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# CUMULATIVE TABLE OF VIRGINIA ADMINISTRATIVE CODE SECTIONS ADOPTED, AMENDED, OR REPEALED

The table printed below lists regulation sections, by Virginia Administrative Code (VAC) title, that have been amended, added or repealed in the *Virginia Register* since the regulations were originally published or last supplemented in VAC (the Spring 2005 VAC Supplement includes final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
<b>Title 1. Administration</b>			
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
<b>Title 3. Alcoholic Beverages</b>			
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
<b>Title 4. Conservation and Natural Resources</b>			
4 VAC 15-40-20	Amended	21:23 VA.R. 3235	8/24/05
4 VAC 15-40-21	Added	21:23 VA.R. 3235	8/24/05
4 VAC 15-380-120	Readopting	21:23 VA.R. 3236	8/24/05
4 VAC 20-80-30	Amended	21:25 VA.R. 3469	7/29/05
4 VAC 20-110-20	Amended	21:21 VA.R. 2900	6/1/05
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 20-270-30 emer	Amended	21:23 VA.R. 3290	6/29/05-7/28/05
4 VAC 20-270-30	Amended	21:25 VA.R. 3469	7/29/05
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 20-390-20 through 4 VAC 20-390-50	Amended	21:22 VA.R. 3089-3092	7/1/05
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 20-566-10 through 4 VAC 20-566-50 emer	Added	21:25 VA.R. 3552	8/16/05-9/14/05
4 VAC 20-620-20	Amended	21:21 VA.R. 2900	6/1/05

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 20-670-30	Amended	21:25 VA.R. 3470	7/29/05
4 VAC 20-670-50	Amended	21:25 VA.R. 3470	7/29/05
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
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	Erratum	21:20 VA.R. 2736	--
4 VAC 20-910-45	Amended	21:13 VA.R. 1827	2/2/05
4 VAC 20-910-45	Amended	21:21 VA.R. 2901	6/1/05
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
4 VAC 25-130 (Forms)	Amended	21:22 VA.R. 3106	--
<b>Title 6. Criminal Justice and Corrections</b>			
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 20-250-10 through 6 VAC 20-250-360 emer	Added	21:21 VA.R. 2914-2925	7/1/05-6/30/06
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

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
<b>Title 8. Education</b>			
8 VAC 20-21-80	Amended	21:25 VA.R. 3471	9/22/05
8 VAC 20-21-90	Amended	21:25 VA.R. 3473	9/22/05
8 VAC 20-21-580	Amended	21:15 VA.R. 2111	5/5/05
8 VAC 20-21-660	Amended	21:25 VA.R. 3473	9/22/05
8 VAC 20-21-680	Amended	21:25 VA.R. 3474	9/22/05
8 VAC 20-30-10 through 8 VAC 20-30-40	Amended	21:22 VA.R. 3092-3093	8/15/05
8 VAC 20-30-50	Repealed	21:22 VA.R. 3093	8/15/05
8 VAC 20-30-60	Amended	21:22 VA.R. 3093	8/15/05
8 VAC 20-30-70	Amended	21:22 VA.R. 3093	8/15/05
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
8 VAC 40-20-20	Amended	21:22 VA.R. 3102	9/28/05
8 VAC 40-20-30	Amended	21:22 VA.R. 3103	9/28/05
<b>Title 9. Environment</b>			
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	*
9 VAC 5-60-92	Added	21:19 VA.R. 2577	*
9 VAC 5-80-1100	Amended	21:19 VA.R. 2577	*
9 VAC 5-80-1110	Amended	21:19 VA.R. 2578	*
9 VAC 5-80-1120	Amended	21:19 VA.R. 2583	*
9 VAC 5-80-1140	Amended	21:19 VA.R. 2584	*
9 VAC 5-80-1160	Amended	21:19 VA.R. 2584	*
9 VAC 5-80-1170	Amended	21:19 VA.R. 2584	*
9 VAC 5-80-1280	Amended	21:19 VA.R. 2585	*

\* Suspension of Regulatory Process 21:26

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-1290	Amended	21:19 VA.R. 2586	*
9 VAC 5-80-1300	Amended	21:19 VA.R. 2586	*
9 VAC 5-80-1320	Amended	21:19 VA.R. 2587	*
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 5-230-10 through 9 VAC 5-230-120	Added	21:24 VA.R. 3385-3390	9/7/05
9 VAC 20-20-20	Amended	21:20 VA.R. 2668	7/13/05
9 VAC 20-20-40	Amended	21:20 VA.R. 2668	7/13/05
9 VAC 20-20-60	Amended	21:20 VA.R. 2668	7/13/05
9 VAC 20-20-80	Amended	21:20 VA.R. 2669	7/13/05
9 VAC 20-20-100	Amended	21:20 VA.R. 2669	7/13/05
9 VAC 20-20-110 through 9 VAC 20-20-150	Amended	21:20 VA.R. 2669	7/13/05
9 VAC 20-20-160	Added	21:20 VA.R. 2669	7/13/05
9 VAC 20-30-30	Amended	21:20 VA.R. 2670	7/13/05
9 VAC 20-30-50	Amended	21:20 VA.R. 2670	7/13/05
9 VAC 20-30-70 through 9 VAC 20-30-120	Amended	21:20 VA.R. 2670	7/13/05
9 VAC 20-30-130	Added	21:20 VA.R. 2671	7/13/05
9 VAC 20-40-20	Amended	21:20 VA.R. 2671	7/13/05
9 VAC 20-40-40 through 9 VAC 20-40-150	Amended	21:20 VA.R. 2671-2680	7/13/05
9 VAC 20-40-160	Added	21:20 VA.R. 2680	7/13/05
9 VAC 20-50-20	Amended	21:20 VA.R. 2680	7/13/05
9 VAC 20-50-40 through 9 VAC 20-50-100	Amended	21:20 VA.R. 2680-2693	7/13/05
9 VAC 20-50-110	Added	21:20 VA.R. 2693	7/13/05
9 VAC 20-70-290	Amended	21:20 VA.R. 2693	7/13/05
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 25-40-10	Amended	21:23 VA.R. 3236	Suspended
9 VAC 25-40-20	Repealed	21:23 VA.R. 3236	Suspended
9 VAC 25-40-25	Added	21:23 VA.R. 3236	Suspended
9 VAC 25-40-30	Amended	21:23 VA.R. 3236	Suspended
9 VAC 25-40-40	Amended	21:23 VA.R. 3237	Suspended
9 VAC 25-40-50	Amended	21:23 VA.R. 3237	Suspended
9 VAC 25-40-70	Added	21:23 VA.R. 3237	Suspended
9 VAC 25-260-5	Amended	21:18 VA.R. 2375	6/24/05
9 VAC 25-260-10	Amended	21:18 VA.R. 2375	6/24/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05
9 VAC 25-260-30	Amended	21:22 VA.R. 3094	8/10/05
9 VAC 25-260-50	Amended	21:18 VA.R. 2377	6/24/05
9 VAC 25-260-185	Added	21:18 VA.R. 2377	6/24/05
9 VAC 25-260-186	Added	21:18 VA.R. 2379	6/24/05
9 VAC 25-260-310	Amended	21:23 VA.R. 3250	Suspended
9 VAC 25-260-350	Amended	21:18 VA.R. 2379	6/24/05
9 VAC 25-260-410	Amended	21:23 VA.R. 3252	Suspended
9 VAC 25-260-530	Amended	21:23 VA.R. 3252	Suspended

# Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 25-720-10	Amended	21:23 VA.R. 3238	Suspended
9 VAC 25-720-30 through 9 VAC 25-720-70	Amended	21:23 VA.R. 3240-3246	Suspended
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
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 25-720-110	Amended	21:23 VA.R. 3247	Suspended
9 VAC 25-720-120	Amended	21:23 VA.R. 3247	Suspended
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
<b>Title 11. Gaming</b>			
11 VAC 10-70-20	Amended	21:22 VA.R. 3094	6/17/05
11 VAC 10-70-30	Amended	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-40	Amended	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-50	Repealed	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-60	Amended	21:22 VA.R. 3095	6/17/05
11 VAC 10-70-70	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-70-80	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-70-90	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-70-170	Amended	21:22 VA.R. 3096	6/17/05
11 VAC 10-90-10	Amended	21:22 VA.R. 3097	6/17/05
11 VAC 10-90-30	Amended	21:22 VA.R. 3097	6/17/05
11 VAC 10-90-50	Amended	21:22 VA.R. 3097	6/17/05
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
<b>Title 12. Health</b>			
12 VAC 5-390-10 through 12 VAC 5-390-660	Repealed	21:23 VA.R. 3254	11/1/05
12 VAC 5-391-10 through 12 VAC 5-391-500	Added	21:23 VA.R. 3254-3272	11/1/05
12 VAC 5-410-10	Amended	21:12 VA.R. 1561	5/9/05
12 VAC 5-410-420	Amended	21:25 VA.R. 3550	11/7/05
12 VAC 5-410-1190	Amended	21:25 VA.R. 3550	11/7/05
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-590, Appendix O	Amended	21:13 VA.R. 1901	4/6/05
12 VAC 30-50-190 emer	Amended	21:23 VA.R. 3291	7/1/05-6/30/06
12 VAC 30-50-300	Amended	21:22 VA.R. 3098	8/10/05
12 VAC 30-50-490 emer	Amended	21:12 VA.R. 1566	2/1/05-1/31/06
12 VAC 30-50-520 emer	Amended	21:20 VA.R. 2715	5/27/05-5/26/06
12 VAC 30-50-530	Amended	21:22 VA.R. 3098	8/10/05
12 VAC 30-60-40 emer	Amended	21:20 VA.R. 2716	7/1/05-6/30/06
12 VAC 30-60-70	Amended	21:19 VA.R. 2592	8/15/05
12 VAC 30-60-350 emer	Amended	21:20 VA.R. 2717	7/1/05-6/30/06
12 VAC 30-70-291 emer	Amended	21:20 VA.R. 2720	5/12/05-5/11/06
12 VAC 30-70-291	Amended	21:23 VA.R. 3274	9/1/05
12 VAC 30-70-291 emer	Amended	21:23 VA.R. 3299	7/1/05-6/30/06
12 VAC 30-70-301	Amended	21:14 VA.R. 2014	6/6/05
12 VAC 30-70-301	Amended	21:23 VA.R. 3274	9/1/05
12 VAC 30-70-331	Amended	21:20 VA.R. 2696	7/14/05
12 VAC 30-70-391	Amended	21:23 VA.R. 3275	9/1/05
12 VAC 30-70-425 emer	Amended	21:23 VA.R. 3292	7/1/05-6/30/06
12 VAC 30-70-426 emer	Repealed	21:23 VA.R. 3293	7/1/05-6/30/06
12 VAC 30-80-20 emer	Amended	21:23 VA.R. 3293	7/1/05-6/30/06
12 VAC 30-80-30 emer	Amended	21:23 VA.R. 3296	7/1/05-6/30/06
12 VAC 30-80-40	Amended	21:15 VA.R. 2121	7/1/05
12 VAC 30-80-190	Amended	21:23 VA.R. 3275	9/1/05
12 VAC 30-90-19 emer	Amended	21:23 VA.R. 3298	7/1/05-6/30/06
12 VAC 30-90-41	Amended	21:15 VA.R. 2136	7/1/05
12 VAC 30-90-41 emer	Amended	21:20 VA.R. 2717	7/1/05-6/30/06
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 30-120-380 emer	Amended	21:20 VA.R. 2721	7/1/05-6/30/06
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
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 30-120-1500 through 12 VAC 120-1590 emer	Added	21:23 VA.R. 3300-3308	7/1/05-6/30/06
12 VAC 30-141-10 emer	Amended	21:25 VA.R. 3553	8/1/05-7/31/06
12 VAC 30-141-10 emer	Amended	21:25 VA.R. 3561	8/1/05-7/31/06
12 VAC 30-141-40 emer	Amended	21:25 VA.R. 3555	8/1/05-7/31/06
12 VAC 30-141-100 emer	Amended	21:25 VA.R. 3555	8/1/05-7/31/06



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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-141-100 emer	Amended	21:25 VA.R. 3563	8/1/05-7/31/06
12 VAC 30-141-120 emer	Amended	21:25 VA.R. 3564	8/1/05-7/31/06
12 VAC 30-141-150 emer	Amended	21:25 VA.R. 3564	8/1/05-7/31/06
12 VAC 30-141-160 emer	Amended	21:25 VA.R. 3557	8/1/05-7/31/06
12 VAC 30-141-170 emer	Repealed	21:25 VA.R. 3557	8/1/05-7/31/06
12 VAC 30-141-175 emer	Added	21:25 VA.R. 3559	8/1/05-7/31/06
12 VAC 30-141-200 emer	Amended	21:20 VA.R. 2721	7/1/05-6/30/06
12 VAC 30-141-200 emer	Amended	21:25 VA.R. 3560	8/1/05-7/31/06
12 VAC 30-141-500	Amended	21:19 VA.R. 2549	6/29/05
12 VAC 30-141-500 emer	Amended	21:23 VA.R. 3291	7/1/05-6/30/06
12 VAC 30-141-810 through 12 VAC 30-141-1660 emer	Added	21:25 VA.R. 3566-3573	8/1/05-7/31/06
<b>Title 13. Housing</b>			
13 VAC 5-63-110	Erratum	21:14 VA.R. 2021	--
<b>Title 14. Insurance</b>			
14 VAC 5-170-20 through 14 VAC 5-170-105	Amended	21:25 VA.R. 3477-3490	8/15/05
14 VAC 5-170-120	Amended	21:25 VA.R. 3490	8/15/05
14 VAC 5-170-130	Amended	21:25 VA.R. 3492	8/15/05
14 VAC 5-170-150	Amended	21:25 VA.R. 3493	8/15/05
14 VAC 5-170-160	Amended	21:25 VA.R. 3525	8/15/05
14 VAC 5-170-190 Appendices A through D	Amended	21:25 VA.R. 3527-3548	8/15/05
14 VAC 5-210-10 through 14 VAC 5-210-150	Repealed	21:23 VA.R. 3276	7/1/05
14 VAC 5-211-10 through 14 VAC 5-211-280	Added	21:23 VA.R. 3279-3287	7/1/05
<b>Title 15. Judicial</b>			
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
<b>Title 16. Labor and Employment</b>			
16 VAC 25-90-1910.142	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.151	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.268	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1001	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1003	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1017	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1018	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1025	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1027	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1028	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1029	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1043	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1044	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1045	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1047	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1048	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-90-1910.1051	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-100-1915.1001	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.60	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.62	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.1101	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.1127	Amended	21:21 VA.R. 2901	8/15/05
16 VAC 25-175-1926.60	Amended	21:21 VA.R. 2903	8/15/05
<b>Title 18. Professional and Occupational Licensing</b>			
18 VAC 30-20-290	Added	21:21 VA.R. 2904	7/27/05
18 VAC 47-20-10 emer	Amended	21:25 VA.R. 3574	8/1/05-7/31/06
18 VAC 47-20-35 emer	Added	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-70 emer	Amended	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-140 emer	Amended	21:25 VA.R. 3575	8/1/05-7/31/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 47-20-240 emer	Repealed	21:25 VA.R. 3575	8/1/05-7/31/06
18 VAC 47-20-250 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 47-20-260 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 47-20-270 emer	Added	21:25 VA.R. 3576	8/1/05-7/31/06
18 VAC 50-22-100	Amended	21:20 VA.R. 2696	8/1/05
18 VAC 50-22-140	Amended	21:20 VA.R. 2697	8/1/05
18 VAC 50-22-170	Amended	21:20 VA.R. 2697	8/1/05
18 VAC 50-22-250	Amended	21:20 VA.R. 2697	8/1/05
18 VAC 50-30-90	Amended	21:20 VA.R. 2698	8/1/05
18 VAC 50-30-120	Amended	21:20 VA.R. 2698	8/1/05
18 VAC 50-30-130	Amended	21:20 VA.R. 2699	8/1/05
18 VAC 60-20	Erratum	21:22 VA.R. 3119	--
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 60-20-106	Erratum	21:22 VA.R. 3119	--
18 VAC 60-20-107	Added	21:19 VA.R. 2552	6/29/05
18 VAC 60-20-107	Erratum	21:22 VA.R. 3119	--
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 62-20-10 through 18 VAC 62-20-180	Added	21:20 VA.R. 2700-2706	7/15/05
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 76-20-20 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-30 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-50 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-60	Amended	21:19 VA.R. 2556	6/29/05
18 VAC 76-20-60 emer	Amended	21:25 VA.R. 3577	7/25/05-7/24/06
18 VAC 76-20-70 emer	Added	21:25 VA.R. 3578	7/25/05-7/24/06
18 VAC 76-40-10	Amended	21:19 VA.R. 2596	8/15/05
18 VAC 85-15-10	Added	21:21 VA.R. 2905	7/27/05
18 VAC 85-15-20	Added	21:21 VA.R. 2905	7/27/05
18 VAC 85-15-30	Added	21:21 VA.R. 2905	7/27/05
18 VAC 85-20-30	Amended	21:20 VA.R. 2707	7/13/05
18 VAC 85-20-100	Amended	21:20 VA.R. 2707	7/13/05
18 VAC 85-20-280	Amended	21:22 VA.R. 3105	9/26/05
18 VAC 85-80-61	Added	21:23 VA.R. 3287	8/24/05
18 VAC 90-15-10	Added	21:21 VA.R. 2905	7/27/05
18 VAC 90-15-20	Added	21:21 VA.R. 2905	7/27/05
18 VAC 90-15-30	Added	21:21 VA.R. 2905	7/27/05
18 VAC 90-20-10	Amended	21:21 VA.R. 2906	7/27/05
18 VAC 90-20-181	Added	21:21 VA.R. 2907	7/27/05
18 VAC 90-20-182	Added	21:21 VA.R. 2907	7/27/05
18 VAC 90-20-183	Added	21:21 VA.R. 2907	7/27/05

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 90-20-230	Amended	21:20 VA.R. 2708	7/13/05
18 VAC 90-20-280	Amended	21:21 VA.R. 2907	7/27/05
18 VAC 90-20-300	Amended	21:21 VA.R. 2907	7/27/05
18 VAC 90-30-80	Amended	21:21 VA.R. 2910	7/27/05
18 VAC 90-30-100	Amended	21:21 VA.R. 2910	7/27/05
18 VAC 90-30-110	Amended	21:21 VA.R. 2910	7/27/05
18 VAC 90-30-120	Amended	21:21 VA.R. 2909	7/27/05
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 100-20-53	Added	21:20 VA.R. 2709	8/1/05
18 VAC 100-20-54	Amended	21:20 VA.R. 2708	8/1/05
18 VAC 100-20-54	Erratum	21:23 VA.R. 3311	--
18 VAC 100-20-81	Amended	21:20 VA.R. 2709	8/1/05
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 110-20-276	Added	21:24 VA.R. 3390	9/7/05
18 VAC 110-20-515	Added	21:24 VA.R. 3391	9/7/05
18 VAC 112-20-26	Added	21:19 VA.R. 2557	6/29/05
18 VAC 115-15-10 through 18 VAC 115-15-30	Added	21:22 VA.R. 3099	8/10/05
18 VAC 120-40-50	Amended	21:20 VA.R. 2712	8/1/05
18 VAC 125-15-10	Added	21:20 VA.R. 2712	7/13/05
18 VAC 125-15-20	Added	21:20 VA.R. 2712	7/13/05
18 VAC 125-15-30	Added	21:20 VA.R. 2712	7/13/05
18 VAC 140-20-171	Added	21:21 VA.R. 2913	7/27/05
18 VAC 150-20-15	Added	21:21 VA.R. 2913	7/27/05
18 VAC 150-20-195	Amended	21:23 VA.R. 3289	10/8/05
<b>Title 19. Public Safety</b>			
19 VAC 30-70-210	Amended	21:18 VA.R. 2382	4/15/05
<b>Title 20. Public Utilities and Telecommunications</b>			
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
<b>Title 22. Social Services</b>			
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

## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 15-51-50	Amended	21:20 VA.R. 2713	7/13/05
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
<b>Title 24. Transportation and Motor Vehicles</b>			
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
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	--

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## Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
24 VAC 30-620-30	Amended	21:22 VA.R. 3099	8/20/05

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# PETITIONS FOR RULEMAKING

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## TITLE 2. AGRICULTURE

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Agency Decision

Title of Regulation: 2 VAC 5-140. **Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia.**

Statutory Authority: §§ 2.2-4007 A and 3.1-726 A of the Code of Virginia.

Name of Petitioner: Christine Solem, Director, Virginia State Dairy Goat Association, Inc.

Nature of Petitioner's Request: The petitioner, at the request of the Virginia State Dairy Goat Association, Inc., has petitioned the agency to amend 2 VAC 5-140-100 B and C for the following reasons:

"Under § 3.1-726 A of the Code of Virginia, the board has the authority to adopt regulations as may be necessary to eradicate and prevent the spread of contagious and infectious diseases such as tuberculosis and Bangs abortion disease (brucellosis). Cattle for dairy or breeding purposes, under 2 VAC 5-140-50 A 1 and B 3 a, may enter the Commonwealth without tuberculosis and brucellosis testing if they originate from a certified tuberculosis-free area and a brucellosis-free state. However, 2 VAC 5-140-100 B and C states that goats for dairy or breeding purposes may enter the Commonwealth only if they are individually tested for tuberculosis and brucellosis within 30 days of entry or originate from a herd in which all animals tested negative for tuberculosis and brucellosis within 12 months prior to entry.

Yet goats are not nearly as susceptible to tuberculosis and brucellosis as are cattle. In fact, many states no longer require the testing of goats for these two diseases before entry. Certainly the testing of goats entering Virginia from areas and states free of tuberculosis and brucellosis is not necessary as it has been determined already that it is not necessary even for cattle. Such nonessential testing creates an unreasonable economic burden which adversely impacts the dairy goat industry here in Virginia, especially with respect to exhibition animals which enter the state for a day or two and then return home.

Petitioner therefore asks the agency to amend 2 VAC 5-140-100 B and C so that the regulations pertaining to goats conform to the same requirements as cattle entering the state from an area or state free of tuberculosis and brucellosis."

Agency Decision: Request denied.

Statement of Reasons for Decision: The Board of Agriculture and Consumer Services denies the petition for the following reasons:

1. It is known that goats are susceptible to tuberculosis and brucellosis; and

2. There are national surveillance programs for cattle against tuberculosis and brucellosis (programs on which the Virginia standards for cattle cited by the petitioner are based), but such programs do not exist for goats.

The board is advised that the agency's staff anticipates developing a Notice of Intended Regulatory Action for the board's consideration at the December meeting for this regulation that the petitioner seeks to have amended. There is opportunity for the public to submit comments in response to a Notice of Intended Regulatory Action. In making its decision on this petition, the board took into consideration the one comment received during the public comment period on this petition, which was from Mindy Stowers of Bland County, Virginia, who supports the petition.

Agency Contact: David E. Cardin, DVM, Deputy State Veterinarian, State Veterinarian's Office, 1100 Bank Street, Suite 101, Richmond, VA 23219, telephone (804) 692-0601, FAX (804) 225-2666, or e-mail david.cardin@vdacs.virginia.gov.

VA.R. Doc. No. R05-160; Filed August 8, 2005, 9:47 a.m.

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# NOTICES OF INTENDED REGULATORY ACTION

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## Symbol Key

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

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to consider amending regulations entitled **4 VAC 25-130, Coal Surface Mining Reclamation Regulations**. The purpose of the proposed action is to require coal mine permit boundary markers located on steep slopes above private dwellings of occupied buildings to be made of or marked with fluorescent or reflective paint, and to require persons conducting blasting operations on coal mines with 1,000 feet of a dwelling or occupied building to conduct seismic monitoring of the blasting.

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

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Public comments may be submitted until October 5, 2005.

**Contact:** Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 N. 9th St., 8th Floor, Richmond, VA 23219, telephone (804) 692-3211, FAX (804) 692-3237 or e-mail [stephen.walz@dmme.virginia.gov](mailto:stephen.walz@dmme.virginia.gov).

VA.R. Doc. No. R05-282; Filed August 10, 2005, 3 p.m.

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

#### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Criminal Justice Services Board has WITHDRAWN the Notice of Intended Regulatory Action for entitled **6 VAC 20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services**, which was published in 18:1 VA.R. 16 September 24, 2001.

**Contact:** John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail [john.byrd@dcjs.virginia.gov](mailto:john.byrd@dcjs.virginia.gov).

VA.R. Doc. No. R02-02; Filed August 23, 2005, 3:47 p.m.

#### † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Criminal Justice Services Board has WITHDRAWN the Notice of Intended Regulatory Action for **6 VAC 20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services**, which was published in 20:24 VA.R. 2709 August 9, 2004.

**Contact:** John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail [john.byrd@dcjs.virginia.gov](mailto:john.byrd@dcjs.virginia.gov).

VA.R. Doc. No. R04-247; Filed August 22, 2005, 10:33 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 amending regulations entitled **6 VAC 20-30, Rules Relating to Compulsory In-Service Training Standards for Law-Enforcement Officers, Jailors or Custodial Officers, Courtroom Security Officers, Process Service Officers and Officers of the Department of Corrections, Division of Institutional Services**. The purpose of the proposed action is to establish a licensure process to conduct a periodic review with four additional goals: (i) incorporating into the regulation greater opportunities to use electronic media to facilitate in-service training; (ii) providing cost savings to agencies and localities; (iii) providing a consistency between the courses used for firearms training at entry level and the courses used for in-service recertification with firearms; and (iv) including training on cultural diversity and the potential for bias-based policing as required by § 9.1-102 of the Code of Virginia (§ 9.1-102 (40)).

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

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

Public comments may be submitted until October 6, 2005.

**Contact:** John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail [john.byrd@dcjs.virginia.gov](mailto:john.byrd@dcjs.virginia.gov).

VA.R. Doc. No. R05-284; Filed August 15, 2005, 9:52 a.m.

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# Notices of Intended Regulatory Action

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## † Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the Criminal Justice Services Board has WITHDRAWN the Notice of Intended Regulatory Action for **6 VAC 20-80, Rules Relating to Certification of Criminal Justice Instructors**, which was published in 20:24 VA.R. 2709 August 9, 2004.

**Contact:** John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R04-248; Filed August 22, 2005, 10:33 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 amending regulations entitled **6 VAC 20-80, Rules Relating to Certification of Criminal Justice Instructors**. The purpose of the proposed action is to amend the rules to provide for an approach allowing certified criminal justice academies to formulate their own program for recertification of criminal justice instructors. Additionally, a change from "radar instructor" to "speed measurement instructor" is recommended.

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

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

Public comments may be submitted until October 6, 2005.

**Contact:** John Byrd, Program Manager, Department of Criminal Justice Services, 805 E. Broad St., Richmond, VA 23219, telephone (804) 786-6375, FAX (804) 225-2398 or e-mail john.byrd@dcjs.virginia.gov.

VA.R. Doc. No. R05-285; Filed August 15, 2005, 9:53 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 20-250, Regulations Relating to Property and Surety Bail Bondsman**. The purpose of the proposed action is to establish a licensure process to include a fingerprint-based background check, licensure fees, compulsory minimum entry-level training standards, and administration of the regulatory system for property and surety bail bondsmen. It authorizes the department to (i) receive complaints concerning the conduct of any person whose activities are monitored by the board; (ii) conduct investigations; (iii) issue disciplinary action; and (iv) revoke, suspend, and refuse to renew a license.

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

Statutory Authority: §§ 9.1-102 and 9.1-185.2 of the Code of Virginia.

Public comments may be submitted until September 21, 2005.

**Contact:** Lisa McGee, Regulatory Program Manager, Department of Criminal Justice Services, 202 N. 9th St., Richmond, VA 23219, telephone (804) 371-2419, FAX (804) 786-6344 or e-mail lisa.mcgee@dcjs.virginia.gov.

VA.R. Doc. No. R05-279; Filed August 2, 2005, 11:11 a.m.

