility may obtain verbal approval from the ~~executive~~ director effective for a period up to 30 days, unless revised by the ~~council~~ *board* at its next regular meeting, and, in addition, must submit the request for waiver in writing to the ~~executive~~ director ~~of the council~~. The request at a minimum must contain the following information:

- a. The name and address of the owner or operator or both of the facility;
- b. Location of the facility and a description of its operation;
- c. Description of the circumstances creating the emergency situation;
- d. Description of the resulting threat to human health or the environment or both;
- e. Description of the changes to be made in the facility; and
- f. Efforts to restore the facility to original conditions of certification after emergency conditions are abated.

3. The waiver: Upon receipt of the request, the ~~executive~~ director will grant or deny the request for waiver. In the event the ~~executive~~ director grants the request for waiver, such waiver is subject to the approval of the council at its next regularly scheduled meeting. If the ~~executive~~ director denies the request, the applicant may renew the request at the next regularly scheduled meeting of the ~~council~~ *board*.

E. State or federal laws; more acceptable process.

1. Scope of waiver: The owner or operator of a facility may be permitted to make changes which are designed to comply with state or federal laws enacted or regulations

Final Regulations

promulgated after July 1, 1984, or changes which demonstrably result in safer or environmentally more acceptable processes.

2. Applying for waiver: The owner or operator of the facility must make the request in writing to the ~~council~~ director. At a minimum the request must contain the following information:

a. Name and address of the owner and/or operator of the facility;

b. Location of the facility and a description of its operation; and

c. Either:

(1) A copy of the state or federal law or regulation necessitating the change, if applicable, and a description of the changes to be made in the facility to effect compliance with the law or regulation; or

(2) A description of the changes the owner or operator wishes to make and an analysis demonstrating the improved safety or environmental soundness resulting from the changes.

3. The waiver: At its next regularly scheduled meeting, the ~~council~~ board will consider the request for waiver. The owner or operator or his representative should attend the meeting. At the meeting the ~~council~~ board may:

a. Grant the request for waiver;

b. Deny the request for waiver;

c. Determine that additional information is needed from the owner or operator;

d. Decide that a public hearing is needed; or

e. Take any other action the ~~council~~ board deems appropriate.

4. Should the ~~council~~ board decide to hold a public hearing, it will also determine from among the following who will conduct the hearing: a member or members of the ~~council~~ board, the executive director, or a hearing officer, or both; appointed from outside the ~~council~~ board. The ~~council~~ director will give notice of the hearing to the same parties and in the same manner as described in 9 VAC 20-40-60 C, regarding distribution of the notice of intent. The owner or operator shall provide the ~~council~~ director with a list of the names and addresses of all owners of property adjoining the facility. The notice of the hearing shall specify the date, time, and location of the hearing and include a copy of the request for waiver.

9 VAC 20-40-60. Contents of the notice of intent.

A. After December 31, 1984, any person may submit to the ~~council~~ board a notice of intent to file an application for a certification of site approval. The notice shall contain:

1. Name and address of the applicant;

2. A copy of the property deed, option, or other document giving right, title, or interest to the proposed site;

3. A description of the proposed facility including a description based on its operating characteristics;

4. A USGS map showing the location of the property at a scale of one inch = 2,000 feet;

5. Names and addresses of all owners of property adjacent to the proposed site; and

6. Any state agency filing a notice of intent shall include a statement explaining why the Commonwealth desires to build a hazardous waste facility and how the public interest will be served by that.

B. Determination of completion of notice of intent. The executive director will review the notice of intent and determine within 45 days of its receipt whether the notice of intent is complete. If the executive director determines that the notice of intent is incomplete, the executive director shall so advise the applicant, specifying the information needed to complete the notice and designating a deadline for the correction of any deficiencies.

C. Distribution of notice of intent. Upon the determination that a notice of intent is complete, the ~~council~~ board, at the applicant's expense, shall promptly:

1. Deliver by certified, return receipt mail a copy of the notice of intent with a copy of the Act, a copy of this chapter, and notice of the date, time, location and purpose of the briefing meeting to:

a. The governing body of each host community;

b. The governing body of each affected community;

c. State legislators elected from the areas in which the host community and affected communities are located;

d. The regional planning district commissions of the host community and the affected communities; and

e. Each person owning property immediately adjoining the site of the proposed facility.

2. Have an informative description of the notice published in a newspaper of general circulation in each host community once each week for four successive weeks. The description shall include the name and address of the applicant, a description of the proposed facility and its location, the places and times where the notice of intent may be examined, the address and telephone number of the ~~council~~ board or other state agency from which information may be obtained, and the date, time and location of the initial public briefing meeting on the notice.

3. Copies of the notice of intent will be mailed to any person who has specifically requested such notice.

9 VAC 20-40-70. Waiver of participation by host community.

Section 10.1-1438 of the Act permits the governing body of the host community to waive further participation in the certification process. Should the governing body elect to waive participation it must notify the ~~council~~ board in writing with a copy of its adopted resolution within 45 days of receiving the notice of intent. Although this waiver permits the ~~council~~ board

to issue a certification of site approval without further participation by the governing body of the host community, such waiver in no way restricts the rights of any other person or organization to participate in the certification process.

9 VAC 20-40-80. Briefing meeting.

A. Not more than 75 nor less than 60 days after the delivery of the notice of intent to the host community, the ~~council board~~ shall conduct a briefing meeting in or in reasonable proximity to the host community. Notice of the date, time, place and purpose of the briefing session shall be prepared by the ~~council board~~ and shall accompany the notice of intent delivered pursuant to § 10.1-1439 ~~et seq.~~ of the Code of Virginia, and be included in the notice published pursuant to § 10.1-1439 ~~et seq.~~ of the Code of Virginia.

At least one representative of the applicant shall be present at the briefing meeting.

The primary purpose of the briefing meeting will be to provide information on the proposed site and facility and to receive comments, suggestions and questions on them from the public.

B. The ~~council board~~ shall select from among its membership a briefing officer who will be responsible for conducting the meeting as follows:

1. The briefing officer will call the meeting to order and explain the purpose of the briefing;
2. The applicant shall be allowed to give a presentation describing the proposal and to respond to questions;
3. Persons asking questions shall be requested to state their names, addresses, and interests in the project;
4. The briefing officer shall conduct the meeting in an orderly manner while ensuring that all interested parties present are as fully briefed as possible on the proposal; and
5. A stenographic or electronic record shall be made of all briefing meetings. A transcript of the meeting, together with copies of any documents submitted at the briefing, shall be made available for inspection at the office of the ~~council board~~ and host community during normal working hours.

C. If the ~~council board~~ conducts additional briefing meetings, notice of such meetings shall be provided as follows:

1. Notice of the date, time, place and purpose of the meeting is delivered in writing to the applicant, each member of the governing body of the host community, and to all owners of property adjoining the proposed site at least 15 days in advance of the meeting;
2. Such notice is published once each week for at least two successive weeks in a newspaper of general circulation in the host community;
3. Such notice is broadcast over one or more radio stations within the area to be affected by the subject of the notice;
4. Such notice is mailed to each person who has asked to receive notice; and

5. Such notice is disseminated by any additional means the ~~council board~~ deems appropriate.

9 VAC 20-40-90. Impact analysis.

A. The applicant shall submit a draft impact analysis in accordance with § 10.1-1440 of the Code of Virginia and, in addition, shall furnish a copy of the draft impact analysis to each person designated in that section.

B. The draft impact analysis shall include:

1. A detailed assessment of the project's suitability with respect to the criteria.
2. A cover letter signed by the applicant;
3. An executive summary providing a brief description of the applicant's proposal, the impacts, and mitigating actions;
4. A site plan;
5. A full report addressing each of the following:
 - a. Effects on botanical resources;
 - b. Energy and water consumption;
 - c. Discharge of any substance, or of heat, in surface or ground waters;
 - d. A description of any necessary clearing, excavating, dredging, filling;
 - e. The types and amounts of wastes which will be accepted;
 - f. The process or processes to be employed including its basic characteristics and principal limitations;
 - g. Planned operational safeguards and monitoring of the facility following cessation of operations;
 - h. Emission of radiation; and
 - i. Solid waste disposal.
6. An ownership report containing:
 - a. A legal description of the applicant, including identification of all principal participants;
 - b. A current audited financial statement or statements prepared by a certified public accountant including the accountant's opinions;
 - c. A description of all liability insurance the applicant has or plans to obtain for the proposed site and facility and a description of the financial and managerial arrangements for closure and post-closure care of the site;
 - d. A description of the applicant's experience in the field, including any other hazardous waste facilities operated or owned currently or in the past by the applicant and details of their compliance record; and
 - e. A description of how the applicant intends to finance the project.
7. An appendix providing any supporting documentation.

Final Regulations

C. The ~~council~~ board, at the applicant's expense, shall cause notice of the filing of the draft impact analysis to be made in the manner provided in § 10.1-1440 of the Code of Virginia, within 10 days of receipt. The notice shall include (i) a general description of the analysis, (ii) a list of recipients, (iii) a description of the places and times that the analysis will be available for inspection, (iv) a description of the ~~council's~~ board's procedures for receiving comments on the analysis, and (v) the addresses and telephone numbers for obtaining information from the ~~council~~ board.

D. The ~~council~~ board shall allow 45 days after publication of notice for comment on the draft impact analysis. No sooner than 30 and no more than 40 days after publication of notice of the draft impact analysis, the ~~council~~ board shall conduct a public meeting on the draft impact analysis in or near the host community. The meeting shall be for the purpose of explaining, answering questions and receiving comments on the draft impact analysis. A representative of the governing body and a representative of the applicant shall be present at the meeting.

E. The ~~council~~ board will receive comments on the draft impact analysis pursuant to the following procedures:

1. Comments on the draft analysis may be in writing and mailed to the ~~council~~ board within 45 days of publication of the notice for comment; and

2. Comments may be submitted in writing or by presentation before the ~~council~~ board at the public meeting conducted pursuant to § 10.1-1444 of the Act. The meeting will be conducted in the same manner as the briefing meeting in 9 VAC 20-40-80 B.

F. Within 10 days after the close of the comment period, the ~~council~~ board shall forward to the applicant a copy of all comments received on the draft impact analysis, together with its own comments.

G. The applicant shall prepare and submit a final impact analysis to the ~~council~~ board after receiving the comments. The final impact analysis shall reflect the comments as they pertain to each of the items listed in subsection B of this section. A copy of the final impact analysis shall be provided by the applicant upon request to each of the persons who received the draft impact analysis.

H. Preparation and submission of the final impact analysis will be in accordance with § 10.1-1440 of the Code of Virginia.

9 VAC 20-40-100. Application.

A. At any time within six months after submission of the final impact analysis, the applicant may submit to the ~~council~~ board an application for certification of site approval. The application shall contain:

1. A summary of the proposal including a general description of the facility and the nature of the business;
2. Conceptual engineering designs for the proposed facility;
3. A copy of the final impact analysis which evaluates the siting criteria;

4. A detailed description of the facility's suitability to meet the criteria promulgated by the ~~council~~ board, including any design and operation means that will be necessary or otherwise undertaken to meet the criteria;

5. A siting agreement, if one has been executed pursuant to 9 VAC 20-40-100 F, and H and , 9 VAC 20-40-110 and § 10.1-1442 of the Code of Virginia, or, if none has been executed, a statement to that effect.

B. Fees. The application shall be accompanied by the fee established by the Fee Schedule Regulation.

C. Form of the application.

1. The application should be contained in one or more three-ring loose-leaf binders preferably on 8-1/2 X 11 inch paper.

2. All maps required by this chapter shall be detachable, but may be fold outs.

3. The summary shall be capable of separate reproduction and distribution.

D. The ~~executive~~ director shall review the application for completeness and notify the applicant within 15 days of receipt that the application is incomplete or complete.

If the application is incomplete, the ~~executive~~ director shall so advise the applicant and shall identify the information necessary to make the application complete. The ~~executive~~ director shall take no further action until the application is complete.

If the application is complete, the ~~executive~~ director shall so advise the applicant and shall direct the applicant to furnish copies of the application to the following: five to the host community, ~~one to the State Health Commissioner~~, and one to each person owning property adjoining the proposed site. At least one copy of the application shall be made available by the applicant for inspection and copying at a convenient place in a host community during normal business hours.

E. The ~~council~~ board shall cause notice of the application to be made in the manner provided in § 10.1-1441 of the Code of Virginia, and shall notify each governing body that upon publication of the notice the governing body must conclude all negotiations with the applicant within 30 days. The applicant and the governing body may, by agreement, extend the time for negotiation to a fixed date but shall forthwith notify the ~~council~~ board of this date. The ~~council~~ board may also extend the time to a fixed date for good cause shown.

F. At the end of the period specified in subsection E of this section, a governing body shall submit to the ~~council~~ board and to the applicant a report containing:

1. A complete siting agreement, if any, or in case of failure to reach full agreement, a description of points of agreement and unresolved points; and
2. Any conditions or restrictions on the construction, operation or design of the facility that are required by local ordinance.

G. If the report is not submitted within the time required, the ~~council~~ board may proceed as specified in § 10.1-1443 A of the Code of Virginia.

H. The applicant may submit comments on the report of the governing body at any time prior to the issuance of the draft certification of site approval.

9 VAC 20-40-110. Negotiations; role of ~~council~~ board; good faith required.

A. The governing body or its designated representatives and the applicant, after submission of notice of intent to file an application for certification of site approval, may meet to discuss any matters pertaining to the site and the facility, including negotiations of a siting agreement. The time and place of any meeting shall be set by agreement, but at least a 48-hour notice shall be given to members of the governing body and the applicant.

B. The ~~council~~ board shall assist in facilitating negotiations between the local governing body and the applicant to the extent of recommending a mediator or other conflict resolution mechanism, but shall not become integrally involved in the siting agreement negotiations.

C. The siting agreement may include any terms and conditions, including mitigation of adverse impacts and financial compensation to the host community, concerning the facility. In the event that a provision of a siting agreement conflicts with state or federal law, the state or federal law shall prevail.

D. The siting agreement shall be executed by the signatures of (i) the chief executive officer of the host community, who has been so directed by a majority vote of the local governing body, and (ii) the applicant or authorized agent.

E. Determination of agreement.

1. If the report submitted by the governing body pursuant to § 10.1-1442 of the Code of Virginia indicates that no siting agreement has been reached and contains a written allegation that the applicant has failed or refused to negotiate in good faith, the ~~executive~~ director shall issue notice to the applicant and host community of the ~~council's~~ board's intention to hold an informal conference pursuant to ~~§ 9-6-14-14 2.2-4019~~ of the Virginia Administrative Process Act. The notice shall state the time, place and date of such conference. The purpose shall be to determine the sole issue of whether or not the applicant has failed or refused to negotiate in good faith with the governing body in developing a siting agreement.

2. If the ~~council~~ board finds that the governing body has shown by a preponderance of the evidence that the applicant has failed or refused to negotiate in good faith with the governing body for the purpose of attempting to develop a siting agreement, the ~~council~~ board may deny the application for certification of site approval. Such a finding shall constitute final action by the ~~council~~ board.

3. If the ~~council~~ board finds that the governing body has not shown by a preponderance of the evidence that the applicant has failed or refused to negotiate in good faith with the governing body for the purpose of attempting to develop

a siting agreement, the ~~council~~ board may issue the draft certification of site approval pursuant to § 10.1-1443 of the Code of Virginia. Such finding shall not be considered final action by the ~~council~~ board.

9 VAC 20-40-120. Draft certification of site approval.

A. Within 30 days after receipt of the governing body's report or as otherwise provided in § 10.1-1443 of the Code of Virginia, the ~~council~~ board shall issue or deny a draft certification of site approval.

B. The ~~council~~ board may deny the application for certification of site approval if it finds that the applicant has failed or refused to negotiate in good faith with the governing body for the purpose of attempting to develop a siting agreement.

C. The draft certification of site approval shall specify the terms, conditions and requirements that the ~~council~~ board, on a case-by-case basis, deems necessary to protect health, safety, welfare, the environment and natural resources.

D. Copies of the draft certification of site approval, together with notice of the date, time and place of public hearing required under § 10.1-1444 of the Code of Virginia, shall be delivered by the ~~council~~ board to the governing body of each host community, and to persons owning property adjoining the site for the proposed facility. At least one copy of the draft certification shall be available for inspection and copying at a convenient place in the host community during normal business hours.

9 VAC 20-40-130. Public hearing on draft certification of site approval.

A. The ~~council~~ board shall conduct a public hearing on the draft certification not less than 15 nor more than 30 days after the first publication of notice. The hearing shall be conducted in the host community.

B. Notice of the hearing shall be made at the applicant's expense and shall:

1. Provide for public participation by sending a copy of the notice by certified, return receipt mail to the following:

- a. The governing body of the host community;
- b. The governing body of the affected communities;
- c. Legislators elected from the areas in which the host community is located and the affected communities are located;
- d. The regional planning district commissions of the host community and affected communities;
- e. Persons owning property adjoining the site of the proposed facility.
- f. The applicant.
- g. Any person who has been designated a party pursuant to 9 VAC 20-40-130 D.

2. In addition to the requirements imposed by paragraph 1, in accordance with § 10.1-1447 of the Code of Virginia, the notice shall be disseminated:

Final Regulations

- a. By publication once each week for two successive weeks in a newspaper of general circulation within the area to be affected by the subject of the notice;
- b. By broadcast over one or more radio stations within the area to be affected by the subject of the notice;
- c. By mail to each person who has asked to receive notice; and
- d. By such additional means as the ~~council~~ *board* deems appropriate.

Every notice shall provide a description of the subject for which notice is made and shall include the name and telephone number of a person from whom additional information may be obtained.

3. Provide that the contents of such notice include:

- a. A brief description of the terms and conditions of the draft certification;
- b. Information describing the date, time, place and purpose of the hearing;
- c. The location where the draft certification may be reviewed;
- d. The name, address and telephone number of an official designated by the ~~council~~ *board* to receive written comments of the draft certification;
- e. A brief description of the rules and procedures to be followed at the hearing and the time for receiving comments; and
- f. Any such information as the ~~council~~ *board* deems appropriate.

C. Designation and powers of hearing officer.

1. The public hearing held pursuant to these procedures will be conducted by a hearing officer designated by the ~~council~~ *board*.
2. The hearing officer shall conduct the hearing in an orderly and expeditious manner, and shall hold all powers necessary to those ends, including, but not limited to, the power to do the following:
 - a. Prescribe the methods and procedures to be used in the development of evidentiary facts and the presentation of evidence by the parties, including the issuance of prehearing orders setting forth the issues for hearing and establishing deadlines for the filing of written testimony and exhibits;
 - b. Impose reasonable limitations on the time permitted for oral testimony;
 - c. Consolidate the presentation of factual data, arguments and proof to avoid repetitive presentation of them;
 - d. Administer oaths and affirmations;
 - e. Receive probative evidence, rule upon offers of proof and, upon his own motion or the objection of any party,

exclude irrelevant, immaterial, insubstantial or repetitive proofs, rebuttal or cross-examination;

f. Examine witnesses;

g. Hold prehearing conferences for the settlement determination, simplification or stipulation of issues and facts by consent;

h. Rule on procedural matters; and

i. Issue subpoenas and subpoenas duces tecum in accordance with ~~§ 9-6-14:13~~ 2.2-4022 of the Code of Virginia.

3. Rulings of the hearing officer on the admissibility of evidence or testimony, on the propriety or conduct of cross-examination, and on any and all procedural matters shall appear in the hearing record and shall control further proceedings in the hearing. Parties shall be presumed to have taken objection to any adverse ruling, and no objection shall be considered waived by further participation on the hearing.

D. Parties; rights of parties; petition to become a party.

1. The following persons are entitled to become parties to the public hearing conducted pursuant to this section:

- a. The applicant;
- b. The host community, acting through its governing body; and
- c. Any person owning land adjoining the site of the proposed facility.

2. In addition to the above named parties, any person whose significant interest will be adversely affected by the decision of the ~~council~~ *board* may file a petition to become a party to the hearing. The following procedures apply to such petitions:

a. The petition to become a party must be received by the ~~council~~ *board* at least 10 days prior to the scheduled hearing date.

b. The petition shall contain the following:

- (1) The names and addresses of the petitioner, the petitioner's counsel (if any) and all persons for whom the petitioner is acting as a representative;
- (2) A statement setting forth the interest of the petitioner in the matter;
- (3) A statement by the petitioner that, should his petition be granted, the petitioner will be available, without cost to any other party, to appear at the hearing; and
- (4) A statement by the petitioner explaining how his interests would not be adequately represented by existing parties to the hearing.

c. The ~~executive~~ director shall acknowledge the receipt of all petitions to become a party.

d. The ~~executive~~ director shall consider all petitions filed in accordance herewith, and shall grant those petitions that both:

(1) Raise one or more genuine substantial issues in the petition which, if resolved adversely to the petitioner, would result in an injury to a significant interest of the petitioner; and

(2) Adequately describe how the petitioner's interest is not represented by an existing party to the hearing.

e. The ~~executive~~ director shall notify the petitioner, and all other parties, of his decision to grant or deny petition to become a party by mail at least five days prior to the scheduled hearing date. The decision of the ~~executive~~ director in no way limits the rights of judicial review granted under § 10.1-1433 et seq. of the Code of Virginia.

3. The rights of the parties to the hearing shall be limited to those enumerated in this chapter and the Act.

E. Evidence at the hearing.

1. Parties to the hearing may present direct and rebuttal evidence in written and oral form, as the hearing officer may direct.

2. The hearing officer shall admit all relevant, competent and material evidence offered by the parties but shall exclude evidence which he determines to be repetitive, irrelevant, immaterial or otherwise inadmissible.

3. Whenever any evidence or testimony is excluded by the hearing officer as inadmissible, so much of the excluded material as is in written form shall remain in the record as an offer of proof, and shall be marked "excluded" by the hearing officer. Where oral testimony is excluded, the party seeking to introduce it may make an offer of proof in the form of a brief descriptive statement for the record.

4. Any other interested person may be given an opportunity to testify during the hearing. The hearing officer shall allow such testimony to be heard as is not irrelevant, immaterial, insubstantial or repetitive. Any interested person who so testifies shall be sworn and subject to cross-examination as prescribed in this section.

F. Hearing record.

1. The hearing officer shall assemble a hearing record after the close of the hearing.

The hearing record shall consist of:

a. A transcript of the hearing, and any exhibits admitted in evidence;

b. A copy of the final impact statement;

c. A copy of the application for certification of site approval;

d. Reports of any consultants hired by the ~~council~~ board that have been made available to the parties prior to the hearing;

e. A copy of the draft certification of site approval; and

f. A summary of the record, if the hearing officer so desires.

2. Within 15 days after the close of the hearing, the hearing officer shall deliver a copy of the hearing record to each member of the ~~council~~ board.

9 VAC 20-40-140. Final decision on certification of site approval.

A. Within 45 days after the close of the public hearing, the ~~council~~ board shall meet within or in close proximity to the host community and shall vote to issue or deny the certification of site approval. The ~~council~~ board may include in the certification any terms and conditions which it deems necessary and appropriate to protect and prevent injury or adverse risk to health, safety, welfare, the environment and natural resources. At least seven days notice of the date, time, place and purpose of the meeting shall be made in the manner provided in § 10.1-1447 of the Code of Virginia. No testimony or evidence will be received at the meeting.

B. The ~~council~~ board shall grant the certification of site approval if it finds:

1. That the terms and conditions of it will protect and prevent injury or unacceptable adverse risk to health, safety, welfare, the environment and natural resources;

2. That the facility will comply and be consistent with the criteria promulgated by the ~~council~~ board; and

3. That the applicant has made reasonable and appropriate efforts to reach a siting agreement with the host community including, though not limited to, efforts to mitigate or compensate the host community and its residents for adverse economic effects, if any, of the facility.

C. The ~~council's~~ board's decision to grant or deny certification will be based on the hearing record and shall be accompanied by the written findings of fact and conclusions upon which the decision was based. The ~~council~~ board shall provide the applicant and the governing body of the host community with copies of the decision, together with the findings and conclusions, by certified mail.

D. The grant or denial of certification constitutes final action by the ~~council~~ board.

9 VAC 20-40-150. Amendment of certification of site approval.

A. Certification may be amended at the request of any interested party as defined in 9 VAC 20-40-130 D or upon the ~~council's~~ board's initiative, but only for the causes listed in this section. All requests shall be in writing and shall contain facts or reasons supporting the request. The ~~council~~ board shall make its determination following a review of the cause based on appropriate information or testimony by the initiator or the applicant (current owner or operator) or both within 45 days of receiving notice. If, in the opinion of the ~~council~~ board, the amendment is of major public interest, the ~~council~~ board may schedule a public hearing according to the requirements outlined in 9 VAC 20-40-130.

Final Regulations

B. If the ~~council~~ board decides the request is not justified, it shall send the requestor a brief response giving a reason for the decision.

C. The following are causes for amendment of certification of site approval:

1. There are material or substantial alterations or additions to the approved site which occurred after certification which justify the application of conditions that are different or absent in the existing certification;
2. The ~~council~~ board has received information pertaining to circumstances or conditions existing at the time the certification of the site was approved that was not included in the administrative record and would have justified the application of different ~~condition~~ conditions, if, in the judgment of the ~~council~~ board, such modification is necessary to prevent significant adverse effects on public health or the environment; and
3. The standards or regulations on which the certification was based have been changed by promulgation of amended standards or regulations or by judicial decision after the certification was approved, if, in the judgment of the ~~council~~ board, such modification is necessary to prevent significant adverse effects on public health or the environment. Certification may be amended by reason of judicial decision only if a court of competent jurisdiction has remanded and stayed ~~council~~ board regulations, and if the remand and stay concern that portion of the regulations on which the certification condition was based and a request is filed within 90 days of judicial remand.

D. Certification of site approval shall be terminated in accordance with §10.1-1446 of the Code of Virginia.

PART V. DELEGATIONS.

9 VAC 20-40-160. Delegations.

The director may perform any act of the board provided under this chapter except as limited by §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

VA.R. Doc. No. R05-205; Filed May 24, 2005, 3:48 p.m.

Title of Regulation: 9 VAC 20-50. Hazardous Waste Facility Siting Criteria (amending 9 VAC 20-50-20 and 9 VAC 20-50-40 through 9 VAC 20-50-100; adding 9 VAC 20-50-110).

Statutory Authority: §§ 10.1-1434 and 10.1-1436 of the Code of Virginia.

Effective Date: July 13, 2005.

Agency Contact: Robert G. Wickline, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4213, FAX (804) 698-4327 or e-mail rgwickline@deq.virginia.gov.

Summary:

The amendments reflect changes in the Code of Virginia that have occurred since 1986 and reflect the current

administration of the statutory provisions and regulations by the board. Amendments are made for the regulations to conform to Virginia statutes. The major changes are the replacement of references to the Hazardous Waste Facility Siting Council and its Executive Director with references to the Virginia Waste Management Board and the Director of the Department of Environmental Quality. Legal citations are replaced with those that are currently correct. Other changes include providing current addresses and the current manner of conducting business tasks under the regulations. This action also incorporates a delegation by the board to the Director of the Department of Environmental Quality to administer the regulations to the extent that such delegations are not proscribed by the statute. This delegation is a confirmation of pre-existing statutory authority under § 10.1-1405 of the Code of Virginia.

9 VAC 20-50-20. Purpose of chapter.

This chapter establishes the criteria which will be used by the ~~Virginia Hazardous Waste Facility Siting Council~~ board to evaluate and approve or disapprove applications for hazardous waste facility site certification.

9 VAC 20-50-40. Words and terms.

Section 10.1-1433 of the ~~Act~~ Code of Virginia defines several words and terms also used in this chapter. Unless the context clearly indicates otherwise, these words and terms will have the same meaning when used in this chapter. In addition, the following words and terms, when used in this chapter shall have the following meaning, unless the context clearly indicates otherwise.

"Act" means §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

"Active fault" means a fault which has had displacement in Holocene time.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being conducted. It includes the treated area of a land farm and the active face of a landfill, but does not include those portions of a facility which have been closed in accordance with all applicable closure requirements of the Virginia Department of ~~Health~~ Environmental Quality.

"Anion exchange capacity (A.E.C.);" means the exchange capacity for negatively charged ions. (See Cation exchange capacity.)

"Anti-degradation goal for groundwater" means if the concentration of any constituent in groundwater is less than the limit set forth by groundwater standards, the natural quality for the constituent shall be maintained; natural quality shall also be maintained for all constituents, including temperature, not set forth in groundwater standards. If the concentration of any constituent in groundwater exceeds the standards for that constituent, no addition of that constituent to the naturally occurring concentration shall be made.

"Applicant" means the person applying for certification of site suitability or submitting a notice of intent to apply for that.

"Aquifer" means water-bearing geologic formation, group of formations, or part of a formation that is capable of yielding a significant amount of groundwater to wells or springs. An aquifer is unconfined (water table) or confined (artesian) according to whether the upper surface of the water is at atmospheric pressure or at greater than atmospheric pressure.

"Attenuation" means any decrease in the maximum concentration or total quantity of a chemical or biological constituent during a fixed time or distance traveled.

"Board" means the Virginia Waste Management Board.

"Buffering capacity" means the capacity of a soil to take up contaminants through a variety of attenuation processes such as biological activity, dilution, volatilization, mechanical filtration, precipitation, buffering, neutralization and ion exchange. Some attenuation processes result in permanent removal and degradation of pollutants, which others act to store pollutants and by that delay pollution problems but do not eliminate them.

"Cation exchange capacity (C.E.C.);" means the excess of counter ions in the zone adjacent to the charged surface or layer which can be exchanged for other cations. The C.E.C. of geological materials is normally expressed as the number of milliequivalents of cations that can be exchanged in a sample with a dry mass of 100 grams.

"Closure" means the act of securing a hazardous waste management facility pursuant to the requirements of Virginia Hazardous Waste Management Regulations promulgated by the board.

"Community water system" means a waterworks which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

~~"Closure" means the act of securing a hazardous waste management facility pursuant to the requirements of Virginia Hazardous Waste Management Regulations promulgated by the board of Health.~~

"Construction" means (i) with respect to new facilities, the significant alteration of a site to install permanent equipment or structures or the installation of permanent equipment and structures; (ii) with respect to existing facilities, the alteration or expansion of existing structures or facilities to initially accommodate hazardous waste, any expansion of more than 50% of the area or capacity of an existing hazardous waste facility, or any change in design or process of a hazardous waste facility that will, in the opinion of the ~~council board~~, result in a substantially different type of facility. It does not include preliminary engineering or site surveys, environmental studies, site acquisition, acquisition of an option to purchase or activities normally incident hereto.

"Container" means any portable enclosure in which a material is stored, transported, treated, disposed of, or otherwise handled.

~~"Council" means the Hazardous Waste Facility Siting Council established pursuant to Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.~~

"Dam-related flood hazard areas" means areas identified as being dam-related flood hazard areas which fall into one of two categories: areas of dynamic flooding below the dam, or the inundation zone, and areas of static flooding above the dam, or the flood pool. The inundation zone is the area that would be inundated by the water released by the impoundment in the event of a dam flood. The flood pool is defined as the land area above the dam which is prone to flooding during abnormally high runoff or precipitation.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent ~~of them~~ thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which the waste will remain after closure.

"Endangered or threatened species habitat" means areas known to be inhabited on a seasonal or permanent basis by or to be critical at any stage in the life cycle of any wildlife (fauna) or vegetation (flora) identified as "endangered" or "threatened" species on official federal or state lists of endangered or threatened species, including the Endangered Species Act, 16 USC § 1531 et seq., the Virginia Endangered Species Act, § 29.1-563 et seq., and the Virginia Endangered Plant and Insect Species Act, § 3.1-1020 et seq. or under active consideration for state or federal listing. The definition also includes a sufficient buffer area to ensure continued survival of the species.