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## TITLE 9. ENVIRONMENT

### STATE WATER CONTROL BOARD

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-660, Virginia Water Protection General Permit for Impacts Less Than One-Half of an Acre**. The purpose of the proposed action is to review and renew the general permit that is scheduled to expire in October 2006 and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

**Contact:** Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347 or e-mail cmharold@deq.virginia.gov.

VA.R. Doc. No. R05-286; Filed August 17, 2005, 11:19 a.m.

#### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-670, Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities**. The purpose of the proposed action is to consider whether this general permit should be extended or repealed after incorporation of these provisions into WP-4 (development and certain mining activities) due to limited use of WP-2. Should the renewal proceed, the purpose is to allow for the renewal of the above-referenced general permit regulation and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage



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# Notices of Intended Regulatory Action

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thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

**Contact:** Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347 or e-mail [cmharold@deq.virginia.gov](mailto:cmharold@deq.virginia.gov).

VA.R. Doc. No. R05-287; Filed August 17, 2005, 11:19 a.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-680, Virginia Water Protection General Permit for Linear Transportation Projects**. The purpose of the proposed action is to review and reissue the general permit that is scheduled to expire in October 2006 and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

**Contact:** Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347 or e-mail [cmharold@deq.virginia.gov](mailto:cmharold@deq.virginia.gov).

VA.R. Doc. No. R05-288; Filed August 17, 2005, 11:19 a.m.

## † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-690, Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities**. The purpose of the proposed action is to review and renew the general permit that is scheduled to expire in October 2006 and allow revisions regarding administrative procedures, permit and application requirements, definitions and terminology, compensatory mitigation, permit usage thresholds, permit conditions, and topographical and grammatical errors.

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

Statutory Authority: §§ 62.-44.15 and 62.1-44.15:5 of the Code of Virginia; § 401 of the Clean Water Act (33 USC § 1251 et seq.)

Public comments may be submitted until October 5, 2005.

**Contact:** Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4347 or e-mail [cmharold@deq.virginia.gov](mailto:cmharold@deq.virginia.gov).

VA.R. Doc. No. R05-289; Filed August 17, 2005, 11:20 a.m.

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## TITLE 12. HEALTH

### DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider amending regulations entitled **12 VAC 30-141, Family Access to Medical Insurance Security Plan: FAMIS MOMS**. The purpose of the proposed action is to implement a new program of medical services for pregnant women and newborns.

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 September 21, 2005.

**Contact:** Linda Nablo, Maternal and Child Health, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4212, FAX (804) 786-1680 or e-mail [linda.nablo@dmas.virginia.gov](mailto:linda.nablo@dmas.virginia.gov).

VA.R. Doc. No. R05-257; Filed July 26, 2005, 11:52 a.m.

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Medical Assistance Services intends to consider promulgating regulations entitled **12 VAC 30-141, Family Access to Medical Insurance Security Plan: FAMIS Select**. The purpose of the proposed action is to implement a new health insurance premium assistance component for the FAMIS program to replace the current program, known as Employee Sponsored Health Insurance (ESHI).

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 September 21, 2005.

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# Notices of Intended Regulatory Action

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**Contact:** Linda Nablo, Maternal and Child Health, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 225-4212, FAX (804) 786-1680 or e-mail [linda.nablo@dmas.virginia.gov](mailto:linda.nablo@dmas.virginia.gov).

VA.R. Doc. No. R05-259; Filed July 26, 2005, 11:52 a.m.

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## TITLE 16. LABOR AND EMPLOYMENT

### DEPARTMENT OF LABOR AND INDUSTRY

#### Safety and Health Codes Board

##### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Safety and Health Codes Board intends to consider amending regulations entitled **16 VAC 25-60, Administrative Regulation for the Virginia Occupational Safety and Health Program**. The purpose of the proposed action is to comply with changes to statutory law or to address procedural or other administrative changes that have occurred since the Administrative Regulations Manual was last revised.

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

Statutory Authority: § 40.1-22 of the Code of Virginia.

Public comments may be submitted until September 8, 2005.

**Contact:** John Crisanti, Policy Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418 or e-mail [john.crisanti@doli.virginia.gov](mailto:john.crisanti@doli.virginia.gov).

VA.R. Doc. No. R05-256; Filed July 20, 2005, 9:42 a.m.

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## TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

### CEMETERY BOARD

##### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Cemetery Board intends to consider amending regulations entitled **18 VAC 47-20, Cemetery Board Rules and Regulations**. The purpose of the proposed action is to implement the provisions of Chapter 247 of the 2004 Acts of Assembly regarding the regulation of compliance agents employed by cemetery companies and Chapter 192 of the 2004 Acts of Assembly regarding the appointment of a receiver for the protection of preneed burial and perpetual care trust funds.

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

Statutory Authority: §§ 54.1-201 and 54.1-2313 of the Code of Virginia.

Public comments may be submitted until September 23, 2005.

**Contact:** Christine Martine, Assistant Director, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-2475 or e-mail [cemetery@dpor.virginia.gov](mailto:cemetery@dpor.virginia.gov).

VA.R. Doc. No. R05-276; Filed August 1, 2005, 2:03 p.m.

### BOARD OF DENTISTRY

##### † Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Dentistry intends to consider amending regulations entitled **18 VAC 60-20, Regulations Governing the Practice of Dentistry and Dental Hygiene**. The purpose of the proposed action is to implement changes in the Dental Practice Act including licensure by credentials for dentists.

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

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

Public comments may be submitted until October 5, 2005.

**Contact:** Sandra Reen, Executive Director, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9906, FAX (804) 662-9943 or e-mail [sandra.reen@dhp.virginia.gov](mailto:sandra.reen@dhp.virginia.gov).

VA.R. Doc. No. R05-290; Filed August 17, 2005, 11: 37 a.m.

### DEPARTMENT OF HEALTH PROFESSIONS

##### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health Professions intends to consider amending regulations entitled **18 VAC 76-20, Regulations Governing the Prescription Monitoring Program**. The purpose of the proposed action is to comply with the changes in the Code of Virginia related to the Prescription Monitoring Program (PMP) for expansion of schedules of drugs required to be reported to the PMP, inclusion of nonresident pharmacies among the required reporters and access to disclosure of information to pharmacists and other authorized persons and entities.

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

Statutory Authority: §§ 54.1-2505 and 54.1-2520 of the Code of Virginia.

Public comments may be submitted until September 21, 2005.

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# Notices of Intended Regulatory Action

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**Contact:** Ralph Orr, Program Manager, Department of Health Professions, 6606 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9921, FAX (804) 662-9943 or e-mail [ralph.orr@dhp.virginia.gov](mailto:ralph.orr@dhp.virginia.gov).

VA.R. Doc. No. R05-261; Filed July 25, 2005, 10:40 a.m.

## BOARD OF SOCIAL WORK

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled **18 VAC 140-20, Regulations Governing the Practice of Social Work**. The purpose of the proposed action is to amend for clarity and consistency with other behavioral science practitioners and with the modern practice of social work.

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

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

Public comments may be submitted until September 22, 2005.

**Contact:** Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943 or e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

VA.R. Doc. No. R05-262; Filed July 25, 2005, 10:41 a.m.

### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Social Work intends to consider amending regulations entitled **18 VAC 140-20, Regulations Governing the Practice of Social Work**. The purpose of the proposed action is to allow applicants for licensure as social workers to take the examination after completion of education and prior to practical experience.

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

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

Public comments may be submitted until September 22, 2005.

**Contact:** Evelyn B. Brown, Executive Director, Board of Social Work, 6606 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-9943 or e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

VA.R. Doc. No. R05-263; Filed July 25, 2005, 10:41 a.m.

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## TITLE 22. SOCIAL SERVICES

### DEPARTMENT FOR THE AGING

#### Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department for the Aging intends to consider promulgating regulations entitled **22 VAC 5-30, Virginia Public Guardian and Conservator Program Regulations**. The purpose of the proposed action is to set forth guidance for a statewide program of local and regional public guardian programs.

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

Statutory Authority: § 2.2-712 of the Code of Virginia.

Public comments may be submitted until October 1, 2005.

**Contact:** Janet Dingle Brown, Esq., Guardianship Coordinator and Legal Services Developer, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-7049, FAX (804) 662-9354, toll-free 1-800-552-3402 or e-mail [janet.brown@vda.virginia.gov](mailto:janet.brown@vda.virginia.gov).

VA.R. Doc. No. R05-275; Filed August 1, 2005, 11:17 a.m.

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# PROPOSED REGULATIONS

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For information concerning Proposed Regulations, see Information Page.

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## 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.

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## TITLE 2. AGRICULTURE

### PESTICIDE CONTROL BOARD

**Title of Regulation:** 2 VAC 20-51. Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act (amending 2 VAC 20-51-10 through 2 VAC 20-51-50, 2 VAC 20-51-70, 2 VAC 20-51-90, 2 VAC 20-51-100, 2 VAC 20-51-160, 2 VAC 20-51-170, 2 VAC 20-51-200, and 2 VAC 20-51-210).

**Statutory Authority:** § 3.1-249.30 of the Code of Virginia.

**Public Hearing Date:** October 20, 2005 - 9 a.m.

Public comments may be submitted until November 30, 2005.

(See Calendar of Events section for additional information)

**Agency Contact:** W. Wayne Surles, Program Manager, Pesticide Control Board, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598, or e-mail wayne.surles@vdacs.virginia.gov.

**Basis:** Section 3.1-249.30 of the Code of Virginia authorizes the board to adopt regulations that may be necessary to carry out the purposes of the Virginia Pesticide Control Act. Section 3.1-249.51 B of the Code of Virginia authorizes the board to specify by regulation the amount of training, which may include a period of service, required to qualify a person for each classification or subclassification of certification as a commercial applicator or registered technician. Section 3.1-249.52 A of the Code of Virginia prohibits anyone, except growers of agricultural commodities trading personal services, from applying pesticides of any kind for compensation of any kind, without first obtaining certification as either a commercial applicator or registered technician in accordance with regulations promulgated by the board. In addition, § 3.1-249.53 A of the Code of Virginia requires all state agencies, municipal corporations or other governmental agencies to be subject to the provisions of the Virginia Pesticide Control Act (Act) and regulations adopted under the Act. Section 3.1-249.54 A of the Code of Virginia requires growers of agricultural commodities to be certified according to regulations promulgated by the board in order to apply restricted use pesticides (RUP). Section 3.1-249.55 of the Code of Virginia authorizes the board to provide for the biennial payment of commercial applicator and registered technician certificate renewal fees. Lastly, § 3.1-249.56 A of the Code of Virginia requires, through regulations of the board, the reporting of pesticide accidents, incidents, or loss.

**Purpose:** The regulation is necessary to protect health, safety and welfare of citizens because it ensures that those individuals applying pesticides are properly trained so that they may apply pesticides in a manner that will not harm themselves, other people or the environment. Also, by

requiring the training and certification of pesticide applicators, citizens are able to save considerable money in that necessary pesticide applications are made using only the amounts required to control targeted pests.

By requiring applicators not for hire to record the uses of all pesticides applied it will be easier to determine, during investigations of complaints of misuse of pesticides, whether the pesticides were applied according to the label and law. Currently, records are required only for the use of restricted use pesticides.

Removing the provision that currently allows for businesses to give (proctor) examinations to their employees seeking certification as registered technicians will eliminate an opportunity for fraud by some proctors thereby helping to ensure that only qualified applicators are applying pesticides on citizen's property. Also, requiring registered technicians to receive on-the-job training in each of the categories or subcategories in which they plan to work will help ensure the safety and welfare of Virginia's citizens. Currently, once a person has received 20 hours of on-the-job training in one category or subcategory, he is not mandated to receive any training at all in another category prior to applying pesticides. A lack of knowledge of associated pest control strategies and environmental hazards carries the potential for personal health and environmental hazards.

**Substance:** Substantive changes to existing sections include:

1. Adding language making some definitions easier to read and clarifying the meaning of a not-for-hire applicator and the requirements of such applicators to keep records of pesticide applications.
2. Adding a definition of a "competent person" on the advice of the Attorney General's office.
3. Deleting definitions that are not used in the regulations.
4. Adding language to clarify the type of supervision required for people training to become certified applicators and registered technicians.
5. Adding language to bring the regulation into compliance with the Virginia Pesticide Control Act as it relates to daycare center not-for-hire applicators.
6. Adding language stating the exact application process for pesticide applicators, including the payment of appropriate fees.
7. Adding language to clarify the training necessary for registered technicians when applying pesticides in more than one category activity.
8. Adding language to ensure that applicators cannot apply pesticides unless they have been certified in a particular category.

9. Amending language to better state the conditions under which an illiterate person might be granted a certificate.

10. Adding language to require registered technician applicants to complete the process of training and testing within an accepted time frame as well as making the process easier to understand.

11. Deleting language that currently allows businesses and agencies to proctor their own registered technician examinations.

12. Adding language to clarify the conditions required for certification of applicators applying paint containing pesticides.

13. Adding language to allow the board to designate additional categories of commercial applicators to meet federal mandates.

14. Adding language clarifying what adverse effects need to be reported.

15. Adding language to make the process for suspending a certificate for nonpayment of a civil penalty more easily understood.

16. Adding language to clarify what data needs to be reported in the case of pesticide accidents and incidents.

Issues: The advantages of the amendments include (i) the regulation will be easier to read and understand for the industry and the regulators; (ii) requirements for supervision and training of applicators and registered technicians will be easier to understand by the public and industry and will help ensure that only knowledgeable people will be applying pesticides; and (iii) recordkeeping requirements will be implemented to assist the public and the agency in determining whether pesticides have been applied according to label directions.

There are no disadvantages to the public or the Commonwealth of Virginia.

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. Section 3.1-249.30 of the Code of Virginia authorizes the Virginia Pesticide Control Board to promulgate regulations deemed necessary to carry out the provisions of the Virginia Pesticide Control Act.

The proposed regulation (i) eliminates the provision allowing certified commercial applicators to administer and grade registered technician examinations, (ii) establishes additional training requirements for registered technicians seeking to work in pesticide application categories or subcategories that are different from the category in which they received their original training, (iii) requires that registered technicians and commercial applicators not-for-hire maintain records of all general use and restricted use pesticide applications, (iv) specifies that direct on-site supervision entails constant visual contact, (v) requires individuals hired or transferred in to a position involving the commercial use of pesticides to take the registered technician examination within 90 days of taking up the position, and (vi) includes an additional miscellaneous certification category for commercial applicators.

The proposed regulation also includes changes that make the regulation consistent with the Virginia Pesticide Control Act. These changes include requiring commercial pesticide applicators not-for-hire using pesticides in areas open to the public at day-care facilities to be certified, requiring marine antifoulant paints certification only when a commercial applicator uses a marine antifoulant paint that contains restricted use pesticides, and specifying that certain violations of the Virginia Pesticide Control Act may, and not shall, constitute grounds for revocation of certification.

The remaining changes are intended to improve the understanding and implementation of the regulation. Existing language is modified, clarifying language is added, and redundant language is deleted.

Estimated economic impact. (1) The proposed regulation eliminates the provision allowing certified commercial applicators to administer and grade registered technician examinations. Under the existing regulation, certified commercial applicators can be authorized by the Virginia Department of Agriculture and Consumer Services (VDACS) to proctor registered technician examinations. Proctors are allowed to administer and grade the examination. They are then required to notify VDACS of the grade received by the applicant. The proposed regulation eliminates this provision and requires all applicants for registered technician certification to instead take the examination through the Department of Motor Vehicles (DMV). According to VDACS, there are 265 certified applicators currently authorized to proctor registered technician examinations.

The proctorship provision was introduced in response to industry complaints about the length of time it took to get certified. Prior to this provision, applicants for registered technician certification were required to take the test at a limited number of locations across the state. In addition, the tests were only offered during certain days of the month. The average length of time to get certified was 22 days. In conjunction with introducing the proctorship system, VDACS implemented a number of administrative changes to the certification system. Since then the average waiting period has been reduced to 12 days. Much of the reduction, according to VDACS, was achieved not through the introduction of the proctorship system but through procedural improvements to the certification system. In the last four to five years, VDACS has begun administering the examination

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through DMV. The examination can be taken at any DMV center across the state and at any time during regular office hours. According to the agency, the DMV system has reduced the average waiting period to three days. In calendar year 2003, 1,611 applicants for registered technician certification chose to take the examination under the proctorship system and 750 chose to take it under the DMV system.

The proposed change is likely to impose economic costs and provide economic benefits. By eliminating the proctorship provision, applicants for registered technician certification will now be required to travel to a DMV center in order to take the examination. This is likely to impose some additional costs compared to having commercial applicators proctor the examination for their employees. Applicants and/or their employers will now be required to spend additional time and other resources in getting to and from a DMV center. VDACS estimates that the proposed change will take applicants, on average, an additional hour in travel and processing time to take the examination. A rough estimation indicates that the costs, on average, are likely to be under \$25 per applicant.<sup>1</sup> Assuming 1,600 individuals per year who would have taken the examination under proctorship will now be required to do so at DMV, the proposed change is likely to impose additional costs of not more than \$40,000. Given that 265 commercial applicators are currently authorized to act as proctors, it would cost them less than \$150 per year to have their employees take the examination at DMV rather than at work. Some of the additional costs to get certified are likely to be mitigated by the shorter waiting period. The average time to get certified under the DMV system is three days, significantly less time than if the examination were taken under proctorship. Thus, while some of the costs associated with certification are likely to increase, others are likely to decrease.

The proposed regulation is also likely to impose additional costs on the state. VDACS estimates that the additional cost to the state of allowing the examination to be taken solely through DMV is approximately \$3,200 per year. However, the agency expects these additional costs to be offset by the cost savings of not having to process test forms submitted by proctors and of not having to administer the proctorship program.

The proposed regulation could also reduce the risk to public health and the environment from pesticide applications and provide some additional economic benefits. According to VDACS, there have been cases of abuse of the proctorship system. For example, in calendar year 2003, the pass rate for the same registered technician examination was 61% under the DMV system and 95% under the proctorship system. The DMV system is likely to be subject to less error and abuse than the proctorship system. Even allowing for differences in ability, the significantly higher pass rate indicates a problem

with the proctorship system. Thus, to the extent that eliminating the proctorship provision is likely to reduce the number of unqualified individuals applying pesticides and reduce the risk to public health and the environment from pesticide applications, the proposed change is likely to produce economic benefits for the state. VDACS was not able to discuss specific instances of individuals who had passed the examination under the proctorship system and subsequently applied pesticides in a manner that was not protective of public health or the environment.

The net economic impact of the proposed change will depend on whether the costs associated with the proposed change are greater than or less than its benefits. It is not possible to make a precise estimate of all the costs and benefits at this time. However, the additional cost to applicants for registered technician certification or their employers is not likely to be very large. Moreover, the additional cost to the state of eliminating the proctorship program is not likely to be significant. Thus, to the extent that the proposed change reduces the risk to public health and the environmental from pesticide applications without significantly increasing costs, it is likely to produce a positive net economic impact.

(2) The proposed regulation establishes additional training requirements for registered technicians seeking to work in pesticide application categories or subcategories different from the category in which they received their original training. There are currently no training requirements for registered technicians who shift to categories of pesticide application in which they have no prior training. The proposed change requires that the training be provided by commercial applicators and that the commercial applicator be certified in the category or subcategory in which the training is to be provided. The training is to be such that it imparts a basic understanding of the pesticide, the application equipment and application techniques to be used, the personal protective equipment and clothing to be utilized, the pests to be controlled, and any environmental concerns relating to the application of the pesticide. The commercial applicator providing the training is required to submit a form to VDACS within 10 days of the training indicating that the requirement has been met.

The proposed change is likely to impose additional costs. Commercial applicators and registered technicians are likely to spend additional time in providing and receiving the required training. This time could have been spent on other work-related activities. Businesses with in-house expertise to provide the required training will incur costs associated with diverting resources to providing training. Businesses without the required in-house expertise will incur costs of purchasing the services of a commercial applicator certified in categories appropriate for providing the required training. In addition, businesses will incur the cost associated with registered technicians spending time in training that they could have spent on other work-related activities. VDACS estimates that the additional training and reporting requirement is likely to cost \$150 per registered technician. Moreover, the agency estimates that no more than 600 registered technicians a year apply pesticides in categories different from their original training. Thus, the additional cost of the proposed change is estimated to be \$90,000 per year.

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<sup>1</sup> At an average hourly wage of \$10, the opportunity cost of the additional travel and processing time is \$10. Assuming that one-half of the estimated additional travel and processing time is spent in travel and assuming an average speed of 40 mph, applicants would have to travel an additional 20 miles, on average, to get to an examination center. At \$2 per gallon of gas, fuel costs are likely to be under \$2. Adding any parking fees that may be paid and any wear and tear to the vehicle that might occur provides a rough estimate of the additional costs of taking the examination at a DMV center.

However, there is a great deal of uncertainty associated with these cost estimates. The proposed regulation does not specify the minimum amount of time to be spent in training. Moreover, it does not include any specific content requirements (other than the broad topics to be covered) and does not indicate how much time is to be spent on each topic. Thus, the cost of the additional training could vary from business to business depending on how extensive the training is. Training not meeting the spirit and intent of the regulation is likely to cost less than the \$150 per registered technician estimated by VDACS.

The state is also likely to incur some additional costs because of the proposed change. VDACS estimates that it is likely to cost the state \$115 per year to scan and index the maximum 600 additional training forms likely to be received by the agency.

The proposed regulation could also produce some economic benefits. According to VDACS, each pesticide application category has unique aspects to it. The intent of the proposed change is to ensure that applicators are aware of the unique attributes of each application category and apply the pesticide accordingly. VDACS is not aware of any specific instances when registered technicians applying pesticides in categories different from their original training created a public health or environmental problems. The extent of the reduction in risk to public health and the environment depends on both the need for the additional training and the extent of additional training actually provided.

The net economic impact of the proposed change will depend on whether the costs associated with the additional training requirement are outweighed by its benefits. The additional costs to the state are quite small. However, uncertainties exist as to the magnitude of the additional costs to registered technicians and their employers. Depending on the extent of the training provided, the costs can range anywhere up to \$150 per registered technician. Moreover, the magnitude of benefits accruing from the new training requirement is not known. Due to these uncertainties, it is not possible to accurately estimate the net economic impact of the proposed change. However, neither the costs nor the benefits associated with the proposed change are likely to be very large.

(3) The proposed regulation requires that registered technicians and commercial applicators not-for-hire<sup>2</sup> maintain records of all general use and restricted use pesticide applications. Under existing regulations, only commercial applicators not-for-hire are required to maintain records and only records of restricted use pesticide applications. The recordkeeping requirement is extended to include registered technicians not-for-hire and to include general use pesticides. VDACS estimates that there are 5,200 applicators in the commercial applicator and registered technician not-for-hire class (including government employees).

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<sup>2</sup> Commercial applicators and registered technicians who use or supervise the use of pesticides only on property owned or leased by them or their employer. Government employees who use or supervise the use of pesticides also fall into this category.

There are costs and benefits associated with the proposed change. Registered technicians will now be required to maintain records of all general use and restricted use pesticide applications for two years. In addition, commercial applicators not-for-hire will now be required to maintain records of all general use pesticide applications for two years. However, the number of not-for-hire pesticide applications in a given year, broken out by restricted and general use, is not known. In addition, the number of restricted and general use applications by commercial applicators and by registered technicians is not known. However, the costs associated with the additional recordkeeping requirement are not likely to be very large. Many businesses are likely have been maintaining the required records as part of their regular business practice. Affected applicators contacted by VDACS indicated that they already keep records of all applications due to liability and inventory control problems. VDACS estimates that no more than 5% of not-for-hire applicators are likely to be affected by the proposed change.

The proposed change is also likely to produce some economic benefits. According to VDACS, the additional recordkeeping requirement will assist the agency in investigating complaints of misuse of pesticides and make it easier to determine whether the pesticides were applied in accordance with regulations. Businesses are currently required to only make available for inspection records of restricted use pesticide application by commercial applicators not-for-hire. The proposed change will require them to make records of all not-for-hire pesticide applications available for inspection. There have been instances when the inappropriate application of even general use pesticides has created a public health hazard. For example, two individuals died in 1986 following fumigation with a general use pesticide. Thus, to the extent that proposed change allows for better enforcement of existing regulations, it is likely to produce some economic benefits.

The net economic impact will depend on the magnitude of the costs and benefits associated with the proposed change. Due to a lack of data, it is not possible to estimate the costs and benefits of the additional recordkeeping requirement. However, as a majority of businesses are likely to maintain records of their pesticide applications anyway, the additional cost is not likely to be very large. To the extent that the proposed change provides for better enforcement without significantly increasing costs, it is likely to have a net positive economic impact.

(4) The proposed regulation defines direct on-site supervision as entailing constant visual contact. The existing definition of direct on-site supervision only requires that a certified applicator be physically present on the property where the pesticides are being applied. According to VDACS, the proposed change clarifies the intent of the regulation. The agency believes that commercial applicators should constantly be observing individuals applying pesticides as part of their on-the-job training and individuals allowed to apply pesticides without certification, the two contexts in which the phrase is used.

The proposed change could impose some additional economic costs. It is likely to make some businesses monitor trainees and uncertified individuals applying pesticides more

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closely than they currently do, imposing additional costs on them. Requiring certified commercial applicators to be in constant visual contact with individuals under their direct on-site supervision as opposed to being on the property with these individuals as they apply pesticides could lead to some businesses cutting back on their use of trainees and uncertified applicators or increasing the number of certified commercial applicators employed by them. In either case, the business is likely to incur additional economic costs. According to VDACS there are 2,180 licensed pesticide businesses in Virginia. However, the number of these businesses that will now have to monitor trainees and uncertified individual more closely than they have been is not known. Moreover, the cost to these businesses of the additional monitoring is not known.

The proposed regulation could also provide some economic benefits. VDACS believes that trainees and uncertified individuals should be visually monitored while applying pesticides. Closer monitoring could reduce the instances of inappropriate pesticide application and provide better on-the-job training. However, there is no data definitively linking inadequate monitoring with inappropriate pesticide mixing, loading, and application or deficient on-the-job training. To the extent that the proposed change improves on-the-job training and reduces the risk to public health and the environment from inappropriate pesticide application, it is likely to produce economic benefits.

The net economic impact of the proposed change will depend on the magnitude of the costs and benefits. A precise estimate of the net economic impact of the proposed change is not possible at this time. The number of businesses likely to be affected by the proposed change and the magnitude of the effect on them is not known. Moreover, as there is no data definitively linking inadequate monitoring to deficient on-the-job training or harmful application of pesticides, it is not possible to accurately estimate the reduction in risk as a result of more stringent monitoring.

(5) The proposed regulation requires individuals hired or transferred in to a position that involves the commercial use of pesticides to take the registered technician examination within 90 days. Existing requirements state that individuals are to take the examination within 90 days of submitting the application and paying the fee. According to VDACS, the proposed change is intended to ensure that registered technicians get certified within a reasonable amount of time. Existing language allows individuals undertaking on-the-job training required for certification to operate indefinitely as a trainee, without ever getting certified. The 90-day limit comes into effect only once the individual has submitted the application and paid the fees. By instituting a 90-day limit from the time an individual takes up a position involving the commercial use of pesticides, the proposed change is likely to prevent individuals from operating as "perpetual trainees" and ensure that they get certified within a reasonable amount of time.

The proposed change is not likely to impose significant additional costs. The time provided for individuals to complete their training requirements (20 hours of on-the-job training and 20 hours of state-approved training) and appear for the

examination seems adequate. However, to the extent that the proposed change reduces the instances of individuals operating indefinitely as trainees and improves the enforcement of existing regulations, it is likely to produce some economic benefits.

(6) The proposed regulation establishes an additional miscellaneous certification category for commercial applicators. The change is intended to allow certification of applicators for the use of pesticides recently classified as restricted use by the U.S. Environmental Protection Agency (EPA), but not covered by current certification regulations.