"Floodplain" means an area adjoining a river, stream or water course which has been or hereafter is likely to be covered by floodwaters.

Included in this category are coastal flood hazards which are defined as land areas adjacent to open coast, coastal sounds and their upstream estuaries which are prone to flooding from hurricanes and storm surges with an annual probability of 1.0%.

Also included in this definition are riverine flood hazard areas defined as the valley areas adjacent to any size waterway which can be covered by flood waters resulting from excessive rainfall or other factors. The riverine flood hazard areas also fall under the Federal Emergency Management Administration definition of a "Regulatory Floodway" under the National Flood Program. A regulatory floodway includes the channel of the river and the adjacent floodplain that must be reserved in order to discharge the base flood (the flood level anticipated in the 100-year flood plain). The regulatory floodway cannot cause a cumulative increase in the water surge elevation of the base flood of greater than one foot at any point.

"Groundwater" means any water, except capillary moisture beneath the land surface in the zone of saturation or beneath the bed of any stream, lake, reservoir or other body of surface water within the boundaries of this state, whatever may be the subsurface geologic structure in which such water stands, flows, percolates or otherwise occurs.

Final Regulations

"Groundwater quality" means the quality of groundwater as measured against drinking water criteria and standards established by the U. S. EPA and the State Department of Health and adopted by the Virginia State Water Control Board.

"Hazardous waste" means a solid waste classified as a hazardous waste by ~~regulations adopted pursuant to § 10.1-1406 of the Code of Virginia~~ *the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60.*

"Hazardous waste facility" means any facility, including land and structures, appurtenances, improvements and equipment for treatment, storage, or disposal of hazardous wastes, which accepts hazardous waste for storage, treatment or disposal. This definition does not include: (i) facilities which are owned and operated by and exclusively for the on-site treatment, storage or disposal of wastes generated by the owner or operator; (ii) facilities for the treatment, storage or disposal of hazardous wastes used principally as fuels in an on-site production process; and (iii) facilities used exclusively for the pretreatment of wastes discharged directly to a publicly owned sewage treatment works and storage/treatment facilities.

"Hundred-year flood" means a flood of that level which on the average will have a 1.0% chance of being equaled or exceeded in any given year at designated locations.

"Hydraulic conductivity" means the rate of flow of water in gallons per day through a cross section of one square foot under a unit hydraulic gradient, at the prevailing temperature (Permeability coefficient).

"Hydraulic gradient" means the change in hydraulic pressure per unit of distance in a given direction.

"Incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down hazardous waste.

"Injection well" means a well or bore hole into which fluids are injected into selected geologic horizons. (See also underground injection.)

"Inundation zone (below a dam)" means the area that would be inundated in the event of a dam failure.

"Karst topography" means a type of topography that may form over limestone, dolomite, or gypsum formations by dissolving or solution, and that is characterized by closed depressions or sinkholes, caves, and underground drainage.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where waste is placed in or on land and which is not a treatment facility, a surface impoundment or an injection well.

"Leachate" means a liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Monitoring" means all procedures used to systematically inspect and collect data on operational parameters of the

facility or on the quality of the air, groundwater, surface water or soils.

"Monitoring well" means a well used to obtain water samples for water quality analysis or to measure depth to groundwater table.

"Noncommunity water system" means a waterworks that is not a community waterworks, but operates at least 60 days of the year and is for transient use such as restaurants, campgrounds, or rest areas.

"Pile" means any noncontainerized accumulation of solid, nonflowing hazardous waste that is used for treatment or storage.

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

"Private water system" means all systems not defined under community/noncommunity water systems.

"Proximity to an active fault" means located such that potential vibration of a known active fault as defined under "seismic risk zones" or "seismogenic volume" in this chapter may adversely affect the physical integrity of the facility, or such that ground and surface waters associated with such fault may be degraded.

"Proximity to a community/noncommunity water system and supply of groundwater" means a site which is located such that the geologic features or characteristics of the site may lead to degradation of the aquifer as a result of operations or in the event of an accident or spill.

"Proximity to a community/noncommunity water system and supply of surface water" means within 1/2 mile of either side of a stream or impoundment for a distance of five stream miles upstream including tributaries, and 1/10 of a mile downstream of any nontidal surface water intake for a public water supply. On tidal affected streams, the site shall be such greater distance than 1/10 of a mile downstream that the tidal action would not cause intake of waters that may be affected by run-off, etc., from the site location. More restrictive requirements of other state regulatory agencies shall apply.

"Proximity to a private water system and supply of surface or groundwater" means a site which is located such that the geologic features or characteristics of the site may lead to degradation of the aquifer as a result of operations or in the event of an accident or spill.

"Proximity to publicly designated areas" means a site which is located such that the construction and operation of the proposed facility may impair the environmental and aesthetic qualities of the area.

"Publicly designated areas" means publicly owned lands designated as seashore areas, wilderness or scenic areas, scenic rivers, wildlife or bird sanctuaries, game lands, state parks and recreation areas and other natural areas. Also

included are lands on or proposed for inclusion on the National Register of Historic Places, National Natural Landmarks, Virginia Landmarks Register and scenic easements held by the Virginia Outdoors Foundation. These lands must have been designated or be pursuant to an ongoing program as of the date of the notice of intent.

"Recharge" means natural or artificial replenishment or storage of nondegrading (quality) water in an aquifer.

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saprolite" means a soft, earthy, clay-rich, thoroughly decomposed rock formed in place by chemical weathering of igneous and metamorphic rocks.

"Saturated zone (zone of saturation)" means that part of the earth's crust in which all voids are filled with water under pressure greater than that of the atmosphere.

"Scenic rivers" means rivers designated by the Virginia General Assembly under the Scenic Rivers Act (§ 10.1-400 et seq. of the Code of Virginia) as worthy of preservation based on their unique environmental and aesthetic characteristics.

"Seismic risk zones" means an area where an active fault which has had displacement in Holocene time is present or which has had historical earthquake activity in Modified Mercalli VII or Richter Scale 4, or greater.

"Seismogenic volume" means a seismic risk zone of upper crustal rocks where earthquakes are occurring now or in the historic past, or both and that extends from the surface of the earth down to depths of 15-20 kilometers. Such volumes are susceptible to strong seismic shaking (Modified Mercalli Intensity VII or Richter Magnitude 5 or greater) as well as faulting and movement of subsurface rock layers.

"Site" means the land or water area upon which a facility or activity is physically located or conducted including but not limited to adjacent land used for utility systems such as repair, storage, whipping or processing areas, or other areas incident to the hazardous waste facility or activity.

~~"Siting Council" means the Hazardous Waste Facility Siting Council established pursuant to § 10.1-1433 et seq. of the Code of Virginia.~~

"Soil pH" means the negative log of the hydrogen ion concentration, which commonly ranges from a high (acid) of 0 to a low (alkaline) of 14, neutral being seven.

"Soil/saprolite layer" means the unconsolidated materials derived primarily from the in-place weathering of underlying geologic deposits. Saprolite is specifically the unconsolidated weathering product of crystalline bedrock which retains relic bedrock structure. Thickness of the soil/saprolite layer is the depth from the surface to bedrock.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the state or within its jurisdiction. For the purpose of this chapter, adjacent wetlands are included in this definition.

"Static water level" means the level at which water stands in a well when no water is being taken from the aquifer either by pumping or by free flow.

"Storage" means the containment or holding of hazardous waste pending treatment, recycling, reuse, recovery or disposal.

"Storage facility" means any hazardous waste facility which stores hazardous waste.

"Subsidence" means the lowering of the natural land surface in response to: earth movements; lowering of fluid pressure; removal of underlying supporting material by mining or solution of solids, either artificially or from material causes; compaction due to wetting (hydrocompaction) or from material causes; oxidation of organic matter in soils; or added load on the land surface.

"Subsurface mining areas" means areas where deep mining or removal by drilling of minerals or mineral fuels or pumping of groundwater has resulted in a potential for land subsidence.

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), which is designed to hold an accumulation of liquid wastes or wastes containing free liquids, and which is not an interjection well or a seepage facility.

"Thermal treatment" means treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste.

"Transfer facility" means any transportation related to facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Treatment" means any method, technique, or process, including neutralization, designed to change chemical, physical or biological character or composition of any hazardous waste so as to neutralize such waste; so as to render such waste nonhazardous or less hazardous, or safe for transport or disposal, amenable for recovery, amenable for storage or reduced in volume.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, jetted, driven, or dug well, where the depth of the well is greater than the largest surface dimension (See also injection well).

"Unsaturated zone (zone of aeration)" means the zone between the topographic surface and water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer.

"Water table" means the upper surface of the zone of saturation in groundwaters in which the hydrostatic pressure is equal to atmospheric pressure. (See uppermost aquifer.)

"Water well" means an excavation with associated casing, which is drilled, cored, bored, washed, driven, dug, jetted, or

Final Regulations

otherwise constructed when the intended use of such excavation is for the location, testing, acquisition, artificial recharge, or storage of groundwater, the depth of which is greater than the diameter or width.

"Waterworks" means a system that serves piped water for drinking or domestic use of (i) the public, (ii) at least 15 connections, or (iii) an average of 25 individuals for at least 60 days of the year. The term waterworks shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

"Well" means any shaft or pit dug, drilled, jetted, driven, or bored into the earth, generally of a cylindrical form, and often cased with bricks or tubing to prevent the earth from caving in, whose depth is greater than the largest surface dimension.

"Well yield" means average water yield in gallons per minute obtained from wells trapping the uppermost aquifer below a specific site or site vicinity.

"Wetlands" means areas inundated by surface or groundwater with a frequency sufficient to support, under normal circumstances, a prevalence of vegetated or aquatic life requiring saturated or seasonally saturated soil conditions for growth or reproduction.

9 VAC 20-50-50. Considerations.

The council board shall consider the degree of hazard involved in any proposed operation in making a siting decision.

9 VAC 20-50-60. Categories.

For the purposes of this chapter, hazardous waste facilities are broken down into five basic categories: (i) containerized or enclosed storage; (ii) closed treatment process with spill containment; (iii) open treatment process with spill containment; (iv) any above ground treatment with no spill containment; and (v) disposal without complete treatment and all other treatment/disposal methods.

A. Category I - Containerized or enclosed storage.

1. Description. A facility which is designed to store waste in above ground tanks, or portable containers as defined in ~~9 VAC 20-60-820, 9 VAC 20-60-830~~ *40 CFR Part 264 Subparts I and J*, and § 10.1-1433 of the *Virginia Hazardous Waste Management Regulations Code of Virginia* provided that the area where the waste is stored meets at least the "containment" requirements specified in ~~9 VAC 20-60-820 F~~ *40 CFR Part 264 Subpart I*. In general, this section requires that the base under the storage area be free of cracks or gaps and is sufficiently impervious to contain leaks, spills or accumulated precipitation. It also must have sufficient containment capability to hold 10% of the volume of the containers stored, or the whole volume of the largest container, whichever is greater, and must be able to contain any run-off which might be involved. Containment requirements will be considered on a case-by-case basis. ~~Although 9 VAC 20-60-820 F in the Virginia regulations applies only to containers,~~ For the purpose of siting criteria,

a facility which uses tanks must also conform to these requirements in order to be classified in Category I.

Examples include but are not limited to such facilities as:

- a. A warehouse for storing 55 gallon drums.
- b. A tank to store materials for loading into an ocean-going incineration vessel.
- c. A storage tank associated with a land based treatment facility.

2. Consequences of loss of control. Because of the fairly simple operations involved and the extensive spill containment requirements, the consequences of loss control, for the purposes of siting, would be:

--Fire or explosion, or both.

B. Category II - Closed treatment process - with spill containment.

1. Description. A facility which is designed to treat hazardous waste by any method which did not involve venting, evaporating or exhausting potentially toxic concentrations of materials to the atmosphere, as measured at the active portion of the facility, under any normal or abnormal operating conditions. This could include chemical processes, such as acid neutralization, where the hazardous constituents in the waste are converted to nonhazardous materials or are precipitated out for disposal as a solid. It might also involve a process which separates the liquid portion of the waste from the solids, such as a centrifuging, mechanical or carbon filtration, settling or flotation, encapsulation, absorption, etc. If improper mixing or misoperation of the unit could cause a pressure build-up which could vent potentially toxic concentration of material to the atmosphere through a relief valve or similar device, this unit would not qualify as Category II. Systems which vent internally into a flash tank or similar device, however, would not necessitate a Category III classification since in that situation they would not be venting into the atmosphere. Furthermore, in order to qualify for this category, all processes must be in an area that meets the "containment" requirements specified for Category I such that a leak or rupture anywhere in the system would be contained for controlled disposition in accordance with all appropriate regulations.

An example is, but not limited to:

--Treatment in tanks.

2. Consequences of loss of control. These types of facilities are similar to those in Category I with respect to the health or environmental impact of loss of control except that there are likely to be more operations involving handling, movement, mixing, pumping or otherwise processing the waste. This, combined with the probability that more complex systems, different kinds of equipment, piping and controls are involved in Category II, makes the probability of loss of control somewhat greater than in Category I. However, because of the extensive spill containment requirements necessary to be classified as Category II, the

consequences of loss of control are minimized. For the purpose of siting they would be:

--Fire or explosion, or both--.

C. Category III - Open treatment process - with spill containment.

1. Description. A facility which is designed to treat waste by heating or burning, distillation, or any other reaction of process which involves a need to vent or exhaust any material to the atmosphere under normal operating conditions and which could, with a reasonable degree of probability, if misoperated or through malfunction or any loss of control, discharge a potentially toxic concentration of material, as measured at the active portion of the facility.

Facilities which have the potential for discharging only steam, air, nitrogen, or other nontoxic materials could be classified as Category I or II, providing they meet all other requirements for those categories. Heated storage tanks or rail cars which use steam in an outer shell or coils, for example, could be classified as Category I, even if it was periodically necessary to vent steam to the atmosphere.

In order to qualify for Category III, all tanks, containers or ancillary storage devices associated with processes must be in an area which meets the "containment" requirements specified for Categories I and II above.

An example is, but not limited to:

--Incineration.

2. Consequences of loss of control. The major difference between processes in this category and those in Category II is the possibility of (i) air quality degradation of sufficient magnitude to have the potential for causing health hazards, or (ii) environmental problems outside the facility from uncontrolled process discharges. Because it is so unlikely that any such discharge could be concentrated enough or last long enough to cause significant surface or groundwater degradation, this is not considered a consequence which would occur from loss of control. If, for some reason, there was a reasonable possibility that an airborne discharge from a facility could cause off-site surface or groundwater degradation, the facility would have to be classified in Category IV or V.

For the purposes of siting, the consequences of loss of control in Category III are:

- a. Fire or explosion, or both.
- b. Air quality degradation from process exhaust or venting as a result of loss of control.

D. Category IV - Above ground treatment - no spill containment.

1. Description. A facility which is designed to treat or store hazardous waste by any process or method which, with a reasonable degree of probability, through misoperation or any loss of control, could cause off-site surface or groundwater degradation.

These facilities need not meet the "containment" requirements specified for facilities in the three categories above in order to be classified in this category.

"Above ground" in this category means that the hazardous waste is all contained at or above the level of the ground where it is located. This qualification is based on providing a reasonable opportunity to see or become aware of a leak without depending on groundwater analysis. For example, this category could include a metal tank which rested directly on a cement pad (i.e., without support legs) even though part or all of the cement pad was actually below the ground, so long as the bottom of the tank was above ground level. If the bottom of the tank were below ground level resting directly on a manmade or earthen support such that the bottom of the tank could not be routinely inspected externally for leaks, the unit would qualify for Category V. In this latter example, if the tank were in a pit but was elevated from the base of the pit in such a manner as to allow routine inspection of the bottom to detect leaks it could be classified in Category IV. The use of underground piping by itself would not cause necessarily a facility to be classified in Category IV or V.

An example is, but not limited to:

--Land treatment.

2. Consequences of loss of control. In this category, there is no requirement for containment under treatment or storage units in the facility which might contain hazardous waste, and therefore, a spill or rupture could cause ground or surface water degradation. The restrictions included in this category would, however, minimize the possibility for leaks to go undetected for a significant length of time.

For the purpose of siting criteria, the consequences of loss of control are:

- a. Fire or explosion, or both.
- b. Airborne contamination, in the case of facilities which have the potential as described under Category III above.
- c. Ground or surface water contamination.
- d. Soil contamination.

E. Category V - Disposal without complete treatment and all other treatment/disposal methods.

1. Description. This category includes any disposal of hazardous waste by placing it in a facility where it will receive no further treatment or any treatment or storage method which does not meet the intent of one of the four categories above.

Facilities in this category would include all land disposal methods which did not involve destroying the waste or otherwise eliminating its hazardous characteristics before disposal.

This category would also include the use of such facilities as impoundments, lagoons, evaporating ponds, underground tanks, or other underground units as part of a treatment, storage or disposal process, providing that they are intended to contain hazardous waste. For this purpose,

Final Regulations

the term "underground" means that all or part of a unit is buried such that it cannot be routinely inspected for leaks or defects.

An example is, but not limited to:

--Land disposal.

2. Consequences of loss of control. These facilities have the highest degree of risk of surface or groundwater degradation because of the possibility for a leak to go undetected for a significant period of time. For disposal of units in this category there is also the added consideration of the risks associated with perpetual care of material which might be hazardous for many years. Facilities in this category could also be most prone to loss of control caused by floods.

For the purposes of siting criteria, the consequences of loss of control are:

- a. Fire or explosion, or both.
- b. Airborne contamination from evaporation or from sources described in Category III above.
- c. Ground or surface water contamination.
- d. Soil contamination.

F. General. Most facilities include several types of operation. For the purposes of classifying a proposed facility, the operation within the facility which is characterized by the highest category number shall determine which category shall characterize the facility. For example, if a facility had an operation which included both drum storage of waste under conditions that would meet Category I requirements and subsequently had on-site waste incineration step, the facility would fall in Category III because incineration is in a higher category than container storage. Another example might be a waste treatment facility with a completely enclosed neutralization process in which sulfuric acid contaminated water was mixed with lime. In this process, venting is not a significant part of the process. The result would be gypsum and water, neither of which would necessarily be hazardous material. If this process were fed from enclosed storage tanks the facility would be classified in Category II, assuming it met all the other requirements, because the enclosed neutralization process is in a higher category than enclosed storage. This would be true even if the gypsum were dried and piled on the ground and the water, after the acid was neutralized, was put in a pond prior to discharge into a river through a permitted waste water treatment facility, assuming that neither the gypsum nor the water would be classified as hazardous because of some other contaminant. If, however, in this latter example, the process generated a gas which needed to be vented to the atmosphere or which could be vented by a relief valve in an overpressure situation, the facility would have to be classified as Category III. Additionally, if the acid contaminated water was fed into this neutralization process from a pond (surface impoundment), the facility would be classified in Category V.

In making its determination of which category is appropriate for a proposed hazardous waste facility, the ~~siting council~~

~~board~~ shall consider the intent of each category as well as the specific descriptions above.

9 VAC 20-50-70. Goal of ~~council~~ board.

The goal of the ~~council~~ board and this chapter is to protect the public health, quality of life and environment of the Commonwealth in Virginia from the improper siting of hazardous waste treatment, storage or disposal facilities. In achieving this goal, the ~~council~~ board has determined that hazardous waste treatment, storage and disposal facilities should not be placed in certain specific locations of the state because of the environmentally sensitive nature of such locations and increased risk to health and environment by the placement of a hazardous waste facility in such locations. The criteria listed below and others as required by the ~~council~~ board must be evaluated in the applicant's impact analysis.

A. No hazardous waste facility shall be sited in wetlands.

B. No hazardous waste facility shall be sited in a 100-year flood plain, or such larger area which the flood of record may have inundated, except as provided at commercial port facilities as provided in 9 VAC 20-50-80 A 6.

C. Underground injection of hazardous waste is not allowed in accordance with Virginia Hazardous Waste Management Regulations, ~~Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia~~ 9 VAC 20-60.

D. No hazardous waste facility shall be sited in an area vulnerable to flooding resulting from dam failure. See definition of "Dam-related flood hazard areas."

E. No hazardous waste facility shall be sited over a sinkhole or less than 100 feet above a solution cavern beneath the facility associated with karst topography.

F. Facilities shall not be sited within areas designated by the National Park Service in the Registry of Natural Landmarks or sites listed on the National Register of Historic Places, and the Virginia Landmarks Register, unless the statute under which the designation of listing has been made authorizes the operation of such facilities in such areas.

G. Facilities shall not be sited in state, county and municipal parks, units of the National Park System, national recreation areas, state forests, the George Washington and Jefferson National Forests, state game lands, national wildlife refuges or national fish hatcheries unless the agency administering such lands has been given authority by statute or ordinance to allow the operation of such facilities on such lands.

9 VAC 20-50-80. Site criteria.

The ~~council~~ board, in making its determination to site a facility, conditionally or otherwise, or to deny an application to site a hazardous waste facility, will consider the criteria listed below in relation to the type of hazardous waste facility to be sited.

A. Limitations.

1. Water quality surface and groundwater.

a. The water resources of the state should be afforded the maximum protection reasonably possible. A major accident or leakage at a hazardous waste facility could

lead to degradation of surface and groundwater in the vicinity of the facility. The degradation of the surface and groundwater could create a significant hazard to public health. Siting of a facility must take into account water quality problems which may result from the operation of the facility. The ~~council~~ board will consider the following water quality characteristics and other factors determined appropriate for the type of facility:

- (1) The proximity of the facility to surface and groundwaters, including aquifer recharge areas.
- (2) The existing quality and current and future use of the surface and groundwaters.
- (3) The risk to public health and the environment.

b. Category limits.

(1) Surface waters of the state are protected from point source and non-point sources of contamination by existing federal and state laws as administered by the State Water Control Board, the Virginia Department of Health ~~Environmental Quality~~, and other agencies.

(2) Existing groundwater quality is to be protected from degradation based on the ~~council's~~ board's Anti-Degradation Goal for Groundwater and the provisions set forth in this section.

The ~~council~~ board may require information on the following groundwater quality characteristics and other factors determined appropriate for Category I facilities. This information shall be provided for all other categories.

- (a) Site geology/geohydrology;
- (b) Depth to aquifers and thickness of overburden;
- (c) Presence of fractures and faults, joints, solution cavities;
- (d) Thickness of soil/saprolite layer;
- (e) Present and potential aquifer use;
- (f) Aquifer recharge/productivity;
- (g) Proximity to sensitive receptors;
- (h) Aquifers hydraulic characteristics;
 - (i) Hydraulic conductivity,
 - (ii) Transmissivity,
 - (iii) Storage coefficient,
 - (iv) Head distribution;
- (i) Cation/anion exchange capacity.

And all other site characteristics requested.

For all systems and supplies, more restrictive limitations of other state agencies shall apply.

2. Community/noncommunity water system and supply surface water.

a. A hazardous waste facility should not be sited so that a community/noncommunity water system and supply of surface water would be jeopardized by the construction, operation, and close-out of the facility.

b. Category limits.

(1) Category I, II, or III facilities may be sited in proximity to a community/noncommunity drinking water system and supply of surface water if the construction, operation, and close-out of the proposed facility do not pose an unreasonable risk to the community/noncommunity water system and supply of surface water and the applicant demonstrates that the facility is designed and will be constructed, operated, and closed-out in a manner which will protect the public water system and supply of surface water from contamination by spills at the facility and demonstrates that spill containment at the facility is adequate to contain all spills. (See definition of "Proximity to a community/noncommunity water system and supply of surface water.")

(2) A category IV or V facility shall not be sited in proximity to a community/noncommunity water system and supply of surface water.

3. Community/noncommunity water system and supply groundwater.

a. The degradation of a community/noncommunity water system and supply of groundwater may create a significant hazard to public health. All community/noncommunity public water systems and supplies of groundwater should be adequately protected from the threat of degradation from a hazardous waste facility.

b. Category limits.

(1) Category I, II, and III facilities may be sited in proximity to a community/noncommunity water system and supply of groundwater if the construction, operation, and close-out of the proposed facility do not pose an unreasonable risk to the community/noncommunity water system and supply of groundwater and the applicant demonstrates that the facility is designed and will be constructed, operated, and closed-out in a manner which will protect the community/noncommunity water system and supply of groundwater from degradation by spills at the facility and demonstrates that spill containment at the facility is adequate to contain all spills. (See definition of "Proximity to a community/noncommunity water system and supply of groundwater.")

(2) Category IV and V hazardous waste facilities shall not be sited in proximity to any community/noncommunity water system and supply of groundwater.

4. Private water system and supply surface and groundwater.

Final Regulations

a. A private water system and supply of surface and groundwater should be protected from the threat of degradation from a hazardous waste facility.

b. Category limits.

(1) Category I, II or III facilities may be sited in proximity to a private water system and supply of surface or groundwater if the construction, operation, and close-out of the proposed facility do not pose an unreasonable risk to the private water system and supply of surface and groundwater and the applicant demonstrates that the facility is designed, and will be constructed, operated, and closed-out in a manner which will protect the private water system and supply of surface and groundwater from degradation by spills at the facility and demonstrates that spill containment at the facility is adequate to contain all spills.

(2) Category IV and V facilities may be sited in proximity to a private water system and supply of surface or groundwater if the applicant demonstrates that a reasonable alternative drinking water supply to the existing drinking water supply is available and provides financial resources to develop the alternative supply should it become necessary due to degradation of the existing water supply resulting from a spill or leaks from the facility.

Water quality and geohydrologic studies as provided in 9 VAC 20-50-80 A 1 shall be conducted to reveal the potential for siting impacts and to indicate the level of risk associated with the proposed facility.

5. Air quality.

a. Siting of a facility must take into account air quality problems which may result from the operation of the facility or accidental fires and explosions which may occur. The ~~council~~ board shall consider potential air quality problems which may occur as the result of historical or estimated meteorological conditions and to what extent such respective problems and conditions will affect neighboring communities. In considering air quality the ~~council~~ board will consider the following characteristics and other factors determined appropriate for the type of facility:

(1) The characteristics (stability) of the atmosphere which affect the site;

(2) The population, present and projected, in relation to the facility and prevailing wind;

(3) Characteristics of the wind.

b. Category I-V facilities may be sited if the construction and operation of the proposed facility do not pose an unacceptable risk to public health and the applicant demonstrates that the facility is designed and will be constructed, operated and maintained in a manner which will protect the public health during normal operation or in the event of accidental releases.

6. Commercial port facilities.

a. An accident at a hazardous waste storage facility at a commercial port facility could result in immediate contamination of surface water and create a significant risk to public health and safety. Additional consideration should be given to storage facilities for hazardous waste at commercial port facilities based on the special risks posed.

b. Category I facilities for the temporary storage of hazardous wastes destined for import, export or ocean incineration, which are sited at port facilities specifically designed for commercial shipping, may be allowed if those facilities are designed for the storage of hazardous wastes and have been designed and will be constructed to withstand the 100-year flood and the flood of record at the port facility.

7. Endangered and threatened species habitat.

a. The ~~council~~ board shall focus on adverse impacts of the facility on endangered and threatened species or critical habitat for wildlife generally and the extent to which mitigation measures can be effectively implemented.

b. A hazardous waste facility shall not be sited in locations where the siting, construction and operation of the proposed facility would occupy or threaten the known habitat or an endangered or threatened plant, insect, fish or wildlife species to the extent that the continued existence of the species is threatened.

8. Proximity to publicly designated areas.

a. Areas which are designated by federal, state and local governments for their exceptional characteristics are of special importance. These areas should be protected from unwarranted intrusion by the siting of hazardous waste facilities which could destroy the character, or use and enjoyment, and thus their objective, or their designation. The following categories are listed for their natural, scenic, historic, cultural and aesthetic values:

(1) Historic, cultural and natural sites and landmarks;

(2) The corridors of outstanding resource waters (wild, scenic and recreational);

(3) Publicly owned forest areas;

(4) Dedicated or designated open space;

(5) Public recreational areas;

(6) The Appalachian Trail or other federal and state designated trails;

(7) Wildlife refuges, fish hatcheries and game lands; and

(8) Scenic views.

b. Potential impacts of the proposed facility on the natural, scenic, historic, cultural and aesthetic values of the environment will be evaluated. The applicant must demonstrate that the construction and operation of the proposed facility will not impair the environmental and aesthetic qualities of the area. Distance from the publicly

designated area to the facility will be taken into consideration.

9. Subsurface mining areas.

a. Areas where mineral resources of a solid, gaseous or liquid form have been removed by underground mining or drilling procedures or at the time of submission of the notice of intent are planned for removal are vulnerable to subsidence. Strong consideration should be given to the potential threat to the integrity of a proposed facility as a consequence of mining-related subsidence.

b. Category limits.

(1) Category I, II, and III facilities may be allowed in subsurface mining areas as defined in this chapter provided the applicant demonstrates that the facility is designed and will be constructed and operated such that the integrity of the facility will not be jeopardized by mine-related subsidence.

(2) Category IV and V facilities are not allowed in subsurface mining areas as defined in this chapter.

10. Slope.

a. Consideration should be given to the effect of the slope of the proposed site and adjacent lands with respect to waste management facilities including the speed at which uncontrolled releases may run off a site, site preparation techniques and costs, site design, operating procedures, site stability, potential for erosion, and visibility.

b. Category limits.

(1) Category I, II and III facilities may be allowed on slopes in excess of 15% if the applicant demonstrates that the facility is designed and will be constructed and operated such that the integrity of the facility will not be jeopardized.

(2) Category IV and V facilities are prohibited on slopes 15% or greater.

11. Active faults and seismic risk zones/seismogenic volume.

a. Major active fault zone and seismic risk zone/seismogenic volume features which are mapped by the U.S. Geological Survey, ~~the Division of Mineral Resources, Commonwealth of Virginia~~ *Department of Mines, Minerals and Energy*, or other agency with the responsibility for such matters, or as discovered by site investigation by a professional geologist, may pose a potential for (i) seismic-related accidents, and/or (ii) associated degradation of ground and surface waters should a facility's containment measures be breached and leakage occur.

b. Category limits.

(1) Category I, II, and III facilities may be sited in proximity to an active fault or seismic risk zone/seismogenic volume if the construction and operation of the proposed facilities do not pose a risk to public health or the environment and the applicant

demonstrates that the facility is designed and will be constructed, operated and maintained in a manner which will protect the public health and the environment from contamination by spills at the facility and demonstrates that spill containment at the facility is adequate to contain all spills.

(2) No Category IV or V facility will be sited within 305 meters (1,000 feet) of an active fault as mapped by the U.S. Geological Survey, the Division of Mineral Resources, ~~Commonwealth of Virginia~~ *Department of Mines, Minerals and Energy*, or other agency with the responsibility for such matters or as discovered by site investigation by a professional geologist. No Category IV or V facility will be sited in proximity to an active fault or seismic risk zone/seismogenic volume unless the applicant demonstrates that the facility is designed and will be constructed, operated and maintained in a manner which will protect the physical integrity of the facility and protect the quality of ground and surface waters.

12. Risk of accident in transportation.

a. The ~~council board~~ shall evaluate the risk associated with the transportation of hazardous waste to the proposed site. Accident risk is a function of the probability of an accident and the consequences of an accident, should one occur. The transport routes over which the wastes will be delivered to the site shall be considered by the ~~council board~~.

b. In considering risk of accident in transportation the ~~council board~~ will assess:

(1) Mode of transport;

(2) Proposed highway/roadway system to be used;

(3) Accident rate of mode and route;

(4) Characteristics of structures within 0.5 mile of the route, i.e., schools, hospitals;

(5) Nature of transportation restrictions, i.e., traffic intersections, highway geometrics, traffic/railroad intersections, tunnels, bridges, toll booths, level of congestion;

(6) Schedule and frequency of deliveries, vehicle disposition plan in the event of facility shutdown;

(7) Potential adverse environmental or health effects in the event of an accident;

(8) Characteristics of the residential and nonresidential population within 0.5 mile of the transport route; and

(9) Projected population and the rate of growth for areas within 0.5 mile of the transport routes during the 20-year period following initial site operation.

(10) Host and affected community emergency response capability along the routes.

13. Proximity to major structures.

Final Regulations

a. The linear distance from the site boundary to major structures must be considered (e.g., residence, airport, school, hospital, church, commercial centers, nursing home). Acceptable buffer zones separating residences and certain other types of sensitive populated structures from the types of operations conducted at hazardous waste sites are needed.

b. In reviewing the proposal, the *council board* will assess:

- (1) Proximity of airports, utilities and other major structures; and
- (2) Characteristics of buffer zones.

14. Local government.

a. The site shall be considered for consistency with the local master land use plan or the pattern of already existing land uses or zoning ordinance of the host community where no comprehensive plan has been adopted. Consistency with local laws, ordinances, rules and regulations which have been adopted pursuant to a master land use plan will also be considered, including important farm land protection activities.

Further, the short and long term financial effects of the addition of the proposed facility to the locality shall be considered. Both the increased tax revenues and the added burden of providing services to the facility are important factors.

b. The *council board* will assess both short and long term (20 years) effects:

- (1) Consistency of site with the master land use plan, compatibility with existing land uses;
- (2) Consistency with local laws, ordinances, rules and regulations;
- (3) Local tax revenue generated;
- (4) Public services required;
- (5) Impact on property values; and
- (6) Economic development impacts.

15. Fire and explosions.

a. Due to the nature of the wastes, special consideration must be given by the *council board* to the potential for fires and explosions at the site. Because of the inherent quality of the wastes, the chief focus shall be on proposed safety measures and emergency response techniques.

b. In assessing the risk of fire and explosion, the *council board* will evaluate:

- (1) Distances from site to residential, commercial and industrial buildings, public highways, railroads.
- (2) Minimum distances established by the Virginia Department of Health board.

(3) Level of service for fire, police protection and emergency medical services and the applicant's emergency implementation plan.

(4) Proximity to fire department and fire fighting water supply.

(5) Measures to contain fire fighting water or other substance used in the event of accidents.

(6) Characteristics of the residential and nonresidential population within 0.5 mile of the site boundary.

(7) Projected population and the rate of growth for the area within 0.5 mile of the site boundary.

16. Soil characteristics.

a. Consideration should be given to the characteristics of the soils which affect the suitability of the site for the development proposed.

b. In reviewing the proposal, the *council board* will assess the proposal based on, but not limited to, the following soil characteristics:

- (1) Bearing qualities;
- (2) Stability;
- (3) Drainage; and
- (4) Permeability.

B. Other factors.

The *council board* shall consider any other factors identified during the course of the certification process which are determined by the *council board* to be relevant and impact the environment, quality of life, and public health, welfare or safety.

9 VAC 20-50-90. Protection and prevention.

In addition to an applicant meeting the requirements of Part II of this chapter, the *council board* shall, in writing, find that:

A. The terms and conditions of the application will protect and prevent injury or unacceptable adverse risk to health, safety, welfare, the environment and natural resources, and the reasons to support such finding;

B. The facility is consistent with its criteria;

C. The applicant has made reasonable and appropriate efforts to reach a siting agreement with the host community, including, though not limited to, efforts to mitigate or compensate the host community and its residents for adverse economic effects, if any, of the facility.

9 VAC 20-50-100. Additional agency approval.

To avoid duplication to the maximum extent feasible with existing agencies and their areas of responsibility, related agency approvals are listed below as notification to the applicant that these permits and reviews may apply in accordance with the type of facility proposed.

A. Permits.

1. Hazardous waste facility management.

- a. Regulatory agency:
Virginia Department of Health *Waste Management Board*.
- b. State permit required:
Facility management or transportation.
- c. Statutory authority:
(1) ~~Chapter 6 (§ 32.1-163 et seq.) of Title 32.1 of the Code of Virginia.~~
(2) ~~State Board of Health, in accordance with the provisions of Chapter 1.1:1 (§ 9.6-14:1 et seq.) of Title 9 of the Code of Virginia.~~
(1) *Chapter 11.1 (§ 10.1-1182 et seq.) of Title 10.1 of the Code of Virginia and the Virginia Waste Management Act, Chapter 14 (§ 10.1-1400 et seq.) of Title 10.1 of the Code of Virginia.*
(3) ~~"(2) Hazardous Waste Management Regulations With Amendments, 9 VAC 20-60."~~
- d. Contact:
Department of Environmental Quality
P.O. Box 10009
Richmond, VA 23240-0009
~~(804) 762-4000 (804) 698-4000~~
2. Air emissions.
- a. Regulatory agency:
State Air Pollution Control Board.
- b. State permit required:
Stationary sources
Hazardous pollutants
Open burning
- c. Statutory authority, rules and regulations:
(1) Virginia Air Pollution Control Law.
(2) Federal Clean Air Act (42 USC 7401 et seq. ~~84 Stat. 1676~~) and amendments.
(3) ~~"Regulations for the Control and Abatement of Air Pollution" Hazardous Air Pollutant Sources, 9 VAC 5-60 and Permits for Stationary Sources, 9 VAC 5-80.~~
- d. Contact:
Department of Environmental Quality
P.O. Box 10009
Richmond, VA 23240-0009
~~(804) 762-4000 (804) 698-4000~~
3. Discharges into state waters.
- a. Regulatory agency:
State Water Control Board.
- b. State discharge permit required:
(1) ~~National~~ *Virginia* Pollutant Discharge Elimination System (NPDES).
(2) No discharge certificate.
- c. Statutory authority, rules and regulations:
(1) Federal Water Pollution Control Act Amendments of 1972 (~~86 Stat. 47 and 846~~ *33 USC § 1251 et seq.*).
(2) State Water Control Law, (§ 62.1-44.2 et seq. of the Code of Virginia).
- d. Contact:
Department of Environmental Quality
P.O. Box 10009
Richmond, VA 23240-0009
~~(804) 762-4000 (804) 698-4000~~
4. Land disturbance.
- a. Regulatory agency:
Virginia Soil and Water Conservation ~~Commission~~ *Board* or local government, or both.
- b. State requirement:
Erosion and sediment control plan.
- c. Statutory authority, rules and regulations:
(1) Erosion and sediment control law (§§ 10.1-560 et seq. of the Code of Virginia).
(2) Virginia Erosion and Sediment Control Handbook.
- d. Contact:
~~Virginia Soil and Water Commission~~
~~830 East Main Street, Suite 800~~
~~Richmond, VA 23219~~
~~(804) 786-2064~~
Department of Conservation and Recreation
203 Governor Street, Suite 213
Richmond, VA 23219-2094
(804) 786-1712
- ~~5. Encroachment on wetlands - state.~~
- ~~a. Regulatory agency:
Virginia Marine Resources Commission/local wetlands boards~~
- ~~b. State permit required:
Use or development of any wetland within Tidewater Virginia~~
- ~~c. Statutory authority, rules and regulations:
(1) Virginia Wetlands Act (§ 28.2-1300 et seq. of the Code of Virginia.)
(2) Local wetland zoning ordinances.~~
- ~~d. Contact:
Assistance Commissioner for Habitat Management
P.O. Box 756
Newport News, VA 23607
(804) 247-2200~~

Final Regulations

6. ~~Encroachment on wetlands – federal.~~

a. ~~Regulatory agency:~~

~~U.S. Army Corps of Engineers~~

b. ~~Federal permit required:~~

~~Wetlands.~~

c. ~~Statutory authority, rules and regulations:~~

~~(1) Section 10, Rivers and Harbors Act of 1899, 33 USC 1371.~~

~~(2) Section 404, Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 47 and 816).~~

d. ~~Contact:~~

~~District Engineer
U.S. Army Corps of Engineers
Norfolk District
803 Front Street
Norfolk, VA 23510
(804) 446-3604~~

7. ~~Encroachment on subaqueous lands – state.~~

a. ~~Regulatory agency:~~

~~Virginia Marine Resources Commission.~~

b. ~~State permit required:~~

~~Subaqueous permit.~~

c. ~~Statutory authority, rules and regulations:~~

~~Section 28.2-100 et seq. of the Code of Virginia.~~

d. ~~Contact:~~

~~(1) Assistant Commissioner for Habitat Management
P.O. Box 756
Newport News, VA 23607
(804) 247-2200~~

~~(2) Department of Environmental Quality
P.O. Box 10000
Richmond, VA 23240
(804) 762-4000~~

8. ~~Encroachment on subaqueous lands – federal.~~

a. ~~Regulatory agency:~~

~~U.S. Army Corps of Engineers.~~

b. ~~Federal permit required:~~

~~(1) Activities in the navigable waters of the United States.~~

~~(2) Degradation of the quality of water.~~

~~(3) Transportation and dumping of dredged material.~~

c. ~~Statutory authority, rules and regulations:~~

~~(1) Rivers and Harbors Act of 1894 (33 USC 1371).~~

~~(2) Federal Water Pollution Control Act Amendments of 1972 (86 Stat 47 and 816).~~

~~(3) Marine Protection Research and Sanctuary Act (16 USC 1431-1434; 33 USC 1401, 1402, 1411-1421, 1441-1444).~~

d. ~~Contact:~~

~~District Engineers~~

~~U.S. Army Corps of Engineers~~

~~Norfolk District~~

~~803 Front Street~~

~~Norfolk, VA 23510~~

5. *Wetlands, subaqueous lands, and dunes.*

a. *Regulatory agencies:*

*Virginia Marine Resources Commission (VMRC)
(Clearinghouse for permits)*

Local wetlands boards

Virginia Department of Environmental Quality (VDEQ)

U.S. Army Corps of Engineers (USACE)

b. *Permit required:*

VMRC and local wetland boards: Use or development of any wetland within Tidewater, Virginia

VMRC: Coastal Dunes

VMRC, VDEQ and USACE: Tidal Wetlands and Subaqueous Land

VDEQ and USACE: Nontidal Wetlands

USACE: Activities in the navigable waters of the United States, degradation of the quality of water, and transportation and dumping of dredged material.

c. *Statutory authority, rules and regulations:*

(1) Virginia Wetlands Act (§ 28.2-1300 et seq. of the Code of Virginia.)

(2) Virginia Water Control Law (§§ 62.1-44.15 and 62.1-44.15:5 of the Code of Virginia.)

(3) Local wetland zoning ordinances.

(4) Federal Water Pollution Control Act (Clean Water Act, 33 USC § 1251 et seq.) §§ 401 and 404

(1) Rivers and Harbors Act of 1894 (33 USC § 1371).

(3) Marine Protection Research and Sanctuary Act (16 USC §§ 1431-1434; 33 USC §§ 1401, 1402, 1411-1421, 1441-1444).

d. *Contact:*

*(1) Assistant Commissioner for Habitat Management
Marine Resources Commission
P.O. Box 756
Newport News, VA 23607
(804) 247-2200*

(2) Department of Environmental Quality

P.O. Box 10009
Richmond, VA 23240-0009
(804) 698-4000

(3) District Engineers
U.S. Army Corps of Engineers
Norfolk District
803 Front Street
Norfolk, VA 23510

B. Reviews. Applications for permits may result in a review and comment process by state agencies ~~to include the Council on the Environment~~. Such reviews may include comments concerning historic landmarks, archaeological sites, caves, best management practices, fisheries, and parks and recreation. Further information on review procedures can be obtained by contacting ~~Administrator~~, Department of Environmental Quality, P.O. Box 10009, Richmond, VA, 23240 (804) 762-4378 (804) 698-4000.

PART V.
DELEGATIONS.

9 VAC 20-50-110. Delegations.

The director may perform any act of the board provided under this chapter except as limited by §§ 10.1-1433 through 10.1-1449 of the Code of Virginia.

VA.R. Doc. No. R05-206; Filed May 24, 2005, 3:49 p.m.

REGISTRAR'S NOTICE: The Virginia Waste Management Board is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors. The Virginia Waste Management 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 20-70. Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities (amending 9 VAC 20-70-290).

Statutory Authority: §§ 10.1-1402 and 10.1-1410 of the Code of Virginia; §§ 1008 (a) (3), 2002 and 4004 (a) of the Resource Conservation and Recovery Act; 40 CFR Part 258.

Effective Date: July 13, 2005.

Agency Contact: Allen Brockman, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4468, FAX (804) 698-4327 or e-mail arbrockman@deq.virginia.gov.

Summary:

The amendments clarify language and correct two technical errors. The letter from the chief financial officer is changed to require a ratio of total liabilities to net worth of 1.5. The requirement to answer "yes" to questions 8 through 12 in the Alternative II - Financial Ratio Test is eliminated.

9 VAC 20-70-290. Wording of financial mechanisms.

REGISTRAR'S NOTICE: 9 VAC 20-70-290 A through E and H through K are not amended; therefore, only subsections F and G are set out below.

F. Wording of letter from chief financial officer.

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

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

Dear (Sir, Madam):

I am the chief financial officer of (name and address of firm). This letter is in support of this firm's use of the financial test to demonstrate financial assurance, as specified in 9 VAC 20-70-200 of the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9 VAC 20-70-10 et seq.) ("Regulations").

(Fill out the following four paragraphs regarding solid waste, regulated medical waste, yard waste composting, hazardous waste, underground injection (regulated under the federal program in 40 CFR Part 144, or its equivalent in other states), petroleum underground storage (9 VAC 25-590-10 et seq.), above ground storage facilities (9 VAC 25-640-10 et seq.) and PCB storage (regulated under 40 CFR Part 761) facilities and associated cost estimates. If your firm has no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its name, address, permit number, if any, and current closure, post-closure care, corrective action or any other environmental obligation cost estimates. Identify each cost estimate as to whether it is for closure, post-closure care, corrective action or other environmental obligation.)

1. This firm is the owner or operator of the following facilities for which financial assurance is demonstrated through the corporate test specified in 9 VAC 20-70-200 or its equivalent in other applicable regulations. The current cost estimates covered by the test are shown for each facility:

2. This firm guarantees, through the corporate guarantee specified in 9 VAC 20-70-220, the financial assurance for the following facilities owned or operated by subsidiaries of this firm. The current cost estimates so guaranteed are shown for each facility:

3. This firm, as owner or operator or guarantor, is demonstrating financial assurance for the following facilities through the use of a financial test. The current cost estimates covered by such a test are shown for each facility:

4. This firm is the owner or operator of the following waste management facilities for which financial assurance is not demonstrated through the financial test or any other financial assurance mechanism. The current cost estimates for the facilities which are not covered by such financial assurance are shown for each facility:

Final Regulations

This firm (insert "is required" or "is not required") to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on (month, day). The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended (date).

1) Sum of current closure, post-closure care, corrective action or other environmental obligations cost estimates (total of all cost estimates shown in the four paragraphs above.)
\$ _____

2) Tangible net worth* \$ _____

3) Total assets located in the United States* \$ _____

YES NO

Line 2 exceeds line 1 by at least \$10 million? _____

Line 3 exceeds line 1 by at least \$10 million? _____

(Fill in Alternative I if the criteria of 9 VAC 20-70-200 1 a (1) are used. Fill in Alternative II if the criteria of 9 VAC 20-70-200 1 a (2) are used. Fill in Alternative III if the criteria of 9 VAC 20-70-200 1 a (3) are used.)

ALTERNATIVE I

Current bond rating of this firm's senior unsubordinated debt and name of rating service

Date of issuance of bond

Date of maturity of bond

ALTERNATIVE II

4) Total liabilities * (if any portion of the closure, post-closure care, corrective action or other environmental obligations cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to line 5.)
\$ _____

5) Net worth * \$ _____

Is line 4 divided by line 5 less than 2.0 1.5? YES NO

ALTERNATIVE III

6) Total liabilities * \$ _____

7) The sum of net income plus depreciation, depletion, and amortization minus \$10 million* \$ _____

Is line 7 divided by line 6 greater than 0.1? YES NO

I hereby certify that the wording of this letter is identical to the wording in 9 VAC 20-70-290 F of the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities as such regulations were constituted on the date shown immediately below.

(Signature)

(Name)

(Title)

(Date)

G. Wording of the local government letter from chief financial officer.

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

LETTER FROM CHIEF FINANCIAL OFFICER

I am the chief financial officer of (insert: name and address of local government owner or operator, or guarantor). This letter is in support of the use of the financial test to demonstrate financial responsibility for ("closure care" "post-closure care" "corrective action costs") arising from operating a solid waste management facility.

The following facilities are assured by this financial test: (List for each facility: the name and address of the facility, the permit number, the closure, post-closure and/or corrective action costs, whichever applicable, for each facility covered by this instrument).

This owner's or operator's financial statements were prepared in conformity with Generally Accepted Accounting Principles for governments and have been audited by ("an independent certified public accountant" "Auditor of Public Accounts"). The owner or operator has not received an adverse opinion or a disclaimer of opinion from ("an independent certified public accountant" "Auditor of Public Accounts") on its financial statements for the latest completed fiscal year.

This owner or operator is not currently in default on any outstanding general obligation bond. Any outstanding issues of general obligation, if rated, have a Moody's rating of Aaa, Aa, A, or Baa or a Standard and Poor's rating of AAA, AA, A or BBB; if rated by both firms, the bonds have a Moody's rating of Aaa, Aa, A or Baa and a Standard and Poor's rating of AAA, AA, A, or BBB.

The fiscal year of this owner or operator ends on (month, day). The figures for the following items marked with the asterisk are derived from this owner's or operator's independently audited, year-end financial statements for the latest completed fiscal year ended (date).

(Please complete Alternative I or Alternative II.)

(Fill in Alternative I if the criteria in 9 VAC 20-70-210 1 a (1) are used. Fill in Alternative II if the criteria of 9 VAC 20-70-210 1 a (2) are used.)

ALTERNATIVE I – BOND RATING TEST

The details of the issue date, maturity, outstanding amount, bond rating, and bond rating agency of all outstanding general obligation bond issues that are being used by (name of local government owner or operator, or guarantor) to demonstrate financial responsibility are as follows: (complete table):

Issue Date	Maturity Date	Outstanding Amount	Bond Rating	Rating Agency
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Any outstanding issues of general obligation bonds, if rated, have a Moody's rating of Aaa, Aa, A, or Baa or a Standard and Poor's rating of AAA, AA, A or BBB; if rated by both firms, the bonds have a Moody's rating of Aaa, Aa, A or Baa and a Standard and Poor's rating of AAA, AA, A or BBB.

- 1) Sum of current closure, post-closure and corrective action cost estimates (total of all cost estimates listed above) \$ _____
- *2) Operating Deficit
 - (a) latest completed fiscal year (insert year) \$ _____
 - (b) previous fiscal year (insert year) \$ _____
- *3) Total Revenue
 - (a) latest completed fiscal year (insert year) \$ _____
 - (b) previous fiscal year (insert year) \$ _____
- 4) Other self-insured environmental costs
 - (a) Amount of aggregate underground injection control systems financial assurance insured by a financial test under 40 CFR 144.62 \$ _____
 - (b) Amount of annual underground storage tank aggregate coverage insured by a financial test under 40 CFR Part 280 and 9 VAC 25-590-10 et seq. \$ _____
 - (c) Amount of aggregate costs associated with PCB storage facilities insured by a financial test under 40 CFR Part 761 \$ _____
 - (d) Amount of annual aggregate hazardous waste financial assurance insured by a financial test under 40 CFR Parts 264 and 265 and 9 VAC 20-60-12 et seq. \$ _____
 - (e) Total of lines 4(A) through 4(d) \$ _____
- 5) Is (line 2a ÷ line 3a) < 0.05 ? _____
- 6) Is (line 2b ÷ line 3b) < 0.05? _____
- 7) Is (line 1 + line 4e) ≤ (line 3a x 0.43)? _____
- 8) Is (line 1 + line 4e) ≤ (line 3a x.20)? _____

If the answer to line 7 is yes and the answer to line 8 is no, please attach documentation from the agent/trustee /issuing institution stating the current balance of the account/fund

/irrevocable letter of credit as of the latest fiscal reporting year to this form as required by 9 VAC 20-70-210.

ALTERNATIVE II – FINANCIAL RATIO TEST

- 1) Sum of current closure, post-closure and corrective action cost estimates \$ _____
- *2) Operating Deficit
 - (a) latest completed fiscal year (insert year) \$ _____
 - (b) previous fiscal year (insert year) \$ _____
- *3) Total Revenue
 - (a) latest completed fiscal year (insert year) \$ _____
 - (b) previous fiscal year (insert year) \$ _____
- 4) Other self-insured environmental costs
 - (a) Amount of aggregate underground injection control systems financial assurance insured by a financial test under 40 CFR 144.62 \$ _____
 - (b) Amount of annual underground storage tank aggregate coverage insured by a financial test under 40 CFR Part 280 and 9 VAC 25-590-10 et seq. \$ _____
 - (c) Amount of aggregate costs associated with PCB storage facilities insured by a financial test under 40 CFR Part 761 \$ _____
 - (d) Amount of annual aggregate hazardous waste financial assurance insured by a financial test under 40 CFR Parts 264 and 265 and 9 VAC 20-60-12 et seq. \$ _____
 - (e) Total of lines 4(a) through 4(d) \$ _____
- *5) Cash plus marketable securities \$ _____
- *6) Total Expenditures \$ _____
- *7) Annual Debt Service \$ _____
- 8) Is (line 2a ÷ line 3a) < 0.05? _____
- 9) Is (line 2b ÷ line 3b) < 0.05? _____
- 10) Is (line 1 + line 4e) ≤ (line 3a x 0.43)? _____
- 11) Is (line 5 ÷ line 6) ≥ 0.05? _____
- 12) Is (line 7 ÷ line 6) ≤ 0.20? _____
- 13) Is (line 1 + line 4e) ≤ (line 3a x.20) _____

(The owner or operator must answer "Yes" to questions 8-12 to qualify to use this Alternative)

If the answer to line 13 is no, please attach documentation from the agent/trustee/issuing institution stating the current balance of the account/fund/irrevocable letter of credit as of the latest fiscal reporting year to this form as required by 9 VAC 20-70-210.

I hereby certify that the wording of this letter is identical to the wording in 9 VAC 20-70-290 G of the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and

Final Regulations

Treatment Facilities as such regulations were constituted on the date shown immediately below.

(Signature)

(Name of person signing)

(Title of person signing)

(Date)

VA.R. Doc. No. R05-207; Filed May 24, 2005, 3:50 p.m.

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

REGISTRAR'S NOTICE: The Department of Medical Assistance Services is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Services (amending 12 VAC 30-70-331).**

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

Effective Date: July 14, 2005.

Agency Contact: Scott Crawford, Director, Provider Reimbursement, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, telephone (804) 786-3639, FAX (804) 786-1680 or e-mail scott.crawford@dmas@virginia.gov.

Summary:

Pursuant to Item 325 XX of Chapter 4 of the 2005 Acts of Assembly, the amendment sets the adjustment factor for private inpatient hospitals at 76% beginning with the 2006 rate year (SFY 2006). This regulatory change is intended to increase inpatient hospital reimbursement to private (Type Two) hospitals in order to promote access to Medicaid services.

12 VAC 30-70-331. Statewide operating rate per case.

A. The statewide operating rate per case shall be equal to the base year standardized operating costs per case, as determined in 12 VAC 30-70-361, times the inflation values specified in 12 VAC 30-70-351 times the adjustment factor specified in subsection B of this section.

B. The adjustment factor shall be determined separately for Type One and Type Two hospitals:

1. For Type One hospitals the adjustment factor shall be a calculated percentage that causes the Type One hospital statewide operating rate per case to equal the Type Two hospital statewide operating rate per case;

2. ~~For Effective July 1, 2005, for~~ Type Two hospitals the adjustment factor shall be ~~the ratio of the following two numbers 0.7600:~~

~~a. The numerator of the factor is the aggregate total Medicaid operating payments to affected hospitals in hospital fiscal years ending in the base year.~~

~~b. The denominator of the factor is the aggregate total Medicaid allowable operating cost as determined from settled cost reports from the same hospitals in the same year.~~

VA.R. Doc. No. R05-210 Filed May 25, 2005, 10:45 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD FOR CONTRACTORS

Titles of Regulations: **18 VAC 50-22. Board for Contractors Regulations (amending 18 VAC 50-22-100, 18 VAC 50-22-140, 18 VAC 50-22-170 and 18 VAC 50-22-250).**

18 VAC 50-30. Tradesman Rules and Regulations (amending 18 VAC 50-30-90, 18 VAC 50-30-120 and 18 VAC 50-30-130).

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Effective Date: August 1, 2005.

Agency Contact: Eric Olson, Executive Director, Board for Contractors, 3600 West Broad Street, Richmond, VA 23230, telephone (84) 367-2785, FAX (804) 367-2474 or e-mail contractor@dpor.virginia.gov.

Summary:

The amendments increase licensing fees, remove the dishonored check fee from the regulations and provide that the department will establish this charge, and increase the license reinstatement period from six months to one year.

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.

18 VAC 50-22-100. Fees.

Each check or money order shall be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit

fees sufficient to cover the original fee, plus ~~the an~~ additional processing charge ~~specified below set by the department~~.

Fee Type	When Due	Amount Due
Class C Initial License	with license application	\$125 \$150
Class B Initial License	with license application	\$150 \$175
Class A Initial License	with license application	\$175 \$200
Declaration of Designated Employee	with license application	\$30 \$40
Qualified Individual Exam Fee	with exam application	\$20
Class B Exam Fee	with exam application (\$20 per section)	\$40
Class A Exam Fee	with exam application (\$20 per section)	\$60
Water Well Exam	with exam application	\$40
[Dishonored Check Fee]	with replacement check	\$25]

Note: A \$25 Recovery Fund assessment is also required with each initial license application. If the applicant does not meet all requirements and does not become licensed, this assessment will be refunded. The examination fees approved by the board but administered by another governmental agency or organization shall be determined by that agency or organization.

18 VAC 50-22-140. Renewal fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable.

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

Fee Type	When Due	Amount Due
Class C Renewal	with renewal application	\$100 \$110
Class B Renewal	with renewal application	\$135 \$150
Class A Renewal	with renewal application	\$150 \$165
Dishonored Check Fee	with replacement check	\$25

The date on which the renewal fee is received by the Department of Professional and Occupational Regulation or its agent shall determine whether the licensee is eligible for renewal or must apply for reinstatement.

18 VAC 50-22-170. Reinstatement fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus ~~the an~~ additional processing charge ~~specified below set by the department~~.

Fee Type	When Due	Amount Due
Class C Reinstatement	with reinstatement application	\$225* \$260*
Class B Reinstatement	with reinstatement application	\$285* \$325*
Class A Reinstatement	with reinstatement application	\$325* \$365*
Dishonored Check Fee	with replacement check	\$25*

* Includes renewal fee listed in 18 VAC 50-22-140.

The date on which the reinstatement fee is received by the Department of Professional and Occupational Regulation or its agent shall determine whether the licensee is eligible for reinstatement or must apply for a new license and meet the entry requirements in place at the time of that application. In order to ensure that licensees are qualified to practice as contractors, no reinstatement will be permitted once ~~six months~~ *one year* from the expiration date of the license has passed.

18 VAC 50-22-250. Fees.

Each check or money order should be made payable to the Treasurer of Virginia. All fees required by the board are nonrefundable. In the event that a check, money draft, or similar instrument for payment of a fee required by statute or regulation is not honored by the bank or financial institution named, the applicant or regulant shall be required to remit fees sufficient to cover the original fee, plus ~~the an~~ additional processing charge ~~specified below set by the department~~.

Fee Type	When Due	Amount Due
Change of Designated Employee	with change form	\$30 \$40
Change of Qualified Individual	with change form	\$30 \$40
Addition of Classification or Specialty	with addition application	\$30 \$40
Dishonored Check Fee	with replacement check	\$25

NOTICE: The forms used in administering 18 VAC 50-22, Board for Contractors Regulations, are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation,

Final Regulations

3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Introduction, 27INTRO (6/00).

Trade-Related Examinations and Qualifications Information, 27EXINFO (6/00).

License Application, 27LIC (rev. ~~5/02~~ [~~7/04~~ 8/05]).

[~~Financial Statement, 272IC (7/04).~~

Class C License Application (Short Form), 27CSF (rev. 8/05).]

Sample.

Sample Guidelines.

Additional License Classification/Specialty Designation Application, 27ADDCL (rev. ~~5/02~~ [~~7/04~~ 8/05]).

Change of Qualified Individual Application, 27CHQI (rev. ~~5/02~~ [~~7/04~~ 8/05]).

Change of Designated Employee Application, 27CHDE (rev. ~~5/02~~ [~~7/04~~ 8/05]).

Change of Corporate Officers Form, 27CHCO (6/00).

Experience Reference, 27EP (6/00).

Contractor Examination Candidate Information Bulletin, copyright 2002 by PSI Corporation.

Virginia Contractors Registration Form (7/02).

Building Technical Examination Requirements (4/00).

Certificate of License Termination, 27TERM (6/00).

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

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

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

C. Tradesman license--original fee--by examination. The fee for an initial tradesman license shall be ~~\$75~~ \$90.

D. Tradesman license--original fee--without an examination, through successful completion of an appropriate apprenticeship program offered through the Virginia Voluntary Apprenticeship Act. The fee for an initial tradesman license shall be ~~\$75~~ \$90.

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

In order to obtain the tradesman card issued by the Board for Contractors, the individual must use the current application form provided by the Department of Professional and Occupational Regulation. The fee for card exchange application and processing is ~~\$20~~ \$40. As a matter of administrative necessity, the department will assign expiration dates in a manner that will stagger renewals for these applicants. Once the initial period ends, all renewals will be for a period of 24 months.

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

In order to obtain the backflow prevention device worker certification card issued by the board, the individual must use the current application form provided by the department. The fee for the card exchange application and processing is ~~\$20~~ \$40. The term of certification will be for a period of 24 months.

G. Backflow prevention device worker certification through the "grandfather" clause of § 54.1-1131 B 2 of the Code of Virginia expired on July 1, 1999.

H. Commencing on November 1, 2001, the Department of Professional and Occupational Regulation will add the trades of liquefied petroleum gas fitter and natural gas fitter provider to the trades regulated by the Board for Contractors. The fee for the initial licensure shall be ~~\$75~~ \$90.

18 VAC 50-30-120. Renewal.

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

B. The fee for renewal of a tradesman license is ~~\$35~~ \$40. The fee for renewal of a backflow prevention device worker certification card is ~~\$35~~ \$40. All fees required by the board are nonrefundable and shall not be prorated.

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

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

The board may deny renewal of a tradesman license or a backflow prevention device worker certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

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

18 VAC 50-30-130. Reinstatement.

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

B. The fee for reinstatement of a tradesman license (all designations) is ~~\$75~~ \$90 (this is in addition to the ~~\$35~~ \$40 renewal fee, which makes the total fee for reinstatement ~~\$110~~ \$130). The reinstatement fee for a backflow prevention device worker certification card is ~~\$75~~ \$90 (this is in addition to the ~~\$35~~ \$40 renewal fee, which makes the total reinstatement fee ~~\$110~~ \$130). All fees required by the board are nonrefundable and shall not be prorated.

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

The date on which the reinstatement fee is received by the department or its agent will determine whether the license or certification card is reinstated or a new application is required.