The proposed change is not likely to have a significant economic impact. According to VDACS, the agency currently certifies applicators in the use of new restricted use pesticides under one of the existing application categories. The training and examination taken by these individuals are those recommended by EPA at the time of the classification. However, while the regulation is being amended to include the additional category, certification is granted in one of the existing categories. The proposed change will allow the agency to include pesticides recently classified as restricted use in the miscellaneous certification category. To the extent that the proposed change will help certification categories to more accurately reflect the type of pesticide application, it is likely to produce some small economic benefits.

Businesses and entities affected. The proposed regulation affects businesses and individuals involved in pesticide applications. Applicants for certification as registered technicians will no longer be allowed to take the certification examination under the proctorship system, but will instead be required to take it through DMV. Moreover, registered technicians will be required to undergo additional training when applying pesticides in a category different from the one in which they received their original training. Finally, individuals working in a position that involves the commercial use of pesticides will be required to take the registered technician examination within 90 days of being hired or transferred in to the position. Commercial applicators and registered technicians not-for-hire (including government employees who use or supervise the use of pesticides) will now be required to meet additional recordkeeping requirements. Businesses licensed to apply pesticides in the state will be required to monitor trainees and uncertified individuals applying pesticides more closely than currently required.

According to VDACS, there are approximately 2,180 licensed pesticide businesses. As of September 2004, there are 5,607 registered technicians and 4,248 commercial applicators currently operating in Virginia. Of all commercial applicators, 768 are classified as commercial applicators not-for-hire. The number of registered technicians not-for-hire is not known. In addition, there are 1,735 government employees using or supervising the use of pesticides.

Localities particularly affected. The proposed regulation applies to all localities in the Commonwealth.

Projected impact on employment. The proposed regulation is not likely to have a significant impact on employment. Some of the proposed changes are likely to increase the cost of



operation for businesses and individuals engaged in pesticide application. However, the magnitude of the cost increase is not likely to be large enough to produce a significant impact on employment.

Some businesses may have to reduce their employment of trainees and uncertified individuals or increase their employment of certified commercial applicators due to the more stringent monitoring requirement. However, the number of such entities and the magnitude of the impact on them are not known. Moreover, depending on the structure of the industry and the sensitivity of demand for their services to price, these businesses will be able to pass on some or all of the additional cost to consumers in the form of higher prices.

Effects on the use and value of private property. The proposed regulation is likely to affect businesses involved in pesticide applications. Some of the proposed changes are likely to increase the cost of operation of these businesses, thus lowering their asset value. However, the magnitude of the increase in costs is not likely to be very large.

Some businesses may have to incur additional costs in supervising trainees and uncertified individuals. However, the number of such entities and the magnitude of the additional cost to them in meeting the requirement are not known. Moreover, the extent of the impact on these businesses will depend on the extent to which they are able to pass on some or all of the additional cost to consumers in the form of higher prices.

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

### Summary:

*The proposed amendments (i) add new definitions to clarify who must be certified and keep pesticide application records; (ii) add new definitions to clarify the required supervision standard for people training to become applicators; (iii) add categories and subcategories of pesticide applicators; (iv) establish minimum standards for on-the-job training for registered technicians when working in different categories or subcategories; (v) establish a time frame within which a person would have to finish training and take the registered technician examination; (vi) eliminate the provision allowing businesses or agencies to proctor the registered technician examination to their own employees; and (vii) require applicators not for hire to keep records of all pesticides applied, not just those that are restricted use.*

## 2 VAC 20-51-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise. An asterisk or double asterisk following a definition indicates that the definition has been taken from the Virginia Pesticide Control Act, Article 1 (§ 3.1-249.27 et seq.) or Article 4 (§ 3.1-249.59 et seq.), respectively, of Chapter 14.1 of Title 3.1 of the Code of Virginia.

"Accident" means an unexpected, undesirable event, involving the use or presence of a pesticide, that adversely affects man or the environment.

"Act" means the Virginia Pesticide Control Act (§ 3.1-249.27 et seq. of the Code of Virginia).

~~"Adjuvant" means any substance added to a pesticide formulation to enhance the effect of the active ingredient.~~

"Agricultural commodity" means any plant or part thereof, or animal, or animal product, produced by a person, including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, nurserymen, wood treaters not for hire, or other comparable persons, primarily for sale, consumption, propagation, or other use by man or animals.\*

"Board" means the Pesticide Control Board.\*

"Board-approved training" means a course which includes, at a minimum, study and review of all the material contained in an edition used in Virginia of (i) a basic pesticide applicator certification training core manual and (ii) a certification training manual for each specific category pertaining to the type of pesticide application to be done.

"Certificate" means the document issued to a certified applicator or registered technician who has completed all the requirements of Article 3 (§ 3.1-249.51 et seq.) of Chapter 14.1 of Title 3.1 of the Code of Virginia.

"Certification" or "certified" means the recognition granted by the Pesticide Control Board to an applicator upon satisfactory completion of board-approved requirements.\*

"Chemigation" means the application of any pesticide through an irrigation system.

"Commercial applicator" means any applicator who has completed the requirements as determined by the board, including appropriate training and time in service, to apply for a certification, and who uses or supervises the use of any pesticide for any purpose or on any property, other than as provided in the definition of private applicator.\*

"Commercial applicator not for hire" means any commercial applicator who uses or supervises the use of pesticides as part of his job duties only on property owned or leased by him or his employer. ~~This definition shall~~ *It also applies to governmental employees who use or supervise the use of pesticides, whether on property owned or leased by them or their employers or not, in the performance of their official duties.*

"Commissioner" means the Commissioner of Agriculture and Consumer Services.\*

*"Competent person" means a person having the demonstrated ability to perform the task to which he is assigned.*

"Department" means the Department of Agriculture and Consumer Services.\*

"Drift" means the physical movement of pesticide through the air at the time of pesticide application or soon thereafter from the target site to any nontarget or off-target site. Pesticide

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drift will not include movement of pesticides to nontarget or off-target sites caused by erosion, migration, volatility, or windblown soil particles that occurs after application unless specifically addressed on the pesticide product label with respect to drift control requirements.

"EPA" means the United States Environmental Protection Agency.

"Fumigant" means any substance which by itself or in combination with any other substance emits or liberates a gas or gases, fumes or vapors, ~~which gas or gases, fumes or vapors, when liberated and used,~~ that will destroy vermin, rodents, insects, and other pests, and are usually lethal, poisonous, noxious, or dangerous to human life.

"Fungicide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any fungi or plant disease.\*

"Herbicide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any weed.\*

"Incident" means a definite and separate occurrence or event, involving the use or presence of a pesticide, that adversely affects man or the environment.

"Insecticide" means any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any insects which may be present in any environment whatsoever.\*

"Knowledge" means the possession and comprehension of pertinent facts, together with the ability to use them in dealing with specific problems and situations within the pesticide context.

"Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any, of the pesticide or device.\*

"Labeling" means all labels and other written, printed, or graphic matter (i) upon the pesticide or device or any of its containers or wrappers, (ii) accompanying the pesticide or device at any time, or (iii) to which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, nonmisleading reference is made to current official publications of the agricultural experiment station, the Virginia Polytechnic Institute and State University, the Department of Agriculture and Consumer Services, the State Board of Health, or similar federal institutions or other official agencies of the Commonwealth or other states when such states are authorized by law to conduct research in the field of pesticides.\*

"Licensed" or "licensee" means those businesses which, when meeting the requirements established by the Pesticide Control Board, are issued a license to engage in the sale, storage, distribution, recommend the use, or application of pesticides in Virginia in exchange for compensation.\*

"Marine antifoulant paint" means any compound, coating, paint or treatment applied or used for the purpose of

controlling freshwater or marine fouling organisms on vessels.\*\*

~~"Nontarget organism" means any living organism, including but not limited to animals, insects, and plants, other than the one against which the pesticide is intended to be applied.~~

"Pesticide" means (i) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life or viruses, except viruses on or in living man or other animals, which the commissioner shall declare to be a pest; (ii) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant; and (iii) any substance which is intended to become an active ingredient thereof.\*

"Pesticide business" means any person engaged in the business of: distributing, applying or recommending the use of a product; or storing, selling, or offering for sale pesticides directly to the user. The term "pesticide business" does not include (i) wood treaters not for hire; (ii) seed treaters not for hire; (iii) operations which produce agricultural products unless the owners or operators of such operations described in clauses (i), (ii), and (iii) are engaged in the business of selling or offering for sale pesticides, or distributing pesticides to persons outside of that agricultural producing operation in connection with commercial transactions; or (iv) businesses exempted by regulations adopted by the board.\*

"Private applicator" means an applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.\*

~~"Reentry interval" as noted on the pesticide label, means the amount of time which must elapse between the time of a pesticide application and the time when it is safe for a person to enter the treated area without label required personal protective equipment.~~

"Registered technician" means an individual who renders services similar to those of a certified commercial applicator, but who has not completed all the training or time in service requirements to be eligible for examination for certification as a commercial applicator and is limited to application of general use pesticides. However, if he applies restricted use pesticides he shall do so only under the direct supervision of a certified commercial applicator.\*

*"Registered technician not for hire" means any registered technician who uses or supervises the use of pesticides as part of his job duties only on property owned or leased by him or his employer. It also applies to governmental employees who use or supervise the use of pesticides, whether on property owned or leased by them or their employers or not, in the performance of their official duties.*

"Repeat violation" means another violation following the first violation of the same provision of the Virginia Pesticide Control Act or the federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136 et seq.), or regulations adopted

pursuant thereto, committed within a three-year period commencing with the date of official notification of the first violation of the provision.

"Restricted entry interval" means the time after the end of a pesticide application during which entry into the treated area is restricted.

"Restricted use pesticide" or "pesticide classified for restricted use" means any pesticide classified for restricted use by the administrator of the EPA under the provisions of 1947 (7 USC § 3(d)(1)(c)) of the federal Insecticide, Fungicide, and Rodenticide Act (as amended).

"Rodenticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal which the commissioner shall declare to be a pest.\*

~~"Synergism" means the interaction of two or more active ingredients in a pesticide formulation which produce a total pesticidal effect that is greater than the sum of the ingredients.~~

"Tributyltin compounds" means any compound having three normal butyl groups attached to a tin atom and with or without an anion such as chloride, fluoride, or oxide.\*\*

"Under the direct supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is responsible for the actions of that person.\*

"Under the direct on-site supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is responsible for the actions of that person and is physically present on the property upon which the pesticide is being applied, and is in constant visual contact with the person applying the pesticide.

~~"Unreasonable adverse effects on the environment" means any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.\*~~

"Use" means the employment of a pesticide for the purposes of (i) preventing, destroying, repelling, or mitigating any pest or (ii) regulating plant growth, causing defoliation or desiccation of plants. The term "use" shall include application or mixing, and shall include handling or transfer of a pesticide after the manufacturer's original seal is broken. The term "use" shall also include any act with respect to a particular pesticide which is consistent with the label directions for that particular pesticide.\*

"Vessel" means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water, whether self-propelled or otherwise, and includes barges and tugs.\*\*

## 2 VAC 20-51-20. General requirements for certification.

A. The following persons must be certified as pesticide applicators:

1. Commercial applicators;

2. Registered technicians; and

3. Private applicators.

B. Commercial applicators not for hire must be certified only when using any pesticide in the following areas except as noted in subsection C of this section:

1. Areas open to the general public at *daycare facilities*, educational institutions, health care facilities, and convalescent facilities;
2. Areas where open food is stored, processed, or sold; and
3. Recreational lands over five acres in size.

C. Employees of local, state, and federal governmental agencies who use or supervise the use of any pesticides on any area in the performance of their official duties must be certified as either commercial applicators not for hire or registered technicians, but they are exempt from any certification fees.

D. All persons desiring certification as pesticide applicators must:

1. Complete board-approved training appropriate for the desired classification; ~~and~~
2. *Submit a completed application to the commissioner; and*
- 2- 3. Pass required examination(s).

a. Applicants who do not pass the examination on their first attempt are eligible to be reexamined for the same category 10 days from the date of the first examination.

b. Applicants who fail on the second or subsequent attempts must wait 30 days from the date of the last examination before being reexamined in the same category.

c. Applicants requesting reexamination must resubmit a completed application to the commissioner or his duly authorized agent and pay the nonrefundable applicator certification fee ~~again~~ as determined by 2 VAC 20-30, *Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under the Virginia Pesticide Control Act*.

E. Persons with a history of repeat violations of federal or state pesticide laws or whose certification or *pesticide* business license has been revoked within the two-year period immediately prior to application are not eligible for certification. *Such* persons may appear before the board to show why they should be granted certification as outlined under provisions of § 3.1-249.63 D of the Code of Virginia.

F. Applicants for certification cannot engage in the activity for which they are requesting certification, unless participating in supervised direct on-site training, until certification has been issued by the commissioner. *Commercial applicators may not apply pesticides in any category or subcategory activity until they have passed the category-specific examination and obtained the appropriate certification.*

G. A commercial or private applicator or registered technician may request a duplicate of the certification card if the

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applicator's or technician's card has been lost, stolen, mutilated or destroyed. The department shall issue a duplicate card to the applicator or technician upon payment of the costs of duplication.

## **2 VAC 20-51-30. Specific certification requirements for commercial applicators.**

A. In addition to the general requirements listed in 2 VAC 20-51-20, applicants for commercial applicator certification shall meet the following requirements:

1. Certification as a registered technician, as well as employment as a registered technician for at least a year; or
2. One year of education, training, or experience in a pesticide related field which provides the equivalent practical knowledge of proper pesticide use required of a registered technician.

B. The application process for commercial applicators is as follows:

1. The application must be in writing to the commissioner; and
2. The application must contain:
  - a. Name;
  - b. Principal business address in the Commonwealth and elsewhere;
  - c. Qualifications and proposed operations; and
  - d. Classification(s) desired.

Individuals seeking certification as commercial applicators must pay a fee as determined by ~~regulations promulgated by the Pesticide Control Board 2 VAC 20-30, Rules and Regulations Governing the Pesticide Fees Charged by the Department of Agriculture and Consumer Services Under the Virginia Pesticide Control Act.~~

C. Applicants shall, within 90 days after submitting the application and paying the fee, report to an authorized testing location and take the required examinations.

D. Aerial pesticide application applicants must meet the requirements of the Federal Aviation Agency, the Department of Aviation of the Commonwealth, and any other applicable federal or state laws or regulations to operate aerial equipment.

## **2 VAC 20-51-40. Specific certification requirements for private applicators.**

A. Each applicant for a private applicator's certificate shall apply to the commissioner and then report to an authorized testing location within 90 days and take an examination for each certification category, specified in 2 VAC 20-51-80, applicable to his operation. The application shall contain the applicant's name, address and classification desired for certification.

B. Persons who cannot read or understand labels ~~will~~ shall not be certified as private applicators ~~unless they demonstrate competence to apply restricted use pesticides on their own~~

~~properties. After consulting the appropriate Virginia Cooperative Extension Service agent, a department pesticide investigator may recommend that the board grant a waiver of the literacy requirement. Persons certified under this waiver shall obtain certification in the categories of limited certificate or single product certification as described in 2 VAC 20-51-80. Recommendations shall be based upon personal knowledge of the individuals' competence to apply restricted use pesticides on their own properties.~~

## **2 VAC 20-51-50. Certification procedures for registered technicians.**

A. In addition to the general requirements listed in 2 VAC 20-51-20, individuals seeking certification as registered technicians must:

1. Receive on-the-job training in the proper application of pesticides under the direct on-site supervision of a certified commercial applicator for at least 20 hours during the six-month period prior to applying for certification;
2. Complete at least 20 hours of board-approved training;
3. Submit an application form with the fee established by regulations of the Pesticide Control Board; and
4. ~~Pass~~ Take the examination within 90 days after ~~submitting the application and paying the fee~~ *an individual is hired or transferred into a position where duties and functions involve the commercial use of pesticides. Individuals not passing the examination must follow the procedures outlined in 2 VAC 20-51-20 D 3.*

~~B. Certified commercial applicators may apply to the commissioner, or his duly authorized agent, in writing, for authorization to proctor the registered technician exam. Authorized proctors may administer and grade the examinations, and shall notify the commissioner, or his duly authorized agent, of the grade received by the applicant. Failure to safeguard examination materials or follow testing procedures shall result in revocation of authority to proctor the registered technician examination. Before registered technicians begin working in any application category or subcategory that is different from the category in which they received their original training, they shall receive additional training from a commercial applicator in the following aspects of pesticide application as it relates to the proposed category or subcategory of work:~~

1. *Pesticides to be used, including reading and understanding the label;*
2. *Application equipment and techniques;*
3. *Pests to be controlled;*
4. *Personal protective equipment and clothing; and*
5. *Environmental concerns, including storage and disposal of pesticides applied.*

*The commercial applicator providing training to a registered technician shall be certified in the category or subcategory for which he is providing the training and shall provide proof to the department of such training on forms provided by the*

department. Such forms must be received by the department within 10 calendar days of the completion of such training.

## **2 VAC 20-51-70. Categories for commercial applicator certification.**

A. Commercial applicators must be certified in one or more of the following commercial applicator categories or subcategories:

### 1. Agricultural pest control.

a. Agricultural plant pest control. This subcategory is for commercial applicators who will be using or supervising the use of pesticides in production of agricultural crops, or on grasslands, or noncrop agricultural lands.

b. Agricultural animal pest control. This subcategory is for commercial applicators who will be using or supervising the use of pesticides on agriculturally related animals.

c. Fumigation of soil and agricultural products. This subcategory is for commercial applicators who will be using or supervising the use of pesticides for soil fumigation in production of an agricultural commodity and the application of pesticides for fumigation of agricultural products. Certification in this subcategory requires concurrent certification in the agricultural plant pest control category.

d. Chemigation. This subcategory is for commercial applicators who will be using or supervising the use of pesticides through an irrigation system. Certification in this subcategory requires concurrent certification in the agricultural plant pest control category.

2. Forest pest control. This category is for commercial applicators who will be using or supervising the use of pesticides in forests, forest nurseries, and seed orchards.

### 3. Ornamental and turf pest control.

a. Ornamental pest control. This subcategory is for commercial applicators who will be using or supervising the use of pesticides in the maintenance and production of ornamental trees, shrubs, and flowers in and out-of-doors.

b. Turf pest control. This subcategory is for commercial applicators who will be using or supervising the use of pesticides in the production and maintenance of turf, including, but not limited to, turf in golf courses, residential lawns, parks, and cemeteries.

4. Seed treatment (excluding fumigation). This category is for commercial applicators who will be using or supervising the use of pesticides on seeds.

### 5. Aquatic pest control.

a. Aquatic pest control - general. This subcategory is for commercial applicators who will be using or supervising the use of pesticides in or on standing or running water, for the express purpose of controlling pests. This excludes applicators engaged in public health related activities included in subdivision 8 of this subsection, public health pest control.

b. Marine antifoulant paints. This subcategory is for commercial applicators who will be using or supervising the use of marine antifoulant paints containing tributyltin or other *restricted use* pesticides.

6. Right-of-way pest control. This category is for commercial applicators who will be using or supervising the use of pesticides in the maintenance of public rights-of-way and in the maintenance of fence lines, structural perimeters or other similar areas.

7. Industrial, institutional, structural, and health-related pest control.

a. General pest control (excluding fumigation). This subcategory is for commercial applicators who will be using or supervising the use of pesticides to control household type pests, pests that inhabit or infest structures, stored products, and residential food preparation areas, and pests capable of infesting or contaminating foods and foodstuffs at any stage of processing facilities.

b. Wood-destroying pest control (excluding fumigation). This subcategory is for commercial applicators who will be using or supervising the use of pesticides to control organisms that destroy structures made of wood.

c. Fumigation. This subcategory is for commercial applicators who will be using or supervising the use of fumigant-type pesticides.

d. Vertebrate pest control (excluding structural invaders). This subcategory is for commercial applicators who will be using or supervising the use of pesticides to control vertebrate pest animals.

e. Sewer root pest control. This subcategory is for commercial applicators who use pesticides for sewer line root control.

8. Public health pest control. This category is for commercial applicators who will be using or supervising the use of pesticides for the management and control of pests having medical and public health significance.

9. Regulatory pest control. This category is for federal, state, and local governmental employee applicators who will be using or supervising the use of pesticides in the control of regulated pests.

10. Demonstration and research pest control. This category is for commercial applicators who will be demonstrating the proper use and techniques of application of pesticides (including classroom demonstration), or who will be supervising such demonstration. It also includes applicators who will be conducting pesticide research on greenhouse or field plots.

11. Aerial pesticide application. This category is for commercial applicators who will be using or supervising the use of any pesticide applied by fixed- or rotary-wing aircraft.

12. Wood preservation and wood product treatment. This category is for commercial applicators who will be using or supervising the use of pesticides at treating plants and

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sawmills for preservative treatment of wood and wood products.

13. *Miscellaneous.* This category is to be used to designate categories or subcategories of commercial applicators using specific pesticides or uses for which the U.S. EPA may mandate certification in order to allow for the pesticide or use.

B. A commercial applicator certified in one category and seeking initial certification in one or more additional categories shall meet the certification requirements of each of the new categories in which he desires certification.

## **2 VAC 20-51-90. Determination of general knowledge and qualifications for private and commercial applicators and registered technicians.**

A. Applicants shall be tested on their knowledge and qualifications concerning the use and handling of pesticides. The examination will test the applicants' general knowledge required for all categories, and the additional knowledge specifically required for each category or subcategory in which an applicator desires to be certified.

B. All applicants for certification as private or commercial applicators or registered technicians shall demonstrate practical knowledge of the principles and practices of pest control and the safe use of pesticides, as contained in a basic pesticide applicator certification training core manual. Testing will be based on problems and situations in the following areas:

1. Federal and Commonwealth of Virginia pesticide laws and regulations;
2. Understanding and interpreting pesticide labels;
3. Handling of accidents and incidents;
4. Proper methods of storing, mixing/loading, transporting, handling, applying, and disposing of pesticides;
5. Safety and health, including proper use of personal protective equipment;
6. Potential adverse effects caused by *the application of pesticides under various climatic or environmental conditions, such as drift from the target area, pesticide run-off, ground water and drinking water contamination, and hazard to endangered species; and*
7. Recognizing common pests and general pest biology.

## **2 VAC 20-51-100. Specific knowledge required for the categories of commercial applicators.**

Applicants for commercial applicator certification shall possess the skills and knowledge associated with the chosen category(s) as they pertain to those items listed in 2 VAC 20-51-90 B 1 through 6, including recognizing category specific pests and their biology as contained in ~~a~~ *the appropriate Virginia category specific training manual(s).*

## **2 VAC 20-51-160. Revocation of certificate by the board.**

~~A. Any of the violative acts listed under § 3.1-249.63 C of the Code of Virginia shall constitute grounds for revocation by the~~

~~board of a certificate.~~ *The board may, after opportunity for a hearing, deny, suspend, revoke or modify a certificate upon any violation of any act set out in § 3.1-249.63 C of the Code of Virginia.*

~~B. The board shall suspend the license or certificate of an individual if a civil penalty issued to the person is not paid within 60 days of issuance unless the business or person challenges such civil penalty pursuant to § 3.1-249.70 F of the Code of Virginia.~~ *If the board imposes a civil penalty upon a person and such civil penalty is not paid within 60 days thereof, the certificate of such person shall automatically be suspended until payment in full is made. If the person appeals the board's order imposing the civil penalty, then the person may forward the proposed amount of the civil penalty to the commissioner's office for placement in an interest-bearing trust account in the State Treasurer's office. Upon such an amount being held, the suspension shall not be imposed or shall be lifted, as the case may be. This provision relates only to a suspension caused by a failure to pay the civil penalty and does not affect any suspension or revocation of a certificate for any other reason.*

## **2 VAC 20-51-170. Reporting of pesticide accidents and incidents.**

A. Commercial or private applicators or registered technicians shall report any pesticide accident or incident in which they are involved that constitutes a threat to any person, to public health or safety, or to the environment, as a result of the use or presence of any pesticide. The accident or incident shall be reported whether or not a restricted use pesticide is involved.

B. The applicator shall make the initial notification to the department's Office of Pesticide Services by telephone within a reasonable time, not to exceed 48 hours after the accident or incident occurrence, should circumstances prevent immediate notification. The applicator shall prepare and submit a full written report of the accident or incident to the Office of Pesticide Services within 10 days after the initial notification.

C. When the accident or incident involves a discharge or spillage of a pesticide, the applicator shall contact the department for guidance to determine whether the discharged or spilled amount is a reportable quantity.

D. The applicator shall make the initial notification to the department's Office of Pesticide Services by telephone within a reasonable time, not to exceed 48 hours after the accident or incident occurrence, should circumstances prevent immediate notification. The applicator shall prepare and submit a written report of the accident or incident to the Office of Pesticide Services within 10 working days after the initial notification. The report shall include the following:

1. Name of individuals involved in accident or incident;
2. Name of pesticide involved;
3. Quantity of pesticide spilled, and containment procedures;
4. Time, date, and location of accident or incident;

5. Mitigating actions taken; and

6. Name (or description if unnamed) and location of bodies of water nearby where contamination of such bodies of water could reasonably be expected to occur due to natural or manmade actions.

**2 VAC 20-51-200. General recordkeeping requirements for commercial applicators not for hire and registered technicians not for hire.**

A. Commercial applicators not for hire and registered technicians not for hire, being exempt from the pesticide business license requirement of the board and the recordkeeping requirements under this license, are required to maintain pesticide application records as prescribed in this chapter. These records shall be maintained by the commercial applicator not for hire and the registered technician not for hire for a period of two years.

B. Records governed by this regulation shall be made available for inspection by the commissioner, or his duly authorized agent, during normal business hours upon written request. Records not readily available shall be submitted to the commissioner within 72 hours, if so requested in writing.

C. Persons possessing records governed by this part shall fully comply with the requirements contained in 7 USC § 136f and regulations adopted pursuant thereto.

**2 VAC 20-51-210. Specific recordkeeping requirements for commercial applicators not for hire and registered technicians not for hire.**

Commercial applicators not for hire and registered technicians not for hire shall maintain a record of each restricted-use pesticide applied, containing the following:

1. Name of property owner, address or location, and, as applicable, phone number of the site of application;
2. Name and certification number (or certification number of the supervising certified applicator) of the person making the application;
3. Day, month, and year of application;
4. Type of plants, crops, animals, or sites treated and principle pests to be controlled;
5. Acreage, area, or number of plants or animals treated;
6. Brand name or common product name of pesticide used;
7. EPA registration number;
8. Amounts of pesticide concentrate and amount of diluent used, by weight or volume, in mixture applied; and
9. Type of application equipment used.

**NOTICE:** The forms used in administering 2 VAC 20-51, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Agriculture and Consumer Services, 1100 Bank Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

*Record of Required Additional Registered Technician Training (proposed).*

Commercial Pesticide Applicator Certification Application - A, Form VDACS-07211 (eff. ~~4/1/98~~ 11/01).

Pesticide Registered Technician Application, Form VDACS-07212 (eff. ~~4/1/98~~ 11/01).

Private Pesticide Applicator Request for Authorization to Take Pesticide Applicator Examination at Department of Motor Vehicles Customer Service Center (eff. 12/98).

Application for Reciprocal Pesticide Applicator Certificate, Form VDACS-07210 (eff. ~~7/95~~ 7/00).

Power of Attorney (not dated).

Commercial Pesticide Applicator Request for Authorization to Take Pesticide Applicator Examination - B, Form VDACS-07218 (eff. ~~4/1/98~~ 11/01).

Commercial Pesticide Applicator Certification Exam, ~~Form VDACS-07216 (not dated)~~ bubble answer sheet, 2003.

Private Pesticide Applicator Certification Exam bubble answer sheet, 2003.

Virginia Registered Technician Certification Examination Answer Sheet (eff. 2/98).

Not-For-Hire Virginia Registered Technician Certification Examination Answer Sheet (eff. 2/98).

V.A.R. Doc. No. R04-77; Filed August 12, 2005, 9:37 a.m.