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

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

C. The board may deny reinstatement of a tradesman license or a backflow prevention device worker certification card for the same reasons as it may refuse initial issuance or to discipline a regulant. The regulant has a right to appeal any such action by the board under the Virginia Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

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

NOTICE: The forms used in administering 18 VAC 50-30, Tradesman Rules and Regulations, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Tradesman License Application, 2710LIC (rev. ~~4/04~~ [~~7/04~~ 8/05]).

Backflow Prevention Device Worker Certification Application, 2710BPD (rev. ~~4/04~~ [~~7/04~~ 8/05]).

~~Liquefied Petroleum/Natural Gas Fitting Tradesman License Application, 2710LNG (eff. 12/01-7/04).~~

VA.R. Doc. No. R03-241; Filed May 24, 2005, 3:34 p.m.

FAIR HOUSING BOARD

Title of Regulation: **18 VAC 62-20. Fair Housing Certification Regulations (adding 18 VAC 62-20-10 through 18 VAC 62-20-180).**

Statutory Authority: § 54.1-2344 of the Code of Virginia.

Effective Date: July 15, 2005.

Agency Contact: Christine Martine, Executive Director, Fair Housing Board, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, or e-mail fhcertification@dpor.virginia.gov.

Summary:

The regulation implements Chapter 575 of the 2003 Acts of Assembly, which requires the board to establish by regulation an education-based certification program for persons subject to the Fair Housing Law who are involved in the business or activity of selling or renting dwellings. The regulation includes requirements (i) to obtain certification, (ii) to renew certification, (iii) for course provider approval, and (iv) for course approval and instructor approval. The regulations also include definitions, fees, and standards of conduct.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

Final Regulations

CHAPTER 20.
FAIR HOUSING CERTIFICATION REGULATIONS.

PART I.
GENERAL.

18 VAC 62-20-10. Applicability.

This chapter is applicable to persons subject to the Fair Housing Law (§ 36-96.1 et seq. of the Code of Virginia) who are in the business of selling or renting dwellings as defined in this chapter, except those individuals who hold a valid license issued by the Real Estate Board.

18 VAC 62-20-20. Definitions.

The following words and terms when used in this chapter, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:

"Board" means the Fair Housing Board.

"Certificate holder" means any person in the business of selling or renting dwellings holding a valid certificate issued by the board.

"Certification" means the process by which the board issues a certificate to a person certifying completion of the entry requirements established by this chapter.

"Hour" means 50 minutes.

"Person in the business of selling or renting dwellings" means any person who (i) within the preceding 12 months has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein or (ii) is the owner of any dwelling designed or intended for occupancy by or occupied by five or more families.

"Proprietary school" means (i) a privately owned school; (ii) a real estate professional association; or (iii) other entities, not under the authority of the Department of Education but approved by the Fair Housing Board to teach fair housing courses.

"Provider" means an accredited university, college, community college or high school offering adult distributive education courses, or a school offering fair housing related courses.

PART II.
ENTRY REQUIREMENTS.

18 VAC 62-20-30. Qualifications for certification.

Every applicant for fair housing certification shall have the following qualifications:

1. The applicant shall complete two hours of fair housing training approved by the board or the Real Estate Board.
2. The applicant shall have taken the two-hour fair housing training within two years of the date of application.
3. If the applicant has in the last five years been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation

Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed, then the applicant shall disclose said violations and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations.

18 VAC 62-20-40. Application fees.

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

B. The application fee for certification shall be \$25.

PART III.
RENEWAL OF CERTIFICATION.

18 VAC 62-20-50. Renewal required.

Certificates issued under this chapter shall expire two years from the last day of the month in which they were issued, as indicated on the certificate.

18 VAC 62-20-60. Qualification for renewal.

A. As a condition of renewal, all certificate holders shall be required to satisfactorily complete two hours of fair housing training approved by the board or the Real Estate Board.

B. As a condition of renewal, all certificate holders shall have taken the two-hour fair housing training within two years of the date of renewal application.

C. Each certificate holder desiring to renew the certificate shall return to the board the renewal application form and the appropriate fee as outlined in 18 VAC 62-20-90.

D. If the certificate holder has in the last two years been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed, then the certificate holder shall disclose said violations and complete an additional two hours of training in other applicable federal and state discrimination laws and regulations.

18 VAC 62-20-70. Procedures for renewal.

The board will mail a renewal notice to the certificate holder at the last known address. Failure of the certificate holder to receive these notices does not relieve the certificate holder of the obligation to renew.

18 VAC 62-20-80. Failure to renew.

A. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within 30 days of the expiration date noted on the certificate, a late renewal fee shall be required in addition to the renewal fee.

B. If the requirements for renewal of a certificate, including receipt of the fee by the board, are not completed by the certificate holder within six months of the expiration date noted

on the certificate, the certificate holder shall apply as a new applicant.

18 VAC 62-20-90. Fees for renewal.

A. All fees for renewal are nonrefundable, and the date of actual receipt by the board or its agent is the date that will be used to determine whether it is timely received.

B. Renewal fees are as follows:

Renewal fee	\$25
Late renewal fee	\$25

18 VAC 62-20-100. Board discretion to deny renewal.

The board may deny renewal of a certificate for the same reasons as it may refuse initial certification.

PART IV. STANDARDS OF CONDUCT.

18 VAC 62-20-110. Maintenance of certificates.

A. A certificate holder shall keep the board informed of his current address at all times. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A physical address is required; a post office box is not acceptable. The board shall not be responsible for the certificate holder's failure to receive notices, communications and correspondence caused by the certificate holder's failure to promptly notify the board of any change of address.

B. A certificate holder shall notify the board in writing of a name change within 30 calendar days of any change in the certificate holder's legal name. Such notification shall be accompanied by a copy of a marriage certificate, divorce decree, court order or other documentation that verifies the name change.

C. Proof of certification shall be accessible in the place of business.

PART V. EDUCATION.

18 VAC 62-20-120. Proprietary school standards; course requirements; instructor requirements.

A. Every applicant to the board for a proprietary school approval shall submit evidence of financial responsibility to ensure that these schools protect the public health, safety and welfare.

B. Every applicant to the board for approval as an instructor shall have the following qualifications:

1. The applicant shall be a qualified expert in a field related to fair housing who will teach only in the area of his expertise. Each applicant will be required to state his area of expertise and furnish proof of his expertise including, but not limited to, educational transcripts, professional certificates and letters of reference that will verify the applicant's expertise.

2. The applicant shall disclose whether in the last five years he has been found in a court or an administrative body of

competent jurisdiction to have violated the Virginia Fair Housing Act (§ 36-96.1 et seq. of the Code of Virginia), the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed.

C. Providers of fair housing courses shall submit all subjects to the board for approval prior to initially offering the course. The board shall approve each course based on the relevance of the subject to fair housing. Those providers that propose to offer courses must submit the course along with any required documentation on an application provided by the board.

D. All instructors shall provide each student with a document that the student may use as proof of course completion. The document shall contain the number of hours completed.

18 VAC 62-20-130. School renewal procedures.

A. Approval of a proprietary school shall expire two years from the last day of the month in which it was issued, as indicated on the proprietary school approval.

B. The board will mail a renewal notice to the proprietary school at the last known address. Failure of the proprietary school to receive the notice does not relieve the proprietary school of the obligation to renew.

C. If the renewal requirements are not completed within 30 days of the expiration date noted on the proprietary school approval, the proprietary school shall no longer offer board-approved courses.

18 VAC 62-20-140. Course renewal procedures.

A. Approval of a course shall expire two years from the last day of the month in which it was issued, as indicated on the approval document.

B. The board will mail a renewal notice to the course provider at the last known address. Failure of the course provider to receive the notice does not relieve the course provider of the obligation to renew.

C. If the renewal requirements are not completed within 30 days of the expiration date noted on the course approval, the course shall no longer be offered as a board approved course.

18 VAC 60-20-150. Instructor renewal procedures.

A. Approval of an instructor shall expire two years from the last day of the month in which it was issued, as indicated on the approval document.

B. The board will mail a renewal notice to the instructor at the last known address. Failure of the instructor to receive the notice does not relieve the instructor of the obligation to renew.

C. If the requirements for renewal of an approved instructor, including receipt of the fee by the board, are not completed within 30 days of the expiration date on the approval document, a reinstatement fee shall be required. Approval as an instructor may be reinstated for up to one year following

Final Regulations

the expiration date with payment of the reinstatement fee. After one year, the approval as an instructor shall not be reinstated under any circumstances and the instructor must meet all current requirements and apply as a new applicant.

18 VAC 62-20-160. Fees.

A. The application fee for approval of a proprietary school shall be \$100.

B. The renewal fee for proprietary school approval shall be \$100.

C. The application for approval as an instructor shall be \$100.

D. The renewal fee for an instructor shall be \$100.

E. The reinstatement fee for an instructor shall be \$50.

18 VAC 62-20-170. Posting of instructor approval.

Copies of the instructor approval shall be available at the location where a course is taught.

18 VAC 62-20-180. Withdrawal of approval.

The board may withdraw approval of any proprietary school, approved instructor or course for the following reasons:

1. The proprietary school, instructor or course no longer meets the standards established by the board.
2. Where the instructor has been found to have violated or cooperated with others in violating any provision of Chapter 5.1 (§ 36-96.1 et seq.) of Title 36 of the Code of Virginia, the fair housing laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27).

NOTICE: The forms used in administering 18 VAC 62-20, Fair Housing Certification Regulations, are listed and published below.

FORMS

Certification Application, 0232CERT (eff. [~~4/04~~ 7/04]).

Proprietary School Certification Application, 0234SCHL (eff. 4/04).

Fair Housing Course Approval Application, 0233CRS (eff. [~~4/04~~ 4/05]).

Instructor Application, 0231INST (eff. [~~4/04~~ 4/05]).

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-0307
www.dpor.virginia.gov



Fair Housing Board
 CERTIFICATION APPLICATION
 Fee \$25.00

A check or money order payable to the TREASURER OF VIRGINIA, or a completed credit card insert must be mailed with your application package. APPLICATION FEES ARE NOT REFUNDABLE.

1. Name _____

First	Middle	Last	Generation (SR, JR, III, etc.)
-------	--------	------	-----------------------------------
2. Social Security Number *

--	--	--

 -

--	--

 -

--	--	--	--
3. Date of Birth _____
4. Home Address _____
 City, State, Zip Code _____
5. Mailing Address _____
 City, State, Zip Code _____
6. E-mail Address _____
7. Telephone & Facsimile Numbers

() - () - () -	() - () - () -	() - () - () -
Telephone	Facsimile	Beeper/Cellular
8. Within the last five years, have you been found in a court or an administrative body of competent jurisdiction to have violated the Virginia Fair Housing Act, the Fair Housing Laws of any jurisdiction of the United States including without limitation Title VIII of the Civil Rights Act of 1968 (82 Stat. 73), or the Civil Rights Act of 1866 (14 Stat. 27), there being no appeal therefrom or the time for appeal having elapsed?
 No
 Yes If yes, list the violation and attach a certified copy of the final order, decree, case decision or conciliation agreement by a court or regulatory agency with lawful authority to issue such order, decree, decision or agreement. **An additional 2 hours of training in other applicable federal and state discrimination laws and regulations is required.**
9. Have you successfully completed 2 hours of fair housing training within 2 years of the date of this application?
 No If no, this application cannot be processed.
 Yes If yes, please attach an original or certified copy of your certificate of course completion.

By signing this application, you acknowledge that if you are not a Virginia resident, or move outside of Virginia while you hold a Virginia Fair Housing Certification, you understand that this application serves as a written power of attorney, whereby you appoint the Director of the Department of Professional and Occupational Regulation, and his/her successors in office, to be your true and lawful agent and attorney-in-fact, in your stead, upon whom all legal process against and notice to you may be served and who is hereby authorized to enter an appearance in your behalf in any case or proceedings arising out of the trade or profession practiced; and that by submitting this application you hereby agree that any lawful process against you which is duly served on said agent and attorney-in-fact shall be of the same legal force and validity as if served upon you.

10. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I will notify the Department if I am subject to any disciplinary action or convicted of any fair housing violations (in any jurisdiction) prior to receiving the requested certification. I also certify that I understand, and have complied with, all the laws of Virginia related to fair housing certification under the provisions of Title 54.1, Chapter 23.2 of the Code of Virginia and the Virginia Fair Housing Certification Regulations.

Signature _____ Date _____

* State law requires every applicant for a license, certificate, registration, or other authorization to engage in a business, trade, profession, or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
				0232	

0732/CERT (07/26/04)

Fair Housing Board/CERT APP

Final Regulations

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-0307
www.dpor.virginia.gov



Fair Housing Board
PROPRIETARY SCHOOL CERTIFICATION APPLICATION
 Fee \$100.00

A check or money order payable to the TREASURER OF VIRGINIA, or a completed credit card insert must be mailed with your application package. APPLICATION FEES ARE NOT REFUNDABLE.

1. Name of School _____
2. Federal Employer Identification No. -
3. Street Address (PO Box not accepted) _____
 City, State, Zip Code _____
4. Mailing Address (PO Box accepted) _____
 City, State, Zip Code _____
5. E-mail Address _____ Address where electronic communication from the Board can be sent (an owner/manager e-mail address is acceptable).
6. Telephone and Facsimile Numbers () - () -
 Telephone Facsimile
7. Type of school (select only one)
 Privately owned school
 Real estate professional association
 Other _____
8. School owner(s) - enter the name of the proprietor, partnership, association, limited liability company, or corporation _____
9. Name & Title of School Contact Person _____
10. Method of instruction (select all that apply)
 Classroom
 Correspondence
 On-line
 Other distance learning, describe _____
11. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application. I certify that the school has complied with all the laws of Virginia related to fair housing school certification under the provisions of Title 54.1, Chapter 23.2 of the Code of Virginia and the Virginia Fair Housing Certification Regulations.
 Contact Person's Signature _____ Date _____

Additional Documentation Required

- ✓ Evidence of financial responsibility prepared by an independent source
- ✓ School catalog or bulletin

OFFICE USE ONLY	DATE	FEE	CLASS OF FEE	LICENSE NUMBER	ISSUE DATE
				0234	

0234SCHL (04/22/04)

Fair Housing Board/PROP SCHL CERT APP

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Richmond, Virginia 23230-4917
 (804) 367-0307
www.dpor.virginia.gov



Fair Housing Board
FAIR HOUSING COURSE APPROVAL APPLICATION
 No Fee Required

Once approved, a course may not be substantially altered. A substantial alteration is any change that would modify the content or time allocations stated in the course outline or change any of the stated course topics. If a course is altered, the revised/new course must be submitted for approval by the Board. Applicants are required to notify the Board concerning any changes in administrative information.

1. Name of Course Sponsor _____
2. Federal Employer Identification Number -
3. Street Address (PO Box not accepted) _____
 City, State, Zip Code _____
4. Mailing Address (PO Box accepted) _____
 City, State, Zip Code _____
5. E-mail Address _____
6. Telephone & Facsimile Numbers () - () - _____
 Telephone Facsimile
7. Type of Institution
 Proprietary School
 Real Estate Professional Association
 Other _____
8. Individual responsible for course administration _____
- A. Presentation
 Classroom
 Correspondence Correspondence and other distance learning courses (non-classroom) must include appropriate testing procedures to verify completion of the course.
 On-line
 Other _____
- B. Method of monitoring attendance _____
- C. Method of maintaining records _____
- D. Proposed education hours: Fair Housing * _____
* Must be a minimum of 2 hours and include an update on current cases and administrative decisions under Fair Housing Laws.
9. I, the undersigned, certify that the foregoing statements and answers are true, and I have not suppressed any information that might affect the Board's decision to approve this application.
 Sponsor Signature _____ Date _____

Please attach 4 copies of the following information and label according to the number listed below (i.e., label syllabus #1, label advertisement #7):

1. A course syllabus listing the main points of the course
2. Name, address and qualifications of instructors
3. A comprehensive outline.
4. A summary of how the course will benefit the fair housing professional and increase the protection of the general public
5. A copy of course materials either distributed or used in presentation such as handouts, pamphlets and overheads
6. A copy of the certificate of completion
7. A copy of proposed advertisement for the course (if available).
8. Submit a Proprietary School Application if you are not a Virginia Real Estate Board or Fair Housing Board approved school.

OFFICE USE ONLY	APPROVAL NO. 0233	FAIR HOUSING HOURS	DATE
-----------------	----------------------	--------------------	------

BOARD OF MEDICINE

REGISTRAR'S NOTICE: The Board of Medicine is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Medicine will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18 VAC 85-20. Regulations Governing the Practice of Doctors of Medicine, Osteopathic Medicine, Podiatry and Chiropractic (amending 18 VAC 85-20-30 and 18 VAC 85-20-100).**

Statutory Authority: §§ 54.1-2400 and 54.1-2915 of the Code of Virginia.

Effective Date: July 13, 2005.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

Summary:

The amendments correct citations to the Code of Virginia as amended by Chapter 163 of the 2005 Acts of Assembly.

18 VAC 85-20-30. Advertising ethics.

A. Any statement specifying a fee, whether standard, discounted or free, for professional services which does not include the cost of all related procedures, services and products which, to a substantial likelihood, will be necessary for the completion of the advertised service as it would be understood by an ordinarily prudent person shall be deemed to be deceptive or misleading, or both. Where reasonable disclosure of all relevant variables and considerations is made, a statement of a range of prices for specifically described services shall not be deemed to be deceptive or misleading.

B. Advertising a discounted or free service, examination, or treatment and charging for any additional service, examination, or treatment which is performed as a result of and within 72 hours of the initial office visit in response to such advertisement is unprofessional conduct unless such professional services rendered are as a result of a bonafide emergency. This provision may not be waived by agreement of the patient and the practitioner.

C. Advertisements of discounts shall disclose the full fee that has been discounted. The practitioner shall maintain documented evidence to substantiate the discounted fees and shall make such information available to a consumer upon request.

D. A licensee or certificate holder's authorization of or use in any advertising for his practice of the term "board certified" or any similar words or phrase calculated to convey the same meaning shall constitute misleading or deceptive advertising under ~~§ 54.1-2914~~ § 54.1-2915 of the Code of Virginia, unless

the licensee or certificate holder discloses the complete name of the specialty board which conferred the aforementioned certification.

E. It shall be considered unprofessional conduct for a licensee of the board to publish an advertisement which is false, misleading, or deceptive.

18 VAC 85-20-100. Sexual contact with patients.

A. For purposes of ~~§ 54.1-2914 A 16~~ § 54.1-2915 A 19 of the Code of Virginia, sexual contact between a practitioner and a patient includes, but is not limited to, sexual behavior or involvement with a patient including verbal or physical behavior which:

1. May reasonably be interpreted as intended for the sexual arousal or gratification of the practitioner, the patient, or both; or

2. May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it.

B. The determination of when a person is a patient for purposes of ~~§ 54.1-2914 A 16~~ § 54.1-2915 A 19 of the Code of Virginia is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the practitioner and the person. The fact that a person is not actively receiving treatment or professional services from a practitioner is not determinative of this issue. A person is presumed to remain a patient until the patient-practitioner relationship is terminated. Sexual contact between a practitioner and a former patient after termination of the practitioner-patient relationship may still constitute unprofessional conduct if the sexual contact is a result of the exploitation of trust, knowledge, or influence of emotions derived from the professional relationship.

C. A patient's consent to, initiation of, or participation in sexual behavior or involvement with a practitioner does not change the nature of the conduct nor lift the statutory prohibition.

VA.R. Doc. No. R05-209; Filed May 25, 2005, 9:38 a.m.

BOARD OF NURSING

REGISTRAR'S NOTICE: The Board of Nursing is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Nursing will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18 VAC 90-20. Regulations Governing the Practice of Nursing (amending 18 VAC 90-20-230).**

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

Effective Date: July 13, 2005.

Agency Contact: Elaine J. Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 6603 West Broad Street, Richmond, VA 23230, telephone (804) 662-

Final Regulations

9918, FAX (804) 662-9114 or e-mail elaine.yeatts@dhp.virginia.gov.

Summary:

The amendment sets the minimum period for reinstatement of a license to practice nursing after revocation at three years in conformance with § 54.1-2408.2 of the Code of Virginia.

18 VAC 90-20-230. Reinstatement of licenses.

A. A nurse whose license has lapsed may be reinstated within one renewal period by payment of the current renewal fee and the late renewal fee.

B. A nurse whose license has lapsed for more than one renewal period shall:

1. File a reinstatement application and pay the reinstatement fee; and
2. Provide evidence of completing 15 hours of continuing education in nursing approved by a regionally accredited educational institution or professional nursing organization or of passage of National Council Licensing Examination during the period in which the license has been lapsed.

C. The board may waive all or part of the continuing education requirement for a nurse who holds a current, unrestricted license in another state and who has engaged in active practice during the period the Virginia license was lapsed.

D. A nurse whose license has been suspended or revoked by the board may apply for reinstatement by filing a reinstatement application, fulfilling requirements for continuing competency as required in subsection B of this section and paying the fee for reinstatement after suspension or revocation. A nurse whose license has been revoked may not apply for reinstatement sooner than ~~two~~ three years from entry of the order of revocation.

E. The board may request additional evidence that the nurse is prepared to resume practice in a competent manner.

VA.R. Doc. No. R05-201; Filed May 20, 2005, 2:27 p.m.

BOARD FOR OPTICIANS

Title of Regulation: 18 VAC 100-20. Board for Opticians Regulations (amending 18 VAC 100-20-54 and 18 VAC 100-20-81).

Statutory Authority: §§ 54.1-113, 54.1-201 and 54.1-304 of the Code of Virginia.

Effective Date: August 1, 2005.

Agency Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, or e-mail karen.oneal@dpor.virginia.gov.

Summary:

The amendments increase fees and reduce the timeframe within which an optician licensee can pay a late renewal fee versus a reinstatement fee.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

18 VAC 100-20-54. Fees.

A. The fee for examination or examinations shall consist of the combination of an administrative charge of ~~\$40~~ \$25 (spectacle), \$25 (contact lens), and the appropriate contract charges. Examination service contracts shall be established in compliance with the Virginia Public Procurement Act (~~§ 41-35~~ § 2.2-3700 et seq. of the Code of Virginia). The total examination fee shall not exceed a cost of ~~\$300~~ \$1,000 to the applicant.

B. All application fees for licenses are nonrefundable and the date of receipt by the board or its agent is the date which will be used to determine whether it is on time.

C. Application and examination fees must be submitted with the application for licensure.

The following fees shall apply:

FEE TYPE	AMOUNT DUE	WHEN DUE
Application for licensure by examination or out of state applicants	\$55 \$100	With application
Application for contact lens certification by examination or for out of state applicants	\$70 \$100	With application
Renewal	\$60 \$100	Up to the expiration date on the license with a 30-day grace period
Late renewal (in addition to includes renewal fee)	\$25 \$125	Up to 12 months Between 30 and 60 days after the expiration date on the license
Reinstatement (includes renewal and late renewal fees)	\$100 \$225	After 12 calendar months 60 days following the expiration date on the license
Duplicate wall certificate	\$25	With written request

18 VAC 100-20-81. Reinstatement required.

A. If a licensee fails to renew his license within ~~42 months~~ 60 days after the expiration date on the license, the licensee must apply for reinstatement on a form provided by the board.

1. Individuals for reinstatement shall continue to meet the standards of entry as set out in subdivisions 1 through 8 of 18 VAC 100-20-10.
2. Individuals for reinstatement shall submit the required fee as set out in 18 VAC 100-20-54.

B. Twenty-four months after expiration of the license, the individual may be reinstated if he can show proof of continuous, active, ethical and legal practice outside of Virginia. If not, the individual must show proof of completion of a board-approved review course which measures current competence. Credit will not be allowed for any review course which has not been approved by the board prior to administration of the course.

C. Sixty months after expiration of the license, the individual, who cannot show proof of continuous, active, ethical and legal practice outside of Virginia, shall be required to apply as a new applicant for licensure. He shall be required to meet all current education requirements and retake the board's written and practical examination.

D. The board, in its discretion and for just cause, may deny reinstatement of a license. Upon such denial, the applicant for reinstatement may request that a proceeding be held in accordance with the provisions of the Administrative Process Act ([~~§ 9-6-14:4~~ 2.2-4000] et seq. of the Code of Virginia).

E. A licensee who reinstates his license shall be regarded as having been continually licensed without interruption. Therefore, the licensee shall remain under the disciplinary authority of the board during the entire period and may be held accountable for his activities during this period. Nothing in these regulations shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of licensure as set out in this provision.

NOTICE: The forms used in administering the Board for Opticians Regulations (18 VAC 100-20) are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia 23230-1066, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

- License and Examination Application, 11LIC (rev. ~~44/99~~ 2004).
- Contact Lens Endorsement Application, 11CLEND (eff. ~~44/99~~ rev. 2004).
- Reciprocity Application, 11REC (eff. 2004).
- Reinstatement Application, ~~REINSTATE APP 11REI~~ (eff. ~~9/99~~ rev. 2004).

VA.R. Doc. No. R03-265; Filed May 24, 2005, 1:54 p.m.

Title of Regulation: 18 VAC 100-20. Board for Opticians Regulations (adding 18 VAC 100-20-53).

Statutory Authority: §§ 54.1-201 and 54.1-1701 of the Code of Virginia.

Effective Date: August 1, 2005.

Agency Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, or e-mail karen.oneal@dpor.virginia.gov.

Summary:

The amendments establish registration for voluntary practice by out-of-state licensees pursuant to Chapter 740 of the 2002 Acts of Assembly.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

18 VAC 100-20-53. Registration for voluntary practice by out-of-state licensees.

Any optician who does not hold a license to practice in Virginia and who seeks registration in accordance with subdivision 5 of § 54.1-1701 of the Code of Virginia shall:

1. *File a complete application for registration on a form provided by the board within 15 days prior to engaging in such practice. An incomplete application will not be considered;*
2. *Provide a complete list of professional licensure in each state in which he has held a license and a copy of any current license;*
3. *Provide a name of the nonprofit organization, the dates and location of the voluntary provision of services; and*
4. *Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with the provisions of subdivision 5 of § 54.1-1701 of the Code of Virginia.*

NOTICE: The forms used in administering 18 VAC 100-20, Board for Opticians Regulations, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

- License Application, 11LIC (rev. 11/99).
- Contact Lens Endorsement Application, 11CLEND (eff. 11/99).
- Reinstatement Application, REINSTATE APP (eff. 9/99).
- Voluntary Practice Registration Application, 11VOLREG (eff. 7/03).
- Sponsor Certification for Voluntary Practice Registration, 11VRSPCERT (eff. 7/03).

Final Regulations

Commonwealth of Virginia
 Department of Professional and Occupational Regulation
 3600 West Broad Street
 Post Office Box 11066
 Richmond, Virginia 23230-1066
 (804) 367-8509



Board for Opticians VOLUNTARY PRACTICE REGISTRATION APPLICATION No Fee Required

In accordance with § 54.1-1701(5) of the *Code of Virginia*, any optician who (i) does not regularly practice in Virginia, (ii) holds a current valid license or certificate to practice as an optician in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world may apply for a **Registration for Voluntary Practice**.

☛ **A completed application for registration must be received by the Virginia Board for Opticians at least 15 days prior to the voluntary provision of services.**

1. Name _____
 First Middle Last Generation (SR, JR, III)

2. Social Security Number *

--	--	--

 -

--	--

 -

--	--	--	--	--

3. Date of Birth _____

4. Street Address (PO Box not accepted) _____
 City, State, Zip Code _____

5. Mailing Address (PO Box accepted) _____
 City, State, Zip Code _____

6. E-mail Address _____

7. Telephone & Facsimile Numbers () - () - () -
 Telephone Facsimile Beeper/Cellular

8. Do you hold a current or expired optician license, certification or registration issued by another state?
 No If no, you are not eligible to register for voluntary practice in the Commonwealth of Virginia.
 Yes If yes, list all the licenses, certificates, and registrations in the following table. Please attach a copy of any current license(s) to this application.

State/Jurisdiction	License Number	Expiration Date

9. Name of Nonprofit Organization _____

10. Dates and Location of voluntary provision of services:

11. I, the undersigned, certify that the foregoing statements and answers are true and I have not suppressed any information that might affect the Board's decision to approve this application. I understand that the voluntary practice registration shall only be valid, in compliance under the provisions of Title 54.1, Chapter 17 of the *Code of Virginia* and the *Virginia Board for Opticians Regulations*, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and locations filed on this application.

Signature _____ Date _____

* State law requires every applicant for a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth to provide a social security number or a control number issued by the Virginia Department of Motor Vehicles.

OFFICE USE ONLY	DATE		REGISTRATION NUMBER	ISSUE DATE
			1102	

Commonwealth of Virginia
Department of Professional and Occupational Regulation
3600 West Broad Street
Post Office Box 11066
Richmond, Virginia 23230-1066
(804) 367-8509



**Board for Opticians
SPONSOR CERTIFICATION FOR VOLUNTARY PRACTICE REGISTRATION**

In accordance with § 54.1-1701(5) of the *Code of Virginia*, any optician who (i) does not regularly practice in Virginia, (ii) holds a current valid license or certificate to practice as an optician in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world may apply for a **Registration for Voluntary Practice**.

☞ This Sponsor Certification must accompany the Voluntary Practice Registration Application when submitted to the Virginia Board for Opticians at least 15 days prior to the voluntary provision of services.

TO BE COMPLETED BY A REPRESENTATIVE OF THE NONPROFIT ORGANIZATION SPONSORING THE VOLUNTEER PRACTICE.

Name of Nonprofit Organization _____
Sponsor/Representative of Nonprofit Organization _____
Title of Organization's Sponsor/Representative _____

Pursuant to 18 VAC 100-20-53 of the *Virginia Board for Opticians Regulations*, I hereby certify that the above-named organization is a publicly supported all volunteer, nonprofit organization with no paid employees that sponsors the provision of health care to populations of underserved people throughout the world. Furthermore, I attest to the organization's compliance with the provisions of § 54.1-1701(5) of the *Code of Virginia* and 18 VAC 100-20-53 of *Virginia Board for Opticians Regulations*.

Sponsor/Representative Signature _____ Date _____

Notarization

In the State of _____, City/County of _____, subscribed and sworn before me, the undersigned Notary Public in and for the City/County aforesaid this _____, day of _____, _____.
My commission expires the _____, day of _____, _____.

Affix official seal here.

Signature of Notary Public

Final Regulations

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

Title of Regulation: 18 VAC 120-40. Virginia Professional Boxing and Wrestling Events Regulations (amending 18 VAC 120-40-50).

Statutory Authority: § 54.1-831 of the Code of Virginia.

Effective Date: August 1, 2005.

Agency Contact: Karen W. O'Neal, Deputy Director for Licensing and Regulation, Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, VA 23230, telephone (804) 367-8537, FAX (804) 367-2475, or e-mail karen.oneal@dpor.virginia.gov.

Summary:

The amendments increase licensure application fees associated with professional boxing and wrestling.

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.

18 VAC 120-40-50. Fees.

A. Each applicant shall submit the following fee along with the application for licensure:

Boxer	\$20 \$40
Wrestler	\$20 \$40
Manager	\$30 \$50
Promoter	\$300 \$500
Trainer, second, and cutman	\$20 \$40
Matchmaker	\$50

B. Each application for a boxing event license shall be accompanied by the following fee:

1. Scheduled events of 42 rounds or fewer, with no more than one nontitle 10- or 12-round bout - ~~\$1,000~~ \$1,500.
2. Scheduled events exceeding 42 rounds, with more than one nontitle 10- or 12-round bout or any event with a title bout - \$2,000.