**TITLE 12. HEALTH**

**STATE BOARD OF HEALTH**

**Title of Regulation:** 12 VAC 5-90. Regulations for Disease Reporting and Control (amending 12 VAC 5-90-10, 12 VAC 5-90-40, 12 VAC 5-90-80, 12 VAC 5-90-90, 12 VAC 5-90-100, 12 VAC 5-90-110, 12 VAC 5-90-130, 12 VAC 5-90-225, 12 VAC 5-90-250 through 12 VAC 5-90-280, 12 VAC 5-90-330, 12 VAC 5-90-350, 12 VAC 5-90-360; adding 12 VAC 5-90-103, 12 VAC 5-90-107).

**Statutory Authority:** §§ 32.1-12 and 32.1-35 of the Code of Virginia.

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# Proposed Regulations

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Public Hearing Date: N/A -- Public comments may be submitted until November 4, 2005.

(See Calendar of Events section for additional information)

Agency Contact: Diane Woolard, Ph.D., Director, Division of Surveillance and Investigation, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-8141, FAX (804) 864-8139, or e-mail [diane.woolard@vdh.virginia.gov](mailto:diane.woolard@vdh.virginia.gov).

Basis: Section 32.1-35 of the Code of Virginia directs the Board of Health to promulgate regulations specifying which diseases occurring in the Commonwealth are to be reportable and the method by which they are to be reported. Further, § 32.1-42 of the Code of Virginia authorizes the Board of Health to promulgate regulations and orders to prevent a potential emergency caused by a disease dangerous to public health. The Board of Health is empowered to adopt such regulations as are necessary to carry out provisions of the laws of the Commonwealth of Virginia administered by the State Health Commissioner by § 32.1-12 of the Code of Virginia.

Purpose: The proposed amendments replace emergency regulations for isolation and quarantine with permanent regulations. Additional changes are proposed to the existing disease reporting and control regulations to ensure that they comply with current public health practices, medical guidelines and scientific terminology. The amendments will facilitate efforts to recognize, measure and contain emerging diseases in order to protect the health of the people of the Commonwealth.

Substance: Amendments to current regulations will:

1. Finalize the emergency regulations on isolation and quarantine requirements;
2. Update language to ensure that it reflects current public health, medical and scientific terminology;
3. Update disease reporting requirements, including reportable diseases and those required to report;
4. Update language regarding laboratory reporting requirements;
5. Update tuberculosis reporting and control requirements and definitions;
6. Update provisions regarding the reporting of toxic substance-related illness;
7. Update requirements related to HIV testing and reporting, including the reporting of viral load and CD4 test results; and
8. Update other disease reporting and control provisions necessary to protect the health of the people of the Commonwealth.

Issues: The proposed changes improve the ability of the Virginia Department of Health to conduct surveillance and implement disease control for conditions of public health concern, including some that may indicate bioterrorism events. The changes will position the agency to better detect

and respond to these illnesses to protect the health of the public.

Except as noted in the paragraphs below, changes are alterations in language and terminology to reflect current scientific use and to provide clarification. For example, the list of diseases reportable by laboratory directors is updated to reflect the currently available tests for these diseases and names of conditions on the Reportable Disease List are modified to comply with scientific usage. These changes in language improve the clarity of the regulations but are not substantive.

Finalization of emergency regulations on isolation and quarantine: These regulations are required by Articles 3.01 and 3.02 of Chapter 2 of Title 32.1 of the Code of Virginia. Failure to finalize these emergency regulations would leave the agency and the Commonwealth without the required regulations to support the Code of Virginia and would limit the agency's ability to respond effectively in a biological attack or severe disease outbreak in which isolation and/or quarantine may be necessary.

Update to disease reporting requirements: Influenza deaths in children <18 years of age is added to the list of conditions that must be reported. Influenza deaths in children occur, but are unusual and may be indicative of a severe strain circulating in the population. To better monitor trends in severe influenza, VDH has requested voluntary reports of pediatric deaths during the last two years under § 32.1-36 E of the Code of Virginia. With this change, reporting of these severe influenza events would be required. Less than five reports are anticipated annually, unless an unusual strain of influenza emerges. Yersiniosis is added to the list of conditions that must be reported. This foodborne disease causes severe illness, especially in infants. Less than 15 reports of yersiniosis are anticipated annually. Typhoid fever, a condition for which public health notification is currently required, is incorporated into the list of conditions requiring rapid communication. This will enable rapid identification and response. Information on pregnancy status for females and contact information for the physician and facility are needed for follow-up and investigation of reported disease cases. Pregnancy status is currently reportable only for hepatitis B cases, but the information is needed in other reportable conditions where health department action can help prevent infection in the infant. Pregnancy status will receive the same legal protection as other confidential diagnostic information collected on the disease report. No additional tests or data collection related to pregnancy status are being requested. The agency is requesting only that this information be reported if it is available. Inclusion of physician/facility contact information on the disease report will facilitate follow-up and investigation of reported disease cases. These changes present no disadvantages to the public, the agency, or the Commonwealth.

Update to language regarding laboratory reporting requirements and update of provisions regarding reporting of toxic substance-related illness: Laboratory test names are updated to reflect current laboratory methodologies. Four conditions are added to the list of conditions reportable by laboratory directors. Hantavirus pulmonary syndrome is



currently included on the list of reportable conditions and is being added to the list of conditions to be reported by laboratory directors to ensure the reporting of positive laboratory findings. Because hantavirus infection is rare (only two Virginia cases have occurred, in 1993 and 2004) the volume of reports will be low. Toxic substance-related illness is required to be reported by laboratory directors in another section and is being added to this list for clarity. Typhoid fever is currently reportable as a Salmonella infection. A change in terminology requires that typhoid fever be listed separately. Yersiniosis is added to support detection of this severe foodborne illness. Less than 15 reports of yersiniosis are anticipated annually. Laboratory reporting of these conditions complements physician reporting and is needed for early detection of and appropriate response to cases. There should be no adverse effect on laboratories as a result of these changes.

**Update of the tuberculosis reporting requirements:** A revision in the wording of the requirement for reporting of susceptibility results for cultures positive for any member of the *M. tuberculosis* complex makes the regulatory language consistent with the language in the Code of Virginia. It improves consistency and clarifies requirements but presents no change in requirements.

**Update of requirements related to HIV testing and reporting, including reporting of CD4 and HIV viral load test results:** The Centers for Disease Control and Prevention (CDC) support state-mandated reporting of all viral load and CD4 test results for HIV-infected individuals. Adding this requirement will help Virginia compete for federal funds for HIV surveillance, prevention and care. Currently, of the 54 states and territories within the U.S. HIV/AIDS Surveillance system, 26 require both CD4 and viral load reporting. At least 12 additional states are actively working to amend their state reporting regulations to include reporting of these test results. Reporting of all viral load and CD4 tests will improve HIV reporting timeliness and efficiency. In addition, this reporting will allow Virginia to accurately measure care services and ultimately justify federal funding for those Virginians living with HIV infection. Strict confidentiality provisions will continue to be enforced to protect this information when it is received by VDH. This requirement will expand the volume of reports submitted by laboratories to VDH. However, because most laboratories already use computerized systems that generate automated printouts of the required information or submit reports using encrypted data files, the burden of generating additional reports will be minimized.

**Department of Planning and Budget's Economic Impact Analysis:** The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with § 2.2-4007 H of the Administrative Process Act and Executive Order Number 21 (02). Section 2.2-4007 H requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private

property. The analysis presented below represents DPB's best estimate of these economic impacts.

**Summary of the proposed regulation.** The Department of Health (the department) proposes several changes to the Disease Reporting and Control Regulation. Several definitions have been changed or added to clarify meaning or better reflect updated accepted medical practice and terminology. In addition, the department proposes several changes to the reportable disease list as well as to the list of reportable diseases requiring rapid communication. It is also proposed that mandated reporters be required to report pregnancy status, if known, for all positive tests rather than just for those who test positive for hepatitis B.

**Estimated economic impact.** The department proposes to add one disease, yersiniosis, to the reportable disease list, and require that influenza deaths for children less than 18 years old be reported. Yersiniosis is a food-borne disease that causes severe illness, particularly in infants. Reporting and source tracing can limit this disease's impact on communities where it occurs. Pediatric influenza deaths are very rare and can be an indicator that a particularly severe strain of the disease is circulating. Reporting of pediatric influenza deaths will allow the department to take appropriate measures in the face of a possibly more difficult than normal flu season. The department estimates that annually they will receive approximately 15 reports of yersiniosis and fewer than five reports of pediatric influenza death. This increase in reporting volume is minuscule when compared to the approximately 40,000 reports that the department currently receives each year. This proposed regulatory change will likely provide a net benefit for the citizens of the Commonwealth.

The proposed regulation also requires that HIV viral load and CD4 test results be reported. The department's epidemiology report on AIDS and HIV that encompasses data through CY2003 states that there are 5,382 people who live in Virginia and have AIDS or HIV. Additionally, approximately 300 more unique positive HIV infection tests were reported to the department in 2004. The Centers for Disease Control (CDC) estimates that only half of those who test positive for HIV will seek continuing treatment; so we can assume that 150 of those 300 would be subject to quarterly viral load and CD4 tests. By requiring the reporting of these tests, the department can ascertain what portion of the HIV infected population in the Commonwealth is not seeking treatment. This will allow the department to account for federal funds the Commonwealth currently receives for HIV programs and also provide information for the department to use in applying for CDC grants to increase treatment rates. The Commonwealth currently receives approximately \$35 million from the federal government for various HIV programs.

Approximately 43,056 viral load and CD4 tests will be reported annually for the HIV-infected population identified through 2003. Assuming that the CDC estimates correctly mirror the behavior of Virginians newly diagnosed as HIV infected, an additional 1,200 viral load and CD4 tests will be reported annually for those who were diagnosed as HIV infected in 2004. These tests will effectively double the total volume of disease reports delivered to the department each year. The Department of Consolidated Laboratory Services, which

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currently files approximately 30% of all annual disease reports estimates that the equivalent of 1/2 of one full-time employee's time is spent preparing and mailing those reports. By extrapolation, this means that less than two full-time employees are currently needed by mandated reporters to process and mail test results so approximately two more full-time employees would be needed to handle the increased volume of test reporting mandated by the proposed regulation. Postage costs for reporters would also increase but not double since the marginal cost of additional mailing weight is not constant. This proposed regulatory change will likely provide a net benefit for the citizens of the Commonwealth.

The proposed regulation mandates that reports for all reportable diseases include pregnancy status of patient when that information is available. Reporters need not spend additional time finding this information so this requirement will have no economic impact.

**Businesses and entities affected.** The proposed regulation will affect all physicians in the Commonwealth as well as any entities, such as laboratories, hospitals and nursing homes, which physicians may designate to report the regulation's enumerated diseases. The Department of Medical Assistance Services reports that there were 25,650 physicians accepting Medicaid patients in CY2004. The actual number of physicians that practice in Virginia and would be affected by the proposed regulation is likely higher than that. There are approximately 177 laboratories in the Commonwealth that are certified to run the high complexity tests that are required to diagnose many, but not all, of the diseases on the reportable list. Additionally, there are around 250 nursing homes and 90 hospitals operating in the Commonwealth and which are subject to reporting requirements.

**Localities particularly affected.** The proposed regulation will affect all localities in the Commonwealth.

**Projected impact on employment.** Approximately two more full-time clerical workers will be needed to meet the statewide requirements of the proposed regulation. In addition, the Department of Health may need to hire additional personnel to handle the increased volume of reports that they receive.

**Effects on the use and value of private property.** Laboratories, doctors, hospitals and nursing homes are responsible for the costs of disease reporting, which include time spent preparing reports and postage to mail them. These costs will increase moderately, and the profits for firms responsible for reporting will decrease, under the proposed regulation.

**Small Businesses: Reporting, Recordkeeping, & Administrative Costs.** Assuming that approximately two new full-time employees earning the median file clerk salary of \$21,000<sup>1</sup> are needed to process the total new volume of disease reports and assuming constant marginal costs for each additional report, total statewide administrative costs will increase by approximately \$42,000 plus the increase in postage costs.

**Small Businesses: Alternative Method that Minimizes Adverse Impact.** The Department of Health is currently working to implement a secure electronic reporting system that will help to lower costs for mandated reporters of disease.

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

## Summary:

*The proposed amendments bring the regulations into compliance with recent changes in the Code of Virginia and into compliance with recent changes in the field of communicable disease control and emergency preparedness that are needed to protect the health of the citizens of Virginia.*

*The proposed amendments (i) address isolation and quarantine of individuals, groups, or affected areas as a result of a known or suspected risk from a communicable disease of public health threat; (ii) add and clarify several definitions; (iii) clarify the reportable disease list; (iv) update the list of conditions reportable by laboratories and the tests used to conform those conditions; (v) revise the information submitted on a disease report; and (vi) update tuberculosis reporting and control requirements.*

## **12 VAC 5-90-10. Definitions.**

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

*"Affected area" means any part or the whole of the Commonwealth that has been identified as where individuals who are known to have been exposed to or infected with, or who are reasonably suspected to have been exposed to or infected with, a communicable disease of public health threat reside or may be located.*

"Board" means the State Board of Health.

"Cancer" means all carcinomas, sarcomas, melanomas, leukemias, and lymphomas excluding localized basal and squamous cell carcinomas of the skin, except for lesions of the mucous membranes.

~~"Carrier" means a person who, with or without any apparent symptoms of a communicable disease, harbors a specific infectious agent and may serve as a source of infection.~~

"Child care center" means a child day center, child day center system, child day program, family day home, family day system, or registered family day home as defined by § 63.2-100 of the Code of Virginia, or a similar place providing day care of children by such other name as may be applied.

"Clinic" means any facility, freestanding or associated with a hospital, that provides preventive, diagnostic, therapeutic, rehabilitative, or palliative care or services to outpatients.

"Commissioner" means the State Health Commissioner; or his duly designated officer or agent, *unless stated in a provision of these regulations that it applies to the State Health Commissioner in his sole discretion.*

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<sup>1</sup> This is the national median income for a file clerk in 2004 as reported by the Bureau of Labor Statistics.

"Communicable disease" means an illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a susceptible host from an infected person, animal, or arthropod or through the agency of an intermediate host or a vector or through the inanimate environment.

*"Communicable disease of public health significance" means an illness caused by a specific or suspected infectious agent that may be transmitted directly or indirectly from one individual to another. This includes but is not limited to infections caused by human immunodeficiency viruses, bloodborne pathogens, and tubercle bacillus. The State Health Commissioner may determine that diseases caused by other pathogens constitute communicable diseases of public health significance.*

*"Communicable disease of public health threat" means an illness of public health significance, as determined by the State Health Commissioner in accordance with these regulations, caused by a specific or suspected infectious agent that may be reasonably expected or is known to be readily transmitted directly or indirectly from one individual to another and has been found to create a risk of death or significant injury or impairment; this definition shall not, however, be construed to include human immunodeficiency viruses or the tubercle bacilli, unless used as a bioterrorism weapon.*

*"Companion animal" means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purpose of this regulation.*

*"Condition" means any adverse health event ~~that is not technically a disease~~, such as a disease, an infection, a syndrome, or as indicated by a procedure indicating (including but not limited to the results of a physical exam, laboratory test, or imaging interpretation) suggesting that an exposure of public health importance has occurred.*

*"Contact" means a person or animal known to have been in such association with an infected person or animal as to have had an opportunity of acquiring the infection.*

*"Contact tracing" means the process by which an infected person or health department employee notifies others that they may have been exposed to the infected person in a manner known to transmit the infectious agent in question.*

*"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy hazardous substances or organisms from a person, surface, or item to the point that such substances or organisms are no longer capable of causing adverse health effects and the surface or item is rendered safe for handling, use, or disposal.*

*"Department" means the State Department of Health.*

*"Designee" or "designated officer or agent" means any person, or group of persons, designated by the State Health Commissioner, to act on behalf of the commissioner or the board.*

*"Epidemic" means the occurrence in a community or region of cases of an illness clearly in excess of normal expectancy.*

*"Essential needs" means basic human needs for sustenance including but not limited to food, water, and health care, e.g., medications, therapies, testing, and durable medical equipment.*

*"Exceptional circumstances" means the presence, as determined by the commissioner in his sole discretion, of one or more factors that may affect the ability of the department to effectively control a communicable disease of public health threat. Factors to be considered include but are not limited to: (i) characteristics or suspected characteristics of the disease-causing organism or suspected disease-causing organism such as virulence, routes of transmission, minimum infectious dose, rapidity of disease spread, the potential for extensive disease spread, and the existence and availability of demonstrated effective treatment; (ii) known or suspected risk factors for infection; (iii) the potential magnitude of the effect of the disease on the health and welfare of the public; and (iv) the extent of voluntary compliance with public health recommendations. The determination of exceptional circumstances by the commissioner may take into account the experience or results of investigation in Virginia, another state, or another country.*

*"Foodborne outbreak" means two or more cases of a similar illness acquired through the consumption of food contaminated with chemicals or an infectious agent or its toxic products. Such illnesses include but are not limited to heavy metal intoxications, intoxication, staphylococcal food poisoning, botulism, salmonellosis, shigellosis, Clostridium perfringens food poisoning, hepatitis A, and Escherichia coli O157:H7 illness infection.*

*"Hepatitis C, acute" means the following clinical characteristics are met: (i) discrete onset of symptoms indicative of viral hepatitis and (ii) jaundice or elevated serum aminotransferase levels and the following laboratory criteria are met: (a) serum aminotransferase levels greater than seven times the upper limit of normal; (b) IgM anti-HAV negative (if done); (c) IgM anti-HBc negative (if done) or HBsAg negative; and (d) ~~antibody to hepatitis C virus (anti-HCV) positive verified by a repeat anti-HCV positive test by EIA and confirmed by a more specific assay or positive by RIBA, nucleic acid test, or anti-HCV by EIA with a signal-to-cutoff ratio of 3.8 or greater~~ hepatitis C virus antibody (anti-HCV) screening test positive verified by an additional more specific assay, e.g., immunoblot (RIBA) or detection of nucleic acid, or by anti-HCV antibody screening test positive with a signal-to-cutoff ratio predictive of a true positive as determined for the particular assay.*

*"Hepatitis C, chronic" means that the laboratory criteria specified in clauses (b), (c) and (d) listed above for an acute case are met but clinical symptoms of acute viral hepatitis are not present and serum aminotransferase levels do not exceed seven times the upper limit of normal. This category will*

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include cases that may be acutely infected but not symptomatic.

"Immunization" means a procedure that increases the protective response of an individual's immune system to specified pathogens.

"Independent pathology laboratory" means a nonhospital or a hospital laboratory performing surgical pathology, including fine needle aspiration biopsy and bone marrow specimen examination services, which reports the results of such tests directly to physician offices, without reporting to a hospital or accessioning the information into a hospital tumor registry.

*"Individual" means a person or companion animal. When the context requires it, "person or persons" shall be deemed to include any individual.*

*"Infection" means the entry and multiplication or persistence of a disease-causing organism (prion, virus, bacteria, fungus, parasite, or ectoparasite) in the body of an individual. An infection may be inapparent (i.e., without recognizable signs or symptoms but identifiable by laboratory means) or manifest (clinically apparent).*

"Invasive" means the organism is affecting a normally sterile site, including but not limited to blood or cerebrospinal fluid.

"Investigation" means an inquiry into the incidence, prevalence, extent, source, mode of transmission, causation of, and other information pertinent to a disease occurrence.

~~"Isolation" means separation for the period of communicability of infected persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of an infectious agent from those infected to those who are susceptible. The means of isolation shall be the least restrictive means appropriate under the facts and circumstances as determined by the commissioner the physical separation, including confinement or restriction of movement, of an individual or individuals who are infected with, or are reasonably suspected to be infected with, a communicable disease of public health threat in order to prevent or limit the transmission of the communicable disease of public health threat to uninfected and unexposed individuals.~~

*"Isolation, complete" means the full-time confinement or restriction of movement of an individual or individuals infected with, or reasonably suspected to be infected with, a communicable disease in order to prevent or limit the transmission of the communicable disease to uninfected and unexposed individuals.*

*"Isolation, modified" means a selective, partial limitation of freedom of movement or actions of an individual or individuals infected with, or reasonably suspected to be infected with, a communicable disease. Modified isolation is designed to meet particular situations and includes but is not limited to the exclusion of children from school, the prohibition or restriction from engaging in a particular occupation or using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission.*

*"Isolation, protective" means the physical separation of a susceptible individual or individuals not infected with, or not*

*reasonably suspected to be infected with, a communicable disease from an environment where transmission is occurring, or is reasonably suspected to be occurring, in order to prevent the individual or individuals from acquiring the communicable disease.*

"Laboratory" as used herein means a clinical laboratory that examines materials derived from the human body for the purpose of providing information on the diagnosis, prevention, or treatment of disease.

"Laboratory director" means any person in charge of supervising a laboratory conducting business in the Commonwealth of Virginia.

*"Law-enforcement agency" means any sheriff's office, police department, adult or youth correctional officer, or other agency or department that employs persons who have law-enforcement authority that is under the direction and control of the Commonwealth or any local governing body. "Law-enforcement agency" shall include, by order of the Governor, the Virginia National Guard.*

~~"Lead-elevated blood levels" means a child or children 15 years of age and younger with a confirmed blood level greater than or equal to 10 micrograms of lead per deciliter ( $\mu\text{g}/\text{dL}$ ) of whole blood in a child or children 15 years of age and younger, a person older than 15 years of age with a venous blood lead level greater than or equal to 25  $\mu\text{g}/\text{dL}$  in a person older than 15 years of age, or such lower blood lead level as may be recommended for individual intervention by the department or the Centers for Disease Control and Prevention.~~

*"Least restrictive" means the minimal limitation of the freedom of movement and communication of an individual while under an order of isolation or an order of quarantine that also effectively protects unexposed and susceptible individuals from disease transmission.*

"Medical care facility" means any hospital or nursing home licensed in the Commonwealth, or any hospital operated by or contracted to operate by an entity of the United States government or the Commonwealth of Virginia.

"Midwife" means any person who is licensed as a nurse midwife by the Virginia Boards of Nursing and Medicine or who possesses a midwife permit issued by the State Health Commissioner.

"Nosocomial outbreak" means any group of illnesses of common etiology occurring in patients of a medical care facility acquired by exposure of those patients to the disease agent while confined in such a facility.

*"Nucleic acid detection" means laboratory testing of a clinical specimen to determine the presence of deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) specific for an infectious agent using any method, including hybridization, sequencing, or amplification such as polymerase chain reaction.*

"Nurse" means any person licensed as a professional nurse or as a licensed practical nurse by the Virginia Board of Nursing.

~~"Occupational outbreak" means a cluster of illness or disease that is indicative of an occupational health problem a work-~~

*related exposure.* Such ~~diseases conditions~~ include but are not limited to silicosis, asbestosis, byssinosis, pneumoconiosis, and tuberculosis.

"Outbreak" means the occurrence of more cases of a disease than expected.

"Period of communicability" means the time or times during which the etiologic agent may be transferred directly or indirectly from an infected person to another person, or from an infected animal to a person.

"Physician" means any person licensed to practice medicine or osteopathy by the Virginia Board of Medicine.

~~"Quarantine" means generally, a period of detention for persons or domestic animals that may have been exposed to a reportable, contagious disease for purposes of observation or treatment the physical separation, including confinement or restriction of movement, of an individual or individuals who are present within an affected area or who are known to have been exposed, or may reasonably be suspected to have been exposed, to a communicable disease of public health threat and who do not yet show signs or symptoms of infection with the communicable disease of public health threat in order to prevent or limit the transmission of the communicable disease of public health threat to unexposed and uninfected individuals.~~

~~1. Complete quarantine. The formal limitation of freedom of movement of well persons or animals exposed to a reportable disease for a period of time not longer than the longest incubation period of the disease in order to prevent effective contact with the unexposed. The means of complete quarantine shall be the least restrictive means appropriate under the facts and circumstances, pursuant to 12 VAC 5-90-90 E or as determined by the commissioner.~~

~~2. Modified quarantine. A selective, partial limitation of freedom of movement of persons or domestic animals, determined on the basis of differences in susceptibility, or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes but is not limited to, the exclusion of children from school and the prohibition or restriction of those exposed to or suffering from a communicable disease from engaging in a particular occupation. The means of modified quarantine shall be the least restrictive means appropriate under the facts and circumstances, pursuant to 12 VAC 5-90-90 E or as determined by the commissioner.~~

~~3. Segregation. The separation, for special control or observation, of one or more persons or animals from other persons or animals to facilitate control or surveillance of a reportable disease. The means of segregation shall be the least restrictive means available under the facts and circumstances, as determined by the commissioner.~~

"Quarantine, complete" means the full-time confinement or restriction of movement of an individual or individuals who do not have signs or symptoms of infection but may have been exposed, or may reasonably be suspected to have been exposed, to a communicable disease of public health threat in order to prevent the transmission of the communicable disease of public health threat to uninfected individuals.

"Quarantine, modified" means a selective, partial limitation of freedom of movement or actions of an individual or individuals who do not have signs or symptoms of the infection but have been exposed to, or are reasonably suspected to have been exposed to, a communicable disease of public health threat. Modified quarantine may be designed to meet particular situations and includes but is not limited to limiting movement to the home, work, and/or one or more other locations, the prohibition or restriction from using public or mass transportation, or requirements for the use of devices or procedures intended to limit disease transmission.

"Reportable disease" means an illness due to a specific toxic substance, occupational exposure, or infectious agent, which affects a susceptible individual, either directly, as from an infected animal or person, or indirectly through an intermediate host, vector, or the environment, as determined by the board.

"School" means (i) any public school from kindergarten through grade 12 operated under the authority of any locality within the Commonwealth; (ii) any private or parochial school that offers instruction at any level or grade from kindergarten through grade 12; (iii) any private or parochial nursery school or preschool, or any private or parochial child care center licensed by the Commonwealth; and (iv) any preschool handicapped classes or Head Start classes.

"Serology" means the testing of blood, serum, or other body fluids for the presence of antibodies or other markers of an infection or disease process. ~~For the purpose of this regulation, serology includes the concept that a positive test result is defined as one that is outside the normal range of results as determined by the laboratory performing the test.~~

"Surveillance" means the ongoing systematic collection, analysis, and interpretation of outcome-specific data for use in the planning, implementation, and evaluation of public health practice. A surveillance system includes the functional capacity for data analysis as well as the timely dissemination of these data to persons who can undertake effective prevention and control activities.

"Susceptible individual" means a person or animal who is vulnerable to or potentially able to contract a disease or condition. Factors that affect an individual's susceptibility include but are not limited to physical characteristics, genetics, previous or chronic exposures, chronic conditions or infections, immunization history, or use of medications.

"Toxic substance" means any substance, including any raw materials, intermediate products, catalysts, final products, or by-products of any manufacturing operation conducted in a commercial establishment, that has the capacity, through its physical, chemical or biological properties, to pose a substantial risk of death or impairment either immediately or over time, to the normal functions of humans, aquatic organisms, or any other animal but not including any pharmaceutical preparation which deliberately or inadvertently is consumed in such a way as to result in a drug overdose.

"Tubercle bacilli" means disease-causing organisms belonging to the *Mycobacterium tuberculosis* complex and includes *Mycobacterium tuberculosis*, *Mycobacterium bovis*, and

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*Mycobacterium africanum* or other members as may be established by the commissioner.

"Tuberculin skin test (TST)" means a test for demonstrating infection with tubercle bacilli, performed according to the Mantoux method, in which 0.1 ml of 5 TU strength tuberculin purified protein derivative (PPD) is injected intradermally on the volar surface of the arm. Any reaction is observed 48-72 hours after placement and palpable induration is measured across the diameter transverse to the long axis of the arm. The measurement of the indurated area is recorded in millimeters and the significance of the measured induration is based on existing national and department guidelines.