C. Each application for a wrestling event license shall be accompanied by a fee of ~~\$75~~ \$125.

D. All fees are nonrefundable.

VA.R. Doc. No. R03-266; Filed May 19, 2005, 11:45 a.m.

BOARD OF PSYCHOLOGY

Title of Regulation: 18 VAC 125-15. Regulations Governing Delegation to an Agency Subordinate (adding 18 VAC 125-15-10, 18 VAC 125-15-20, and 18 VAC 125-15-30).

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

Effective Date: July 13, 2005.

Agency Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 West Broad Street, 5th

Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, or e-mail evelyn.brown@dhp.virginia.gov.

Summary:

The regulation establishes the criteria for delegation of informal fact-finding proceedings to an agency subordinate, including the decision to delegate at the time of a probable cause determination, the types of cases that cannot be delegated, and the individuals who may be designated as agency subordinates.

The regulation will replace emergency regulations that have been in effect since July 28, 2004.

Summary of Public Comments and Agency's Response: No public comments were received by the promulgating agency.

18 VAC 125-15-10. Decision to delegate.

In accordance with § 54.1-2400 (10) of the Code of Virginia, the board may delegate an informal fact-finding proceeding to an agency subordinate upon determination that probable cause exists that a practitioner may be subject to a disciplinary action.

18 VAC 125-15-20. Criteria for delegation.

Cases that may not be delegated to an agency subordinate include violations of standards of practice as set forth in regulations governing each profession certified or licensed by the board, except as may otherwise be determined by the probable cause committee in consultation with the board chair.

18 VAC 125-15-30. Criteria for an agency subordinate.

A. An agency subordinate authorized by the board to conduct an informal fact-finding proceeding may include board members and professional staff or other persons deemed knowledgeable by virtue of their training and experience in administrative proceedings involving the regulation and discipline of health professionals.

B. The executive director shall maintain a list of appropriately qualified persons to whom an informal fact-finding proceeding may be delegated.

C. The board may delegate to the executive director the selection of the agency subordinate who is deemed appropriately qualified to conduct a proceeding based on the qualifications of the subordinate and the type of case being heard.

VA.R. Doc. No. R04-261; Filed May 20, 2005, 2:26 p.m.



TITLE 22. SOCIAL SERVICES

CHILD DAY-CARE COUNCIL

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with (i) § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved, and (ii) § 2.2-4006 A 3 of the Code of Virginia, which excludes regulations that consist only of changes in style or form or corrections of technical errors.

Title of Regulation: 22 VAC 15-51. Background Checks for Licensed Child Day Centers (amending 22 VAC 15-51-50).

Statutory Authority: §§ 63.2-1734 and 63.2-1735 of the Code of Virginia.

Effective Date: July 13, 2005.

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

Summary:

The amendment reflects a provision added to the Code of Virginia by the 2005 General Assembly that a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense, as defined in § 18.2-57 of the Code of Virginia, if 10 years have elapsed following the conviction unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

22 VAC 15-51-50. Explaining requirements for satisfactory background checks.

A. The department must require documentation of satisfactory background checks for applicants, agents, employees, and volunteers. Background checks information must be made available to department representatives upon request. A satisfactory sworn statement or affirmation is a fully completed original that states that:

1. The person does not have a criminal conviction that is a barrier crime or is any felony conviction within the last five years;
2. The person is not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and
3. There is no other knowledge that the individual has an unsatisfactory background.

Criminal convictions include prior adult convictions and juvenile convictions or adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth. Convictions also include convictions in other states that are equivalent to the barrier crimes set out in this regulation.

A satisfactory central registry finding is one in which:

1. A copy of the department's child protective services check form is returned to the center indicating that, as of the date on the reply, the individual whose name was searched is not identified in the Central Registry of Founded Child Abuse/Neglect Investigations as an involved caregiver with a founded disposition of child abuse/neglect, and
2. There is no other knowledge that the individual has a founded disposition in Virginia or elsewhere.

A satisfactory criminal history record check report is one in which:

1. An original hard copy or Internet inquiry reply from the Department of State Police is returned to the center with no convictions indicated or convictions indicated, but no barrier crimes or other felony convictions in the last five years; and
2. There is no other knowledge that the individual has a barrier crime, or other felony conviction in the past five years, in Virginia or elsewhere.

A child day center may hire for compensated employment a person who has been convicted of not more than one misdemeanor of assault and battery, as defined in § 18.2-57 of the Code of Virginia, if 10 years have elapsed following the conviction unless the person committed the offense while employed in a day care center or the object of the offense was a minor.

B. Background checks results are not open-ended.

1. If a person leaves a center and the criminal history record report or central registry check finding is less than 91 days old, the person must be permitted to take the report or reports with him.
2. The center must keep a copy of any report a person takes and write on it that it is a copy, and that the original of any criminal history record report was verified.
3. Unless there is a criminal conviction or a founded complaint of child abuse and neglect during that period, a background check remains valid at a center if no more than 12 consecutive months have passed from when a person:
 - a. Began a leave of absence from that center;
 - b. Was terminated from employment at that center; or
 - c. Was transferred to a center owned and operated by the same employer or entity.
4. If there is reason to suspect that a person who has submitted acceptable background checks, as required by this regulation, has a disqualifying background, the center or the department may require new background checks relevant to this suspicion.
5. When the center or the department chooses to require a new background check, the center or the department:
 - a. May allow the person to continue the same relationship with the center until the center or the department receives the new Virginia background check information or equivalent documentation from another state, or

Final Regulations

b. Must require that the person not be alone with children, even if the documentation is not Virginia background check information or equivalent information from another state.

C. Waivers of some criminal convictions are possible. Refer to 22 VAC 40-191-90 through 22 VAC 40-191-130 of Background Checks for Child Welfare Agencies for an explanation of the waiver.

VA.R. Doc. No. R05-193; Filed May 13, 2005, 1:55 p.m.



EMERGENCY REGULATIONS

TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: 12 VAC 30-50. Amount, Duration, and Scope of Medical and Remedial Care Services (amending 12 VAC 30-50-520).

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

Effective Dates: May 27, 2005, through May 26, 2006.

Agency Contact: Brian McCormick, Regulatory Supervisor, Policy and Research Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-8856, FAX (804) 786-1680, or e-mail brian.mccormick@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 suggested emergency regulation meets the standard of § 2.2-4011(i) as discussed below.

Virginia has become aware that there is a segment of the Medicaid population that are convicted sex offenders who may have access to Medicaid coverage of drugs used to treat erectile dysfunction. The Governor has determined that use of such drugs by convicted sex offenders constitutes an imminent threat to the health or safety of the citizens of the Commonwealth. In addition to concern for the citizens of the Commonwealth, DMAS has received direction from the federal Medicaid authority concerning the coverage of erectile dysfunction drug for sex offenders. In a May 23, 2005, letter to State Medicaid Directors, the Centers for Medicare and Medicaid Services (CMS) advised states that "the use of these drugs in the case of a sex offender is not appropriate and Medicaid should not pay for the cost of such drugs in such circumstances." The letter further advised that CMS would no longer provide federal financial participation for erectile dysfunction drugs dispensed to convicted sex offenders.

The purpose of this regulatory action is to halt Medicaid reimbursement for erectile dysfunction drugs for convicted sex offenders. This action is accomplished by adding to the list of noncovered drugs described in 12 VAC 30-50-520 erectile dysfunction drugs for convicted sex offenders.

12 VAC 30-50-520. Drugs or drug categories which are not covered.

A. Agents when used for anorexia or weight gain. Coverage of anorexiant for other than weight loss requires medical justification. FDA-approved drug therapies and agents for

weight loss, when preauthorized, will be covered for recipients who meet the strict disability standards for obesity established by the Social Security Administration in effect on April 7, 1999, and whose condition is certified as life threatening, consistent with Department of Medical Assistance Services' medical necessity requirements, by the treating physician.

B. Agents when used for cosmetic purposes or hair growth.

1. Minoxidil shall not be covered when prescribed for hair growth or other cosmetic purposes.

2. Agents containing hydroquinone or its derivatives which are used solely for depigmentation of the skin.

C. Agents used to promote fertility.

D. Expired drugs. Drugs dispensed past the labeled expiration date.

E. DESI Drugs. The Program shall not provide reimbursement for drugs determined by the Food and Drug Administration (FDA) to lack substantial evidence of effectiveness.

F. Nonlegend drugs. Nonlegend drugs, with those exceptions shown in 12 VAC 30-50-100 et seq., shall not be covered.

G. Agents used to treat erectile dysfunction. The Program shall not provide reimbursement for drugs used for the treatment of erectile dysfunction for persons who have been convicted of a sex offense or a crime against a minor and are listed in the State Police Offender and Crimes Against Minors Registry established under the Code of Virginia § 9.1-902 et seq., as amended.

/s/ Mark R. Warner
Governor
Date: May 26, 2005

VA.R. Doc. No. R05-211; Filed May 27, 2005, 9:19 a.m.

Titles of Regulations: 12 VAC 30-60. Standards Established and Methods Used to Assure High Quality Care (amending 12 VAC 30-60-40 and 12 VAC 30-60-350).

12 VAC 30-90. Methods and Standards for Establishing Payment Rates for Long-Term Care (amending 12 VAC 30-90-41).

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

Effective Dates: July 1, 2005, through June 30, 2006.

Agency Contact: Suzanne Klaas, Project Manager, 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,

Emergency Regulations

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 emergency regulation meets the standard at § 2.2-4011 (ii) as discussed below.

The Department of Medical Assistance Services (DMAS) was directed by the 2004 Acts of Assembly, Chapter 4, Item 326 RR to provide an additional \$10 per day reimbursement to nursing facilities for residents who require a specialized treatment bed due to their having at least one treatable Stage IV pressure ulcer. Item 326 RR requires that emergency regulations to enact this item of the appropriation act be promulgated within 280 days or less from the enactment of the act.

The purpose of this action is to provide additional reimbursement (\$10 per day) to nursing facilities (NF) for residents who require specialized treatment beds due to their having at least one treatable Stage IV pressure ulcer. NFs following established clinical practice guidelines for pressure ulcer prevention may not be able to prevent the development and worsening of pressure ulcers in high-risk individuals. Risk factors, as identified by the National Institutes of Health, include immobility, incontinence, inadequate dietary intake or impaired nutritional status, and altered levels of consciousness. The cost to NFs of providing specialized treatment beds frequently exceeds what is covered through the current NF reimbursement methodology. The additional \$10 per day reimbursement for specialized treatment beds is intended to help defray the cost to NFs of providing these beds to residents with Stage IV pressure ulcers.

12 VAC 30-60-40. Utilization control: Nursing facilities.

A. Long-term care of residents in nursing facilities will be provided in accordance with federal law using practices and procedures that are based on the resident's medical and social needs and requirements. All nursing facility services, including specialized care, shall be provided in accordance with guidelines found in the Virginia Medicaid Nursing Home Manual.

B. Nursing facilities must conduct initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity. This assessment must be conducted no later than 14 days after the date of admission and promptly after a significant change in the resident's physical or mental condition. Each resident must be reviewed at least quarterly, and a complete assessment conducted at least annually.

C. The Department of Medical Assistance Services shall periodically conduct a validation survey of the assessments completed by nursing facilities to determine that services provided to the residents are medically necessary and that needed services are provided. The survey will be composed of a sample of Medicaid residents and will include review of both current and closed medical records.

D. Nursing facilities must submit to the Department of Medical Assistance Services resident assessment information at least every six months for utilization review. If an assessment completed by the nursing facility does not reflect accurately a

resident's capability to perform activities of daily living and significant impairments in functional capacity, then reimbursement to nursing facilities may be adjusted during the next quarter's reimbursement review. Any individual who willfully and knowingly certifies (or causes another individual to certify) a material and false statement in a resident assessment is subject to civil money penalties.

E. In order for reimbursement to be made to the nursing facility for a recipient's care, the recipient must meet nursing facility criteria as described in 12 VAC 30-60-300 (Nursing facility criteria). *In order for the additional \$10 per day reimbursement to be made to the nursing facility for a recipient requiring a specialized treatment bed, the recipient must meet criteria as described in 12 VAC 30-60-350. Nursing facilities must obtain prior authorization for the reimbursement. DMAS shall provide the additional \$10 per day reimbursement for recipients meeting criteria for no more than 246 days annually. Nursing facilities may receive the reimbursement for up to 82 days per new occurrence of a Stage IV ulcer. There must be at least 30 days between each reimbursement period. Limits are per recipient, regardless of the number of providers rendering services. Nursing facilities are not eligible to receive this reimbursement for recipients enrolled in the specialized care program.*

In order for reimbursement to be made to the nursing facility for a recipient requiring specialized care, the recipient must meet specialized care criteria as described in 12 VAC 30-60-320 (Adult ventilation/tracheostomy specialized care criteria) or 12 VAC 30-60-340 (Pediatric and adolescent specialized care criteria). Reimbursement for specialized care must be preauthorized by the Department of Medical Assistance Services. In addition, reimbursement to nursing facilities for residents requiring specialized care will only be made on a contractual basis. Further specialized care services requirements are set forth below.

In each case for which payment for nursing facility services is made under the State Plan, a physician must recommend at the time of admission, or if later, the time at which the individual applies for medical assistance under the State Plan, that the individual requires nursing facility care.

F. For nursing facilities, a physician must approve a recommendation that an individual be admitted to a facility. The resident must be seen by a physician at least once every 30 days for the first 90 days after admission, and at least once every 60 days thereafter. At the option of the physician, required visits after the initial visit may alternate between personal visits by the physician and visits by a physician assistant or nurse practitioner.

G. When the resident no longer meets nursing facility criteria or requires services that the nursing facility is unable to provide, then the resident must be discharged.

H. Specialized care services.

1. Providers must be nursing facilities certified by the Division of Licensure and Certification, State Department of Health, and must have a current signed participation agreement with the Department of Medical Assistance Services to provide nursing facility care. Providers must agree to provide care to at least four residents who meet

the specialized care criteria for children/adolescents or adults.

2. Providers must be able to provide the following specialized services to Medicaid specialized care recipients:

- a. Physician visits at least once weekly (after initial physician visit, subsequent visits may alternate between physician and physician assistant or nurse practitioner);
- b. Skilled nursing services by a registered nurse available 24 hours a day;
- c. Coordinated multidisciplinary team approach to meet the needs of the resident;
- d. Infection control;
- e. For residents under age 21 who require two of three rehabilitative services (physical therapy, occupational therapy, or speech-language pathology services), therapy services must be provided at a minimum of 90 minutes each day, five days per week;
- f. Ancillary services related to a plan of care;
- g. Respiratory therapy services by a board-certified therapist (for ventilator patients, these services must be available 24 hours per day);
- h. Psychology services by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical nurse specialist-psychiatric related to a plan of care;
- i. Necessary durable medical equipment and supplies as required by the plan of care;
- j. Nutritional elements as required;
- k. A plan to assure that specialized care residents have the same opportunity to participate in integrated nursing facility activities as other residents;
- l. Nonemergency transportation;
- m. Discharge planning; and
- n. Family or caregiver training.

3. Providers must coordinate with appropriate state and local agencies for educational and habilitative needs for Medicaid specialized care recipients who are under the age of 21.

12 VAC 30-60-350. ~~[Reserved]~~ Criteria for coverage of specialized treatment beds.

A. DMAS will pay \$10 per day toward the cost of specialized treatment beds for eligible NF recipients who have at least one treatable Stage IV pressure ulcer. Specialized treatment bed means either an air-fluidized bed or a low-air-loss bed. To be approved for this service, the following criteria must be met:

1. *The individual must have at least one Stage IV pressure ulcer as documented on the MDS.*

2. *The individual must require the use of a specialized treatment bed as ordered by a physician for the treatment of at least one Stage IV pressure ulcer.*

3. *The nursing facility must obtain authorization by submitting the authorization request to DMAS or the preauthorization agent.*

B. Nursing facilities shall not be eligible to receive this additional payment for residents who are enrolled in the specialized care program.

C. Limits. DMAS shall provide the additional \$10 per day reimbursement for recipients meeting criteria for no more than 246 days annually. Nursing facilities may receive the reimbursement for up to 82 days per new occurrence of a Stage IV ulcer. There must be at least 30 days between each reimbursement period. Limits are per recipient, regardless of the number of providers rendering services.

12 VAC 30-90-41. Nursing facility reimbursement formula.

A. Effective on and after July 1, 2002, all NFs subject to the prospective payment system shall be reimbursed under "The Resource Utilization Group-III (RUG-III) System as defined in Appendix IV (12 VAC 30-90-305 through 12 VAC 30-90-307)." RUG-III is a resident classification system that groups NF residents according to resource utilization. Case-mix indices (CMIs) are assigned to RUG-III groups and are used to adjust the NF's per diem rates to reflect the intensity of services required by a NF's resident mix. See 12 VAC 30-90-305 through 12 VAC 30-90-307 for details on the Resource Utilization Groups.

1. Any NF receiving Medicaid payments on or after October 1, 1990, shall satisfy all the requirements of § 1919(b) through (d) of the Social Security Act as they relate to provision of services, residents' rights and administration and other matters.

2. Direct and indirect group ceilings and rates.

a. In accordance with 12 VAC 30-90-20 C, direct patient care operating cost peer groups shall be established for the Virginia portion of the Washington DC-MD-VA MSA, the Richmond-Petersburg MSA and the rest of the state. Direct patient care operating costs shall be as defined in 12 VAC 30-90-271.

b. Indirect patient care operating cost peer groups shall be established for the Virginia portion of the Washington DC-MD-VA MSA, for the rest of the state for facilities with less than 61 licensed beds, and for the rest of the state for facilities with more than 60 licensed beds.

3. Each facility's average case-mix index shall be calculated based upon data reported by that nursing facility to the Centers for Medicare and Medicaid Services (CMS) (formerly HCFA) Minimum Data Set (MDS) System. See 12 VAC 30-90-306 for the case-mix index calculations.

4. The normalized facility average Medicaid CMI shall be used to calculate the direct patient care operating cost prospective ceilings and direct patient care operating cost prospective rates for each semiannual period of a NFs

Emergency Regulations

subsequent fiscal year. See 12 VAC 30-90-306 D 2 for the calculation of the normalized facility average Medicaid CMI.

a. A NFs direct patient care operating cost prospective ceiling shall be the product of the NFs peer group direct patient care ceiling and the NFs normalized facility average Medicaid CMI. A NFs direct patient care operating cost prospective ceiling will be calculated semiannually.

b. A CMI rate adjustment for each semiannual period of a nursing facility's prospective fiscal year shall be applied by multiplying the nursing facility's normalized facility average Medicaid CMI applicable to each prospective semiannual period by the nursing facility's case-mix neutralized direct patient care operating cost base rate for the preceding cost reporting period (see 12 VAC 30-90-307).

c. See 12 VAC 30-90-307 for the applicability of case-mix indices.

5. Effective for services on and after July 1, 2002, the following changes shall be made to the direct and indirect payment methods.

a. The direct patient care operating ceiling shall be set at 112% of the respective peer group day-weighted median of the facilities' case-mix neutralized direct care operating costs per day. The calculation of the medians shall be based on cost reports from freestanding nursing homes for provider fiscal years ending in the most recent base year. The medians used to set the peer group direct patient care operating ceilings shall be revised and case-mix neutralized every two years using the most recent reliable calendar year cost settled cost reports for freestanding nursing facilities that have been completed as of September 1.

b. The indirect patient care operating ceiling shall be set at 103.9% of the respective peer group day-weighted median of the facility's specific indirect operating cost per day. The calculation of the peer group medians shall be based on cost reports from freestanding nursing homes for provider fiscal years ending in the most recent base year. The medians used to set the peer group indirect operating ceilings shall be revised every two years using the most recent reliable calendar year cost settled cost reports for freestanding nursing facilities that have been completed as of September 1.

6. *Reimbursement for use of specialized treatment beds. Effective for services on and after January 1, 2005, nursing facilities shall be reimbursed an additional \$10 per day for those recipients who require a specialized treatment bed due to their having at least one Stage IV pressure ulcer. Recipients must meet criteria as outlined in 12 VAC 30-60-350, and the additional reimbursement must be preauthorized as provided in 12 VAC 30-60-40. Nursing facilities shall not be eligible to receive this reimbursement for individuals whose services are reimbursed under the Specialized Care methodology. Beginning July 1, 2005, this additional reimbursement shall be subject to adjustment for inflation in accordance with 12 VAC 30-90-41 B, except that the adjustment shall be made at the beginning of each state*

fiscal year, using the inflation factor that applies to provider years beginning at that time. This additional payment shall not be subject to direct or indirect ceilings and shall not be adjusted at year-end settlement.

B. Adjustment of ceilings and costs for inflation. Effective for provider fiscal years starting on and after July 1, 2002, ceilings and rates shall be adjusted for inflation each year using the moving average of the percentage change of the Virginia-Specific Nursing Home Input Price Index, updated quarterly, published by Standard & Poor's DRI. For state fiscal year 2003, peer group ceilings and rates for indirect costs will not be adjusted for inflation.

1. For provider years beginning in each calendar year, the percentage used shall be the moving average for the second quarter of the year, taken from the table published for the fourth quarter of the previous year. For example, in setting prospective rates for all provider years beginning in January through December 2002, ceilings and costs would be inflated using the moving average for the second quarter of 2002, taken from the table published for the fourth quarter of 2001.

2. Provider specific costs shall be adjusted for inflation each year from the cost reporting period to the prospective rate period using the moving average as specified in subdivision 1 of this subsection. If the cost reporting period or the prospective rate period is less than 12 months long, a fraction of the moving average shall be used that is equal to the fraction of a year from the midpoint of the cost reporting period to the midpoint of the prospective rate period.

3. Ceilings shall be adjusted from the common point established in the most recent rebasing calculation. Base period costs shall be adjusted to this common point using moving averages from the DRI tables corresponding to the provider fiscal period, as specified in subdivision 1 of this subsection. Ceilings shall then be adjusted from the common point to the prospective rate period using the moving average(s) for each applicable second quarter, taken from the DRI table published for the fourth quarter of the year immediately preceding the calendar year in which the prospective rate years begin. Rebased ceilings shall be effective on July 1 of each rebasing year, so in their first application they shall be adjusted to the midpoint of the provider fiscal year then in progress or then beginning. Subsequently, they shall be adjusted each year from the common point established in rebasing to the midpoint of the appropriate provider fiscal year. For example, suppose the base year is made up of cost reports from years ending in calendar year 2000, the rebasing year is SFY2003, and the rebasing calculation establishes ceilings that are inflated to the common point of July 1, 2002. Providers with years in progress on July 1, 2002, would receive a ceiling effective July 1, 2002, that would be adjusted to the midpoint of the provider year then in progress. In some cases this would mean the ceiling would be reduced from the July 1, 2002, ceiling level. The following table shows the application of these provisions for different provider fiscal periods.

Emergency Regulations

Table I
Application of Inflation to Different Provider Fiscal Periods

Provider FYE	Effective Date of New Ceiling	First PFYE After Rebasing Date	Inflation Time Span from Ceiling Date to Midpoint of First PFY	Second PFYE After Rebasing Date	Inflation Time Span from Ceiling Date to Midpoint of Second PFY
3/31	7/1/02	3/31/03	+ 1/4 year	3/31/04	+1-1/4 years
6/30	7/1/02	6/30/03	+ 1/2 year	6/30/04	+1-1/2 years
9/30	7/1/02	9/30/02	- 1/4 year	9/30/03	+3/4 year
12/31	7/1/02	12/31/02	-0-	12/31/03	+ 1 year

The following table shows the DRI tables that would provide the moving averages for adjusting ceilings for different prospective rate years.

Table II
Source Tables for DRI Moving Average Values

Provider FYE	Effective Date of New Ceiling	First PFYE After Rebasing Date	Source DRI Table for First PFY Ceiling Inflation	Second PFYE After Rebasing Date	Source DRI Table for Second PFY Ceiling Inflation
3/31	7/1/02	3/31/03	Fourth Quarter 2001	3/31/04	Fourth Quarter 2002
6/30	7/1/02	6/30/03	Fourth Quarter 2001	6/30/04	Fourth Quarter 2002
9/30	7/1/02	9/30/02	Fourth Quarter 2000	9/30/03	Fourth Quarter 2001
12/31	7/1/02	12/31/02	Fourth Quarter 2000	12/31/03	Fourth Quarter 2001

In this example, when ceilings are inflated for the second PFY after the rebasing date, the ceilings will be inflated from July 1, 2002, using moving averages from the DRI table specified for the second PFY. That is, the ceiling for years ending June 30, 2004, will be the June 30, 2002, base period ceiling, adjusted by 1/2 of the moving average for the second quarter of 2002, compounded with the moving average for the second quarter of 2003. Both these moving averages will be taken from the fourth quarter 2002 DRI table.

C. The RUG-III Nursing Home Payment System shall require comparison of the prospective operating cost rates to the prospective operating ceilings. The provider shall be reimbursed the lower of the prospective operating cost rate or prospective operating ceiling.

D. Nonoperating costs. Plant or capital, as appropriate, costs shall be reimbursed in accordance with Articles 1, 2, and 3 of this subpart. Plant costs shall not include the component of cost related to making or producing a supply or service.

NATCEPs cost shall be reimbursed in accordance with 12 VAC 30-90-170.

E. The prospective rate for each NF shall be based upon operating cost and plant/capital cost components or charges, whichever is lower, plus NATCEPs costs. The disallowance of nonreimbursable operating costs in any current fiscal year shall be reflected in a subsequent year's prospective rate determination. Disallowances of nonreimbursable plant or capital, as appropriate, costs and NATCEPs costs shall be reflected in the year in which the nonreimbursable costs are included.

F. Effective July 1, 2001, for those NFs whose indirect operating cost rates are below the ceilings, an incentive plan shall be established whereby a NF shall be paid, on a sliding scale, up to 25% of the difference between its allowable indirect operating cost rates and the indirect peer group ceilings.

1. The following table presents four incentive examples:

Peer Group Ceilings	Allowable Cost Per Day	Difference	% of Ceiling	Sliding Scale	Scale % Difference
\$30.00	\$27.00	\$3.00	10%	\$0.30	10%
30.00	22.50	7.50	25%	1.88	25%
30.00	20.00	10.00	33%	2.50	25%
30.00	30.00	0	0		

2. Efficiency incentives shall be calculated only for the indirect patient care operating ceilings and costs. Effective July 1, 2001, a direct care efficiency incentive shall no longer be paid.

G. Quality of care requirement. A cost efficiency incentive shall not be paid for the number of days for which a facility is out of substantial compliance according to the Virginia Department of Health survey findings as based on federal regulations.

H. Sale of facility. In the event of the sale of a NF, the prospective base operating cost rates for the new owner's first fiscal period shall be the seller's prospective base operating cost rates before the sale.

I. Public notice. To comply with the requirements of § 1902(a)(28)(c) of the Social Security Act, DMAS shall make available to the public the data and methodology used in establishing Medicaid payment rates for nursing facilities. Copies may be obtained by request under the existing procedures of the Virginia Freedom of Information Act.

VA.R. Doc. No. R05-199; Filed May 12, 2005, 1:28 p.m.

Title of Regulation: 12 VAC 30-70. Methods and Standards for Establishing Payment Rates; Inpatient Hospital Care (amending 12 VAC 30-70-291).

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

Effective Dates: May 12, 2005, through May 11, 2006.

Emergency Regulations

Agency Contact: Steve Ford, Project Manager, 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.

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 a federal regulation requires a regulation to take effect no later than 280 days from its effective date. This suggested emergency regulation meets the standard at § 2.2-4011(i) as discussed below.

Item 326 OO of the 2004 Appropriation Act directs DMAS to provide an increase in IME payments for nonstate government-owned hospitals with base year 2002 Medicaid NICU utilization greater than 50% as reported to DMAS prior to March 1, 2004. This additional funding is intended to be distributed between eligible hospitals based on their proportion of Medicaid NICU patient days. This regulatory action codifies this legislative action and conforms to the State Plan Amendment approved by the federal Centers for Medicare and Medicaid Services (CMS).

The purpose of this action is to provide, for qualifying hospitals, additional indirect medical education (IME) payment to hospitals based on their NICU utilization, above and beyond the IME payment calculated for the hospitals every year.

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:

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

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

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.

D. An additional IME payment not to exceed \$1,500,000 in total shall be apportioned among Type Two Hospitals with Medicaid NICU utilization in excess of 50% as reported to the Department of Medical Assistance Services as of March 1, 2004. These payments shall be apportioned based on each eligible hospital's percent of Medicaid NICU patient days relative to the total of these days among eligible hospitals as reported by March 1, 2004.

/s/ Mark R. Warner
Governor
Date: May 2, 2005

Titles of Regulations: 12 VAC 30-120. Waivered Services (Medallion II) (amending 12 VAC 30-120-380).

12 VAC 30-141. Family Access to Medical Insurance Security Plan (amending 12 VAC 30-141-200).

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

Effective Dates: July 1, 2005, through June 30, 2006.

Agency Contact: Daniel Plain, Project Manager, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-4218, FAX (804) 786-1680, or e-mail daniel.plain@dmas.virginia.gov.

Preamble:

This regulatory action qualifies as an emergency pursuant to the authority of § 2.2-4011 of the Code of Virginia because it is responding to a mandate in the 2004 Virginia Appropriation Act (Item 322 H) that states "The Department of Medical Assistance Services shall have the authority to amend the Medallion II waiver to allow the Department to carve out dental services provided to children under the age of 21 from Medicaid managed care. In addition, the Department shall have the authority to amend the State Plans for Title XIX (Medical Assistance) and Title XXI (Family Access to Medical Insurance Security) ... to provide dental services to these children on a fee-for-service basis."

In addition, Item 326 M of the 2004 Appropriation Act provides DMAS authority to promulgate emergency regulations to implement changes to the Medallion II waiver. The carve-out of dental services for adult Medallion II enrollees falls within this legislative authority.

The purpose of this regulatory action is to (i) expand the availability and delivery of dental services to pediatric Medicaid recipient's, (ii) streamline the administrative processes, and (iii) remove impediments to the efficient delivery of dental services and reimbursement thereof.

12 VAC 30-120-380. Medallion II MCO responsibilities.

A. The MCO shall provide, at a minimum, all medically necessary covered services provided under the State Plan for Medical Assistance and further defined by written DMAS regulations, policies and instructions, except as otherwise modified or excluded in this part.

1. Nonemergency services provided by hospital emergency departments shall be covered by MCOs in accordance with rates negotiated between the MCOs and the emergency departments.

2. Services that shall be provided outside the MCO network shall include those services identified and defined by the contract between DMAS and the MCO. Services reimbursed by DMAS include *dental and orthodontic services for children up to age 21; for all others, dental services as described in 12 VAC 30-50-190, school health services (as defined in 12 VAC 30-120-360) and community mental health services (rehabilitative, targeted case management and substance abuse services).*

3. The MCOs shall pay for emergency services and family planning services and supplies whether they are provided inside or outside the MCO network.

B. EPSDT services shall be covered by the MCO. The MCO shall have the authority to determine the provider of service for EPSDT screenings.

C. The MCOs shall report data to DMAS under the contract requirements, which may include data reports, report cards for clients, and ad hoc quality studies performed by the MCO or third parties.

D. Documentation requirements.

1. The MCO shall maintain records as required by federal and state law and regulation and by DMAS policy. The MCO shall furnish such required information to DMAS, the Attorney General of Virginia or his authorized representatives, or the State Medicaid Fraud Control Unit on request and in the form requested.

2. Each MCO shall have written policies regarding enrollee rights and shall comply with any applicable federal and state laws that pertain to enrollee rights and shall ensure that its staff and affiliated providers take those rights into account when furnishing services to enrollees in accordance with 42 CFR 438.100.

E. The MCO shall ensure that the health care provided to its clients meets all applicable federal and state mandates,

community standards for quality, and standards developed pursuant to the DMAS managed care quality program.

F. The MCOs shall promptly provide or arrange for the provision of all required services as specified in the contract between the state and the contractor. Medical evaluations shall be available within 48 hours for urgent care and within 30 calendar days for routine care. On-call clinicians shall be available 24 hours per day, seven days per week.

G. The MCOs must meet standards specified by DMAS for sufficiency of provider networks as specified in the contract between the state and the contractor.

H. Each MCO and its subcontractors shall have in place, and follow, written policies and procedures for processing requests for initial and continuing authorizations of service. Each MCO and its subcontractors shall ensure that any decision to deny a service authorization request or to authorize a service in an amount, duration, or scope that is less than requested, be made by a health care professional who has appropriate clinical expertise in treating the enrollee's condition or disease. Each MCO and its subcontractors shall have in effect mechanisms to ensure consistent application of review criteria for authorization decisions and shall consult with the requesting provider when appropriate.

I. In accordance with 42 CFR 447.50 through 42 CFR 447.60, MCOs shall not impose any cost sharing obligations on enrollees except as set forth in 12 VAC 30-20-150 and 12 VAC 30-20-160.

J. An MCO may not prohibit, or otherwise restrict, a health care professional acting within the lawful scope of practice, from advising or advocating on behalf of an enrollee who is his patient in accordance with 42 CFR 438.102.

K. An MCO that would otherwise be required to reimburse for or provide coverage of a counseling or referral service is not required to do so if the MCO objects to the service on moral or religious grounds and furnishes information about the service it does not cover in accordance with 42 CFR 438.102.

12 VAC 30-141-200. Benefit packages.

A. The Commonwealth's Title XXI State Plan utilizes two benefit packages within FAMIS as set forth in the FAMIS State Plan, as may be amended from time to time. One package is a modified Medicaid look-alike component offered through a fee-for-service program and a primary care case management (PCCM) program; the other package is modeled after the state employee health plan and delivered by contracted ~~MCHIPs~~ *Managed Care Entities. Services directly reimbursed by DMAS include dental and orthodontic services for children up to age 19, school health services, and community mental health rehabilitative services.*

B. The Medicaid look-alike plan is also used as a benchmark for the ESHI of FAMIS.

/s/ Mark R. Warner
Governor
Date: May 2, 2005

VA.R. Doc. No. R05-197; Filed May 12, 2005, 1:21 p.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

(434) 582-5120 ext. 6042, FAX (434) 582-5125, or e-mail kjwills@deq.virginia.gov.

Total Maximum Daily Load (TMDL) for Chowan River Basin

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a total maximum daily load (TMDL) implementation plan (IP) to address multiple impairments in the Chowan River Basin (including portions of the Upper Nottoway River watershed and the Upper Blackwater River watershed). The affected streams were identified in Virginia's 1998 303(d) TMDL Priority List and Report and Virginia's 2002 303(d) Report on Impaired Waters 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.

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 TMDL has been completed and is available at www.deq.virginia.gov/tmdl.

Subsections A and C of § 62.1-44.19:7 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.

The impairments included in the Upper Nottoway River section include: 17.76 miles of the Nottoway River, 9.85 miles of the Little Nottoway River, 10.35 miles of Big Hounds Creek and 7.17 miles of Beaverpond Creek. These impairments are located in Prince Edward, Nottoway, Lunenburg, and Dinwiddie counties.

A public meeting on the development of the Upper Nottoway River section of the Chowan River Basin TMDL Implementation Plan will be held on Monday, June 27, 2005, 7 p.m. in the auditorium of the Southern Piedmont Agricultural Research and Extension Center, located at 2375 Darvills Road in Blackstone, VA. A map to the facilities can be found on the Internet at <http://www.vt.edu>. The purpose of the meeting is to discuss the proposed reductions in fecal bacteria needed in the Upper Nottoway River impairments and to present the draft implementation plan.

The public comment period for this phase of the TMDL development will end on July 28, 2005. A fact sheet on the development of the Chowan River TMDL IP 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 Kelly Wills. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Road, Lynchburg, VA 24502, telephone

Total Maximum Daily Load (TMDL) for Chowan River Basin

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a total maximum daily load (TMDL) implementation plan (IP) to address multiple impairments in the Chowan River Basin (including portions of the Upper Nottoway River watershed and the Upper Blackwater River 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.

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 TMDL has been completed and is available at www.deq.virginia.gov/tmdl.

Subsections A and C of § 62.1-44.19:7 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.

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.

A public meeting on the development of the Raccoon Creek and Blackwater River Tributary Section of the Chowan River Basin TMDL Implementation Plan has been scheduled for Monday, June 27, 2005, 7 p.m. at the Airfield 4-H Center, Spain Conference Lodge, in Wakefield, VA. Directions to the Airfield 4-H center can be found at <http://www.ext.vt.edu/resources/4h/airfield/drivingdir.html>. The purpose of the meeting is to discuss the proposed reductions in fecal bacteria needed in the Blackwater River Tributaries and Raccoon Creek impairments and to present the draft implementation plan.

The public comment period for this phase of the TMDL development will end on July 28, 2005. A fact sheet on the development of the Chowan River TMDL IP 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 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 Locklies Creek, Mill Creek, Sturgeon Creek, Bush Park Creek, Piankatank River, Rappahannock River

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of a total maximum daily load (TMDL) for fecal coliform bacteria in five shellfish propagation waters located in Middlesex County, Virginia.

The impaired segments are located in VDH Growing Area 31 containing Locklies Creek and Mill Creek, Growing Area 32 including Sturgeon Creek and Bush Park Creek, and Growing Area 35 the upper Piankatank River and tributaries. VDH Growing Areas 31 and 32 are tributary to the Rappahannock River. The Piankatank River is tributary to the Chesapeake Bay.

The affected water body segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. 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 first public meeting to provide information and solicit participation of citizens and local government in the development of the fecal coliform TMDL's will be held on June 23, 2005, from 7 to 9 p.m. at the Cooks Corner Office Complex, 2911 General Puller Highway, Saluda, Virginia. Directions can be obtained by calling Chester Bigelow at (804) 698-4554.

The public comment period will begin on June 24, 2005, and end on July 25, 2005. Questions or information requests should be addressed to Chester Bigelow and should include the name, address, and telephone number of the person submitting the comments. Requests should be sent to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23240, telephone (804) 698-4554, FAX (804) 698-4116, or e-mail ccbigelew@deq.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Notice of Intent to Eliminate the Formula for Calculating the Adjustment Factor for Private (Type Two) Inpatient Hospitals and Set the Adjustment Factor at 76%

Notice is hereby given that the Department of Medical Assistance Services intends to eliminate the formula for

calculating the adjustment factor for private (Type Two) inpatient hospitals and set the adjustment factor at 76% pursuant to the department's authority under Title XIX of the Social Security Act. This notice is intended to satisfy the requirements of 42 CFR 447.205 and of § 1902(a)(13) of the Social Security Act, 42 USC § 1396a(a)(13).

The purpose of this change is to set the private inpatient hospital adjustment factor at 0.76. This regulatory action is initiated at the direction of the Governor and General Assembly found in Chapter 951, Item 326 XX of the 2005 Appropriation Act. This regulatory change is intended to increase inpatient hospital reimbursement to private (Type Two) hospitals in order to promote access to Medicaid services. Private (Type Two) hospitals have proposed that the discount taken by the Medicaid program should be eliminated and costs should be reimbursed. This regulatory change lowers the discount taken, but does not eliminate the discount altogether.

A copy of this notice is available for public review from Scott Crawford, Director, Provider Reimbursement Division, DMAS, 600 Broad Street, Suite 1300, Richmond, VA 23219, and this notice is available for public review on the Regulatory Town Hall (www.townhall.com). Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to Mr. Crawford and such comments are available for review at the same address.

Notice of Intent to Enhance IME Payments to High Medicaid Neonatal Intensive Care Unit (NICU) Providers

Notice is hereby given that the Department of Medical Assistance Services (DMAS) intends to modify its reimbursement plan for inpatient hospitals with recognized Medicaid NICU days in excess of 4,500 (as reported to DMAS by March 1, 2005). This payment is for hospitals that do not otherwise receive an enhanced IME payment based upon the 2004 Appropriation Act (Chapter 4, Item 326 HHH) that mandated additional payments for hospitals with higher NICU utilization rates, pursuant to the department's authority under Title XIX of the Social Security Act. This notice is intended to satisfy the requirements of 42 CFR 447.205 and of § 1902(a)(13) of the Social Security Act, 42 USC § 1396a(a)(13). The change contained in this public notice is in response to the 2005 Appropriation Act language directing DMAS to enhance indirect medical education (IME) payments to high NICU utilization hospitals.

The 2005 General Assembly directed DMAS, through the 2005 Appropriation Act (Chapter 951, Item 326 ZZZ), to provide this additional payment and allocated \$0.5 million total funds (\$250,000 General Funds) for enhancements to IME at Type Two hospitals with recognized Medicaid NICU days in excess of 4,500. These additional moneys shall be apportioned among the hospitals meeting this standard that do not otherwise receive an enhanced IME payment based upon the 2004 Appropriation Act.

A copy of this notice is available for public review from Scott Crawford, Director, Provider Reimbursement Division, DMAS,

General Notices/Errata

600 Broad Street, Suite 1300, Richmond, VA 23219, and this notice is available for public review on the Regulatory Town Hall (www.townhall.com). Comments or inquiries may be submitted, in writing, within 30 days of this notice publication to Mr. Crawford and such comments are available for review at the same address.

(804) 371-9520, FAX (804) 371-9944, or e-mail olivia.claud@scc.virginia.gov.

STATE CORPORATION COMMISSION

May 16, 2005

Administrative Letter 2005 - 7

TO: All Companies Licensed to Write Accident and Sickness Insurance in Virginia and Interested Parties

RE: Individual Long-Term Care Insurance Coverage Provided in Virginia

The Bureau of Insurance (the bureau), seeks your cooperation in completing the attached questionnaire concerning individual long-term care insurance sold in Virginia. Completed questionnaires will be used to develop a Long-Term Care Insurance Premium Comparison Guide which will be made available in printed form and through the bureau's website. Use of the guide will enable consumers to compare annual premiums for sample long-term care policies as well as the policy that each carrier identifies as its most popular plan.

Since it is impractical to produce charts showing the premiums at every age and for every plan, Virginia, like other states, has adopted an approach that will show premiums at five-year intervals beginning at purchase age 40 and ending at purchase age 80.

To facilitate the completion of the questionnaire, we have attached instructions and further explanations relating to the requested information.

We ask that you complete and return the attached questionnaire or notify the Bureau of Insurance if your company does not market individual long-term care insurance in Virginia, no later than June 15, 2005. The premium guide produced by the bureau will only include information received on or before this deadline.

Completed questionnaires, notifications of nonactivity in the Virginia individual long-term care market, and any questions regarding this request may be submitted via e-mail or by regular mail, to the addresses noted at the end of the questionnaire. Electronic copies of the questionnaires may be found as attachments to this letter at:

<http://www.scc.virginia.gov/division/boi/webpages/boi2005administrativeletters.htm>

We appreciate your consideration of this matter and your prompt response.

/s/ Alfred W. Gross
Commissioner of Insurance

Agency Contact: Olivia Claud, Outreach Coordinator, Life and Health Division, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone

Instructions for Completing Long-Term Care Questionnaires:

- Enter data only for individual policies your company is **actively selling in Virginia**. If the company only offers group policies or is no longer actively selling long-term care insurance to new customers in Virginia, please respond accordingly.
- Enter premiums as whole dollars only, without decimals, rounding to the nearest dollar. For example, enter \$500 not \$500.25.
- Include information on the payment disbursement method (expense incurred or indemnity), the policy's elimination period (in days), and the waiting period (in months) for pre-existing conditions to be covered.
- Include the Policy Form Number for the specific policy for which the rates are listed. If more than one policy applies, separate each Policy Form Number with a comma.
- If the company does not offer a Comprehensive (nursing home and home health) policy with similar benefits to those of one of the sample policies, please enter "N/A" in the space provided for the policy form number.

We are requesting that the following information be included:

Company:	Use the full corporate name under which the insurer is licensed in Virginia.
Consumer Phone Number:	If available, show a toll-free number that may be used by potential customers seeking policy information. If a toll-free number is not available, show the area code with the toll number.
Tax or Non Tax Qualified:	Indicate tax-qualified or non-tax qualified long-term care insurance. If you offer both, please include information for both products.
Payment Disbursement Method:	Include information on the payment disbursement method (expense incurred or indemnity).
Pre-Ex Waiting (in months):	Enter the number of months the new policyholder must wait before pre-existing medical conditions will be covered (assuming it is not a replacement policy).
Premiums:	Compute annual premiums which will be in effect on June 15, 2005 . Include any fees imposed for payment in installments rather than a single annual payment. If you do not offer a specific plan, leave that space blank. Round off to the nearest dollar.

Individual Long-Term Care Insurance Questionnaire

Company Name: _____

NAIC Number: _____

Name of Person Completing Questionnaire: _____

Title: _____

Fax: _____

Direct Telephone Number: _____

E-Mail: _____

Consumer Telephone Number: _____

IMPORTANT: This is the number that will be published in the rate guide to allow consumers in Virginia to call for information. Please verify the accuracy of the number!

Company Web Site: _____

Part I

Please complete the following information for your **most popular long-term care product**.

Type of Policy: (circle one)

Nursing Home Home Health Care Nursing Home and Home Health Care

Circle One:

Tax Qualified

Non-Tax Qualified

Payment Method: (circle one)

Expense incurred

Indemnity

Pre-Existing Condition Waiting Period: _____
(number of months)

Elimination Period: (number of days) _____

Benefit Period: (number of years or lifetime) _____

Administrative Letter 2005 – 7
Questionnaire
Page 1 of 4

Benefit Eligibility Trigger

Circle One:

Activities of Daily Living Physician Certification Cognitive Impairment

Other _____

Discounts available (circle all that apply)

Spousal (one policy only) Spousal (each policy)

Group Other: _____

Daily Benefits:
(\$ amount / day)

Nursing Home

Home Health Care

Part II
Sample Policy Information

Please complete the requested information for the specified plans.

Individual Nursing Home and Home Health Care Policy
\$100/\$50 Daily Benefit
0 - 20 Day Elimination Period
Two Year Benefit Period

Tax or Non Tax Qualified	Payment Disbursement Method	Elimination Period (in days)	Pre-Ex Waiting (in months)	Policy Form Number

Purchase Age and 2005 Annual Premiums				
40	45	50	55	60
			65	70
				75
				80

Individual Nursing Home and Home Health Care Policy
\$100/\$50 Daily Benefit
30 - 60 Day Elimination Period
Five Year Benefit Period

Tax or Non Tax Qualified	Payment Disbursement Method	Elimination Period (in days)	Pre-Ex Waiting (in months)	Policy Form Number

Purchase Age and 2005 Annual Premiums				
40	45	50	55	60
			65	70
				75
				80

Individual Nursing Home and Home Health Care Policy
 \$100/\$50 Daily Benefit
 90 - 100Day Elimination Period
 Lifetime Benefit Period

Tax or Non Tax Qualified	Payment Disbursement Method	Elimination Period (in days)	Pre-Ex Waiting (in months)	Policy Form Number

Purchase Age and 2005 Annual Premiums								
40	45	50	55	60	65	70	75	80

Please return the completed questionnaire or notify the Bureau of your company's non-activity in the Virginia Individual Long-Term Care Market on or before **June 15, 2005**. Completed questionnaires, questions and/or notifications may be directed to:

Olivia Claud
 Outreach Coordinator
 Life and Health Division, Bureau of Insurance
 P.O. Box 1157
 Richmond, VA 23218
 FAX 804 371 9944
 Or e-mail completed questionnaire to:
LTCsurvey@sec.virginia.gov

General Notices/Errata

May 25, 2005

Administrative Letter 2005 - 8

TO: All Companies licensed to Write Accident and Sickness Insurance in Virginia, all Health Maintenance Organizations and all Health Services Plans Licensed in Virginia, and Interested Parties

RE: Individual Health Insurance Coverage Provided in Virginia

In order to ensure the accuracy of information made available on-line and through various consumer brochures and guides, the Bureau of Insurance (the bureau), seeks your cooperation in completing the attached questionnaire concerning individual health insurance coverage. Completed questionnaires will be used to update the bureau's listing of carriers offering coverage in the individual health insurance market in Virginia. The information provided will also be used to assist eligible individuals in exercising their rights to coverage under HIPAA and the provisions of the Code of Virginia implementing HIPAA.

Taken collectively, the definitions of individual health insurance coverage, individual market, excepted benefits, group health plan, and bona fide association found in § 38.2-3431 B of the Code of Virginia provide guidance concerning the qualification of a particular product as individual health insurance coverage and facilitate the completion of the questionnaire. These definitions are attached for your reference. The entire statute may be found at

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+38.2-3431>.

We ask that you complete and return the attached questionnaire no later than July 1, 2005. Completed questionnaires, as well as any questions regarding this request, may be submitted via e-mail or by regular mail, to the addresses noted at the end of the questionnaire. Electronic copies of the questionnaires may be found as attachments to this letter at:

<http://www.scc.virginia.gov/division/boi/webpages/boi2005administrativeletters.htm>

We appreciate your consideration of this matter and your prompt response.

/s/ Alfred W. Gross
Commissioner of Insurance

Agency Contact: Robert L. Wright, Special Projects Coordinator, Life and Health Division, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, or e-mail robert.wright@scc.virginia.gov.

**QUESTIONNAIRE
INDIVIDUAL HEALTH INSURANCE COVERAGE**

NAME OF COMPANY: _____

COMPANY NAIC NUMBER: _____

NAME OF PERSON COMPLETING QUESTIONNAIRE:

TITLE: _____

DIRECT TELEPHONE NUMBER: _____

FAX: _____

E-MAIL: _____

Consumer Telephone Number: _____

IMPORTANT: This is the number that will be published in the listing of carriers offering individual health insurance coverage for consumers to call for information. Please verify the accuracy of the number!

WEBSITE ADDRESS: _____

- 1. Does this company provide "individual health insurance coverage" as defined in § 38.2-3431 B of the Code of Virginia? ____ yes ____ no
(If no, there is no need to respond to questions 2 through 7. Please simply return this questionnaire.)

- 2. What kind of product is used to provide "individual health insurance coverage" in Virginia?
Individual policies approved in Virginia ____ yes ____ no
(If yes, please respond to Question 3.)

Group policies issued and approved in Virginia ____ yes ____ no
(If yes, please respond to Questions 4 through 7. Designate Virginia as state of issue.)

Group policies issued in another state ____ yes ____ no
(If yes, please respond to Questions 4 through 7. Designate state of issue.)

- 3. What are the form numbers of the individual policies used? _____

Administrative Letter 2005 – 8
Attachment

General Notices/Errata

4. What are the form numbers of the group policies used? _____

5. Is the group policy issued to a trust? _____ yes _____ no
If yes, what is the name of the trust?

In which state is the group policy issued?

6. Is the group policy issued to an association? _____ yes _____ no
If yes, what is the name of the association?

In which state is the group policy issued?

7. Is the association a "bona fide association" as that term is defined in § 38.2-3431 B of the Code of Virginia?
Yes_____ No_____.

*Please respond by **July 1, 2005** to:*

*Robert L. Wright
Special Projects Coordinator
Life and Health Division
Bureau of Insurance
P.O. Box 1157
Richmond, VA 23218
FAX 804 371 9944*

Or e-mail completed questionnaire to:
INDACCIDENT&SICKNESSSurvey@scc.virginia.gov

Administrative Letter 2005 – 8
Attachment

Virginia Code § 38.2-3431 provides, in part, the following definitions. Taken collectively, these will provide guidance concerning the qualification of a particular product as individual health insurance coverage, and will facilitate the completion of the questionnaire. Defined terms have been bolded for your reference:

Individual health insurance coverage" means health insurance coverage offered to individuals in the **individual market**, but does not include coverage defined as **excepted benefits**. Individual health insurance coverage does not include short-term limited duration coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a **group health plan**.

"Excepted benefits" means benefits under one or more (or any combination thereof) of the following:

1. Benefits not subject to requirements of this article:
 - a. Coverage only for accident, or disability income insurance, or any combination thereof;
 - b. Coverage issued as a supplement to liability insurance;
 - c. Liability insurance, including general liability insurance and automobile liability insurance;
 - d. Workers' compensation or similar insurance;
 - e. Medical expense and loss of income benefits;
 - f. Credit-only insurance;
 - g. Coverage for on-site medical clinics; and
 - h. Other similar insurance coverage, specified in regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.
2. Benefits not subject to requirements of this article if offered separately:
 - a. Limited scope dental or vision benefits;
 - b. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and
 - c. Such other similar, limited benefits as are specified in regulations.
3. Benefits not subject to requirements of this article if offered as independent, noncoordinated benefits:
 - a. Coverage only for a specified disease or illness; and
 - b. Hospital indemnity or other fixed indemnity insurance.

Administrative Letter 2005 – 8
Attachment

General Notices/Errata

4. Benefits not subject to requirements of this article if offered as separate insurance policy:
 - a. Medicare supplemental health insurance (as defined under section 1882 (g) (1) of the Social Security Act (42 U.S.C. § 1395ss (g) (1));
 - b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.); and
 - c. Similar supplemental coverage provided to coverage under a group health plan.

"Group health plan" means an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (1)), to the extent that the plan provides medical care and including items and services paid for as medical care to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

Bona fide association" means, with respect to health insurance coverage offered in this Commonwealth, an association which:

1. Has been actively in existence for at least five years;
2. Has been formed and maintained in good faith for purposes other than obtaining insurance;
3. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);
4. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);
5. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and
6. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

Administrative Letter 2005 – 8
Attachment

May 18, 2005

Administrative Letter 2005 - 9

TO: ALL ENTITIES WITH AUTHORITY TO LICENSE AND APPOINT AGENTS IN THE COMMONWEALTH OF VIRGINIA AND OTHER INTERESTED PARTIES

RE: IMPLEMENTATION OF ELECTRONIC NONRESIDENT LICENSING (ENRL) WITH ELECTRONIC FUNDS TRANSFER FOR LICENSING FEES

Please distribute to the appropriate personnel within your company, and notify your appointed agents of these changes.

The purpose of this Administrative Letter is to provide information concerning Electronic Nonresident Licensing with electronic funds transfer of licensing fees. On May 2, 2005, the Bureau of Insurance (the bureau) began accepting electronic license applications from nonresident producers. At this time, ENRL is available for use by individual applicants only.

Individual nonresident applications can be submitted electronically through two websites:

1. You may apply directly through the National Insurance Producer Registry (NIPR) website at

<http://www.licenseregistry.com/html/nriWelcome.html>.

2. You may also access the NIPR website through the bureau's website at

<http://www.scc.virginia.gov/division/boi/webpages/boionlineservices.htm>.

The NIPR website is not under the management or control of the Commonwealth of Virginia and is not governed by the privacy or security policies of the Commonwealth of Virginia.

At this time, the bureau will continue to accept paper applications; however, we encourage the use of the electronic process. You should refer to the bureau's website at <http://www.scc.virginia.gov/division/boi/webpages/boilicensingprocedures.htm> for procedures in submitting a paper application.

Problems or questions regarding the ENRL process should be directed to the NAIC help desk at (816)783-8500.

/s/ Alfred W. Gross
Commissioner of Insurance

Agency Contact: Preston Winn, Supervisor, Agents Licensing, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 786-9522, FAX (804) 371-9349, or e-mail preston.winn@scc.virginia.gov.

STATE WATER CONTROL BOARD

Proposed Consent Special Order for H.P. Hood, LLC dba Crowley Foods

Citizens may comment on a proposed consent order for a facility in Bristol, Virginia.

Public Comment Period: June 13, 2005 to July 12, 2005.

Purpose of Notice: To invite the public to comment on a proposed consent order.

A consent order is issued to a business owner or other responsible party to perform specific actions that will bring the entity into compliance with the relevant law and regulations. It is developed cooperatively with the facility and entered into by mutual agreement.

Consent Order Description: The State Water Control Board proposes to issue a consent order to H.P. Hood, LLC dba Crowley Foods to address alleged violations of Virginia Pollution Abatement Permit VPA02503. The location of the facility where the alleged violations occurred is 2537 Catherine Street, Bristol, Virginia. The consent order describes a settlement to resolve land application of whey on an unapproved site. It requires additional reporting requirements for land-application activities and payment of a civil charge.

How a decision is made: After public comments have been considered, the State Water Control Board will make a final decision.

How to Comment: DEQ accepts comments from the public by e-mail, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period.

To Review the Consent Order: The public may review the proposed consent order at the DEQ Southwest Regional Office every work day by appointment or on the DEQ website at www.deq.virginia.gov.

Contact for Public Comments, Document Requests and Additional Information: Dallas R. Sizemore, Department of Environmental Quality, Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4800, FAX (276) 676-4899 or e-mail drsizemore@deq.virginia.gov.

Proposed Consent Special Order for Motion Control Industries, Incorporated

The Department of Environmental Quality, on behalf of the State Water Control Board, and Motion Control Industries, Incorporated, have agreed to a Consent Special Order in settlement of a civil enforcement action under the Virginia State Water Control Law regarding the storm water management at the South Hill facility. The department will consider written comments relating to this order for 30 days, from June 13 to July 13, 2005. The comments must include name, address, and telephone number and can be e-mailed to

General Notices/Errata

hfwaggoner@deq.virginia.gov or mailed to Harry F. Waggoner, Department of Environmental Quality, South Central Regional Office, 7705 Timberlake Road, Lynchburg, VA 24502.

The order is available at www.deq.state.va.us/enforcement/notices.html and at the above office during regular business hours. You may request copies from Mr. Waggoner by calling him at (434) 582-5120 ext. 6037.

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

ERRATA

MARINE RESOURCES COMMISSION

Title of Regulation: 4 VAC 20-910. Pertaining to Scup.

Publication: 21:13 VA.R.1827-1828 March 7, 2005.

Correction to final regulation:

Page 1827, column 2, 4 VAC 20-910-45 A 1, after "vessel" strike "or to land"

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

June 20, 2005 - 9 a.m. -- Open Meeting (Teleconference)
Department of Professional and Occupational Regulation,
3600 West Broad Street, Suite 378, Richmond, Virginia. ♿
(Interpreter for the deaf provided upon request)
Charlottesville, Virginia.
Newport News, Virginia.

A teleconference meeting of the Legislative/Regulatory Committee to discuss general issues related to legislative and regulatory matters will be held in Richmond, Charlottesville and Newport News. If you wish to attend the meeting, please contact the board by e-mail or telephone for directions to a meeting site.

Contact: Nancy T. 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.

June 29, 2005 - 10 a.m. -- Open Meeting

July 26, 2005 - 10 a.m. -- Open Meeting

August 4, 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.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

NOTE: CHANGE IN MEETING DATE

† **July 13, 2005 - 2 p.m.** -- Open Meeting
Eastern Shore Agricultural and Extension Center, 33446
Research Drive, Painter, 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 Aquaculture Advisory Board


† **June 21, 2005 - 10 a.m.** -- Open Meeting
Virginia Farm Bureau Federation, 12580 West Creek
Parkway, 3rd Floor, Conference 3-C, Richmond, Virginia. ♿

A meeting to discuss issues related to Virginia aquaculture. For directions call 800-768-8323 ext 1155. 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 T. Robins Buck at least five days before the meeting date so that suitable arrangements can be made.

Calendar of Events

Contact: T. Robins Buck, Board Secretary, Department of Agriculture and Consumer Services, 1100 Bank St., 2nd Floor, Richmond, VA 23219, telephone (804) 371-6094, FAX (804) 371-2945, e-mail robins.buck@vdacs.virginia.gov.


Virginia Egg Board

† **June 28, 2005 - 10 a.m.** -- Open Meeting
Roanoke Hotel and Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to (i) review the financial statements of the council; (ii) review the past year's educational, promotional, advertising and research activities; and (iii) review the promotional plans for FY 2005-2006. Public comment time will be reserved for 30 minutes.

Contact: Cecilia Glembocki, Executive Director, Virginia Egg Board, 911 Saddleback Court, McLean, VA 22102, telephone (703) 790-1984, FAX (703) 992-7741, e-mail virginiaegg@cox.net.


Virginia Small Grains Board

July 20, 2005 - 8 a.m. -- Open Meeting
DoubleTree Hotel Richmond Airport, 5501 Eubank Road, Richmond, Virginia. 

A meeting to review FY 2004-2005 project reports and receive and approve the 2005-2006 project proposals. Minutes from the last board meeting and a current financial statement will be heard and will be subject to approval. Additionally, action will be taken on any other new business that comes before the group. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 1100 Bank St., Room 1005, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, e-mail butch.nottingham@vdacs.virginia.gov.

Virginia Wine Board


June 29, 2005 - 11 a.m. -- Open Meeting
Virginia Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia 

A meeting to (i) approve the minutes of the last meeting held on March 30, 2005, (ii) review the board's financial statement, and (iii) discuss old business arising from the last meeting and any new business to come before the board. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact 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

June 22, 2005 - 9:30 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A regular board 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.

* * * * *

July 7, 2005 - 10 a.m. -- Public Hearing
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

July 29, 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 Air Pollution Control Board intends to amend regulations entitled **9 VAC 5-50, New and Modified Stationary Sources; 9 VAC 5-60, Hazardous Air Pollutant Sources; and 9 VAC 5-80, Permits for Stationary Sources (Rev. K04)**. The purpose of the proposed action is to convert from a permit applicability approach that looks at the changes from a sourcewide perspective to determine applicability to an approach that looks at each physical or operational change to the source individually to determine applicability. Currently applicability is based on the net emissions increase in actual emissions based on all the sourcewide emissions changes directly resultant from the physical or operational change. The revised program would base permit applicability on the uncontrolled emissions from each individual physical or operational change to the source.

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

Contact: Robert A. Mann, Director, Office of Air Regulatory Development, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4419, FAX (804) 698-4510 or e-mail ramann@deq.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

June 20, 2005 - 9 a.m. -- Open Meeting

July 5, 2005 - 9 a.m. -- Open Meeting


July 18, 2005 - 9 a.m. -- Open Meeting

August 1, 2005 - 9 a.m. -- Open Meeting

August 15, 2005 - 9 a.m. -- Open Meeting

August 29, 2005 - 9 a.m. -- Open Meeting

† **September 12, 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, Board of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, e-mail curtis.coleburn@abc.virginia.gov.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

June 16, 2005 - 9 a.m. -- Open Meeting

† September 8, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the full board 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.

† June 22, 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: 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.

† July 28, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Architects Section 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.

† August 2, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Professional Engineers Section 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.

† August 4, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Landscape Architects Section 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.

† August 9, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Land Surveyors Section 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

Calendar of Events

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.

† **August 11, 2005 - 9 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Interior Designers Section 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

July 8, 2005 - 10 a.m. -- Open Meeting

August 5, 2005 - 10 a.m. -- Open Meeting

† **September 9, 2005 - 10 a.m.** -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

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, (804) 786-6152/TTY ☎, or e-mail rford@comarchs.com.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

† **June 23, 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.

August 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.

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.

COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

State Executive Council

June 15, 2005 - 9 a.m. -- Open Meeting

Location to be announced.

A regular meeting. The meeting will adjourn by noon.

Contact: Kim McGaughey, Executive Director, Comprehensive Services for At-Risk Youth and Families, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9830, FAX (804) 662-9831.