~~"Tuberculosis, active disease" (also "active tuberculosis disease" and "active TB disease"), as defined by § 32.1-49.1 of the Code of Virginia, means a communicable disease caused by an airborne microorganism and characterized by the presence of either (i) a specimen of sputum or other bodily fluid or tissue that has been found to contain tubercle bacilli as evidenced by culture or nucleic acid amplification, including preliminary identification by rapid methodologies, (ii) a specimen of sputum or other bodily fluid or tissue that is suspected to contain tubercle bacilli as evidenced by smear, and sufficient clinical and radiographic evidence of active tuberculosis disease is present as determined by a physician licensed to practice medicine in Virginia, or (iii) sufficient clinical and radiographic evidence of active tuberculosis disease as determined by the commissioner is present, but a specimen of sputum or other bodily fluid or tissue containing or suspected to contain tubercle bacilli is unobtainable.~~

~~"Tubercle bacilli" means disease causing organisms belonging to the *Mycobacterium tuberculosis* complex and includes *Mycobacterium tuberculosis*, *Mycobacterium bovis* and *Mycobacterium africanum* or other members as established by the commissioner.~~

"Tuberculosis" means a disease caused by tubercle bacilli.

~~"Tuberculosis, active disease" (also "active tuberculosis disease" and "active TB disease"), as defined by § 32.1-49.1 of the Code of Virginia, means a disease caused by an airborne microorganism and characterized by the presence of either (i) a specimen of sputum or other bodily fluid or tissue that has been found to contain tubercle bacilli as evidenced by culture or nucleic acid amplification, including preliminary identification by rapid methodologies; (ii) a specimen of sputum or other bodily fluid or tissue that is suspected to contain tubercle bacilli as evidenced by smear, and where sufficient clinical and radiographic evidence of active tuberculosis disease is present as determined by a physician licensed to practice medicine in Virginia; or (iii) sufficient clinical and radiographic evidence of active tuberculosis disease as determined by the commissioner is present, but a specimen of sputum or other bodily fluid or tissue containing, or suspected of containing, tubercle bacilli is unobtainable.~~

"Tuberculosis infection in children age less than 4 years" means a significant reaction resulting from a tuberculin skin test (TST) or other approved test for latent infection without clinical or radiographic evidence of active tuberculosis disease, in children from birth up to their fourth birthday.

~~"Tuberculin skin test (TST)" means a test for infection with tubercle bacilli, performed according to the Mantoux method, in which 5 tuberculin units (5TU=0.1cc) of a standardized preparation of purified protein derivative (PPD-S) are injected intradermally on the volar surface of the arm and the reaction read as the transverse diameter of the palpable area of induration, recorded in mm of induration. The significance of the measured induration is based on existing national and state guidelines.~~

"Vaccinia, disease or adverse event" means *vaccinia infection* or serious or unexpected events in persons who received the smallpox vaccine or their contacts, including but not limited to bacterial infections, eczema vaccinatum, erythema multiforme, generalized vaccinia, progressive vaccinia, inadvertent inoculation, post-vaccinial encephalopathy or encephalomyelitis, ocular vaccinia, and fetal vaccinia.

~~"Vancomycin resistant *Staphylococcus aureus*" means any *Staphylococcus aureus* culture that demonstrates intermediate or greater resistance to vancomycin.~~

"Waterborne outbreak" means two or more cases of a similar illness acquired through the ingestion of or other exposure to water contaminated with chemicals or an infectious agent or its toxic products. Such illnesses include but are not limited to giardiasis, viral gastroenteritis, cryptosporidiosis, hepatitis A, cholera, and shigellosis. A single case of laboratory-confirmed primary amebic meningoencephalitis or of waterborne chemical poisoning is considered an outbreak.

## 12 VAC 5-90-40. Administration.

A. The State Board of Health ("board") has the responsibility for promulgating regulations pertaining to the reporting and control of diseases of public health importance *and to meet any emergency or to prevent a potential emergency caused by a disease dangerous to the public health including but not limited to specific procedures for responding to any disease listed pursuant to § 32.1-35 of the Code of Virginia that is determined to be caused by an agent or substance used as a weapon or any communicable disease of public health threat that is involved in an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of the Code of Virginia.*

B. The State Health Commissioner ("commissioner") is the executive officer for the State Board of Health with the authority of the board when it is not in session, subject to the rules and regulations of and review by the board. *The commissioner has the authority to require quarantine, isolation, immunization, decontamination, or treatment of any individual or group of individuals when he determines any such measure to be necessary to control the spread of any disease of public health importance and has the authority to issue orders of isolation pursuant to Article 3.01 (§ 32.1-48.01 et seq.) of the Code of Virginia and orders of quarantine and orders of isolation under exceptional circumstances involving any communicable disease of public health threat pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of the Code of Virginia.*

C. The local health director is responsible for the surveillance and investigation of those diseases specified by this chapter which occur in his jurisdiction. He is further responsible for

reporting all such surveillance and investigations to the Office of Epidemiology. In cooperation with the commissioner, he is responsible for instituting measures for disease control, which may include *implementing the quarantine, and isolation, or segregation as required by orders of the* the commissioner.

D. The Office of Epidemiology, an organizational part of the department, is responsible for the statewide surveillance of those diseases specified by this chapter, *for defining and disseminating appropriate disease control protocols for an outbreak situation*, for coordinating the investigation of those diseases with the local health director, and for providing direct assistance where necessary. The Director of the Office of Epidemiology acts as the commissioner's designee in reviewing reports and investigations of diseases and recommendations by local health directors for quarantine or isolation. However, authority to order quarantine or isolation resides solely with the commissioner, ~~unless otherwise expressly provided by him.~~

E. All persons responsible for the administration of this chapter shall ensure that the anonymity of patients and practitioners is preserved, according to state and federal law including the provisions of §§ 32.1-38, 32.1-41, and 32.1-71 of the Code of Virginia.

**12 VAC 5-90-80. Reportable disease list.**

A. The board declares suspected or confirmed cases of the following named diseases, toxic effects, and conditions to be reportable by the persons enumerated in 12 VAC 5-90-90. Conditions identified by an asterisk (\*) require rapid communication to the local health department within 24 hours of suspicion or confirmation, as defined in subsection C of this section. Other conditions should be reported within three days of suspected or confirmed diagnosis.

- Acquired immunodeficiency syndrome (AIDS)
- Amebiasis
- \*Anthrax
- Arboviral infections (e.g., EEE, LAC, SLE, WNV)
- \*Botulism
- \*Brucellosis
- ~~Campylobacter infection~~ *Campylobacteriosis*
- Chancroid
- Chickenpox (*Varicella*)
- ~~Chlamydia trachomatis infections~~ *infection*
- \*Cholera
- Creutzfeldt-Jakob disease if <55 years of age
- Cryptosporidiosis
- Cyclosporiasis
- \*Diphtheria
- \*Disease caused by an agent that may have been used as a weapon
- Ehrlichiosis
- Escherichia coli O157:H7 and other enterohemorrhagic E. coli infections
- Giardiasis
- Gonorrhea
- Granuloma inguinale
- \*Haemophilus influenzae infection, invasive
- Hantavirus pulmonary syndrome
- Hemolytic uremic syndrome (HUS)

- \*Hepatitis A (~~IgM+~~)
- Hepatitis B: (acute and chronic)
- Hepatitis C (acute and chronic)
- Hepatitis, other acute viral
- Human immunodeficiency virus (HIV) infection
- Influenza
- \*Influenza deaths in children <18 years of age*
- Kawasaki syndrome
- Lead-elevated blood levels
- Legionellosis
- Leprosy (Hansen's disease)
- Listeriosis
- Lyme disease
- Lymphogranuloma venereum
- Malaria
- \*Measles (Rubeola)
- ~~\*Meningococcal infection disease~~
- \*Monkeypox
- Mumps
- Ophthalmia neonatorum
- \*Outbreaks, all (including *but not limited to* foodborne, nosocomial, occupational, toxic substance-related, and waterborne, ~~and other outbreaks~~)
- ~~\*Pertussis (Whooping cough)~~
- \*Plague
- \*Poliomyelitis
- \*Psittacosis
- \*Q fever
- \*Rabies, human and animal
- Rabies treatment, post-exposure
- Rocky Mountain spotted fever
- \*Rubella (~~German measles~~), including congenital rubella syndrome
- Salmonellosis
- \*Severe acute respiratory syndrome (SARS)
- Shigellosis
- \*Smallpox (Variola)
- Streptococcal disease, Group A, invasive
- Streptococcus pneumoniae *infection*, invasive, in *children* <5 years of age
- Syphilis (report \*primary and \*secondary syphilis by rapid means)
- Tetanus
- Toxic shock syndrome
- Toxic substance-related illness
- Trichinosis (Trichinellosis)
- \*Tuberculosis, active disease
- Tuberculosis infection in children ~~ages~~ <4 years of age
- \*Tularemia
- \*Typhoid fever
- ~~Typhus~~
- \*Unusual occurrence of disease of public health concern
- \*Vaccinia, disease or adverse event
- Vancomycin-*intermediate* or *vancomycin-resistant* Staphylococcus aureus *infection*
- \*Vibrio infection
- \*Viral hemorrhagic fever
- \*Yellow fever
- Yersiniosis*

B. ~~Diseases~~ *Conditions* reportable by directors of laboratories.

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Conditions identified by an asterisk (\*) require rapid communication to the local health department within 24 hours of suspicion or confirmation, as defined in subsection C of this section. Other conditions should be reported within three days of suspected or confirmed diagnosis.

Amebiasis - by microscopic examination, culture, antigen detection method or serology, nucleic acid detection, or serologic results consistent with recent infection

\*Anthrax - by culture, antigen detection or polymerase chain reaction or other nucleic acid amplification method detection

Arboviral infection - by viral isolation, serology or polymerase chain reaction or other culture, antigen detection, nucleic acid amplification method detection, or serologic results consistent with recent infection

\*Botulism - by culture or identification of toxin in stool, serum or gastric aspirate or by culture a clinical specimen

\*Brucellosis - by culture, serology or polymerase chain reaction or other antigen detection, nucleic acid amplification method of *Brucella* spp. in a clinical specimen detection, or serologic results consistent with recent infection

~~Campylobacter infection~~ *Campylobacteriosis* - by culture

Chancroid - by culture, immunofluorescence or polymerase chain reaction or other antigen detection, or nucleic acid amplification method detection

Chickenpox (*varicella*) - by culture, antigen detection, nucleic acid detection, or serology serologic results consistent with recent infection

Chlamydia trachomatis infection - by culture or by, antigen or detection, nucleic acid detection methods, or, for *lymphogranuloma venereum*, serologic results consistent with recent infection

\*Cholera - by culture or serology serologic results consistent with recent infection

Creutzfeldt-Jakob disease if <55 years of age - presumptive diagnosis via - by histopathology in patients under the age of 55 years of age and under

Cryptosporidiosis - by microscopic examination of stool or biopsy specimens, antigen detection method, immunofluorescent antibody or polymerase chain reaction or other nucleic acid amplification method detection

Cyclosporiasis - by microscopic examination of stool or nucleic acid detection

\*Diphtheria - by culture

Ehrlichiosis - by serology, polymerase chain reaction, other culture, nucleic acid amplification method or culture detection, or serologic results consistent with recent infection

*Escherichia coli* O157:H7 and other enterohemorrhagic *E. coli* infections - by isolation of *E. coli* O157:H7, *E. coli* O157, or other Shiga toxin-producing enterohemorrhagic *E. coli* from a clinical specimen.

Giardiasis - by microscopic examination or antigen detection method

~~Genitococcal infection~~ *Gonorrhea* - by culture, microscopic examination of a urethral smear specimen (males only), culture, antigen detection, or by nucleic acid detection method

\**Haemophilus influenzae* infection, invasive - by culture, immunofluorescence, EIA, or polymerase chain reaction or other antigen detection, or nucleic acid amplification method of detection from a normally sterile site

*Hantavirus pulmonary syndrome* - by antigen detection (immunohistochemistry), nucleic acid detection, or serologic results consistent with recent infection

\*Hepatitis A - by serology specific for detection of IgM antibodies

Hepatitis B (acute and chronic) - Report either of the following: by detection of HBsAg or IgM antibodies

1. Serology specific for IgM antibodies

2. HBsAg positive results

Hepatitis C (acute and chronic) - by laboratory results that indicate: (i) serum aminotransferase levels greater than seven times the upper limit of normal; (ii) IgM anti-HAV negative; (iii) IgM anti-HBc negative (if done) or HBsAg negative; and (iv) antibody to hepatitis C virus (anti-HCV) positive verified by a repeat anti-HCV positive test by EIA and confirmed by a more specific assay or positive by RIBA, nucleic acid test, or anti-HCV by EIA with a signal-to-cutoff ratio of 3.8 or greater hepatitis C virus antibody (anti-HCV) screening test positive verified by an additional more specific assay, e.g., immunoblot (RIBA) or detection of nucleic acid, or by anti-HCV antibody screening test positive with a signal-to-cutoff ratio predictive of a true positive as determined for the particular assay. For all hepatitis C patients, also report results of serum aminotransferase, anti-HAV IgM, anti-HBc IgM, and HBsAg

Human immunodeficiency virus (HIV) infection - by laboratory results which indicate the presence of HIV antigen, nucleic acid, or antibodies such as enzyme-linked immunosorbent assays positive confirmed with a supplemental test such as the western blot or by rapid tests with confirmation culture, antigen detection, nucleic acid detection, or detection of antibody confirmed with a supplemental test. For HIV-infected patients, report all results of CD4 and HIV viral load tests

Influenza - by culture, serology or antigen detection method (report total number per week and by type, if available), nucleic acid detection, or serologic results consistent with recent infection

Lead-elevated blood levels - by blood lead level greater than or equal to 10 µg/dL in children ages 0-15 years, or greater than or equal to 25 µg/dL in persons older than 15 years of age

Legionellosis - by culture, direct fluorescent antibody test, serology, urine antigen detection method or polymerase chain reaction or other including urinary antigen), nucleic acid amplification method detection, or serologic results consistent with recent infection



Listeriosis - by culture

Malaria - by microscopic examination, ~~polymerase chain reaction or other antigen detection, or nucleic acid amplification method or antigen detection method~~ *detection*

\*Measles (*rubeola*) - by ~~serology specific for IgM antibodies, paired sera results indicating a significant rise in antibody level, by culture or polymerase chain reaction or other nucleic acid amplification method~~ *culture, antigen detection, nucleic acid detection, or serologic results consistent with recent infection*

\*Meningococcal ~~Infection~~ *disease* - by culture or antigen detection of *from* a normally sterile site

\*Monkeypox - by *culture* ~~nucleic acid amplification method or culture detection~~

Mumps - by ~~serology specific for IgM antibodies or paired sera results indicating a significant rise in antibody level or by culture~~ *culture, nucleic acid detection, or serologic results consistent with recent infection*

\*Mycobacterial diseases - (See 12 VAC 5-90-225 B) Report any of the following:

1. Acid fast bacilli ~~on smear~~ *by microscopic examination;*
2. Mycobacterial identification - preliminary *and final* identification ~~by rapid methodologies and/or by culture or polymerase chain reaction-nucleic acid detection;~~
3. Drug susceptibility test results for *M. tuberculosis.*

\*Pertussis - ~~confirmed~~ by culture, *antigen detection, or polymerase chain reaction or other nucleic acid amplification method or suspected by direct fluorescent antibody test detection*

\*Plague - by culture, ~~or direct fluorescent antibody test~~ *antigen detection, nucleic acid detection, or serologic results consistent with recent infection*

\*Poliomyelitis - by culture ~~or serology~~

\*Psittacosis - by culture, ~~antigen detection method or polymerase chain reaction or other, nucleic acid amplification method detection, or serologic results consistent with recent infection~~

\*Q fever - by ~~serology, immunofluorescent antibody, polymerase chain reaction or other nucleic acid amplification method or enzyme linked immunosorbent assay~~ *culture, antigen detection, nucleic acid detection, or serologic results consistent with recent infection*

\*Rabies, human and animal - by *culture, antigen detection by direct fluorescent antibody test, nucleic acid detection, or, for humans only, serologic results consistent with recent infection*

Rocky Mountain spotted fever - by ~~serology, indirect immunofluorescent antibody, enzyme immunoassay, polymerase chain reaction or other nucleic acid amplification method or immunohistochemical staining~~ *culture, antigen detection (including immunohistochemical staining), nucleic acid detection, or serologic results consistent with recent infection*

\*Rubella - by ~~serology specific for IgM antibodies or paired sera results indicating a significant rise in antibody level or by culture, nucleic acid detection, or serologic results consistent with recent infection~~

~~Salmonella infection~~ *Salmonellosis* - by culture

\*Severe acute respiratory syndrome - by ~~culture, nucleic acid amplification method, serology, or culture detection, or serologic results consistent with recent infection~~

~~Shigella infection~~ *Shigellosis* - by culture

\*Smallpox (variola) - by culture ~~or polymerase chain reaction or other nucleic acid amplification method via reference laboratory detection~~

Streptococcal disease, Group A, *invasive* - by culture from a normally sterile site

Streptococcus pneumoniae *infection, invasive, in children <5 years of age* - by culture from a normally sterile site in a child under the age of five years

\*Syphilis - by ~~serology, microscopic examination (including dark field examination), antigen detection (including direct fluorescent antibody), or equivalent serology by either treponemal or nontreponemal methods~~

*Toxic substance-related illness - by blood or urine laboratory findings above the normal range, including but not limited to heavy metals, pesticides, and industrial-type solvents and gases*

Trichinosis (*trichinellosis*) - by ~~serology or microscopic examination of a muscle biopsy or serologic results consistent with recent infection~~

\*Tularemia - by culture, ~~paired serology, polymerase chain reaction or other antigen detection, nucleic acid amplification method or direct immunofluorescent assay detection, or serologic results consistent with recent infection~~

\*Typhoid fever - by culture

~~Typhus by immunofluorescent assay, enzyme immunoassay, complement fixation or immunohistochemical staining~~

\*Vaccinia, *disease or adverse event* - by ~~culture or nucleic acid amplification method or culture detection~~

Vancomycin - *intermediate or vancomycin-resistant Staphylococcus aureus infection* - by antimicrobial susceptibility testing ~~conducted on culture of a Staphylococcus aureus isolate, with a vancomycin susceptibility result of intermediate or resistant, cultured from a clinical specimen~~

\*Vibrio infection - by culture

\*Viral hemorrhagic fever - by ~~polymerase chain reaction or other culture, antigen detection (including immunohistochemical staining), nucleic acid amplification method, immunofluorescent assay, complement fixation, virus isolation or enzyme linked immunosorbent assay detection, or serologic results consistent with recent infection~~

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~~\*Yellow fever - by virus isolation, enzyme linked immunosorbent assay, polymerase chain reaction or other culture, antigen detection, nucleic acid amplification method or immunofluorescent assay. detection, or serologic results consistent with recent infection~~

~~Yersiniosis - by culture, nucleic acid detection, or serologic results consistent with recent infection~~

C. Reportable diseases requiring rapid communication. Certain of the diseases in the list of reportable diseases, because of their extremely contagious nature or their potential for greater harm, or both, require immediate identification and control. Reporting of persons confirmed or suspected of having these diseases, listed below, shall be made within 24 hours by the most rapid means available, preferably that of telecommunication (e.g., telephone, telephone transmitted facsimile, pagers, etc.) to the local health director or other professional employee of the department. (These same diseases are also identified by an asterisk (\*) in subsection A and subsection B, where applicable, of this section.)

Anthrax  
Botulism  
Brucellosis  
Cholera  
Diphtheria  
Disease caused by an agent that may have been used as a weapon  
Haemophilus influenzae infection, invasive  
Hepatitis A  
*Influenza deaths in children <18 years of age*  
Measles (Rubeola)  
Meningococcal infection disease  
Monkeypox  
Outbreaks, all  
Pertussis  
Plague  
Poliomyelitis  
Psittacosis  
Q fever  
Rabies, human and animal  
Rubella  
Severe acute respiratory syndrome (SARS)  
Smallpox (Variola)  
Syphilis, primary and secondary  
Tuberculosis, active disease  
Tularemia  
*Typhoid fever*  
Unusual occurrence of disease of public health concern  
Vaccinia, disease or adverse event  
Vibrio infection  
Viral hemorrhagic fever  
Yellow Fever

D. ~~Diseases~~ Disease to be reported by number of cases. The following disease ~~in the list of reportable diseases~~ shall be reported as number-of-cases only:

Influenza (by type, if available)

E. ~~Human immunodeficiency virus (HIV) infection.~~

~~Every physician practicing in this Commonwealth shall report to the local health department any patient of his who has tested positive for human immunodeficiency virus (HIV). Every person in charge of a medical care facility shall report the occurrence in or admission to the facility of a patient with HIV infection unless there is evidence that the occurrence has been reported by a physician. When such a report is made, it shall include the information required in 12 VAC 5-90-90 A. Only individuals who have laboratory results which indicate the presence of HIV antigen, nucleic acid, or antibodies (such as at least two enzyme-linked immunosorbent assays (done in duplicate at the same time or singly at different times), and a supplemental test such as the western blot or by rapid tests with confirmation) are considered to have HIV infection.~~

F. ~~E.~~ Toxic substance-related illnesses. All toxic substance-related illnesses, including pesticide and heavy metal poisoning or illness resulting from exposure to an occupational dust or fiber or radioactive substance, shall be reported.

If such illness is verified or suspected and presents an emergency or a serious threat to public health or safety, the report of such illness shall be by rapid communication as in subsection C of this section.

G. ~~F.~~ Outbreaks. The occurrence of outbreaks or clusters of any illness which may represent a group expression of an illness which may be of public health concern shall be reported to the local health department by the most rapid means available.

H. ~~G.~~ Unusual or ill-defined diseases or emerging or reemerging pathogens. Unusual or emerging conditions of public health concern shall be reported to the local health department by the most rapid means available. In addition, the commissioner or his designee may establish surveillance systems for diseases or conditions that are not on the list of reportable diseases. Such surveillance may be established to identify cases (delineate the magnitude of the situation), to identify the mode of transmission and risk factors for the disease, and to identify and implement appropriate action to protect public health. Any person reporting information at the request of the department for special surveillance or other epidemiological studies shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

## 12 VAC 5-90-90. Those required to report.

A. Physicians. Each physician who treats or examines any person who is suffering from or who is suspected of having a reportable disease or condition shall report that person's name, address, age, date of birth, ~~sex~~, race, sex, and pregnancy status for females; name of disease diagnosed or suspected, ~~and~~; the date of onset of illness, ; and the name, address, and telephone number of the physician and medical facility where the examination was made, except that influenza should be reported by number of cases only (and type of influenza, if available). ~~The pregnancy status of females who test positive for HBsAg should be reported, if available.~~ Reports are to be made to the local health department serving the jurisdiction where the physician practices. A physician may designate someone to report on his behalf, but the physician remains responsible for ensuring that the appropriate report is made. Any physician, designee,

or organization making such report as authorized herein shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

Such reports shall be made on a form to be provided by the department (*Form Epi-1*), a computer generated printout containing the data items requested on Form Epi-1, or a Centers for Disease Control and Prevention (CDC) surveillance form that provides the same information and shall be made within three days of the suspicion or confirmation of disease unless the disease in question requires rapid reporting under 12 VAC 5-90-80 C. Reporting may be done by means of secure electronic transmission upon agreement of the physician and the department.

Pursuant to § 32.1-49.1 of the Code of Virginia, additional elements are required to be reported for individuals with confirmed or suspected active tuberculosis disease. Refer to Part X for details on these requirements.

B. Directors of laboratories. Any person who is in charge of a laboratory conducting business in the Commonwealth shall report any laboratory examination of any *clinical* specimen ~~derived from the human body~~, whether performed in-house or referred to an out-of-state laboratory, which yields evidence, by the laboratory method(s) indicated or any other confirmatory test, of a disease listed in 12 VAC 5-90-80 B:

Each report shall give the source of the specimen and the laboratory method and result; the name, *address*, age, date of birth, race, sex, and ~~address~~ *pregnancy status for females (if known)* of the person from whom the specimen was obtained; and the name, ~~and address, and telephone number~~ of the physician ~~or~~ *and* medical facility for whom the examination was made. When the influenza virus is isolated, the type should be reported, if available. ~~The pregnancy status of females who test positive for HBsAg should be reported, if available.~~ Reports shall be made within three days of identification of evidence of disease, except that those identified by an asterisk shall be reported within 24 hours by the most rapid means available, to the local health department serving the jurisdiction in which the laboratory is located. Reports shall be made on Form Epi-1 or on the laboratory's own form if it includes the required information. Computer generated reports containing the required information may be submitted. Reporting may be done by means of secure electronic transmission upon agreement of the laboratory director and the department. Any person making such report as authorized herein shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

A laboratory ~~shall fulfill its responsibility to report identifying evidence of anthrax, cholera, diphtheria, E. coli O157:H7 O157 infection, invasive H. influenzae infection, Listeria listeriosis, meningococcal infection disease, Mycobacterium tuberculosis complex (see 12 VAC 5-90-225), pertussis, plague, poliomyelitis, Salmonella infection salmonellosis, Shigella infection shigellosis, invasive Group A streptococcal infection disease, and other diseases as may be requested by the health department by both notifying, shall notify~~ the health department of the positive culture and ~~submitting~~ *submit* the initial ~~culture~~ *isolate* to the Virginia Division of Consolidated Laboratory Services (DCLS). Stool specimens that test

positive for Shiga toxin shall be submitted to DCLS for organism identification. All specimens must be identified with the patient and physician information required in this subsection. ~~At times, other laboratories may also be requested to submit specimens to the Virginia Division of Consolidated Laboratory Services.~~

Laboratories operating within a medical care facility shall be considered to be in compliance with the requirement to notify the health department when the director of that medical care facility assumes the reporting responsibility; *however, laboratories are still required to submit isolates to DCLS as noted above.*

C. Person in charge of a medical care facility. Any person in charge of a medical care facility shall make a report to the local health department serving the jurisdiction where the facility is located of the occurrence in or admission to the facility of a patient with a reportable disease listed in 12 VAC 5-90-80 A unless he has evidence that the occurrence has been reported by a physician. Any person making such report as authorized herein shall be immune from liability as provided by § 32.1-38 of the Code of Virginia. The requirement to report shall include all inpatient, outpatient and emergency care departments within the medical care facility. Such report shall contain the patient's name, *address*, age, date of birth, ~~address, sex, race, sex, and pregnancy status for females;~~ name of disease being reported; the date of admission; hospital chart number; date expired (when applicable); and attending physician. Influenza should be reported by number of cases only (and type of influenza, if available). ~~The pregnancy status of females who test positive for HBsAg should be reported, if available.~~ Reports shall be made within three days of the suspicion or confirmation of disease unless the disease in question requires rapid reporting under 12 VAC 5-90-80 C and shall be made on Form Epi-1, a computer generated printout containing the data items requested on Form Epi-1, or a Centers for Disease Control and Prevention (CDC) surveillance form that provides the same information. Reporting may be done by means of secure electronic transmission upon agreement of the medical care facility and the department.

A person in charge of a medical care facility may assume the reporting responsibility on behalf of the director of the laboratory operating within the facility.

D. Person in charge of a school, child care center, or summer camp. Any person in charge of a school, child care center, or summer camp shall report immediately to the local health department the presence or suspected presence in his school or child care center of children who have common symptoms suggesting an epidemic or outbreak situation. Any person so reporting shall be immune from liability as provided by § 32.1-38 of the Code of Virginia.

E. Local health director. The local health director shall forward ~~within three days of receipt to the Office of Epidemiology of the State Health Department~~ any report of a disease or report of evidence of a disease which has been made on a resident of his jurisdiction ~~to the Office of Epidemiology within three days of receipt~~. This report shall be by telecommunication if the disease is one requiring rapid

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communication, as required in 12 VAC 5-90-80 C. All such rapid reporting shall be confirmed in writing and submitted to the Office of Epidemiology within ~~seven~~ *three* days. Furthermore, the local health director shall immediately forward to the appropriate local health director any disease reports on individuals residing in the latter's jurisdiction or to the Office of Epidemiology on individuals residing outside Virginia.

~~When notified about a disease specified in 12 VAC 5-90-80, the local health department shall perform contact tracing for HIV infection, infectious syphilis, and active tuberculosis disease and may perform contact tracing for the other diseases if deemed necessary to protect the public health. The local health director shall have the responsibility to accomplish contact tracing by either having patients inform their potential contacts directly or through obtaining pertinent information such as names, descriptions, and addresses to enable the health department staff to inform the contacts. All contacts of HIV infection shall be afforded the opportunity for appropriate counseling, testing, and individual face-to-face disclosure of their test results. In no case shall names of informants or infected persons be revealed to contacts by the health department. All information obtained shall be kept strictly confidential.~~

~~The local health director or his designee shall review reports of diseases received from his jurisdiction and follow up such reports, when indicated, with an appropriate investigation in order to evaluate the severity of the problem. He shall determine, in consultation with the Director of the Office of Epidemiology and the commissioner, if further investigation is required and if complete or modified quarantine will be necessary.~~

~~Modified quarantine shall apply to situations in which the local health director on the scene would be best able to judge the potential threat of disease transmission. Such situations shall include, but are not limited to, the temporary exclusion of a child with a communicable disease from school and the temporary prohibition or restriction of any individual(s), exposed to or suffering from a communicable disease, from engaging in an occupation such as foodhandling that may pose a threat to the public. Modified quarantine shall also include the exclusion, under § 32.1-47 of the Code of Virginia, of any unimmunized child from a school in which an outbreak, potential epidemic, or epidemic of a vaccine preventable disease has been identified. In these situations, the local health director may be authorized as the commissioner's designee to order the least restrictive means of modified quarantine.~~

~~Where modified quarantine is deemed to be insufficient and complete quarantine or isolation is necessary to protect the public health, the local health director, in consultation with the Director of the Office of Epidemiology, shall recommend to the commissioner that a quarantine order or isolation order be issued.~~

F. Person in charge of hospitals, nursing facilities or nursing homes, assisted living facilities, and correctional facilities. In accordance with § 32.1-37.1 of the Code of Virginia, any person in charge of a hospital, nursing facility or nursing

home, ~~adult care residence~~ *assisted living facility*, or correctional facility shall, at the time of transferring custody of any dead body to any person practicing funeral services, notify the person practicing funeral services or his agent if the dead person was known to have had, immediately prior to death, an infectious disease which may be transmitted through exposure to any bodily fluids. These include any of the following infectious diseases:

- Creutzfeldt-Jakob disease
- Human immunodeficiency virus infection
- Hepatitis B
- Hepatitis C
- Monkeypox
- Rabies
- Smallpox
- Syphilis, infectious
- Tuberculosis, active disease
- Vaccinia, disease or adverse event
- Viral hemorrhagic fever

G. Employees, applicants, and persons in charge of food establishments. 12 VAC 5-421-80 of the Food Regulations requires a food employee or applicant to notify the person in charge of the food establishment when diagnosed with certain diseases that are transmissible through food. 12 VAC 5-421-120 requires the person in charge of the food establishment to notify the health department. Refer to the appropriate sections of the Virginia Administrative Code for further guidance and clarification regarding these reporting requirements.

## 12 VAC 5-90-100. Methods.

~~The "Methods of Control" sections of the 17th Edition of the Control of Communicable Diseases Manual (2000) published by the American Public Health Association shall be complied with by the board and commissioner in controlling shall use appropriate disease control measures to manage the diseases listed in 12 VAC 5-90-80 A, except to the extent that the requirements and recommendations therein are outdated, inappropriate, inadequate, or otherwise inapplicable including but not limited to those described in the "Methods of Control" sections of the 18th Edition of the Control of Communicable Diseases Manual (2004) published by the American Public Health Association. The board and commissioner reserve the right to use any legal means to control any disease which is a threat to the public health.~~

*When notified about a disease specified in 12 VAC 5-90-80, the local health director or his designee shall have the authority and responsibility to perform contact tracing for HIV infection, infectious syphilis, and active tuberculosis disease and may perform contact tracing for the other diseases if deemed necessary to protect the public health. All contacts of HIV infection shall be afforded the opportunity for appropriate counseling, testing, and individual face-to-face disclosure of their test results. In no case shall names of informants or infected individuals be revealed to contacts by the health department. All information obtained shall be kept strictly confidential.*

*The local health director or his designee shall review reports of diseases received from his jurisdiction and follow up such*

reports, when indicated, with an appropriate investigation in order to evaluate the severity of the problem. The local health director or his designee may recommend to any individual or group of individuals appropriate public health control measures, including but not limited to quarantine, isolation, immunization, decontamination, or treatment. He shall determine in consultation with the Office of Epidemiology and the commissioner if further investigation is required and if one or more forms of quarantine and/or isolation will be necessary.

Complete isolation shall apply to situations where an individual is infected with a communicable disease of public health significance (including but not limited to active tuberculosis disease or HIV infection) and is engaging in behavior that places others at risk for infection with the communicable disease of public health significance, in accordance with the provisions of Article 3.01 (§ 32.1-48.02 et seq.) of the Code of Virginia.

Modified isolation shall apply to situations in which the local health director determines that modifications of activity are necessary to prevent disease transmission. Such situations shall include but are not limited to the temporary exclusion of a child with a communicable disease from school, or the temporary prohibition or restriction of any individual or individuals with a communicable disease from engaging in activities that may pose a risk to the health of others, such as using public transportation or performing an occupation such as foodhandling or providing healthcare.

Protective isolation shall apply to situations such as the exclusion, under § 32.1-47 of the Code of Virginia, of any unimmunized child from a school in which an outbreak, potential epidemic, or epidemic of a vaccine preventable disease has been identified.

To the extent permitted by the Code of Virginia, the local health director may be authorized as the commissioner's designee to implement the forms of isolation described in this section. When these forms of isolation are deemed to be insufficient, the local health director may use the provisions of Article 3.01 (§ 32.1-48.01 et seq.) of the Code of Virginia for the control of communicable diseases of public health significance or, in consultation with the Office of Epidemiology, shall provide sufficient information to enable the commissioner to prepare an order or orders of isolation and/or quarantine under Article 3.02 (§ 32.1-48.05 et seq.) of the Code of Virginia for the control of communicable diseases of public health threat.

## **12 VAC 5-90-103. Isolation for communicable disease of public health threat.**

A. Application. The commissioner, in his sole discretion, may invoke the provisions of Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia and may declare the isolation of any individual or individuals upon a determination that:

1. Such individual or individuals are known to have been infected with or are reasonably suspected to have been infected with a communicable disease of public health threat;

2. Exceptional circumstances render the procedures of Article 3.01 (§ 32.1-48.01 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia to be insufficient, or the individual or individuals have failed or refused to comply voluntarily with the control measures directed by the commissioner in response to a communicable disease of public health threat; and

3. Isolation is the necessary means to contain a communicable disease of public health threat, to ensure that such isolated individual or individuals receive appropriate medical treatment subject to the provisions of § 32.1-44 of the Code of Virginia, or to protect health care providers and others who may come into contact with such infected individual or individuals.

The commissioner, in his sole discretion, may also order the isolation of an affected area if, in addition to the above, the Governor has declared a state of emergency for such affected area of the Commonwealth.

B. Documentation. For isolation for a communicable disease of public health threat, information about the infection or suspected infection, the individual, individuals, and/or affected area, and the nature or suspected nature of the exposure shall be duly recorded by the local health department in consultation with the Office of Epidemiology. This information shall be sufficient to enable documenting a record of findings and to enable the commissioner to prepare the order of isolation, including the information required in § 32.1-48.12 of the Code of Virginia. In addition, sufficient information on individuals shall be maintained by the local health department to enable appropriate follow-up of individuals for health status evaluation and treatment as well as compliance with the order of isolation.

The commissioner shall ensure that the protected health information of any individual or individuals subject to the order of isolation is disclosed only in compliance with state and federal law.

C. Means of isolation. The local health department shall assess the situation, and in consultation with the Office of Epidemiology, identify the least restrictive means of isolation that effectively protects unexposed and susceptible individuals. The place of isolation selected shall allow the most freedom of movement and communication with family members and other contacts without allowing disease transmission to other individuals and shall allow the appropriate level of medical care needed by isolated individuals to the extent practicable. The commissioner, in his sole discretion, may order the isolated individual or individuals to remain in their residences when possible, to remain in another place where they are present, or to report to a place or places designated by the commissioner for the duration of their isolation.

The commissioner's order of isolation shall be for a duration consistent with the known period of communicability of the communicable disease of public health threat or, if the course of the disease is unknown or uncertain, for a period anticipated as being consistent with the period of communicability of other similar infectious agents. In the situation where an area is under isolation, the duration of

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isolation shall take into account the transmission characteristics and known or suspected period of communicability.

**D. Delivery.** The local health department shall deliver the order of isolation, or ensure its delivery by an appropriate party, to the affected individual or individuals in person to the extent practicable. If, in the opinion of the commissioner, the scope of the notification would exceed the capacity of the local health department to ensure individual notification in a timely manner, then print, radio, television, Internet, and/or other available means shall be used to inform those affected.

**E. Enforcement.** Upon finding that there is probable cause to believe that any individual or individuals who are subject to an order of isolation may fail or refuse to comply with such order, the commissioner in his sole discretion may issue an emergency detention order requiring such individual or individuals to be taken immediately into custody by law-enforcement agencies and detained for the duration of the order of isolation or until the commissioner determines that the risk of noncompliance is no longer present. For any individual or individuals identified as, or for whom probable cause exists that he may be, in violation of any order of isolation, the enforcement authority directed by the commissioner to law-enforcement agencies shall include but need not be limited to the power to detain or arrest.

Any individual or individuals so detained shall be held in the least restrictive environment that can provide any required health care or other services for such individual. The commissioner shall ensure that law-enforcement personnel responsible for enforcing an order or orders of isolation are informed of appropriate measures to take to protect themselves from contracting the disease of public health threat.

**F. Health status monitoring.** The local health department shall monitor the health of those under isolation either by regular telephone calls, visits, self-reports, or by reports of caregivers or healthcare providers or by other means.

**G. Essential needs.** Upon issuance of an order of isolation to an individual or individuals by the commissioner, the local health department shall manage the isolation, in conjunction with local emergency management resources, such that individual essential needs can be met to the extent practicable. Upon issuance of an order of isolation by the commissioner to an affected area, existing emergency protocols pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 of the Code of Virginia shall be utilized for mobilizing appropriate resources to ensure essential needs are met.

**H. Appeals.** Any individual or individuals subject to an order of isolation or a court-ordered confirmation or extension of any such order may file an appeal of the order of isolation in accordance with the provisions of § 32.1-48.13 of the Code of Virginia. An appeal shall not stay any order of isolation.

**I. Release from isolation.** Once the commissioner determines that an individual or individuals no longer pose a threat to the public health, the order of isolation has expired, or the order of isolation has been vacated by the court, the individual or

individuals under the order of isolation shall be released immediately.

**J. Affected area.** If the criteria in subsection A of this section are met and an area is known or suspected to have been affected, then the commissioner shall notify the Governor of the situation and the need to order isolation for the affected area. In order for an affected area to be isolated, the Governor must declare a state of emergency for the affected area.

If an order of isolation is issued for an affected area, the commissioner shall cause the order of isolation to be communicated to the individuals residing or located in the affected area. The use of multiple forms of communication, including but not limited to radio, television, internet, and/or other available means, may be required in order to reach the individuals who were in the affected area during the known or suspected time of exposure.

The provisions for documentation, means of isolation, enforcement, health status monitoring, essential needs, and release from isolation/quarantine described above will apply to the isolation of affected areas. Appropriate management of a disease of public health threat for an affected area may require the coordinated use of local, regional, state, and national resources. In specifying one or more affected areas to be placed under isolation, the objective will be to protect as many people as possible using the least restrictive means. As a result, defining the precise boundaries and time frame of the exposure may not be possible, or may change as additional information becomes available. When this occurs, the commissioner shall ensure that the description of the affected area is in congruence with the Governor's declaration of emergency and shall ensure that the latest information is communicated to those in the affected area.

### **12 VAC 5-90-107. Quarantine.**

**A. Application.** The commissioner, in his sole discretion, may invoke the provisions of Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia and may order a complete or modified quarantine of any individual or individuals upon a determination that:

1. Such individual or individuals are known to have been exposed to or are reasonably suspected to have been exposed to a communicable disease of public health threat;
2. Exceptional circumstances render the procedures of Article 3.01 (§ 32.1-48.01 et seq.) of Chapter 2 of Title 32.1 of the Code of Virginia to be insufficient, or the individual or individuals have failed or refused to comply voluntarily with the control measures directed by the commissioner in response to a communicable disease of public health threat; and
3. Quarantine is the necessary means to contain a communicable disease of public health threat to which an individual or individuals have been or may have been exposed and thus may become infected.

The commissioner, in his sole discretion, may also order the quarantine of an affected area if, in addition to the above, the

Governor has declared a state of emergency for such affected area of the Commonwealth.

*B. Documentation.* For quarantine for a communicable disease of public health threat, information about the infection or suspected infection; the individual, individuals, and/or affected area; and the nature or suspected nature of the exposure shall be duly recorded by the local health department, in consultation with the Office of Epidemiology. This information shall be sufficient to enable documenting a record of findings and enable the commissioner to prepare a written order of quarantine, including the information required in § 32.1-48.09 of the Code of Virginia. In addition, sufficient information on individuals shall be maintained by the local health department to enable appropriate follow-up of individuals for health status evaluation and treatment as well as compliance with the order of quarantine.

The commissioner shall ensure that the protected health information of any individual or individuals subject to the order of quarantine is disclosed only in compliance with state and federal law.

*C. Means of quarantine.* The local health department shall assess the situation, and in consultation with the Office of Epidemiology, shall recommend to the commissioner the least restrictive means of quarantine that effectively protects unexposed and susceptible individuals. The place of quarantine selected shall allow the most freedom of movement and communication with family members and other contacts without allowing disease transmission to others.

The commissioner, in his sole discretion, may order the quarantined individual or individuals to remain in their residences when possible, to remain in another place where they are present, or to report to a place or places designated by the commissioner for the duration of their quarantine.

The commissioner's order of quarantine shall be for a duration consistent with the known incubation period of the communicable disease of public health threat or, if the incubation period is unknown or uncertain, for a period anticipated as being consistent with the incubation period for other similar infectious agents. In the situation where an area is under quarantine, the duration of quarantine shall take into account the transmission characteristics and known or suspected incubation period.

*D. Delivery.* The local health department shall deliver the order of quarantine, or ensure its delivery by an appropriate party, to the affected individual or individuals in person to the extent practicable. If, in the opinion of the commissioner, the scope of the notification would exceed the capacity of the local health department to ensure notification in a timely manner, then print, radio, television, Internet, and/or other available means shall be used to inform those affected.

*E. Enforcement.* Upon finding that there is probable cause to believe that any individual or individuals who are subject to an order of quarantine may fail or refuse to comply with such order, the commissioner in his sole discretion may issue an emergency detention order requiring such individual or individuals to be taken immediately into custody by law-enforcement agencies and detained for the duration of the

order of quarantine or until the commissioner determines that the risk of and from noncompliance is no longer present. For any individual or individuals identified as, or for whom probable cause exists that he may be, in violation of any order of quarantine, the enforcement authority directed by the commissioner to law-enforcement agencies shall include but need not be limited to the power to detain or arrest.

Any individual or individuals so detained shall be held in the least restrictive environment that can provide any required health care or other services for such individual. The commissioner shall ensure that law-enforcement personnel responsible for enforcing an order or orders of quarantine are informed of appropriate measures to take to protect themselves from contracting the disease of public health threat.

*F. Health status monitoring.* The local health department shall monitor the health of those under quarantine either by regular telephone calls, visits, self-reports, or by reports of caregivers or healthcare providers or by other means. If an individual or individuals develop symptoms compatible with the communicable disease of public health threat, then 12 VAC 5-90-103 would apply to the individual or individuals.

*G. Essential needs.* Upon issuance of an order of quarantine to an individual or individuals by the commissioner, the local health department shall manage the quarantine, in conjunction with local emergency management resources, such that individual essential needs can be met to the extent practicable. Upon issuance of an order of quarantine by the commissioner to an affected area, existing emergency protocols pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 of the Code of Virginia shall be utilized for mobilizing appropriate resources to ensure essential needs are met.

*H. Appeals.* Any individual or individuals subject to an order of quarantine or a court-ordered confirmation or extension of any such order may file an appeal of the order of quarantine in accordance with the provisions of § 32.1-48.10 of the Code of Virginia. An appeal shall not stay any order of quarantine.

*I. Release from quarantine.* Once the commissioner determines that an individual or individuals are determined to no longer be at risk of becoming infected and pose no risk of transmitting the communicable disease of public health threat to other individuals, the order of quarantine has expired, or the order of quarantine has been vacated by the court, the individuals under the order of quarantine shall be released immediately.

*J. Affected area.* If the criteria in subsection A of this section are met and an area is known or suspected to have been affected, then the commissioner shall notify the Governor of the situation and the need to order quarantine for the affected area. In order for an affected area to be quarantined, the Governor must declare a state of emergency for the affected area.

If an order of quarantine is issued for an affected area, the commissioner shall cause the order of quarantine to be communicated to the individuals residing or located in the affected area. The use of multiple forms of communication, including but not limited to radio, television, Internet, and/or

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other available means, may be required in order to reach the individuals who were in the affected area during the known or suspected time of exposure.

The provisions for documentation, means of isolation, enforcement, health status monitoring, essential needs, and release from quarantine described above will apply to the quarantine of affected areas. Appropriate management of a disease of public health threat for an affected area may require the coordinated use of local, regional, state, and national resources. In specifying one or more affected areas to be placed under quarantine, the objective will be to protect as many people as possible using the least restrictive means. As a result, defining the precise boundaries and time frame of the exposure may not be possible, or may change as additional information becomes available. When this occurs, the commissioner shall ensure that the description of the affected area is in congruence with the Governor's declaration of emergency and shall ensure that the latest information is communicated to those in the affected area.

## **12 VAC 5-90-110. Dosage and age requirements for immunizations; obtaining immunizations.**

A. Every child in Virginia shall be immunized against the following diseases by receiving the specified number of doses of vaccine by the specified ages, unless replaced by a revised schedule of the U.S. Public Health Service:

1. Diphtheria, Tetanus, and Pertussis (~~Whooping cough~~) Vaccine - three doses by one year of age of toxoids of diphtheria and tetanus, combined with pertussis vaccine with the remaining two doses administered in accordance with the most recent schedule of the American Academy of Pediatrics or the U.S. Public Health Service.
2. Poliomyelitis Vaccine, trivalent type - three doses of inactivated poliomyelitis vaccine, preferably by one year of age and no later than 18 months of age. Attenuated (live virus) oral polio ~~virus~~ vaccine may be used if the attending physician feels it is clinically appropriate for a given patient.
3. Measles (Rubeola) Vaccine - one dose of further attenuated (live *virus*) measles vaccine between 12-15 months of age and no later than two years of age. A second dose shall also be required at the time of initial entry to school. For those children who did not receive a second dose at initial school entry, a second dose shall be required at the time of entry to grade six.
4. Rubella (~~German measles~~) Vaccine - one dose of attenuated (live *virus*) rubella ~~virus~~ vaccine between 12-15 months of age and no later than two years of age.
5. Mumps Vaccine - one dose of ~~mumps virus vaccine~~ attenuated (live *virus*) mumps vaccine between 12-15 months of age and no later than two years of age.
6. Haemophilus influenzae type b (Hib) Vaccine - a maximum of four doses of Hib vaccine for children up to 30 months of age as appropriate for the child's age and in accordance with current recommendations of either the American Academy of Pediatrics or the U.S. Public Health Service.

7. Hepatitis B Vaccine - three doses by 12 months of age and no later than 18 months of age. For children not receiving three doses ~~between 12-18~~ by 18 months of age, three doses will be required at initial school entry ~~and at entry into~~ for all children born on or after January 1, 1994. Since July 1 2001, all children who have not received a complete series of hepatitis B vaccine are required to receive such immunization prior to entering the sixth grade.

8. Varicella (Chickenpox) Vaccine - one dose of varicella vaccine between 12-18 months of age. For those children who did not receive a dose of vaccine between 12-18 months of age, a dose will be required at initial school entry.

B. The required immunizations may be obtained from a physician licensed to practice medicine or from the local health department.

## **12 VAC 5-90-130. Prenatal testing.**

Every physician attending a pregnant ~~woman~~ patient during gestation shall examine and test such ~~woman~~ patient for syphilis and hepatitis B surface antigen (HBsAg) within 15 days after beginning such attendance. A second prenatal test for syphilis and HBsAg shall be conducted at the beginning of the third trimester (28 weeks) for ~~women~~ patients who are at higher risk for these diseases. Persons at higher risk for syphilis include those who have had multiple sexual partners within the previous year and those with any prior history of a sexually transmitted disease. Persons at higher risk for hepatitis B virus infection include injecting drug users and those with personal contact with a hepatitis B patient, multiple sexual partners, and/or occupational exposure to blood. If the patient first seeks care during the third trimester, only one test shall be required. As a routine component of prenatal care, every licensed practitioner who renders prenatal care, including any holder of a multistate licensure privilege to practice nursing, regardless of the site of such practice, shall advise every pregnant patient of the value of testing for human immunodeficiency virus (HIV) infection and shall request of each pregnant patient consent to such testing. The confidentiality provisions of § 32.1-36.1 of the Code of Virginia, the informed consent stipulations, test result disclosure conditions, and appropriate counseling requirements of § 32.1-37.2 of the Code of Virginia shall apply to any HIV testing conducted pursuant to this section. Practitioners shall counsel all pregnant patients with HIV-positive test results about the dangers to the fetus and the advisability of receiving treatment in accordance with the then current Centers for Disease Control and Prevention recommendations for HIV-positive pregnant patients. Any pregnant patient shall have the right to refuse consent to testing for HIV infection and any recommended treatment. Documentation of such refusal shall be maintained in the patient's medical record. Every physician should also examine and test a pregnant ~~woman~~ patient for any sexually transmitted disease as clinically indicated.

## **12 VAC 5-90-225. Additional data to be reported related to persons with active tuberculosis disease (confirmed or suspected).**

A. Physicians and directors of medical care facilities are required to submit all of the following:



1. An initial report to be completed when there are reasonable grounds to suspect that a person has active TB disease, but no later than when antituberculosis drug therapy is initiated. The reports must include the following: the affected person's name; age; date of birth; gender; address; pertinent clinical, radiographic, microbiologic and pathologic reports, whether pending or final; such other information as may be needed to locate the patient for follow-up; and name ~~and~~, address, and telephone number of the treating physician.

2. A secondary report to be completed simultaneously or within one to two weeks following the initial report. The report must include: the date and results of tuberculin skin test (TST); the date and results of the initial and any follow-up chest radiographs; the dates and results of bacteriologic or pathologic testing, the antituberculosis drug regimen, including names of the drugs, dosages and frequencies of administration, and start date; the date and results of drug susceptibility testing; HIV status; contact screening information; and name ~~and~~, address, and telephone number of treating physician.

3. Subsequent reports are to be made when updated information is available. Subsequent reports are required when: clinical status changes, the treatment regimen changes; treatment ceases for any reason; or there are any updates to laboratory results, treatment adherence, name ~~and~~, address, and telephone number of current provider, patient location or contact information, or other additional clinical information.

4. Physicians and/or directors of medical care facilities responsible for the care of a patient with active tuberculosis disease are required to develop and maintain a written treatment plan. This plan must be in place no later than the time when antituberculosis drug therapy is initiated. Patient adherence to this treatment plan must be documented. The treatment plan and adherence record are subject to review by the local health director or his designee at any time during the course of treatment.

5. The treatment plan for the following categories of patients must be submitted to the local health director or his designee for approval no later than the time when antituberculosis drug therapy is started or modified:

a. For individuals who are inpatients or incarcerated, the responsible provider or facility must submit the treatment plan for approval prior to discharge or transfer.

b. Individuals, whether inpatient, incarcerated, or outpatient, who also have one of the following conditions:

(1) HIV infection.

(2) Known or suspected active TB disease resistant to rifampin, rifabutin, rifapentine or other rifamycin with or without resistance to any other drug.

(3) A history of prior treated or untreated active TB disease, or a history of relapsed active TB disease.

(4) A demonstrated history of nonadherence to any medical treatment regimen.

B. Laboratories are required to submit the following:

1. Results of smears that are positive for acid fast bacilli.

2. Results of cultures positive for any member of the *M. tuberculosis* complex (i.e., *M. tuberculosis*, *M. bovis*, *M. africanum*) or any other *mycobacteria*.

3. Results of rapid methodologies, including acid hybridization or nucleic acid amplification, which are indicative of *M. tuberculosis* complex or any other *mycobacteria*.

4. ~~Results of drug susceptibility tests performed on cultures positive for any member of the *M. tuberculosis* complex.~~ In order to ensure susceptibility testing, laboratories shall submit a representative and viable sample of the initial culture positive for any member of the *M. tuberculosis* complex to the Virginia Division of Consolidated Laboratory Services. This requirement may be fulfilled by the submission of a report of antimicrobial drug susceptibility testing performed on the specimen. The intention to file a written report in lieu of sample submission shall be communicated by the laboratory at the time the finding of a positive culture is initially communicated.

5. ~~For each patient in whom one or more cultures are positive for any member of the *M. tuberculosis* complex, the submission of a viable, representative sample of at least the initial culture to the Virginia Division of Consolidated Laboratory Services for additional testing is encouraged.~~ Laboratories that submit a written susceptibility report in lieu of sample submission are still strongly encouraged to submit a viable, representative sample for each patient in whom one or more cultures are positive for any member of the *M. tuberculosis* complex for additional testing, if needed.

#### **12 VAC 5-90-250. Storage of semen pending negative HIV tests.**

Semen specimens from donors shall be stored and withheld from use for at least 180 days following donation and used only if the donor tests negative for serum antibodies for HIV-1 and HIV-2 on enzyme-linked immunoadsorbent immunosorbent assay or blood HIV-1 and HIV-2 by polymerase chain reaction at least 180 days after donation.

#### **12 VAC 5-90-260. Use of ova after negative HIV tests.**

Ova shall be used only if the donor tests negative for serum antibodies to HIV-1 and HIV-2 on enzyme-linked immunoadsorbent immunosorbent assay or blood HIV-1 and HIV-2 by polymerase chain reaction at the initiation of the cycle during which the ova are harvested.

#### **12 VAC 5-90-270. Notifying recipients of option to delay transfer.**

Practitioners using ova, embryos, or zygotes for the treatment of infertility or other medical technology involving the transfer of ova, embryos, or zygotes to a recipient shall notify these recipients of the option for having donor ova fertilized and the resultant zygotes frozen and then transferred to the recipient only if the ova donor is negative for serum antibodies for HIV-1 and HIV-2 on enzyme-linked immunoadsorbent

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*immunosorbent* assay or blood HIV-1 and HIV-2 by polymerase chain reaction at least 180 days after donation.

## **12 VAC 5-90-280. Definitions.**

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

"Biologic agent" means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa), or infectious substance, or any naturally occurring, bioengineered, or synthesized component of any such microorganism or infectious substance, capable of causing death, disease, or other biological malfunction in a human, an animal, a plant, or other living organism; deterioration of food, water, equipment, supplies, or material of any kind; or deleterious alteration of the environment.

~~"Select agent or toxin" or "select agent and toxin" means all those biological agents or toxins as defined below:~~

- ~~1. Health and Human Services (HHS) select agents and toxins, as outlined in 42 CFR 73.4;~~
- ~~2. HHS overlap select agents and toxins, as outlined in 42 CFR 73.5.~~

"CDC" means the Centers for Disease Control and Prevention of the Department of Health and Human Services.

"Diagnosis" means the analysis of specimens for the purpose of identifying or confirming the presence of a select agent or toxin, provided that such analysis is directly related to protecting the public health or safety.