AUCTIONEERS BOARD

† **July 7, 2005 - 10 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: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail auctioneers@dpor.virginia.gov.

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

August 18, 2005 - 9:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ♿

A meeting to discuss issues and matters related to audiology and speech-language pathology.

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.

toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail susan.payne@dbvi.virginia.gov.

BOARD FOR BARBERS AND COSMETOLOGY

August 15, 2005 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Conference Room 4W, Richmond, Virginia. ♿

A meeting to conduct general business and consider regulatory issues as may be presented. A portion of the meeting may be held in closed session. A public comment period will be held at the beginning of the meeting. 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: 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

July 12, 2005 - 1 p.m. -- Open Meeting

Administrative Headquarters Building, 397 Azalea Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting to receive information regarding department activities and operations, review expenditures from the board endowment fund, and discuss other issues raised before the board.

Contact: Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail kathy.proffitt@dbvi.virginia.gov.

DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

Statewide Rehabilitation Council for the Blind

June 25, 2005 - 10 a.m. -- Open Meeting

Department for the Blind and Vision Impaired, 401 Azalea Avenue, Rehabilitation Center, Assembly Room, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

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, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3184, FAX (804) 371-3390,

BOARD FOR BRANCH PILOTS

† **June 14, 2005 - 10 a.m.** -- Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

An informal fact-finding conference.

Contact: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.virginia.gov.

† **July 29, 2005 - 9 a.m.** -- Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting to conduct general business. A portion of the meeting may be held in closed session. A public comment period will be held at the beginning of the meeting. 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: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St. Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail branchpilots@dpor.virginia.gov.

DEPARTMENT OF BUSINESS ASSISTANCE

Small Business Advisory Board

June 20, 2005 - 10 a.m. -- Open Meeting

Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. ♿

A general meeting.

Contact: Barbara Anderson, Administrative/Public Relations Assistant, Department of Business Assistance, 707 E. Main St., Suite 300, Richmond, VA 23219, telephone (804) 371-8215, FAX (804) 371-8111, toll-free (866) 248-8814, e-mail barbara.anderson@dba.virginia.gov.

CEMETERY BOARD

June 23, 2005 - 2 p.m. -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. ♿

Informal fact-finding conferences.

Contact: Christine Martine, Executive Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, (804) 367-9753/TTY ☎, e-mail reboard@dpor.virginia.gov.

Calendar of Events

CHARITABLE GAMING BOARD

† **September 13, 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 clayde.cristman@dgc.virginia.gov.


CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

June 20, 2005 - 10 a.m. -- Open Meeting
Fredericksburg City Council Chambers, 715 Princess Anne Street, Fredericksburg, Virginia.

A regular business meeting and review of local programs.

Contact: David C. Dowling, Policy, Planning, and Budget Director, 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.


STATE CHILD FATALITY REVIEW TEAM

July 12, 2005 - 10 a.m. -- Open Meeting
† **September 9, 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


† **July 20, 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 

† **July 21, 2005 - 9 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

June 22, 2005 - 11 a.m. -- Open Meeting
830 East Main Street, 2nd Floor Conference Room, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy P. Waddell, Administrative Staff Assistant, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

June 13, 2005 - 7 p.m. -- Public Hearing
Harrisonburg City Council Chambers, City Municipal Building, 345 South Main Street, Harrisonburg, Virginia. 

July 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 Department of Conservation and Recreation intends to amend regulations entitled **4 VAC 5-15, Nutrient Management Training and Certification Regulations**. The purpose of the proposed action is to amend the Nutrient Management and Training Certification Regulations and their attendant forms including the criteria for nutrient management plan content and development procedures in order to bring the regulations and attendant documents into compliance as may be necessary with § 62.1-44.17:1.1 of the Code of Virginia and in the requirements set forth in 40 CFR Parts 9, 122, 123 and 412 as published in the Federal Register Volume 62, No. 29, dated February 12, 2003, or as may otherwise be necessary to protect water quality.

Statutory Authority: § 10.1-104.2 of the Code of Virginia.

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.

June 28, 2005 - 7 p.m. -- Open Meeting
Powhatan Village Center, Route 13, Powhatan, Virginia.

A meeting of the Powhatan State Park at Beaumont Learning Center Master Plan Advisory Committee to receive public input.

Contact: Robert S. Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-6140, FAX (804) 371-7899, e-mail robert.munson@dcr.virginia.gov.

Virginia Scenic River Board

June 28, 2005 - 10 a.m. -- Open Meeting
Virginia Department of Forestry, Charlottesville, Virginia.

A regular business meeting to discuss river issues.

Contact: David C. Dowling, Policy, Planning, and Budget Director, 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

June 14, 2005 - 1 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

July 13, 2005 - 7 p.m. -- Public Hearing
Southwest Virginia Higher Education Center, One Partnership Circle, Abingdon, Virginia.

July 14, 2005 - 7 p.m. -- Public Hearing
Chesapeake City Council Chambers, 306 Cedar Road, Chesapeake, Virginia.

July 29, 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 for Contractors intends to amend regulations entitled **18 VAC 50-22, Board for Contractors Regulations**. The purpose of the proposed action is to amend the current regulations to reflect statutory changes, respond to changes in the industry and revise language for clarity and ease of use.

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Contact: Eric L. Olson, Executive Director, Board for Contractors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-2474 or e-mail eric.olson@dpor.virginia.gov.


June 16, 2005 - 9 a.m. -- Open Meeting

June 21, 2005 - 9 a.m. -- Open Meeting


† **June 23, 2005 - 9 a.m.** -- Open Meeting

† **June 28, 2005 - 9 a.m.** -- Open Meeting


† **July 7, 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.


July 19, 2005 - 9 a.m. -- Open Meeting

August 30, 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. 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.

August 10, 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.

BOARD OF CORRECTIONAL EDUCATION

† **June 24, 2005 - 10 a.m.** -- Open Meeting


Virginia Museum of Fine Arts, Boulevard and Grove, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business of the Department of Correctional Education.

Contact: Patricia 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


July 19, 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.


Calendar of Events

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.virginia.gov.

July 19, 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.virginia.gov.

July 20, 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.virginia.gov.

July 20, 2005 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A regular meeting of the full board to review and discuss all matters considered by board committees that require action 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.virginia.gov.

BOARD OF COUNSELING

July 29, 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 Counseling intends to amend regulations entitled **18 VAC 115-20, Regulations Governing the Practice of Professional Counseling; 18 VAC 115-50, Regulations Governing the Practice of Marriage and Family Therapy; 18 VAC 115-60, Regulations Governing the Licensure of Substance Abuse Treatment Practitioners.** The purpose of the proposed action is to update and provide for consistency of regulations relating to standards of practices, disciplinary actions, and reinstatement governing the three professions licensed by this board.

Statutory Authority: §§ 54.1-2400 and 54.1-3505 of the Code of Virginia.

Public comments may be submitted until July 29, 2005, to Evelyn B. Brown, Executive Director, Board of Counseling, 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.

CRIMINAL JUSTICE SERVICES BOARD

† September 8, 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, Department of Criminal Justice Services, 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.virginia.gov.

† September 8, 2005 - 11 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting to conduct general business.

Contact: Leon D. Baker, Jr., Division Director, Department of Criminal Justice Services, 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.virginia.gov.


Private Security Services Advisory Board

June 28, 2005 - 10 a.m. -- Open Meeting
Richmond Marriott West 4240 Dominion Blvd Glen Allen, Virginia.23060


A meeting to conduct general business.

Contact: Leon D. Baker, Jr., Division Director, Department of Criminal Justice Services, 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.virginia.gov.

DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING

August 3, 2005 - 10 a.m. -- Open Meeting
Department for the Deaf and Hard-of-Hearing, 1602 Rolling Hills Drive, 2nd Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A 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

July 7, 2005 - 8:30 a.m. -- Open Meeting


July 8, 2005 - 1 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


Formal hearings. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 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.

July 8, 2005 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Richmond, Virginia. 

A meeting to discuss business issues. There will be a public comment period at the beginning of the meeting.

Contact: Sandra Reen, Executive Director, Board of Dentistry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

† **July 15, 2005 - 9 a.m.** -- Open Meeting


† **July 22, 2005 - 9 a.m.** -- Open Meeting

† **August 12, 2005 - 9 a.m.** -- Open Meeting

† **August 26, 2005 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Special Conference Committee to hold informal conferences. There will not be a public comment period.


Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 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


June 16, 2005 - 11 a.m. -- Open Meeting

July 21, 2005 - 11 a.m. -- Open Meeting

August 18, 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/TTY , or e-mail rhonda.bishton@dgs.virginia.gov.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† **June 24, 2005 - 10 a.m.** -- Open Meeting

† **July 14, 2005 - 9 a.m.** -- Open Meeting

901 East Byrd Street, Presentation Center, 20th Floor, Richmond, Virginia. 


A meeting of the Search Committee to focus on the selection of a new executive director.

Contact: Kim Ellett, Senior Executive Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218-0798, telephone (804) 371-8108, FAX (804) 371-8112, e-mail ellett1@comcast.net.

BOARD OF EDUCATION

June 22, 2005 - 9 a.m. -- Open Meeting

July 27, 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.

DEPARTMENT OF EDUCATION

July 21, 2005 - 8:45 a.m. -- Open Meeting

July 22, 2005 - 8:45 a.m. -- Open Meeting

Richmond Holiday Inn at the Koger Center, Midlothian Turnpike, Richmond, Virginia.

A meeting of the State Special Education Advisory Committee. Agenda to be announced.

Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, 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.

LOCAL EMERGENCY PLANNING COMMITTEE - CITY OF WINCHESTER

† **July 6, 2005 - 3 p.m.** -- Open Meeting

Timbrook Public Safety Center, 231 East Piccadilly Street, Winchester, Virginia.

A regular meeting.

Calendar of Events

Contact: L.A. Miller, Fire and Rescue Chief, Local Emergency Planning Committee, Winchester Fire and Rescue Department, 231 E. Piccadilly St., Winchester, VA 22601, telephone (540) 662-2298, FAX (540) 542-1318, (540) 662-4131/TTY ☎.

DEPARTMENT OF ENVIRONMENTAL QUALITY

June 13, 2005 - 7 p.m. -- Open Meeting
Shenandoah University, Henkel Building, Hester Auditorium, 1460 University Drive, Winchester, Virginia. ♿

A public meeting on the development of the implementation plan to address bacteria impairments in Abrams Creek and Opequon Creek in Frederick County and the City of Winchester. The public notice appeared in the Virginia Register of Regulations on May 30, 2005. The comment period begins on June 13, 2005, and ends on July 13, 2005.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, e-mail mbrent@deq.virginia.gov.

† June 16, 2005 - 7 p.m. -- Open Meeting
Cumberland Elementary School, 60 School Road, Cumberland, Virginia. ♿

The final public meeting on the development of the implementation plan for the approved bacteria TMDL for the Willis River in Cumberland County. The public notice appeared in the Virginia Register of Regulations on May 30, 2005. The public comment period begins on June 16, 2005, and ends on July 16, 2005.

Contact: Jason Ericson, Department of Environmental Quality, 101 N. 14th St., 11th Floor Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, e-mail jason.ericson@deq.virginia.gov.

† June 23, 2005 - 7 p.m. -- Open Meeting
Cooks Corner Office Complex, 2911 General Puller Highway, Saluda, Virginia. ♿

A public meeting on the development of fecal coliform TMDLs in five shellfish propagation waters located in Middlesex County. The public notice appears in the Virginia Register of Regulations on June 13, 2005. The public comment period begins on June 24, 2005, and ends on July 25, 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.

† June 27, 2005 - 7 p.m. -- Open Meeting
Airfiled 4-H Center, Spain Conference Lodge, Wakefield, Virginia. ♿

A public meeting on the development of a TMDL implementation plan to address multiple impairments in the Chowan River Basin in Sussex and Southampton Counties. The public notice appears in the Virginia Register of

Regulations on June 13, 2005. The public comment period begins on June 27, 2005, and ends on July 28, 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.

† June 27, 2005 - 7 p.m. -- Open Meeting
Southern Piedmont Agricultural Research and Extension Center, Auditorium, 2375 Darvills Road, Blackstone, Virginia. ♿

A public meeting on the development of TMDL implementation plan to address multiple impairments in the Chowan River Basin in Prince Edward, Nottoway, Lunenburg and Dinwiddie Counties. The public notice appears in the Virginia Register of Regulations on June 13, 2005. The comment period begins on June 27, 2005, and ends on July 28, 2005.

Contact: Kelly J. Wills, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-5120, FAX (434) 582-5125, e-mail kjwills@deq.virginia.gov.

† June 29, 2005 - 7 p.m. -- Public Hearing
Sedwick Building, 146 Madison Road, Orange, Virginia. ♿

A public hearing to receive comments on a permit modification for the Orange County landfill located southwest of the Town of Nasons. The permit modification concerns the implementation of a ground water corrective action plan. The public comment period began on May 26, 2005, and closes on July 14, 2005.

Contact: Larry Syverson, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4271, e-mail lwsyverson@deq.virginia.gov.

† July 19, 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, e-mail mamassie@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

June 15, 2005 - 10 a.m. -- Open Meeting

June 16, 2005 - 9 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Fontaine Research Park, 2nd Floor, General Services Conference Room, Suite 800, Charlottesville, Virginia. ♿ (Interpreter for the deaf provided upon request)

A Burn Building Work Session.

Contact: Nausheen Khan, VFSB Clerk and Research Assistant, Department of Fire Programs, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, e-mail nkhan@vdfp.state.va.us.

BOARD OF FORESTRY

† **June 21, 2005 - 9 a.m.** -- Open Meeting
Department of Forestry, 900 Natural Resources Drive,
Charlottesville, Virginia. (Interpreter for the deaf provided
upon request)

A business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist,
Board of Forestry, 900 Natural Resources Dr., Charlottesville,
VA 22903-2982, telephone (434) 977-6555, FAX (434) 296-
2369, e-mail donna.hoy@dof.virginia.gov.

BOARD OF GAME AND INLAND FISHERIES

June 23, 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 review and approve fiscal year 2005-2006 operating and capital budgets for the Department of Game and Inland Fisheries. The board will receive staff's recommendations for webless migratory game bird and September Canada goose seasons and bag limits; solicit and hear comments from the public in a public hearing, at which time any interested citizen present shall be heard; and adopt 2005-2006 seasons and bag limits for those species based on frameworks provided by the U.S. Fish and Wildlife Service. The board intends to consider for final adoption regulation amendments proposed on March 24, 2005, that would (i) legalize the use of a crossbow by any person in all hunting seasons in which archery equipment may be used, establish a special crossbow license for persons using a crossbow during the special archery hunting seasons, to be required in addition to the basic hunting license, and establish the fees for such special crossbow license; and (ii) change the statutory authority for the establishing of watercraft registration fees, adding § 29.1-701.1 of the Code of Virginia to that authority, and removing Item 392 of the 2002 Appropriation Act from it, an amendment that would not change the language of the regulation section establishing the fees. A public comment period on the proposed regulation amendments opened March 24 and will close June 23, 2005. To ensure the board has adequate opportunity to review written comments, however, comments should be received by the Department of Game and Inland Fisheries no later than June 18, 2004. At the June 23, 2005, meeting, the board will solicit comments from the public in a public hearing, at which time any interested citizen present shall be heard; receive staff's recommendations regarding final adoption of amendments; and then determine whether the amendments proposed on March 24 will be adopted as final regulations. The board reserves the right to adopt final amendments that may be more liberal than, or more stringent than, the regulations currently in effect or the regulation amendments proposed at the March 24, 2005, meeting, as necessary for the proper management of wildlife resources. The board may also discuss general and administrative issues, hold a closed session at some time during the meeting, and elect to hold a dinner Wednesday evening, June 22, or after the meeting

on Thursday, June 23, 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 regcomments@dgif.virginia.gov.

BOARD FOR GEOLOGY

July 27, 2005 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting to conduct 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.

DEPARTMENT OF HEALTH

Radiation Advisory Board

July 20, 2005 - 10 a.m. -- Open Meeting
James Madison Building, 109 Governor Street, West
Conference Room, Room 132, Richmond, Virginia. (Interpreter for the deaf provided upon request)

The annual meeting.

Contact: Les Foldesi, Director, Radiological Health Program, Department of Health, 109 Governor St., Room 730, Richmond VA 23219, telephone (804) 864-8151, FAX (804) 864-8155, toll-free (800) 468-0138, (804) 828-1120/TTY, e-mail les.foldesi@vdh.virginia.gov.

DEPARTMENT OF HEALTH PROFESSIONS

June 17, 2005 - 9 a.m. -- Open Meeting
August 19, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Board Room 3, Richmond, Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Health Practitioners' Intervention Program Committee.

Contact: Peggy W. Call, Intervention Program Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9424, FAX (804) 662-7358, e-mail peggy.call@dhp.virginia.gov.

July 29, 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 Health Professions intends to amend regulations entitled **18 VAC 76-40, Regulations Governing the Emergency Contact Information**. The purpose of the proposed action is to

Calendar of Events

include licensed athletic trainers among the professions required to report emergency contact information.


Statutory Authority: § 54.1-2506.1 of the Code of Virginia.

Public comments may be submitted until July 29, 2005, to Robert A. Nebiker, Director, Department of Health Professions, 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 FOR HEARING AID SPECIALISTS

July 18, 2005 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia 


A meeting to conduct general business matters and consider regulatory issues as may be presented. A public comment period will be held at the beginning of the meeting. A portion of the board's business may be discussed in closed session. 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: 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.


VIRGINIA HIGHER EDUCATION TUITION TRUST FUND

Virginia College Savings Plan Board

† June 16, 2005 - 11 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, Virginia College Savings Plan, Board Room, 5th Floor, Richmond, Virginia. 

A meeting of the Actuarial Evaluation Committee to set tuition assumptions for the plan's actuarial valuation.

Contact: Ms. Vivian Shields, Deputy Director of Accounting, Virginia Higher Education Tuition Trust Fund, Virginia College Savings Plan, James Monroe Bldg., 101 North 14th Street, 5th Floor, Richmond, VA 23219, telephone (804) 786-4768, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY , e-mail vsinfo@virginia529.com.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† July 14, 2005 - 1 p.m. -- Open Meeting

Madras Hill, Greenwood, Virginia.

A meeting to discuss SCHEV roles and responsibilities.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail leeannrung@schev.edu.

† July 19, 2005 - 12:30 p.m. -- Open Meeting


Christopher Newport University, 1 University Place, Newport News, Virginia.

Committees will meet beginning at 8:30 a.m. Agenda materials will be available on the website approximately one week prior to the meeting at www.schev.edu. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.


Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, e-mail leeannrung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT


† June 20, 2005 - 9 a.m. -- Open Meeting

Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 


A meeting of the Codes and Standards Committee to review public comments on proposed building and fire regulations and finalize recommendations to the board.

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.

† July 26, 2005 - 10 a.m. -- Open Meeting

Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. 

A meeting to conduct general business.

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

July 13, 2005 - 9 a.m. -- Open Meeting
110 South 7th Street, 1st Floor, Telecommunications
Conference Room, Suite 100, Richmond, Virginia.

A subcommittee meeting. 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 23219, telephone (804) 371-0015, FAX (804) 371-2277, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

July 13, 2005 - 10 a.m. -- Open Meeting
110 South 7th Street, 4th Floor Auditorium, Richmond, Virginia.


A regular board meeting.

Contact: Steve Marzolf, Public Safety Communications Coordinator, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-0015, FAX (804) 371-2277, toll-free (866) 482-3911, e-mail steve.marzolf@vita.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION

August 3, 2005 - 2 p.m. -- Open Meeting
Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A regular meeting of the Executive Committee of the Jamestown 2007 Steering Committee. Call contact below for specific meeting location.

Contact: Judith Leonard, Administrative Office Manager, Jamestown-Yorktown Foundation, 410 W. Francis St., Williamsburg, VA 23185, telephone (757) 253-4253, FAX (757) 253-4950, (757) 253-5110/TTY , e-mail judith.leonard@jyf.virginia.gov.

BOARD OF JUVENILE JUSTICE

November 9, 2005 - 10 a.m. -- Public Hearing
Department of Juvenile Justice, 700 East Franklin Street, 4th Floor, Richmond, Virginia.

November 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 Juvenile Justice intends to amend regulations entitled **6 VAC 35-10, Public Participation Guidelines**. The purpose of the proposed action is to update the regulation to reflect technological and statutory changes since the original regulation was adopted in 1991.

Statutory Authority: §§ 2.2-4007 and 66-3 of the Code of Virginia.

Public comments may be submitted until November 25, 2005, to Patricia Rollston, P.O. Box 1110, Richmond, VA 23219-1110.

Contact: Donald R. Carignan, Regulatory Coordinator, Department of Juvenile Justice, P.O. Box 1110, Richmond, VA 23219-1110, telephone (804) 371-0743, FAX (804) 371-0773 or e-mail don.carignan@djj.virginia.gov.

DEPARTMENT OF LABOR AND INDUSTRY


Virginia Apprenticeship Council

June 16, 2005 - 10 a.m. -- Open Meeting
Location to be announced.  (Interpreter for the deaf provided upon request)

A meeting to conduct general business.

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 LAND EVALUATION ADVISORY COUNCIL

† **August 2, 2005 - 11 a.m.** -- Open Meeting
† **September 13, 2005 - 11 a.m.** -- Open Meeting
Department of Taxation, 2220 West Broad Street, Richmond, Virginia. 

A meeting to adopt suggested ranges of values for agricultural, horticultural, forest and open-space land use and the use-value assessment program.

Contact: H. Keith Mawyer, Property Tax Manager, Department of Taxation, 2220 W. Broad St., Richmond, VA 23220, telephone (804) 367-8020, FAX (804) 367-8662, e-mail keith.mawyer@tax.virginia.gov.

STATE LIBRARY BOARD

June 13, 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

Calendar of Events

Contact: Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

July 18, 2005 - 10 a.m. -- Public Hearing
Department of Housing and Community Development, 205 North 2nd Street, Richmond, Virginia.

August 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 Commission on Local Government intends to amend regulations entitled **1 VAC 50-10, Public Participation Guidelines**. The purpose of the proposed action is to update the public participation guidelines. The commission's current guidelines were adopted in 1984 and have not been amended since that date.

Statutory Authority: § 15.2-2903 of the Code of Virginia.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 786-6508, FAX (804) 371-7090, email Ted.McCormack@dhcd.virginia.gov.

July 18, 2005 - 10 a.m. -- Public Hearing
Department of Housing and Community Development, 205 North 2nd Street, Richmond, Virginia.

August 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 Commission on Local Government intends to amend regulations entitled **1 VAC 50-20, Organization and Regulations of Procedure**. The purpose of the proposed action is to update the regulations that are used by the commission in the review of boundary change and governmental transition issues and in the conduct of its meetings and oral presentations and public hearings. The commission's current regulations were adopted in 1984.

Statutory Authority: § 15.2-2903 of the Code of Virginia.

Contact: Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 786-6508, FAX (804) 371-7090, email Ted.McCormack@dhcd.virginia.gov.

July 18, 2005 - 1 p.m. -- Open Meeting
The Jackson Center, 501 North Second Street, 1st Floor, Board Room, Richmond, Virginia.♿

A regular meeting to consider such 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

June 15, 2005 - 10 a.m. -- Open Meeting
The Boar's Head Inn, 200 Ednam Drive, The Ednam Room, Charlottesville, Virginia.♿

A meeting to conduct routine business of the Board of Visitors.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

June 16, 2005 - 8:30 a.m. -- Open Meeting
The Boar's Head Inn, 200 Ednam Drive, The Ednam Room, Charlottesville, Virginia.♿

A retreat to work on Longwood's restructuring plan.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High Street, Farmville, VA 23909, telephone (434) 395-2004.

VIRGINIA MANUFACTURED HOUSING BOARD

† **June 16, 2005 - 10 a.m.** -- Open Meeting
The Jackson Center, 501 North 2nd Street, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular meeting to address claims and complaints against licensees and carry out administration of the Manufactured Housing Licensing and Transaction Recovery Fund Regulations.

Contact: Curtis McIver, State Building Code Administrator, Virginia Manufactured Housing Board, State Building Code Administrative Office, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7160, FAX (804) 371-7092, (804) 371-7089/TTY ☎, e-mail curtis.mciver@dhcd.virginia.gov.

MARINE RESOURCES COMMISSION

June 28, 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

June 14, 2005 - 10 a.m. -- Open Meeting

† **September 13, 2005 - 10 a.m.** -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Conference Room, Richmond, Virginia. 

A quarterly meeting.

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) 371-4981, (800) 343-0634/TTY , e-mail nancy.malczewski@dmas.virginia.gov.


DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

June 15, 2005 - 1 p.m. -- Open Meeting


July 20, 2005 - 1 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Boardroom, 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: Bob Knox, Transportation Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804) 786-5799, (800) 343-0634/TTY , e-mail bob.knox@dmas.virginia.gov.


June 16, 2005 - 1 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 13th Floor Boardroom, Richmond, Virginia. 


A meeting of the Nursing Home Reimbursement Workgroup to consider alternative reimbursement policies beginning in FY07 to spend the extra \$3 per day paid to nursing homes in FY06.

Contact: William Lessard, Health Care Reimbursement Analyst, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300 Richmond, VA 23219, telephone (804) 225-4593, FAX (804) 786-0729, (800) 343-0634/TTY , e-mail william.lessard@dmas.virginia.gov.


June 20, 2005 - 10 a.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, Boardroom, Richmond, Virginia. 


A meeting of the PDL Implementation Advisory Group.

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.

July 12, 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 Pharmacy Liaison Committee to discuss issues and concerns about Medicaid pharmacy issues with the committee and the community.

Contact: Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2873, FAX (804) 786-5799, (800) 343-0634/TTY , e-mail rachel.cain@dmas.virginia.gov.

July 29, 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 30-50, Amount, Duration and Scope of Medical and Remedial Care Services; 12 VAC 30-60, Standards Established and Methods Used to Assure High Quality Care; and 12 VAC 30-130, Amount, Duration and Scope of Selected Services**. The purpose of the proposed action is to implement coverage of new levels of community-based residential mental health services for children and adolescents.

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

Contact: Renee Slade White, Regulatory Coordinator, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail renee.white@dmas.virginia.gov.


July 29, 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 30-60, Standards Established and Methods Used to Assure High Quality Care**. The purpose of the proposed action is to change DMAS requirements for physician certification and recertification of home health patient care, to conform to federal Medicare law and regulation for home health services in order to reduce confusion and errors by home health agencies.

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

Contact: Diane Thorpe, Long-Term Care and Quality Assurance Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-7959, FAX (804) 786-1680 or e-mail diane.thorpe@dmas.virginia.gov.

August 11, 2005 - 2 p.m. -- Open Meeting

Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. 

A meeting of the Drug Utilization Review Board to discuss issues and concerns about Medicaid pharmacy issues with the committee and the community.

Calendar of Events

Contact: Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-2873, FAX (804) 786-5799, (800) 343-0634/TTY ☎, e-mail rachel.cain@dmas.virginia.gov.

BOARD OF MEDICINE

† **June 14, 2005 - 9 a.m.** -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. ♿

† **June 22, 2005 - 9 a.m.** -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. ♿

† **June 28, 2005 - 9 a.m.** -- Open Meeting
Clarion Hotel, 3315 Ordway Drive, Roanoke, Virginia. ♿

A Special Conference Committee of the board will convene informal conferences to inquire into allegations that certain practitioners may have violated certain laws and regulations governing the practice of medicine and other healing arts. Further, the board may review cases with staff for case disposition including consideration of consent orders for settlement for matters pending before the board. The board will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.

Contact: Renee S. Dixon, Discipline Case Manager, Board of Medicine, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7002, FAX (804) 662-9517, (804) 662-7197/TTY ☎, e-mail renee.dixon@dhp.virginia.gov.

† **June 17, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Boardroom 2, Richmond, Virginia.

A meeting of the Credentials Committee to consider applicants for licensure matters of the board. Public comments will be taken on agenda items.

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.

July 14, 2005 - 7:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Boardroom 1, Richmond, Virginia.

A meeting of the Nominating Committee to develop a slate of officers recommended for election by the board. No public comment will be received.

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.

July 14, 2005 - 8 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Boardroom 2, Richmond, Virginia.

July 29, 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 85-20, Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry and Chiropractic**. The purpose of the proposed action is to clarify that the intent of regulations for performance of office-based anesthesia was to address the administration of anesthesia in an office-based setting by an amendment stating that performance of a major conductive block for diagnostic or therapeutic purposes does not require the services of an anesthesiologist or certified registered nurse anesthetist, but could be administered by a qualified physician.

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

Public comments may be submitted until July 29, 2005, to William L. Harp, M.D., Director, Board of Medicine, 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.

July 14, 2005 - 8 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Boardroom 2, Richmond, Virginia.

July 29, 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 85-40, Regulations Governing the Practice of Respiratory Care Practitioners**. The purpose of the proposed action is to recognize courses directly related to the practice of respiratory care that are approved by the American Medical Association for Category 1 CME credit.

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

Public comments may be submitted until July 29, 2005, to William L. Harp, M.D., Director, Board of Medicine, 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.

July 14, 2005 - 8 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting 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.

August 19, 2005 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting of the Legislative Committee to 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.

Advisory Board on Acupuncture

August 3, 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

August 4, 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 on Occupational Therapy

August 2, 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

August 4, 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

NOTE: CHANGE IN MEETING DATE

July 27, 2005 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia.

A meeting to consider issues related to the regulation of radiologic technologists and radiologic technologist-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


August 2, 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

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **June 16, 2005 - 1 p.m.** -- Open Meeting
† **June 17, 2005 - 9 a.m.** -- Open Meeting
The Comfort Inn, 3200 West Broad Street, Richmond, Virginia. 


A regular meeting.

Contact: Marlene A. Butler, Executive Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Bldg., 1220 Bank St., 13th Floor, Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, e-mail marlene.butler@co.dmhmrzas.virginia.gov.


VIRGINIA MUSEUM OF FINE ARTS

June 16, 2005 - 9 a.m. -- Open Meeting
Virginia Museum of Fine Arts, CEO Parlor, 200 North Boulevard, Richmond, Virginia. 


A joint meeting of the Executive and Financial Oversight Committees for staff to update the committees. 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

June 13, 2005 - 9 a.m. -- Open Meeting
June 14, 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.

July 18, 2005 - 9 a.m. -- Open Meeting
July 20, 2005 - 9 a.m. -- Open Meeting
July 21, 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.

July 19, 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.

July 19, 2005 - 1:30 p.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.

July 29, 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 90-25, Regulations Governing Certified Nurse Aides**. The purpose of the proposed action is to increase the biennial renewal fee for certified nurse aides from \$45 to \$50.

Statutory Authority: § 54.1-2400 and Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1 of the Code of Virginia.


Public comments may be submitted until July 29, 2005, to Jay Douglas, R.N., Executive Director, Board of Nursing, 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.

JOINT BOARDS OF NURSING AND MEDICINE

June 22, 2005 - 9 a.m. -- Open Meeting
August 24, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, 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.


BOARD OF NURSING HOME ADMINISTRATORS

July 27, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

A meeting to discuss general board business. There will be a public comment period during the first 15 minutes of the meeting.

Contact: Sandra Reen, Executive Director, Board of Nursing Home Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7457, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail sandra.reen@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

June 14, 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. Public comment will not be received.

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.

OLMSTEAD OVERSIGHT ADVISORY COMMITTEE

June 16, 2005 - 11 a.m. -- Open Meeting
August 11, 2005 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 621 South Belvidere Street, Richmond, Virginia.

A regular meeting.

Contact: Kathie Shifflett, Administrative Assistant, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 622-7069, FAX (804) 662-7663, e-mail kathie.shifflett@drs.virginia.gov.