*"Proficiency testing" means a sponsored, time-limited analytical trial whereby one or more analytes, previously confirmed by the sponsor, are submitted to the testing laboratory for analysis and where final results are graded, scores are recorded and provided to participants, and scores for participants are evaluated.*

"Responsible official" means any person in charge of directing or supervising a laboratory conducting business in the Commonwealth of Virginia. At colleges and universities, the responsible official shall be the president of the college or university or his designee. At private, state or federal organizations, the responsible official shall be the laboratory director or a chief officer of the organization or his designee.

~~"Proficiency testing" means a sponsored, time-limited analytical trial whereby one or more analytes, previously confirmed by the sponsor, are submitted to the testing laboratory for analysis and where final results are graded, scores are recorded and provided to participants, and scores for participants are evaluated.~~

*"Select agent or toxin" or "select agent and toxin" means all those biological agents or toxins as defined by federal regulations, including:*

- 1. Health and Human Services (HHS) select agents and toxins, as outlined in 42 CFR 73.4*
- 2. HHS overlap select agents and toxins, as outlined in 42 CFR 73.5.*

"Toxin" means the toxic material or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae, or protozoa); or infectious substances; or a recombinant or synthesized molecule, whatever ~~their~~ *the* origin and method of production; and includes any poisonous substance or biological product that may be engineered as a result of biotechnology; or produced by a living organism; or any poisonous isomer or biological product, homolog, or derivative of such a substance.

"Verification" means the process required to assure the accuracy, precision, and the analytical sensitivity and specificity of any procedure used for diagnosis.

## **12 VAC 5-90-330. Timing of reports.**

Initial reports shall be made by October 26, 2004. Thereafter, reports shall be made to the department within seven calendar days of submission of an application to the CDC Select Agent Program. By January 31 of every year, laboratories shall provide a written update to the department, which shall include a copy of the federal registration certificate received through the CDC Select Agent Program.

In the event that a select agent or toxin that has previously been reported to the department is destroyed, a copy of federal forms addressing the destruction of ~~a~~ *the* select agent or toxin must be submitted to the department within seven calendar days of submission to the CDC Select Agent Program.

In the event that a select agent or toxin, or a specimen or isolate from a specimen containing a select agent or toxin, has previously been reported to the department and is subsequently transferred to a facility eligible for receiving the items, a copy of federal forms addressing the transfer of ~~a~~ *the* select agent or toxin must be submitted to the department within seven calendar days of submission to the CDC Select Agent Program.

In the event of a suspected release, loss or theft of any select agent or toxin, the responsible official at a laboratory shall make a report to the department within 24 hours by the most rapid means available, preferably that of telecommunication (e.g., telephone, telephone transmitted facsimile, pagers, etc.) The rapid report shall be followed up by a written report within seven calendar days and shall include the following information:

1. The name of the biologic agent and any identifying information (e.g., strain or other characterization information);
2. An estimate of the quantity released, lost or stolen;
3. An estimate of the time during which the release, loss or theft occurred; and
4. The location (building, room) from or in which the release, loss or theft occurred. The report may contain additional information as required by 42 CFR Part 73 or the department.

The department must be notified in writing of any changes to information previously submitted to the department. If a new application or an amendment to an existing application is filed

with the CDC Select Agent Program, a copy of the application or amendment must be submitted to the department within seven calendar days of submission to the CDC Select Agent Program.

## **12 VAC 5-90-350. Exemption from reporting.**

A person who detects a select agent or toxin for the purpose of diagnosing a disease, verification, or proficiency *testing* and either transfers the specimens or isolates containing the select agent or toxin to a facility eligible for receiving them or destroys them onsite is not required to make a report. Proper destruction of the agent must take place through ~~auto-claving~~ *autoclaving*, incineration, or by a sterilization or neutralization process sufficient to cause inactivation. The transfer or destruction must occur within seven calendar days after identification of a select agent or toxin used for diagnosis or testing and within 90 calendar days after receipt for proficiency testing.

Any additional exemptions from reporting under 42 CFR 73.6, including subsequent amendments and editions, are also exempt from reporting under this regulation; however, the department must be notified of the exemption by submitting a copy of federal forms addressing the exemption within seven calendar days of submission to the CDC Select Agent Program.

## **12 VAC 5-90-360. Release of reported information.**

Reports submitted to the select agent and toxin registry shall be confidential and shall not be a public record pursuant to the Freedom of Information Act. Release of information on select agents or toxins shall be made only by order of the State Health Commissioner to the ~~Centers for Disease Control and Prevention~~ CDC and state and federal law-enforcement agencies in any investigation involving the release, theft, or loss of a select agent or toxin required to be reported to the department under this regulation.

### DOCUMENTS INCORPORATED BY REFERENCE

Control of Communicable Diseases Manual, ~~17th~~ 18th Edition, American Public Health Association, ~~2000~~ 2004.

**NOTICE:** The forms used in administering 12 VAC 5-90, Regulations Governing Disease Reporting and Control, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

### FORMS

Virginia Department of Health Confidential Morbidity Report, Epi-1 (rev. ~~11/98~~ xxxx).

Virginia Cancer Registry Reporting Form (rev. 1/98).

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MAIL THE TOP TWO COPIES TO YOUR <u>LOCAL</u> HEALTH DEPARTMENT					
VIRGINIA DEPARTMENT OF HEALTH Confidential Morbidity Report					
Patient's Name (Last, First, Middle Initial):			SSN: _____-_____-_____		
Patient's Address (Street, City or Town, State, Zip Code):			Home #: (    ) _____-_____		
			Work #: (    ) _____-_____		
			City or County of Residence		
Date of Birth:	Age:	Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Black/African American <input type="checkbox"/> Hawaiian/Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Unknown <input type="checkbox"/> Other (specify):		Hispanic: <input type="checkbox"/> Yes <input type="checkbox"/> No	Sex: <input type="checkbox"/> F <input type="checkbox"/> M
DISEASE OR CONDITION:			Pregnant: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	Date of Onset:	
Date of Diagnosis:	Death: <input type="checkbox"/> Yes <input type="checkbox"/> No Death Date:		Influenza: (Report # and type only. No patient identification) Number of Cases:                      Type, if known:		
Physician's Name:			Phone: (    ) _____		
Address:					
Hospital Admission? <input type="checkbox"/> Yes <input type="checkbox"/> No		Hospital Name:			
Date of Admission:		Chart ID No:			
Laboratory Information and Results					
Source of Specimen:			Date Collected:		
Laboratory Test:					
Results:					
Name/Address of Lab:					
CLIA Number:					
Other Information					
Comments: (E.g., Risk Situation [Food Handling, Patient Care, Day Care], Treatment [including dates], Immunization Status [including dates], Signs/Symptoms, Exposure, Outbreak Associated, etc.)					
For Health Department Use:			Date Received:		
Name, Address, and Phone Number of Person Completing this Form:			Date Reported:		
			Check here if you need more of these forms, or call your local health department. <input type="checkbox"/> (Be sure your address is complete.)		

Please complete as much of this form as possible

Form Epi-1, XXXX

**MAIL THE TOP TWO COPIES TO YOUR LOCAL HEALTH DEPARTMENT**

Please report the following diseases (and any other disease or outbreak of public health importance) in the manner required by Section 32.1-36 of the *Code of Virginia* and 12 VAC 5-90-80 of the Board of Health *Regulations for Disease Reporting and Control*. Enter as much information as possible on the reporting form.

Acquired immunodeficiency syndrome (AIDS)	MENINGOCOCCAL DISEASE *
Amebiasis *	MONKEYPOX *
ANTHRAX *	Mumps *
Arboviral infection (e.g., EEE, LAC, SLE, WNV) *	Ophthalmia neonatorum
BOTULISM *	OUTBREAKS, ALL (including, but not limited to,
BRUCELLOSIS *	foodborne, nosocomial, occupational, toxic
Campylobacteriosis*	substance-related, and waterborne)
Chancroid *	PERTUSSIS *
Chickenpox (Varicella) *	PLAGUE *
<i>Chlamydia trachomatis</i> infection *	POLIOMYELITIS *
CHOLERA *	PSITTACOSIS *
Creutzfeldt-Jakob disease if <55 years of age *	Q FEVER *
Cryptosporidiosis *	RABIES, HUMAN AND ANIMAL *
Cyclosporiasis *	Rabies treatment, post-exposure
DIPHTHERIA *	Rocky Mountain spotted fever *
DISEASE CAUSED BY AN AGENT THAT MAY	RUBELLA, including congenital rubella syndrome *
HAVE BEEN USED AS A WEAPON	Salmonellosis *
Ehrlichiosis *	SEVERE ACUTE RESPIRATORY SYNDROME (SARS) *
<i>Escherichia coli</i> O157:H7 and other	Shigellosis *
enterohemorrhagic <i>E. coli</i> infections *	SMALLPOX (Variola) *
Giardiasis *	Streptococcal disease, Group A, invasive *
Gonorrhea *	<i>Streptococcus pneumoniae</i> infection, invasive in children
Granuloma inguinale	<5 years of age *
HAEMOPHILUS INFLUENZAE INFECTION,	Syphilis (report PRIMARY and SECONDARY
INVASIVE *	syphilis by rapid means) *
Hantavirus pulmonary syndrome *	Tetanus
Hemolytic uremic syndrome (HUS)	Toxic shock syndrome
HEPATITIS A*	Toxic substance-related illness
Hepatitis B (acute and chronic) *	Trichinosis (Trichinellosis) *
Hepatitis C (acute and chronic) *	TUBERCULOSIS, ACTIVE DISEASE (MYCOBACTERIA *)
Hepatitis, other acute viral	Tuberculosis infection in children <4 years of age
Human immunodeficiency virus (HIV) infection *	TULAREMIA *
Influenza *†	TYPHOID FEVER *
INFLUENZA DEATHS IN CHILDREN <18	Typhus *
YEARS OF AGE	UNUSUAL OCCURRENCE OF DISEASE OF
Kawasaki syndrome	PUBLIC HEALTH CONCERN
Lead - elevated blood levels *	VACCINIA, DISEASE OR ADVERSE EVENT *
Legionellosis *	Vancomycin-intermediate or vancomycin-resistant
Leprosy (Hansen's disease)	<i>Staphylococcus aureus</i> infection *
Listeriosis *	VIBRIO INFECTION *
Lyme disease	VIRAL HEMORRHAGIC FEVER *
Lymphogranuloma venereum	YELLOW FEVER *
Malaria *	Yersiniosis *
MEASLES (Rubeola) *	

UPPER CASE indicates conditions that must be reported rapidly to the local health director via telecommunication. Report all other diseases within three days of suspected or confirmed diagnosis.

\* These conditions are reportable by directors of laboratories. These and all other conditions are reportable by physicians and directors of medical care facilities as well.

† Physicians and directors of medical care facilities should report influenza by number of cases only (report total number per week and by type of influenza, if available).

Virginia Department of Health  
Office of Epidemiology  
P. O. Box 2448, Suite 516-East  
Richmond, Virginia 23218-2448

VA.R. Doc. No. R05-47; Filed August 5, 2005, 11:29 a.m.

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# FINAL REGULATIONS

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For information concerning Final Regulations, see Information Page.

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## 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.

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## TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

### CRIMINAL JUSTICE SERVICES BOARD

Title of Regulation: **6 VAC 20-230. Regulations Relating to Special Conservator of the Peace (adding 6 VAC 20-230-10 through 6 VAC 20-230-350).**

Statutory Authority: § 9.1-150.2 of the Code of Virginia.

Effective Date: October 5, 2005.

Agency Contact: Lisa McGee, Regulatory Program Manager, Department of Criminal Justice Services, 202 North 9th Street, Richmond, VA 23219, telephone (804) 371-2419, FAX (804) 786-6344, or e-mail [lisa.mcgee@dcjs.virginia.gov](mailto:lisa.mcgee@dcjs.virginia.gov).

#### Summary:

*The regulation establishes entry-level training, in-service training, and a registration process to include a fingerprint-based background check, registration fees, and administration of the regulatory system. It authorizes the department to receive complaints concerning the conduct of any person whose activities are monitored by the board; conduct investigations; issue disciplinary action; and revoke, suspend, and refuse to renew a registration.*

*Changes to the proposed regulation include the following:*

- 1. Removing language that stated a temporary registration would be issued for a period not to exceed 12 months.*
- 2. Correcting the firearms training hours to meet requirements of the Code of Virginia.*

Summary of Public Comments and Agency's Response: A summary of comments made by the public and the agency's response may be obtained from the promulgating agency or viewed at the office of the Registrar of Regulations.

#### CHAPTER 230.

#### REGULATIONS RELATING TO SPECIAL

[~~CONSERVATORS~~ CONSERVATOR] OF THE PEACE.

#### **6 VAC 20-230-10. Definitions.**

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

*"Armed special conservator of the peace" means a special conservator of the peace registrant who carries or has immediate access to a firearm in the performance of his duties.*

*"Board" means the Criminal Justice Services Board or any successor board or agency.*

*"Certification" means a method of regulation indicating that qualified persons have met the minimum requirements as private security services training schools and private security services instructors.*

*"Certified training schools" means a training school certified by the department for the specific purpose of training a special conservator of the peace regulated in at least one category of the compulsory minimum training standards.*

*"Class" means a block of instruction no less than 50 minutes in length on a particular subject.*

*"Combat loading" means tactical loading of a shotgun while maintaining coverage of the threat area.*

*"Department" or "DCJS" means the Department of Criminal Justice Services or any successor agency.*

*"Director" means the chief administrative officer of the department.*

*"Electronic roster submittal" means the authority given to the training director or assistant training director of a training school, after he has submitted an application and the required nonrefundable fee, to submit a training school roster to the department electronically through the department's online system.*

*"Firearms verification" means verification of successful completion of either initial or retraining requirements for handgun or shotgun training, or both.*

*"Incident" means an event that exceeds the normal extent of one's appointed special conservator of the peace authority.*

*"In-service training requirement" means the compulsory in-service training standards adopted by the Criminal Justice Services Board for special conservator of the peace personnel.*

*"Performance of his duties" means on duty in the context of this chapter.*

*"Person" means any individual, group of individuals, firm, company, corporation, partnership, business, trust, association, or other legal entity.*

*"Physical address" means the location of the building that houses a business or training school (a post office box is not a physical address).*

*"Private security services training school" means any person certified by the department to provide instruction in special conservator of the peace subjects for the training of special conservator of the peace personnel in accordance with this chapter.*

*"Registration" means a method of regulation that identifies individuals as having met the minimum requirements for a particular registration category as set forth in this chapter.*

"Registration category" means any one of the following categories: (i) unarmed special conservators of the peace or (ii) armed special conservators of the peace.

"Session" means a group of classes comprising the total hours of mandated training in either of the following categories: (i) unarmed special conservator of the peace and (ii) armed special conservator of the peace.

"Special conservator of the peace" means any individual appointed by the circuit court pursuant to § 19.2-13 of the Code of Virginia on or after September 15, 2004, to perform only those powers, functions, duties and responsibilities authorized within such geographic limitations as the court may deem appropriate.

"Special conservator of the peace registrant" means any individual who has met the requirements under this regulation to apply for appointment to the circuit court as a special conservator of the peace.

"This chapter" means the Regulations Relating to Special Conservators of the Peace as part of the Virginia Administrative Code.

"Training certification" means verification of the successful completion of any training requirement established in this chapter.

"Training requirement" means any entry-level, in-service, or firearms retraining standard established in this chapter.

"Unarmed special conservator of the peace" means a special conservator of the peace registrant who does not carry or [ has have ] immediate access to a firearm in the performance of his duties.

**6 VAC 20-230-20. Fees.**

A. Schedule of fees. The fees listed below reflect the costs of handling, issuance, and production associated with administering and processing applications for licensing, registration, certification and other administrative requests for services related to private security services. Fees are nonrefundable.

CATEGORIES	FEES
Initial registration	\$60
Registration renewal	\$60
Application for training exemption	\$25
Fingerprint card processing	\$50
Replacement photo identification letter	\$20

**B. Reinstatement fee.**

1. The department shall collect a reinstatement fee for registration renewal applications not received on or before the expiration date of the expiring registration.

2. The reinstatement fee shall be 50% above and beyond the renewal fee of the registration or any other credential issued by the department wherein a fee is established and renewal is required.

**C. Dishonor of fee payment due to insufficient funds.**

1. The department may suspend the registration or authority it has granted any person or registrant who submits a check or similar instrument for payment of a fee required by statute or regulation that is not honored by the financial institution upon which the check or similar instrument is drawn.

2. The suspension shall become effective upon receipt of written notice of the dishonored payment. Upon notification of the suspension, the person or registrant may request that the suspended registration or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompany the request. Suspension under this provision shall be exempt from the Administrative Process Act.

**6 VAC 20-230-30. Initial registration application.**

A. Individuals are required to be registered pursuant to § 19.2-13 of the Code of Virginia in the category of special conservator of the peace. Prior to the issuance of a registration, the applicant shall meet or exceed the requirements of registration and application submittal to the department as set forth in this section. Individuals who carry or have access to a firearm while on duty must have a valid registration with firearms verification. The court may limit or prohibit the carrying of weapons by any special conservator of the peace as defined in § 19.2-13 F of the Code of Virginia.

B. Each person applying for registration shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age;
2. Successfully complete all initial training requirements for special conservator of the peace, including firearms verification if applicable, requested pursuant to the entry-level training standards in 6 VAC 20-230-160; and
3. Be a United States citizen or legal resident alien of the United States.

C. Each person applying for registration shall file with the department:

1. A properly completed application provided by the department;
2. His mailing address on the application;
3. Fingerprint cards pursuant to 6 VAC 20-230-40;
4. The applicable, nonrefundable application fee;
5. A drug and alcohol test pursuant to 6 VAC 230-50; [ and ]
6. Pursuant to § 19.2-13 C of the Code of Virginia, documentation verifying that the applicant has secured a surety bond or cash bond in the amount not to be less than \$10,000 executed by a surety company authorized to do business in Virginia, or a certificate of insurance reflecting the department as a certificate holder, showing a policy of comprehensive general liability insurance with a minimum coverage of \$10,000 issued by an insurance company authorized to do business in Virginia [ ~~and~~ . ]

~~[ 7. Documentation verifying completion of initial training with a certified training school, private security services~~

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~~training school or documentation for training exemption for prior training.]~~

D. Upon completion of the initial registration application requirements, the department may issue a temporary registration letter for [ ~~a period not to exceed 12 months not more than 120 days at a time while awaiting the results of the state and national fingerprint search provided the applicant has met the necessary conditions and requirements~~ ]. This temporary registration letter shall be taken to the circuit court where seeking appointment for special conservator of the peace.

~~[ E. The department may issue a letter of temporary registration for not more than 120 days while awaiting the results of the state and national fingerprint search provided the applicant has met the necessary conditions and requirements. ]~~

~~[ F. E. ]~~ Each registration shall be issued to the individual named on the application and shall be valid only for use by that individual. No registration shall be assigned or otherwise transferred to another individual.

~~[ G. F. ]~~ Each registered individual shall comply with all applicable administrative requirements and standards of conduct and shall not engage in any acts prohibited by applicable sections of the Code of Virginia and this chapter.

~~[ H. G. ]~~ Once the individual has met the requirements and received a temporary registration letter, he shall ~~[ appear before petition ]~~ the circuit court [ for appointment ] in the jurisdiction where the individual will be employed ~~[ to seek appointment ]~~.

~~[ I. H. ]~~ Meeting the requirements of registration allows an individual to be eligible for appointment. Registration does not guarantee appointment.

~~[ J. I. ]~~ Upon completion of an appointment by a circuit court, the individual shall file [ with the department ] a copy of the court order granting appointment as a special conservator of the peace [ ~~authority and jurisdiction with the department~~ ]. A final registration letter will be issued [ ~~to the individual~~ ] by the department [ ~~that~~ . This registration letter ] shall be submitted to a specified entity for a [ state-issued ] photo identification card.

## **6 VAC 20-230-40. Fingerprint processing.**

A. Before appointment by the circuit court, each individual applying for special conservator of the peace shall submit to the department:

1. One completed fingerprint card provided by the department or another electronic method approved by the department;
2. A fingerprint processing application;
3. The applicable nonrefundable fee; and
4. All criminal history conviction information on a form provided by the department.

B. The department shall submit those fingerprints to the Virginia State Police for the purpose of conducting a Virginia

Criminal History Records search and a National Criminal Records search to determine whether the individual has a record of conviction.

C. Fingerprint cards that are found to be unclassifiable ~~[ will be returned to the applicant. ]~~ will suspend [ ~~action on the application [ will be suspended ]~~ ] pending the resubmittal of [ a ] classifiable fingerprint [ ~~cards card~~ ]. The applicant shall be [ ~~so~~ ] notified in writing and shall submit [ a ] new fingerprint [ ~~cards and the applicable, nonrefundable fee to the department card~~ ] before the processing of his application will resume. However, [ ~~no such~~ the applicable, nonrefundable ] fee may be required if the [ ~~rejected fingerprint cards are included and attached to the new fingerprint cards when resubmitted and the~~ ] department is [ ~~not~~ ] assessed additional processing fees.

D. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

## **6 VAC 20-230-50. Drug and alcohol testing.**

A. Before appointment by the circuit court, each individual applying for special conservator of the peace must submit to a drug and alcohol-screening test approved by the Department of Criminal Justice Services.

B. The applicant is responsible for any fees required for the drug and alcohol-screening test. The applicant will directly make payment to the approved agency conducting the drug and alcohol-screening test.

C. Drug and alcohol-screening results will be sent to the department for review. If the applicant is denied by DCJS, the department will notify the applicant by letter regarding the reasons for the denial.

D. A list of approved drug and alcohol-screening agencies will be provided to the applicant during the registration application process.

~~[ E. Applicants denied registration based upon a positive drug and alcohol test will be ineligible for registration for a period of five years. ]~~

## **6 VAC 20-230-60. Application procedures and requirements.**

Every applicant for special conservator of the peace shall submit all requirements for a criminal history records background search and initial registration requirements.

## **6 VAC 20-230-70. Renewal registration application.**

A. Applications for registration renewal should be received by the department at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the registered individual. However, if the individual does not receive a renewal notification, it is the responsibility of the individual to ensure that renewal requirements are filed with the department. Registration renewal applications received by the department after the expiration date shall be subject to all applicable, nonrefundable renewal fees plus reinstatement fees.



B. Each person applying for registration renewal shall meet the minimum requirements for eligibility as follows:

1. Successfully complete the in-service training, and firearms retraining if applicable, pursuant to the ~~[firearms]~~ in-service training ~~[standards requirements]~~ set forth by this chapter; and
2. Be in good standing in every jurisdiction where appointment is granted. This subdivision shall not apply to any probationary periods during which the individual is eligible to operate under the registration.

C. The department may renew a registration when the department receives the following:

1. A properly completed renewal application provided by the department;
  2. The applicable, nonrefundable registration renewal fee; ~~[and]~~
- ~~[3. For individuals with firearms, verification of completed annual firearms retraining; and]~~
- ~~[4. 3.] A copy of the court order granting special conservator of the peace authority and jurisdiction if changed from the original filed with the department.~~

D. Upon completion of the renewal registration application requirements, the department may issue a registration letter for a period not to exceed 12 months. This registration letter shall be submitted by the applicant to a specified entity for a state-issued photo identification card, or a decal will be provided by the department.

E. Any renewal application received by the department shall meet all renewal requirements prior to the expiration date of a registration or shall be subject to the reinstatement requirements set forth in 6 VAC 20-230-90.

### **6 VAC 20-230-80. Replacement state-issued photo identification letter.**

Registered individuals seeking a replacement state-issued photo identification letter shall submit to the department:

1. A properly completed ~~[duplicate or replacement]~~ application provided by the department; and
2. The applicable, nonrefundable application fee.

### **6 VAC 20-230-90. Reinstatement.**

A. Individuals who do not renew their registration on or before the expiration date may not work as a special conservator of the peace until reinstatement requirements have been met. Pursuant to the Code of Virginia, all such persons must currently be registered with the department as a special conservator of the peace.

B. A renewal application must be received by the department within 60 days following the expiration date of the registration in order to be reinstated by the department providing all renewal requirements have been met. The department shall not reinstate renewal applications received after the ~~[expiration date]~~ 60-day reinstatement period has expired. It is unlawful to operate without a valid registration during the

reinstatement period. The department shall not reinstate a registration that has become null and void due to not maintaining required insurance or surety bond coverage. The department will notify the court when an individual has not met the registration renewal requirements with the department. Prior to reinstatement, the following shall be submitted to the department:

1. The appropriate renewal application and completion of renewal requirements including required training pursuant to this chapter; and
2. The applicable, nonrefundable reinstatement fee.

C. A registration shall be renewed or reinstated only when all renewal application requirements are received by the department. After the 60-day reinstatement period, an applicant shall meet all initial application requirements, including applicable training requirements.

D. Following submittal of all reinstatement requirements, the department will process and may approve any application for reinstatement pursuant to the renewal process for the application.

### **6 VAC 20-230-100. Renewal extensions.**

A. An extension of the time period to meet renewal requirements may be approved only under specific circumstances that do not allow special conservators of the peace to complete the required procedures within the prescribed time period. The following are the only circumstances for which extensions may be granted:

1. Extended illness;
2. Extended injury; or
3. Military or foreign service.

B. A request for extension shall:

1. Be submitted in writing, dated and signed by the individual prior to the expiration date of the time limit required for completion of the requirements;
2. Indicate the projected date the individual will be able to comply with the requirements; and
3. Include a copy of the physician's record of the injury or illness or a copy of the government orders.

C. No extension will be approved for registrations that have expired.

D. Applications for additional extensions may be approved upon written request of the individual.

E. The individual shall be nonoperational during the period of extension.

### **6 VAC 20-230-110. Court order term expiration renewal process.**

A. A special conservator of the peace registration will become null and void if the individual does not renew his court order with the circuit court on or before the expiration of the term date.

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B. A copy of the renewed special conservator of the peace court order must be received by the department on or before the expiration date of the court order.

## **6 VAC 20-230-120. Denial, probation, suspension and revocation.**

A. The department may deny a registration for any person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, (vi) firearms, or (vii) any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this chapter. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction.

B. The department may deny a registration in which any individual has not maintained good standing in the jurisdiction where appointed by the circuit court; had a registration that was denied upon initial application, suspended, revoked, surrendered, or not renewed; or has otherwise been disciplined in connection with a disciplinary action prior to applying for registration in Virginia.

C. Any false or misleading statement on any state application or supporting documentation is grounds for denial or revocation and may be subject to criminal prosecution.

D. A registered individual shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this chapter. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act. The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

E. The department may deny a registration for any individual who tests positive on the submitted drug and alcohol screening.

## **6 VAC 20-230-130. General requirements.**

All registered individuals are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, department guidelines and this chapter.

## **6 VAC 20-230-140. Registered individual administrative requirements.**

A. A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter;
2. Maintain at all times with the department his mailing address, e-mail address and phone number, if applicable. Written notification of any address change, e-mail address or phone number shall be in writing and received by the department no later than 10 days after the effective date of the change;

3. Inform the department in writing within 10 days after pleading guilty or nolo contendere or being convicted or found guilty of any felony or a misdemeanor;

4. Inform the department in writing within 10 days after having been found guilty by any court or administrative body of competent jurisdiction to have violated the special conservator of the peace statutes or regulations of that jurisdiction, there being no appeal therefrom or the time for appeal having elapsed;

5. Inform the department of any incident in which any registrant has discharged a firearm while on duty, excluding any training exercise. This report shall be made within 24 hours of the incident;

6. Within 10 days, inform the department and circuit court where the individual was appointed that the individual has left employment; and

7. Submit documentation of jurisdiction of appointment to the department within 30 days from appointment of the circuit court.