† **June 21, 2005 - 1 p.m.** -- Open Meeting
Virginia Housing Development Authority, 602 South Belvidere Street, Richmond, Virginia. 

A meeting of the Olmstead Implementation Team.

Contact: Kathie Shifflett, Administrative Assistant, Office of Governor, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7069, FAX (804) 662-7663, e-mail kathie.shifflett@drs.virginia.gov.

July 26, 2005 - 11 a.m. -- Open Meeting
Virginia Housing Development Authority, 621 South Belvidere Street, Richmond, Virginia.

A joint meeting between the Implementation Team and the Oversight Advisory Committee.

Contact: Kathie Shifflett, Administrative Assistant, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone


(804) 622-7069, FAX (804) 662-7663, e-mail kathie.shifflett@drs.virginia.gov.

† **September 13, 2005 - 11 a.m.** -- Open Meeting
† **September 14, 2005 - 9 a.m.** -- Open Meeting
Department of Rehabilitative Services


A regular meeting.

Contact: Kathie Shifflett, Administrative Assistant, Office of Governor, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7069, FAX (804) 662-7663, e-mail kathie.shifflett@drs.virginia.gov.

BOARD FOR OPTICIANS

July 22, 2005 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A meeting to conduct general business including consideration of regulatory issues as may be presented on the agenda. A public comment period will be held at the beginning of the meeting. A portion of the board's business may be discussed in closed session. 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: 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.

BOARD OF OPTOMETRY

July 29, 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 Optometry intends to amend regulations entitled **18 VAC 105-20, Regulations Governing the Practice of Optometry** and repeal regulations entitled **18 VAC 105-30, Regulations for Certification for Therapeutic Pharmaceutical Agents**. The purpose of the proposed action is to incorporate the current requirements for certification in therapeutic pharmaceutical agents into regulations governing the practice of optometry.


Statutory Authority: §§ 54.1-2400 and 54.1-3223 of the Code of Virginia.


Public comments may be submitted until July 29, 2005, to Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, 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.

Calendar of Events


VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES


June 13, 2005 - 5 p.m. -- Open Meeting
Holiday Inn I-64, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

June 28, 2005 - 4 p.m. -- Open Meeting
Blue Ridge Independent Living Center, 1502-B Williamson Road, NE, Roanoke, Virginia.  (Interpreter for the deaf provided upon request)

June 29, 2005 - 4 p.m. -- Open Meeting
Southwest Virginia Higher Education Center, One Partnership Circle, Room 222, Abingdon, Virginia.  (Interpreter for the deaf provided upon request)


A public comment forum in response to the interim biennial report.

Contact: Barbara Ettner, Director Policy, Research and Evaluation, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA, telephone (804) 786-7333, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY , e-mail barbara.ettner@vbpd.virginia.gov.

June 13, 2005 - 10 a.m. -- Open Meeting
Holiday Inn, 6531 West Broad Street, Richmond, Virginia. 

† August 31, 2005 - 10 a.m. -- Open Meeting
202 North 9th Street, Richmond, Virginia. 


A meeting of the Executive Committee.

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.


NOTE: CHANGE IN MEETING DATE


† June 13, 2005 - 8:15 a.m. -- Open Meeting

† September 1, 2005 - 9 a.m. -- Open Meeting


Holiday Inn, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A quarterly board 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.


June 14, 2005 - 9 a.m. -- Open Meeting
Holiday Inn, 6531 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly board 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.

† June 23, 2005 - 10 a.m. -- Open Meeting
Eighth Street Office Building, 3rd Floor Training Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A grant orientation meeting. A request will be made to hold the meeting in closed session.

Contact: Lynne Talley, Grants Administrative Manager, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9375, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY , e-mail lynne.talley@vbpd.virginia.gov.


BOARD OF PHARMACY

June 22, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A Special Conference Committee will discuss disciplinary matters. Public comments will not 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.

* * * * *

† June 22, 2005 - 8:45 a.m. -- Public Hearing
Department of Health Professions, 6603 West Broad Street, 5th Floor, Boardroom 4, Richmond, Virginia. 

† August 12, 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 110-30, Regulations for Practitioners of the Healing Arts to Sell Controlled Substances**. The purpose of the proposed action is to eliminate unnecessary requirements for equipment and security, allow electronic transmission and storage of records, amend a burdensome reinstatement requirement and clarify rules for repackaging and storage. In addition, regulations are updated for consistency with Code changes requiring registration and training of pharmacy technicians and counseling of patients.

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

Public comments may be submitted until August 12, 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.

* * * * *


July 29, 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 action is to limit the time for dispensing or refilling of Schedule VI drugs to one year from date of issuance unless the prescriber specifies a longer period, not to exceed two years.


Statutory Authority: § 54.1-2400 and Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Public comments may be submitted until July 29, 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.

† **September 13, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A meeting to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY , e-mail scott.russell@dhp.virginia.gov.


BOARD OF PHYSICAL THERAPY

August 19, 2005 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A regular business meeting.


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

† **September 1, 2005 - 10 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. 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: Kevin Hoeft, 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.hoeft@dpor.virginia.gov.

BOARD OF PSYCHOLOGY


June 16, 2005 - 9 a.m. -- CANCELED
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


An informal conference has been canceled.

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.


July 12, 2005 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor Richmond, Virginia. 

A business meeting to include 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.


† **July 12, 2005 - Noon** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor Richmond, Virginia. 

A meeting of the Ad Hoc Committee on Technical Assistance to develop guidance for the use of technical assistance.

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.

† **August 23, 2005 - 9:30 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A formal hearing.

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.

Calendar of Events

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

June 30, 2005 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia.

An advisory board meeting.

Contact: Janet Dingle Brown, Esq., Public Guardianship Coordinator and Legal Services Developer, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail janet.brown@vda.virginia.gov.

VIRGINIA RACING COMMISSION

June 15, 2005 - 9:30 a.m. -- Public Hearing
Tyler Building, 1300 East Main Street, Richmond, Virginia.

July 29, 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 Virginia Racing Commission intends to amend regulations entitled **11 VAC 10-20, Regulations Pertaining to Horse Racing with Pari-Mutuel Wagering**. The purpose of the proposed action is to specify certain procedures for the transfer or acquisition of an interest in an existing owner's, owner-operator's, or operator's license.

Statutory Authority: § 59.1-369 of the Code of Virginia.

Contact: David S. Lermond, Jr., Regulatory Coordinator, Virginia Racing Commission, 10700 Horsemen's Rd., New Kent, VA 23124, telephone (804) 966-7404, FAX (804) 966-7418 or e-mail david.lermond@vrc.virginia.gov.

REAL ESTATE APPRAISER BOARD

August 23, 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.

REAL ESTATE BOARD

June 16, 2005 - 9 a.m. -- Open Meeting
† **June 20, 2005 - 10 a.m.** -- Open Meeting
† **June 23, 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: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail reboard@dpor.virginia.gov.

VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL

† **June 14, 2005 - 10 a.m.** -- Open Meeting
Hampton Roads Planning District Commission, 723 Woodlake Drive, Regional Board Room, Chesapeake, Virginia.

A regular meeting. There will be a break for lunch at noon and then a joint meeting of the Local Government Assistance and Recycling Rate Subcommittees from 1 to 3 p.m. The primary purpose of the meeting is to obtain comments from Hampton Roads 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 giving serious consideration to recommending modifications to the current 25% recycling mandate to provide relief to rural localities who are having difficulty meeting the date as a result of transportation costs, the lack of economies of scale and other obstacles beyond their control. The VRMDC is traveling to Hampton Roads 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 received at the meeting of the full council.

Contact: Philip F. Abraham, Virginia Recycling Markets Development Council, 411 E. Franklin St., Suite 602, Richmond, VA 23219, telephone (804) 644-6600, e-mail pabraham@vectrecorp.com.

DEPARTMENT OF REHABILITATIVE SERVICES


Commonwealth Neurotrauma Initiative (CNI) Trust Fund Advisory Board

June 17, 2005 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Road, Conference Room 101, Richmond, Virginia.
(Interpreter for the deaf provided upon request)

A regular meeting. There will be a public comment period at the beginning of the meeting.


Contact: Kristie Chamberlain, CNI Program Administrator, Department of Rehabilitative Services, DRS, 8004 Franklin Farms Dr., Richmond VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (804) 464-9950/TTY , e-mail kristie.chamberlain@drs.virginia.gov.

VIRGINIA RESOURCES AUTHORITY

† **June 13, 2005 - 3 p.m.** -- Open Meeting
Marriott Courtyard Norfolk Downtown, 520 Plume Street,
Norfolk, Virginia. 


A meeting of the Budget Committee. 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 bmcrac@vra.state.va.us.

† **June 13, 2005 - 3:30 p.m.** -- Open Meeting
Marriott Courtyard Norfolk Downtown, 520 Plume Street,
Norfolk, Virginia. 

A meeting of the Personnel Committee. 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 bmcrac@vra.state.va.us.

June 14, 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 bmcrac@vra.state.va.us.


SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

June 29, 2005 - 10 a.m. -- Open Meeting
August 10, 2005 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate
Room B, Richmond, Virginia. 

A meeting to hear appeals of health department denials of septic tank permits.

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.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY


June 15, 2005 - Noon -- Open Meeting
Department of Business Assistance, 707 East Main Street,
3rd Floor Board Room, Richmond, Virginia. 


A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. The meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, e-mail scott.parsons@dba.virginia.gov.


STATE BOARD OF SOCIAL SERVICES


June 15, 2005 - 9 a.m. -- Open Meeting
Berry Hill, 3105 River Road, South Boston, Virginia.

June 16, 2005 - 9 a.m. -- Open Meeting
Department of Social Services, 1046 Cowford Building,
Halifax, Virginia. 

August 17, 2005 - 9 a.m. -- Open Meeting
August 18, 2005 - 9 a.m. -- Open Meeting
Department of Social Services, 1701 High Street, Portsmouth,
Virginia. 

A regular meeting. Public comment will be received at 1:30 p.m.

Contact: Pat Rengnerth, State Board Liaison, State Board 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.

August 16, 2005 - 9 a.m. -- Open Meeting
Department of Social Services, 7 North 8th Street, 6th Floor,
Conference Room, Richmond, Virginia. 

New member orientation.

Contact: Pat Rengnerth, State Board Liaison, State Board of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804)

Calendar of Events

726-7905, FAX (804) 726-7906, (800) 828-1120/TTY ☎, e-mail patricia.rengnerth@dss.virginia.gov.

(804) 662-7250, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

July 29, 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 Social Services intends to amend regulations entitled **22 VAC 40-901, Community Services Block Grant Program**. The purpose of the proposed action is to establish criteria for the expansion of existing community action agencies and the designation of new community action agencies.

Statutory Authority: §§ 2.2-5402 and 63.2-217 of the Code of Virginia.

Contact: J. Mark Grigsby, Director, Office of Community Services, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7922, FAX (804) 726-7946 or e-mail james.grigsby@dss.virginia.gov.

DEPARTMENT OF SOCIAL SERVICES

Council on the Status of Women

† **June 17, 2005 - 10 a.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, Richmond, Virginia. ♿

A regular business meeting.

Contact: Jane Brown, Director, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7912, e-mail women.council@dss.virginia.gov.

Family and Children's Trust Fund

NOTE: CHANGE IN MEETING TIME

† **June 20, 2005 - 10 a.m.** -- Open Meeting
Holiday Inn Select, 1021 Koger Center Boulevard, Richmond, Virginia. ♿

A regular business meeting of the Board of Trustees.

Contact: Nan McKenney, Executive Director, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7604, FAX (804) 726-7015, e-mail nan.mckenney@dss.virginia.gov.

BOARD OF SOCIAL WORK

† **June 23, 2005 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, Conference Room 4, 5th Floor, Richmond, Virginia. ♿

Informal conferences to hear possible violations of the laws and regulations governing the practice of social work.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† **July 13, 2005 - 10 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. 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: Mark N. Courtney, Executive Director, Board for Professional Soil Scientists and Wetland Professionals, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, e-mail soilscientist@dpor.virginia.gov.

COUNCIL ON TECHNOLOGY SERVICES

June 23, 2005 - 2 p.m. -- Open Meeting
August 25, 2005 - 2 p.m. -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ♿

A regular meeting of the advisory council to the chief information officer of the Commonwealth on matters related to information technology in the Commonwealth.

Contact: Jennifer W. Hunter, Special Assistant for Communications/COTS Executive Director, Council on Technology Services, 411 E. Franklin St., Suite 500, Richmond, VA 23219, telephone (804) 343-9012, FAX (804) 343-9015, e-mail jenny.hunter@vita.virginia.gov.

VIRGINIA TOBACCO SETTLEMENT FOUNDATION

† **June 15, 2004 - Noon** -- Open Meeting
701 East Franklin Street, Richmond, Virginia. ♿

A meeting to approve FY 2006 contracts.


Contact: Eloise Burke, Sr. Executive Assistant, Virginia Tobacco Settlement Foundation, 701 E. Franklin St., Richmond, VA 23219, telephone (804) 786-2523, FAX (804) 225-2272, e-mail eburke@tsf.org.

COMMONWEALTH TRANSPORTATION BOARD

† **June 15, 2005 - 2 p.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. ♿


A work session of the Commonwealth Transportation Board and transportation staff.

Contact: Carol A. Mathis, Administrative Staff Assistant, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, e-mail carol.mathis@vdot.virginia.gov.

† **June 16, 2005 - 9 a.m.** -- Open Meeting
Department of Transportation, 1221 East Broad Street, Auditorium, Richmond, Virginia. 

A regularly scheduled meeting to transact board business, such as permits, additions/deletions to the highway system, and other matters requiring board approval. Public comment will be received at the outset of the meeting on items on the agenda for which the opportunity for public comment has not been afforded the public in another forum. Remarks will be limited to five minutes. Large groups will be asked to select one individual to speak for the group. The board reserves the right to amend these conditions. Separate committee meetings may be held on call of the chairman. Contact VDOT Public Affairs at (804) 786-2715 for schedule.

Contact: Carol Mathis, Administrative Staff Assistant, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, e-mail carol.mathis@vdot.virginia.gov.

† **July 12, 2005 - 7 p.m.** -- Open Meeting
Stafford County Board of Supervisors Chambers, 1300 Courthouse Road, Stafford, Virginia. 

The first meeting of the I-95/395 PPTA Advisory Panel to receive a presentation by the two teams proposing improvements to the I-95/395 corridor, followed by questions. Public comment will not be received at this meeting. The September 14, 2005, meeting is planned for public comments. Proceedings will be televised over the county's cable network.


Contact: Robert L. Trachy, Jr., Project Manager, Commonwealth Transportation Board, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4263, e-mail larry.trachy@virginiadot.org.

July 15, 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 Commonwealth Transportation Board intends to adopt regulations entitled **24 VAC 30-121, Comprehensive Roadside Management Program Regulations**. The purpose of the proposed action is to promulgate roadside management regulations to fulfill the directives of Chapter 679 of the 2004 Acts of Assembly.

Statutory Authority: §§ 33.1-12 and 33.1-223.2:9 of the Code of Virginia.


Contact: Jacob Porter, Roadside Operations Program Manager, Commonwealth Transportation Board, Asset Management Division, Monroe Tower, 1401 E. Broad St., 19th Floor, Richmond, VA 23219, telephone (804) 786-7218, FAX (804) 786-7987, e-mail jacobporter@vdot.virginia.gov.

† **July 26, 2005 - 7 p.m.** -- Open Meeting
Arlington County Board of Supervisors Meeting Room, 2100 Clarendon Boulevard, Arlington, Virginia. 

The second meeting of the I-95/395 PPTA Advisory Panel to consider two proposals for improvements to the I-95/395 corridor. Public comment will not be received at this meeting. Public comments are planned to be received at the September 14, 2005, meeting. Proceedings will be televised over the county's cable network.

Contact: Robert L. Trachy, Jr., Project Manager, Commonwealth Transportation Board, Va. 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4263, FAX (804) 225-4700, e-mail Larry.Trachy@VirginiaDOT.org.

TREASURY BOARD

June 15, 2005 - 9 a.m. -- Open Meeting
July 20, 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) 786-0833, e-mail melissa.mayes@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES


Joint Leadership Council of Veterans Service Organizations

† **July 13, 2005 - 11 a.m.** -- Open Meeting
Location to be determined.

A regular meeting. Public comment will be received at approximately 12:30 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.

Board of Veterans Services


† **June 27, 2005 - 11 a.m.** -- Open Meeting
American Legion Post 176, 6520 Amherst Avenue, Springfield, Virginia. 

A regular meeting. Public comment will be received at approximately 12:30 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.

Calendar of Events


STATE WATER CONTROL BOARD

† **June 20, 2005 - 9:30 a.m.** -- Open Meeting
Department of Environmental Quality Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting in the development of a general VPDES permit for total nitrogen and total phosphorus discharges and nutrient trading in the Chesapeake Bay. The Notice of Intent was published in the Virginia Register of Regulations on May 2, 2005. The deadline for comments on the Notice of Intent and to volunteer to serve on the Advisory Committee was June 1, 2005.

Contact: Allan Brockenbrough, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4147, FAX (804) 698-4032, e-mail abrockenbrough@deq.virginia.gov.

June 21, 2005 - 9:30 a.m. -- Open Meeting

July 14, 2005 - 9:30 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting in the development of amendments to the Virginia Water Protection Permit Regulation.

Contact: William K. Norris, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4022, FAX (804) 698-4224, e-mail wknorris@deq.virginia.gov.


June 28, 2005 - 9:30 a.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, House
Room C, Richmond, VA

A regular board 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.

July 7, 2005- 10 a.m. -- Open Meeting

August 9, 2005 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting in the development of amendments to the water quality standards to establish nutrient criteria for lakes. Meeting date is tentative and interested persons should confirm the meeting with the contact person.

Contact: Eleanore Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, e-mail emdaub@deq.virginia.gov.


August 25, 2005 - 9:30 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional
Office, 4949-A Cox Road, Glen Allen, Virginia. 

A meeting of the advisory committee assisting in the development of amendments to the Virginia Water Protection Permit Regulation.


Contact: William K. Norris, State Water Control Board, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4022, FAX (804) 698-4224, e-mail wknorris@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

June 22, 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

Board for Protection and Advocacy

July 19, 2005 - 9 a.m. -- Open Meeting

Virginia Office for Protection and Advocacy, Byrd Building,
1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


Public comment is welcomed and will be accepted at the start of the meeting. If you wish to provide public comment via telephone, or if interpreter services or other accommodations are required, please contact Lisa Shehi at 1-800-552-3962 or via e-mail at lisa.shehi@vopa.virginia.gov no later than Tuesday, July 5, 2005.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail lisa.shehi@vopa.virginia.gov.

Disabilities Advisory Council

NOTE: CHANGE IN MEETING DATE

† **July 27, 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)

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 July 14, 2005.

Contact: Delicia Vance, Outreach Advocate, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 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.

PAIMI Advisory Council

August 11, 2005 - 10 a.m. -- Open Meeting
Location to be announced.

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 July 29, 2005.

Contact: Delicia Vance, Outreach Advocate, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 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

August 16, 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.

August 17, 2005 - 9 a.m. -- Open Meeting
Location to be determined. ♿

The Board of Trustees annual retreat has been rescheduled to August. Details will be posted at a later date.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

August 17, 2005 - 2:30 p.m. -- Open Meeting
Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. ♿

Meetings of the following committees:

- 11 a.m. - Investment Advisory
- 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.

Contact: LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 649-8059, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail lking@vrs.state.va.us.

August 18, 2005 - 8:30 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 St., 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

JOINT SUBCOMMITTEE ON ADOPTION LAWS AND POLICIES

June 22, 2005 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Jeff Gore, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O. Box 396, Richmond, VA 23218 at least seven days prior to the meeting.

Contact: Patty Lung, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7450.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

June 13, 2005 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

A meeting to discuss VITA implementation status report and internal service funds.

Contact: Trish Bishop, Principal Legislative Analyst, Joint Legislative Audit and Review Commission, General Assembly Bldg., 910 Capitol St., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, e-mail tbishop@leg.state.va.us.

Calendar of Events

VIRGINIA CODE COMMISSION

June 15, 2005 - 10 a.m. -- Open Meeting

July 20, 2005 - 10 a.m. -- Open Meeting

August 17, 2005 - 10 a.m. -- Open Meeting

† **September 21, 2005 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor,
Speaker's Conference Room, Richmond, Virginia. ♿

A meeting to discuss the 2005 workplan and begin working on the 2007 Code of Virginia publication project.

Contact: 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.

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

June 15, 2005 - 1 p.m. -- Open Meeting

† **August 31, 2005 - 1 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

An agenda for the meeting will be posted as soon as it is available.

Contact: Maria Everett, Executive Director, Virginia Freedom of Information Advisory Council, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 255-3056, FAX (804) 371-0169, toll-free (866) 448-4100.

JOINT SUBCOMMITTEE STUDYING REDUCTION OF HIGHWAY NOISE ABATEMENT COSTS

† **July 19, 2005 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Alan Wambold Division of Legislative Services, (804) 786-3591.

Contact: Barbara L. Regen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT SUBCOMMITTEE STUDYING THE VEHICLE TOWING AND RECOVERY INDUSTRY

† **June 21, 2005 - 7 p.m.** -- Open Meeting

Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia.

A regular meeting. For questions regarding the meeting agenda, contact Alan Wambold, Division of Legislative Services, (804) 786-3591. Individuals requiring interpreter services or other accommodations should telephone Senate Committee Operations at (804) 698-7450, (804) 698-7419/TTY, or write to Senate Committee Operations, P.O.

Box 396, Richmond, VA 23218 at least seven days prior to the meeting.

Contact: Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7450.

JOINT SUBCOMMITTEE STUDYING THE VOTING EQUIPMENT CERTIFICATION PROCESS

NOTE: CHANGE IN MEETING DATE, TIME AND LOCATION

† **July 19, 2005 - 12:30 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

NOTE: CHANGE IN MEETING TIME

August 22, 2005 - 12:30 p.m. -- Open Meeting

November 21, 2005 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Mary Spain or Jack Austin, Division of Legislative Services, (804) 786-3591.

Contact: Barbara L. Regen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT SUBCOMMITTEE STUDYING WORKFORCE DEVELOPMENT AND TRAINING RESOURCES

† **June 21, 2005 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Terry Barnes-Pirko, Division of Legislative Services, (804) 786-3591.

Contact: Lois Johnson, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

CHRONOLOGICAL LIST

OPEN MEETINGS

June 13

Audit and Review Commission, Joint Legislative Environmental Quality, Department of Library Board, State Nursing, Board of
† People with Disabilities, Virginia Board for
† Resources Authority, Virginia

June 14

† Branch Pilots, Board for Medical Assistance Services, Board of
† Medicine, Board of Nursing, Board of Old Dominion University
† People with Disabilities, Virginia Board for

† Recycling Markets Development Council, Virginia
Resources Authority, Virginia

June 15

At-Risk Youth and Families, Comprehensive Services for
- State Executive Council
Code Commission, Virginia
Fire Services Board, Virginia
Freedom of Information Advisory Council, Virginia
Longwood University
Medical Assistance Services, Department of
Small Business Financing Authority, Virginia
Social Services, State Board of
Tobacco Settlement Foundation, Virginia
† Transportation Board, Commonwealth
Treasury Board

June 16

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Contractors, Board for
Design-Build/Construction Management Review Board
† Environmental Quality, Department of
Fire Services Board, Virginia
† Higher Education Tuition Trust Fund, Virginia
Labor and Industry, Department of
- Virginia Apprenticeship Council
Longwood University
† Manufactured Housing Board, Virginia
† Medical Assistance Services, Department of
† Mental Health, Mental Retardation and Substance Abuse
Services Board, State
Museum of Fine Arts, Virginia
Olmstead Oversight Advisory Committee
Real Estate Board
Social Services, State Board of
† Transportation Board, Commonwealth

June 17

Health Professions, Department of
- Health Practitioners' Intervention Program Committee
† Medicine, Board of
† Mental Health, Mental Retardation and Substance Abuse
Services Board, State
Rehabilitative Services, Department of
- Commonwealth Neurotrauma Initiative Trust Fund
Advisory Board
† Social Services, Department of
- Council on the Status of Women

June 20

Accountancy, Board of
Alcoholic Beverage Control Board
Business Assistance, Department of
- Small Business Advisory Board
Chesapeake Bay Local Assistance Board
† Housing and Community Development, Board of
Medical Assistance Services, Department of
† Real Estate Board
† Water Control Board, State
Social Services, Department of
- Family and Children's Trust Fund

June 21

† Agriculture and Consumer Services, Department of
- Virginia Aquaculture Advisory Board

Contractors, Board for
† Forestry, Board of
† Olmstead Oversight Advisory Committee
- Olmstead Implementation Team
† Vehicle Towing and Recovery Industry, Joint
Subcommittee Studying the
Water Control Board, State
† Workforce Development and Training Resources, Joint
Subcommittee Studying

June 22

Adoption Laws and Policies, Joint Subcommittee on
Air Pollution Control Board, State
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Compensation Board
Education, Board of
† Medicine, Board of
Nursing and Medicine, Joint Boards of
Pharmacy, Board of
Waterworks and Wastewater Works Operators, Board for

June 23

† Asbestos, Lead, and Home Inspectors, Virginia Board for
Cemetery Board
† Contractors, Board for
† Environmental Quality, Department of
Game and Inland Fisheries, Board of
† People with Disabilities, Virginia Board for
† Real Estate Board
† Social Work, Board of
Technology Services, Council on

June 24

† Correctional Education, Board of
† Economic Development Partnership, Virginia

June 25

Blind and Vision Impaired, Department of the
- Statewide Rehabilitation Council for the Blind

June 27

† Environmental Quality, Department of
† Veterans Services, Department of
- Board of Veterans Services

June 28

† Agriculture and Consumer Services, Department of
- Virginia Egg Board
Conservation and Recreation, Department of
- Virginia Scenic River Board
† Contractors, Board for
† Criminal Justice Services Board
- Private Security Services Advisory Board
Marine Resources Commission
† Medicine, Board of
People with Disabilities, Virginia Board for
Water Control Board, State

June 29

Accountancy, Board of
Agriculture and Consumer Services, Department of
- Virginia Wine Board
People with Disabilities, Virginia Board for
Sewage Handling and Disposal Appeal Review Board

June 30

Public Guardian and Conservator Advisory Board, Virginia

Calendar of Events

July 5

Alcoholic Beverage Control Board

July 6

† Emergency Planning Committee, Local - City of Winchester

July 7

† Auctioneers Board
† Contractors, Board for
Dentistry, Board of
Water Control Board, State

July 8

Art and Architectural Review Board
Dentistry, Board of

July 12

Blind and Vision Impaired, Board for the
Child Fatality Review Team, State
Medical Assistance Services, Department of
† Psychology, Board of
† Transportation Board, Commonwealth

July 13

† Agriculture and Consumer Services, Board of
Information Technologies Agency, Virginia
- E-911 Wireless Services Board
† Soil Scientists and Wetland Professionals, Board for
Professional
† Veterans Services, Department of
- Joint Leadership Council of Veterans Service
Organizations

July 14

† Economic Development Partnership, Virginia
† Higher Education for Virginia, State Council of
Medicine, Board of
Water Control Board, State

July 15

† Dentistry, Board of

July 18

Alcoholic Beverage Control Board
Hearing Aid Specialists, Board for
Local Government, Commission on
Nursing, Board of

July 19

Contractors, Board for
Corrections, Board of
† Environmental Quality, Department of
† Higher Education for Virginia, State Council of
Nursing, Board of
Protection and Advocacy, Virginia Office for
- Board for Protection and Advocacy
† Reduction of Highway Noise Abatement Costs, Joint
Subcommittee Studying
† Voting Equipment Certification Process, Joint
Subcommittee Studying the

July 20

Agriculture and Consumer Services, Department of
- Virginia Small Grains Board
Code Commission, Virginia
† Community Colleges, State Board for
Corrections, Board of
Health, Department of
- Radiation Advisory Board
Medical Assistance Services, Department of

Nursing, Board of
Treasury Board

July 21

† Community Colleges, State Board for
Design-Build/Construction Management Review Board
Education, Department of
- State Special Education Advisory Committee
Nursing, Board of

July 22

† Dentistry, Board of
Education, Department of
- State Special Education Advisory Committee
Opticians, Board for

July 26

Accountancy, Board of
† Housing and Community Development, Board of
Olmstead Oversight Advisory Committee
† Transportation Board, Commonwealth

July 27

Education, Board of
Geology, Board for
Medicine, Board of
- Advisory Board on Radiologic Technology
Nursing Home Administrators, Board of
† Protection and Advocacy, Virginia Office for
- Disabilities Advisory Council

July 28

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

July 29

† Branch Pilots, Board for

August 1

Alcoholic Beverage Control Board

August 2

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Land Evaluation Advisory Council, State
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care

August 3

Deaf and Hard-of-Hearing, Department for the
Jamestown-Yorktown Foundation
Medicine, Board of
- Advisory Board on Acupuncture

August 4

Accountancy, Board of
† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physician Assistants

August 5

Art and Architectural Review Board

August 9

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

Water Control Board, State

August 10

Contractors, Board for
Sewage Handling and Disposal Appeal Review Board

August 11

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Medical Assistance Services, Department of
Olmstead Oversight Advisory Committee
Protection and Advocacy, Virginia Office for
- PAIMI Advisory Council

August 12

† Dentistry, Board of

August 15

Alcoholic Beverage Control Board
Barbers and Cosmetology, Board for

August 16

Retirement System, Virginia
Social Services, State Board of

August 17

Asbestos, Lead, and Home Inspectors, Virginia Board for
Code Commission, Virginia
Retirement System, Virginia
Social Services, State Board of

August 18

Audiology and Speech-Language Pathology, Board of
Design-Build/Construction Management Review Board
Retirement System, Virginia
Social Services, State Board of

August 19

Health Professions, Department of
- Health Practitioners Intervention Program Committee
Medicine, Board of
Physical Therapy, Board of

August 22

Voting Equipment Certification Process, Joint
Subcommittee Studying the

August 23

† Psychology, Board of
Real Estate Appraiser Board

August 24

Nursing and Medicine, Joint Boards of

August 25

Technology Services, Council on
Water Control Board, State

August 26

† Dentistry, Board of

August 29

Alcoholic Beverage Control Board

August 30

Contractors, Board for

August 31

† Freedom of Information Advisory Council, Virginia
† People with Disabilities, Virginia Board for

September 1

† People with Disabilities, Virginia Board for
† Polygraph Examiners Advisory Board

September 8

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

† Criminal Justice Services Board

September 9

† Art and Architectural Review Board
† Child Fatality Review Team, State

September 12

† Alcoholic Beverage Control Board

September 13

† Gaming Board, Charitable
† Land Evaluation Advisory Council, State
† Medical Assistance Services, Board of
† Olmstead Oversight Advisory Committee
† Pharmacy, Board of

September 14

† Olmstead Oversight Advisory Committee

September 21

† Code Commission, Virginia

November 21

Voting Equipment Certification Process, Joint
Subcommittee Studying the

PUBLIC HEARINGS

June 13

Conservation and Recreation, Department of

June 14

Contractors, Board for

June 15

Racing Commission, Virginia

June 22

† Pharmacy, Board of

June 29

† Environmental Quality, Department of

July 7

Air Pollution Control Board, State

July 13

Contractors, Board for

July 14

Contractors, Board for
Medicine, Board of

July 18

Local Government, Commission on

July 19

Nursing, Board of

November 9

Juvenile Justice, Board of

Calendar of Events