B. An individual's appointment from the circuit court shall not exceed four years under any one appointment.

## **6 VAC 20-230-150. Registered individual standards of conduct.**

A. A registered individual shall:

1. Conform to all requirements pursuant to the Code of Virginia and this chapter;

2. Not violate or aid and abet others in violating the provisions of Article 1 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia or this chapter;

3. Not commit any act or omission that results in a registration being suspended, revoked, not renewed or being otherwise disciplined in any jurisdiction;

4. Not obtain a special conservator of the peace registration or registration renewal through any fraud or misrepresentation;

5. Carry a valid registration or valid temporary authorization letter at all times while on duty;

6. Carry the private security state authorized identification card at all times while on duty once the authorization has been approved from the department;

7. Perform those duties authorized by the circuit court only while employed and in the jurisdiction of appointment, and perform [ only ] those duties [ ~~only~~ ] authorized in the circuit court ordered appointment;

8. Maintain a valid firearms verification if he carries or has immediate access to firearms while on duty and is authorized by the circuit court [ ~~and~~ . He may ] carry only those firearms that he has been trained on and is qualified to carry;

9. Carry a firearm concealed while on duty only with the expressed authorization of the circuit court that appoints the

registrant and only in compliance with § 18.2-308 of the Code of Virginia;

10. Transport, carry and utilize firearms while on duty only in a manner that does not endanger the public health, safety and welfare;

11. Make arrests in full compliance with the law and using only the minimum force necessary to effect an arrest;

12. Display his registration while on duty in response to the request of a law-enforcement officer, department personnel or client;

13. Not perform any unlawful or negligent act resulting in a loss, injury or death to any person;

14. If a uniform is required, wear the uniform required by the employer. If wearing a uniform while employed as a special conservator of the peace, the uniform must:

a. Only have the title "police" on any badge or uniform when the circuit court order indicates and to the extent the displayed words accurately represent a special conservator of the peace; and

b. Have a name plate or tape bearing, as a minimum, the individual's last name attached on the outermost garment, except on rainwear worn only to protect from inclement weather.

15. Act only in such a manner that does not endanger the public health, safety and welfare;

16. Not represent as one's own a special conservator of the peace registration issued to another individual;

17. Not falsify, or aid and abet others in falsifying, training records for the purpose of obtaining a registration;

18. Not engage in acts of unprofessional conduct in the practice of special conservator of the peace services;

19. Not engage in acts of negligent and/or incompetent special conservator of the peace services; and

20. Maintain at all times current liability coverage at least in the amount prescribed by the Code of Virginia.

B. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 of the Code of Virginia, (vi) firearms or (vii) any felony from which no appeal is pending, the time for appeal having elapsed, shall be registered as a conservator of the peace. Any plea of nolo contendere shall be considered a conviction for the purpose of this chapter. The record of conviction certified or authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted shall be prima facie evidence of such guilt.

## 6 VAC 20-230-160. Entry-level training.

A. Each individual applying to the department for registration as a special conservator of the peace must meet the mandated entry-level training herein established unless provided for otherwise in accordance with this chapter.

B. The entry-level training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be:

1. Unarmed special conservator of the peace - 24 hours
2. Armed special conservator of the peace - 40 hours

C. The entry-level training course content by category, excluding range qualification, shall be as provided in this subsection.

1. Unarmed special conservator of the peace. The entry-level curriculum for unarmed special conservator of the peace sets forth the following areas identified as:

a. Orientation - 2 hours

(1) Virginia law and regulations

(2) [ Code of ] Ethics [ and professional conduct ]

(3) General duties and responsibilities

[ ~~(4) Definitions~~ ]

[ ~~(5) (4) Registration and~~ ] training requirements

[ ~~(6) Violations~~ (5) Disciplinary actions ] and sanctions

[ ~~b. Legal procedures, due process, civil law, criminal law and constitutional law - 8 hours~~

(1) Knowledge of state and federal courts

(2) Legal terminology and definitions

(3) U.S. Constitution - Bill of Rights

(4) Limitations and liability

(5) Felony versus misdemeanor

(6) Probable cause

(7) Arrests

(8) Magistrates

(9) Trials

(10) Grand jury

(11) Civil law

(12) Service of process

(13) Criminal court system

(14) Legal authority and related issues

(15) Purpose of the function of law

(16) United States Constitution

(17) Virginia Constitution

(18) Consensual encounters

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- ~~(19) Investigative detention/Terry Stop~~
  - ~~(20) Exigent circumstances~~
  - ~~(21) Laws of arrests~~
  - ~~(22) Arrest procedures ]~~
  - [ ~~e. Basic Law b. Code of Virginia ] - 4 Hours~~
    - (1) Juvenile law
    - (2) Crimes against peace and order
    - (3) Crimes against persons
    - (4) Crimes against property
    - (5) Crimes against health and safety
    - (6) Crimes involving fraud
  - [ ~~c. Constitutional law, civil law, due process, legal procedure - 4 hours~~
    - (1) United States Constitution
    - (2) Virginia Constitution
    - (3) Legal terminology and definitions
    - (4) Limitations and liability
    - (5) Magistrates, grand jury and courts
  - ~~d. Arrest procedures - 8 hours~~
    - (1) Legal authority and related issues
    - (2) Probable cause
    - (3) Laws of arrests
    - (4) Warrants
    - (5) Summons ]
  - [ ~~d. Laws regarding the e. ] Use of force [ ~~liability issues~~ ] - 4 hours~~
  - (1) [ ~~Use of force~~ Confrontation management ]
  - (2) Liability issues
  - (3) [ ~~Justifiable~~ ] Deadly force
  - [ (4) Use of restraints ]
- [ ~~e. Obtaining an Arrest Warrant/Virginia Uniform Summons - 4 hours~~
    - (1) Appearing before a magistrate
    - (2) Types of warrants
    - (3) Serving a warrant
    - (4) Issuing a Virginia Uniform Summons ]
  - f. Rules of evidence - 1 hour
    - [ (1) Definition of evidence
    - (2) Rules
    - (3) 1. ] Types [ of evidence ]

- [ (4) Requirements
- (5) Admissibility of evidence
- (6) Integrity of evidence
- (7) 2. ] Chain of custody
- [ 3. Admissibility of evidence ]
- g. Court room testimony - 1 hour
- Total hours - 24 hours
- 2. Armed special conservator of the peace.
  - a. Unarmed special conservator of the peace core subjects - 24 hours
  - b. Entry-level handgun training (refer to 6 VAC 20-230-200) - [ ~~46~~ 14 ] hours (includes dry fire, judgmental shooting and low-level light shooting familiarization)
  - c. Entry-level shotgun training, if applicable (refer to 6 VAC 20-230-210) - 2 hours
- Total hours (excluding examinations [ ~~, shotgun classroom instruction~~ ] and range qualification) - 40 hours

## **6 VAC 20-230-170. In-service training.**

A. Each person registered with the department as a special conservator of the peace by the department shall complete the compulsory in-service training standard once during each 12-month period of registration. In-service training must be completed within 12 months prior to the expiration date.

B. The in-service training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be as follows:

1. Special conservators of the peace - 8 hours
2. Firearms requalification, if applicable.

C. The in-service training course content by category, for special conservator of the peace excluding examinations, practical exercises and range qualification shall be as follows:

1. Legal authority - 4 hours
2. Job-related training - 4 hours

Total hours - 8 hours

## **[ 6 VAC 20-230-180. In-service training exemption.**

~~Persons who have completed training that meets or exceeds the entry-level training standards promulgated by the board for the in-service training required for the individual's particular category may be authorized credit for such training, provided the training has been completed within 12 months of the expiration date of the registration period during which in-service training is required. Such training must be provided by a third party organization offering services or expertise for the particular training category. Official documentation of the following must accompany the application for in-service training credit:~~

~~1. Information regarding the sponsoring organization, including documentation regarding the instructor for each session;~~

~~2. An outline of the training session material, including the dates, times and specific subject matter; and~~

~~3. Proof of attendance and successful completion. ]~~

**[ ~~6 VAC 20-230-190~~ 6 VAC 20-230-180 ]. General firearms training requirements.**

A registered armed special conservator of the peace shall: (i) successfully pass the entry-level handgun training and (ii) maintain a valid firearms verification.

**[ ~~6 VAC 20-230-200~~ 6 VAC 20-230-190 ]. Entry-level handgun training.**

**A. Handgun classroom training.**

1. The entry-level handgun classroom training will include but not be limited to the following:

- a. Proper care and maintenance of the firearm;
- b. Civil liability of the use of firearms;
- c. Criminal liability of the use of firearms;
- d. Firearms retention and storage;
- e. Deadly force;
- f. Justifiable deadly force;
- g. Range safety;
- h. Principles of marksmanship;
- i. Practical firearms handling and safety;
- j. Judgmental shooting; and
- k. Low-level light shooting familiarization.

Total Hours (excluding written examination) - 16 hours

2. Written examination required.

**B. Range qualification (no minimum hours).** The purpose of the range qualification course is to provide practical firearms training to individuals desiring to become armed special conservators of the peace.

1. Prior to the date of range training, it will be the responsibility of the school director to ensure that all students are informed of the proper attire and equipment to be worn for the firing range portion of the training. Equipment needed: handgun, belt with directional draw holster, ammunition (60 rounds).

2. Factory-loaded practice or duty ammunition (60 rounds) may be used for range qualification.

3. Course shall be fired double action, double single action, except for single action semi-automatic handguns.

4. All qualifications shall be conducted using a B-27 silhouette target or the FBI "Q" target. Alternate targets may be utilized with prior approval by the department.

5. With prior approval of the department, a reasonable modification of the firearms course may be approved to accommodate qualification on indoor ranges.

6. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

7. All individuals shall qualify with directional draw holsters only.

8. The range qualification of individuals shall be scored as follows:

B27 target: (use indicated K-value) 7, 8, 9, 10 X rings--value 5 points; other hits on silhouette--value 0 points; divide points scored by maximum possible score to obtain decimal and convert to percentage, e.g.,  $225 \div 300 = .75 = 75\%$ . FBI Q target: all hits inside the bottle - value 5 points; hits outside the bottle - value 0 points.

9. The low light range familiarization of individuals shall be scored as indicated above. This is strictly a familiarization course with no pass or fail grade provided.

**C. Course: Virginia Private Security Course of Fire for Handguns.** The course of fire shall be conducted using, at a minimum, the requirements set forth in subsection B of this section. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing Weaver, Modified Weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and holster-loaded firearm.
- b. On command, draw and fire 2 rounds (3 seconds), repeat.
- c. Load 6 rounds and holster-loaded firearm.
- d. On command, draw and fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds with weak hand (25 seconds).

2. Phase 2; 7 yards, utilizing Weaver, Modified Weaver or isosceles stance, 24 rounds:

- a. Load 6 rounds and holster loaded firearm.
- b. On command, draw and fire 1 round (2 seconds), repeat.
- c. Load 6 rounds and holster loaded firearm.
- d. On command, draw and fire 2 rounds (3 seconds), repeat.
- e. Load 6 rounds and holster loaded firearm.
- f. On command, draw and fire 6 rounds, reload 6 rounds, fire 6 rounds (30 seconds).

3. Phase 3; 15 yards, 70 seconds, 18 rounds:

- a. Load 6 rounds and holster loaded firearm.

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b. On command, assume kneeling position, draw and fire 6 rounds with strong hand.

c. Assume standing position, unload, reload and fire 6 rounds from weak-hand barricade position.

d. Unload, reload and fire 6 rounds from strong-hand barricade position (kneeling position may be fired using barricade position) (70 seconds).

D. Low Light Course: Virginia Private Security Low Light Familiarization Course of Fire for Handguns. The course of fire shall be conducted using, at a minimum, the requirements set forth in this subsection. Equipment needed: belt with directional draw holster, handgun, two speed loaders or three magazines, range ammunition (30 rounds). Equipment provided by instructor: A range that can simulate low light. Strong/weak hand refers to the primary hand used in firing the firearm. The opposite hand may be used for support. The course of fire shall be conducted in the following phases:

1. Phase 1; 3 yards, utilizing weaver or isosceles stance, 18 rounds:

- a. Load 6 rounds and come to ready.
- b. On command, fire 2 rounds (3 seconds); repeat.
- c. Load 6 rounds and come to ready.
- d. On command, fire 6 rounds with strong hand.
- e. Unload, reload 6 rounds and fire 6 rounds (30 seconds).

2. Phase 2; 7 yards, utilizing Weaver or isosceles stance, 12 rounds

- a. Load 6 rounds and come to ready.
- b. On command, fire 2 rounds (5 seconds), and repeat.
- c. Load 6 rounds and come to ready.
- d. On command, draw and fire 3 rounds (6 seconds), and repeat.

**[ ~~6 VAC 20-230-210~~ 6 VAC 20-230-200 ]. Entry-level shotgun training.**

A. Shotgun classroom training. The entry-level shotgun classroom instruction will emphasize but not be limited to:

1. Safe and proper use and handling of the shotgun;
2. Nomenclature;
3. Positions and combat loading techniques;
4. Decision-making for the officer with the shotgun;
5. Transition from sidearm to shotgun; and
6. Shotgun retention and proper use of a sling.

Total hours - 2 hours

B. Range qualification (no minimum hours). The purpose of the range-firing course is to provide practical shotgun training to those individuals who carry or have immediate access to a shotgun in the performance of their duties.

1. For certification, 12 gauge, double aught "00" buckshot ammunition shall be used. Five rounds.

2. Scoring--70% of available pellets must be within silhouette.

C. Course: Virginia Private Security Course of Fire for Shotguns.

Distance	Position	No. Rounds	Target	Time
Combat load & fire - 15 yds.	Standing/ Shoulder	3	B-27 Silhouette	20 sec.
Combat load & fire - 25 yds.	Kneeling/ Shoulder	2	B-27 Silhouette	15 sec.

D. A certified firearms instructor must be present on the range directly controlling the firing line during all phases of firearms range training. There shall be a minimum of one certified firearms instructor per five shooters on the line.

**[ ~~6 VAC 20-230-220~~ 6 VAC 20-230-210 ]. Firearms (handgun/shotgun) retraining.**

All armed special conservators of the peace must satisfactorily complete two hours of firearms classroom training or practical exercises and range training, and requalify as prescribed in 6 VAC 20-230-200 for handgun and 6 VAC 20-230-210 for shotgun, if applicable, on an annual basis prior to the issuance of the firearms verification, as follows.

1. Classroom retraining or practical exercises - 2 hours
2. Range qualification with handgun and/or shotgun, if applicable (no minimum hours)

Total hours (excluding range qualification) - 2 hours

**[ ~~6 VAC 20-230-230~~ Firearms 6 VAC 20-230-220. ] Training exemptions.**

Persons who meet the statutory requirements as set forth in §§ 9.1-101 and 9.1-141 of the Code of Virginia may apply for a partial exemption from the compulsory training standards. Individuals requesting such partial exemption shall file an application furnished by the department and include the applicable, nonrefundable application fee. The department may issue such partial exemption on the basis of individual qualifications as supported by required documentation. Those applying for and receiving exemptions must comply with all regulations promulgated by the board. Each person receiving a partial exemption must apply to the department for registration within 12 months from the date of issuance; otherwise the partial exemption shall become null and void. No such exemption shall be provided to any individual that has been terminated because of his misconduct or incompetence.

**[ ~~6 VAC 20-230-240~~ 6 VAC 20-230-230 ]. Entry-level training exemption.**

[A.] Persons previously employed as law-enforcement officers who have not terminated or been terminated from said employment more than five years prior to the application date must submit official documentation of the following with the application for partial exemption:

1. Completion of law-enforcement entry-level training;
2. Five continuous years of law-enforcement employment, provided such employment as a law-enforcement officer was not terminated due to misconduct or incompetence.

[ ~~B.~~ *Persons previously employed as special conservator of the peace who have not terminated or been terminated from said employment more than five years prior to the application date must submit with the application for partial exemption official documentation of experience as a special conservator of the peace with a minimum of two years experience, provided that such employment was not terminated due to misconduct or incompetence, and training in two or more of the following areas:*

- [ ~~a.~~ 1. ] *Constitutional law*
- [ ~~b.~~ 2. ] *Arrest authority*
- [ ~~c.~~ 3. ] *Criminal law*
- [ ~~d.~~ 4. ] *Search and seizure*
- [ ~~e.~~ 5. ] *Probable cause*
- [ ~~f.~~ 6. ] *Criminal procedures*
- [ ~~g.~~ 7. ] *Classification of crimes*
- [ ~~h.~~ 8. ] *Basic law*
- [ ~~i.~~ 9. ] *Laws regarding the use of force/liability issues*
- [ ~~j.~~ 10. ] *Police functions*
- [ ~~k.~~ 11. ] *Rules of evidence*

[ ~~C.~~ *Persons may apply for partial exemption who have completed preapproved special conservator of the peace training conducted by a Virginia law-enforcement academy that is not certified as a private security services training school but is authorized by the department to conduct special conservator of the peace training.*

**6 VAC 20-230-240. In-service training exemption.**

*Persons who have completed training that meets or exceeds the in-service training promulgated by the board for the in-service training required for the individual's particular category may be authorized credit for such training, provided the training has been completed within 12 months of the expiration date of the registration period during which in-service training is required. Such training must be provided by a third-party organization offering services or expertise for the particular training category. Official documentation of the following must accompany the application for in-service training credit:*

1. Information regarding the sponsoring organization, including documentation regarding the instructor for each session;
2. An outline of the training session material, including the dates, times and specific subject matter; and
3. Proof of attendance and successful completion. ]

**6 VAC 20-230-250. Prior firearms training exemption.**

*Persons having previous department-approved firearms training may be authorized credit for such training that meets or exceeds the entry-level firearms training for special conservator of the peace, provided such training has been completed within the 12 months preceding the date of application. Official documentation of the following must accompany the application for partial in-service training credit:*

1. Completion of department-approved firearms training; and
2. Qualification at a Virginia criminal justice agency, academy or correctional department.

**6 VAC 20-230-260. Complaints; department actions; adjudication.**

*In accordance with § 9.1-150.2 of the Code of Virginia, this chapter establishes standards designed to secure the public safety and welfare against deceptive or misleading practices by practitioners engaging in special conservator of the peace services. It shall be the responsibility of the special conservator of the peace to provide services in a professional and ethical manner.*

**6 VAC 20-230-270. Submittal requirements.**

*A. Any aggrieved or interested person may file a complaint against any individual whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing special conservators of the peace or this chapter.*

*B. A complaint may be submitted on a form provided by the department and signed by the complainant. To submit an anonymous complaint, the complainant shall provide, in writing, sufficient detailed information for the department to conduct an investigation. If the complaint alleges activities that constitute a life-threatening situation, have resulted in personal injury or loss to the public or to a consumer, or may result in imminent harm or personal injury, the complaint may be made telephonically by providing sufficient detailed information for the department to conduct an investigation.*

**6 VAC 20-230-280. Department investigation.**

*A. The department may initiate or conduct an investigation based on any information received or action taken by the department to determine compliance with the Code of Virginia and this chapter.*

*B. Documentation.*

1. Persons regulated or required to be regulated by this chapter pursuant to the Code of Virginia are required to provide department investigators with any and all records required to be maintained by this chapter.

*a. This shall not be construed to authorize the department to demand records protected under applicable federal and state laws. If such records are necessary to complete an investigation, the department may seek a subpoena to satisfy the request.*

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b. The department shall endeavor to review, and request as necessary, only those records required to verify alleged violations of compliance with the Code of Virginia and this chapter.

2. The department shall endeavor to keep any documentation, evidence or information on an investigation confidential until such time as adjudication has been completed, at which time information may be released upon request pursuant to applicable federal and state laws, rules or regulations.

## **6 VAC 20-230-290. Disciplinary action; sanctions; publication of records.**

A. Each person subject to jurisdiction of this chapter who violates any statute or regulation pertaining to a special conservator of the peace shall be subject to sanctions imposed by the department regardless of criminal prosecution.

B. The department may impose any of the following sanctions, singly or in combination, when it finds the respondent in violation or in noncompliance of the Code of Virginia or this chapter:

1. Letter of reprimand or censure;
2. Probation for any period of time;
3. Suspension of registration or approval granted, for any period of time;
4. Revocation;
5. Refusal to issue, renew or reinstate a registration or approval;
6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted;
7. Remedial training.

C. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this chapter but do not hold a registration. Any person in violation of a cease and desist order entered by the department shall be subject to all of the remedies provided by law and, in addition, shall be subject to a civil penalty payable to the party injured by the violation.

D. The director may summarily suspend a registration under this chapter without a hearing simultaneously with the filing of a formal complaint and notice for a hearing if the director finds that the continued operation of a registrant would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or may result in imminent harm, personal injury or loss.

E. All proceedings pursuant to this section are matters of public record and shall be preserved. The department may publish a list of the names and addresses of all registrants whose conduct and activities are subject to this chapter and have been sanctioned or denied registration or approval.

## **6 VAC 20-230-300. Fines; administrative and investigative costs.**

A. The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or of this chapter that result in a sanction, including fine, probation, suspension, revocation or denial of any license, certification or registration. Such costs shall be in addition to any monetary penalty that may be imposed.

B. All monetary penalties imposed as a sanction shall be deposited into the state treasury to the credit of the State Literary Fund.

## **6 VAC 20-230-310. Hearing process.**

Following a preliminary investigative process, the department may initiate action to resolve the complaint through an informal fact-finding conference or formal hearing as established in this chapter. Pursuant to the authority conferred in § 9.1-150.2 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act and the procedures prescribed herein, the department is empowered to receive, review, investigate and adjudicate complaints concerning the conduct of any person whose activities are regulated by the board. The board will hear and act upon appeals arising from decisions made by the director. In all case decisions, the Criminal Justice Services Board shall be the final agency authority.

## **6 VAC 20-230-320. Informal fact-finding conference.**

The purpose of an informal fact-finding conference is to resolve allegations through informal consultation and negotiation. Informal fact-finding conferences shall be conducted in accordance with § 2.2-4019 of the Code of Virginia. The respondent, the person against whom the complaint is filed, may appeal the decision of an informal fact-finding conference and request a formal hearing provided that written notification is given to the department within 30 days of the date the informal fact-finding decision notice was served, or the date it was mailed to the respondent, whichever occurred first. In the event the informal fact-finding decision was served by mail, three days shall be added to that period.

## **6 VAC 20-230-330. Formal hearing.**

A. Formal hearing proceedings may be initiated in any case in which the basic laws provide expressly for a case decision, or in any case to the extent the informal fact-finding conference has not been conducted or an appeal thereto has been timely received. Formal hearings shall be conducted in accordance with § 2.2-4020 of the Code of Virginia. The findings and decision of the director resulting from a formal hearing may be appealed to the board.

B. After a formal hearing pursuant to § 2.2-4020 of the Code of Virginia wherein a sanction is imposed to fine, or to suspend, revoke or deny issuance or renewal of a registration or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant a registration or approval, unless the department determines that the offense was inadvertent or done in good faith belief that such act did not violate a statute or regulation. The cost shall be limited to (i) the reasonable



hourly rate for the hearing officer and (ii) the actual cost of recording the proceedings. This assessment shall be in addition to any fine imposed by sanctions.

C. The department does not have the authority to supersede any decision or action made by the circuit court in reference to an individual's special conservator of the peace appointment.

**6 VAC 20-230-340. Appeals.**

The findings and the decision of the director may be appealed to the board provided that written notification is given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, within 30 days following the date notification of the hearing decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the hearing decision is served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

**6 VAC 20-230-350. Court review; appeal of final agency order.**

A. The agency's final administrative decision (final agency order) may be appealed. Any person affected by, and claiming the unlawfulness of the agency's final case decision, shall have the right to direct review thereof by an appropriate and timely court action. Such appeal actions shall be initiated in the circuit court of jurisdiction in which the party applying for review resides; save, if such party is not a resident of Virginia, the venue shall be in the City of Richmond, Virginia.

B. Notification shall be given to the attention of the Director, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219, in writing within 30 days of the date notification of the board decision was served, or the date it was mailed to the respondent, whichever occurred first. In the event the board decision was served by mail, three days shall be added to that period. (Rule 2A:2 of Rules of the Virginia Supreme Court.)

C. During all judicial proceedings incidental to such disciplinary action, the sanctions imposed by the board shall remain in effect, unless the court issues a stay of the order.

VA.R. Doc. No. R04-66; Filed August 17, 2005, 11:53 a.m.



**TITLE 9. ENVIRONMENT**

**VIRGINIA WASTE MANAGEMENT BOARD**

**Title of Regulation:** 9 VAC 20-80. Solid Waste Management Regulations (amending 9 VAC 20-80-60, 9 VAC 20-80-400, 9 VAC 20-80-480, 9 VAC 20-80-485).

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

**Effective Date:** October 5, 2005.

**Agency Contact:** Michael Dieter, Department of Environmental Quality, P.O. Box 10009, Richmond, VA

23240, telephone (804) 698-4146, FAX (804) 698-4327, or e-mail [mjdieter@deq.virginia.gov](mailto:mjdieter@deq.virginia.gov).

**Summary:**

The amendments (i) provide an additional exemption from the permit requirements for land clearing debris stored in piles as long as the debris is stored in a manner prescribed in the regulation; (ii) allow owners and operators of waste piles to apply for a permit-by-rule rather than a full permit; and (iii) modify the waste pile management requirements themselves to (a) allow for the storage in piles of organic material that is not readily putrescible as long as it is stored in lined or covered waste storage areas, (b) require that the operation plan for a waste management facility cover the issue of dust suppression and include descriptions of the management and disposition of waste materials and of waste management procedures that ensure that oldest waste materials are sent off-site for reuse or disposal before newer materials, and (c) require the owner or operator of a waste pile to put up a closure sign within 15 days of the last receipt of waste and keep the sign in place until all closure activities have been completed.

Changes to the proposed regulation allow for an extension of the 90-day timeframe for disposal of wastes after industrial operations cease at a site and require a fire suppression program when storing organic waste materials.

**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.

**9 VAC 20-80-60. Applicability of chapter.**

A. This chapter applies to all persons who manage or dispose of solid wastes as defined in Part III (9 VAC 20-80-140 et seq.) of this chapter.

B. All facilities that were permitted prior to March 15, 1993, and upon which solid waste has been disposed of prior to October 9, 1993, may continue to receive solid waste until they have reached their vertical design capacity or until the closure date established pursuant to § 10.1-1413.2 of the Code of Virginia, provided:

Note: Municipal solid waste landfills (sanitary landfills) are subject to prioritization and a schedule for closure pursuant to § 10.1-1413.2 of the Code of Virginia.

1. The facility is in compliance with the requirements for liners and leachate control in effect at the time of permit issuance.

2. On or before October 9, 1993, the owner or operator of the solid waste management facility has submitted to the director:

- a. An acknowledgment that the owner or operator is familiar with state and federal law and regulations pertaining to solid waste management facilities operating after October 9, 1993, including post-closure care, corrective action and financial responsibility requirements;

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b. A statement signed by a registered professional engineer that he has reviewed the regulations established by the department for solid waste management facilities, including the open dump criteria contained therein, that he has inspected the facility and examined the monitoring data compiled for the facility in accordance with applicable regulations and that, on the basis of his inspection and review, he has concluded:

- (1) That the facility is not an open dump;
- (2) That the facility does not pose a substantial present or potential hazard to human health and the environment; and
- (3) That the leachate or residues from the facility do not pose a threat of contamination or pollution of the air, surface water or ground water in a manner constituting an open dump or resulting in a substantial present or potential hazard to human health or the environment; and

c. A statement signed by the owner or operator:

- (1) That the facility complies with applicable financial assurance regulations; and
- (2) Estimating when the facility will reach its vertical design capacity.

3. The facility may not be enlarged prematurely to avoid compliance with this chapter when such enlargement is not consistent with past operating practices, the permit or modified operating practices to ensure good management.

C. Facilities are authorized to expand laterally beyond the waste boundaries existing on October 9, 1993, as follows:

1. Existing captive industrial landfills.

a. Existing nonhazardous industrial waste facilities that are located on property owned or controlled by the generator of the waste disposed of in the facility shall comply with all the provisions of this chapter except as shown in subdivision 1 of this subsection.

b. Facility owners or operators shall not be required to amend their facility permit in order to expand a captive industrial landfill beyond the waste boundaries existing on October 9, 1993. Liners and leachate collection systems constructed beyond the waste boundaries existing on October 9, 1993 shall be constructed in accordance with the requirements in effect at the time of permit issuance.

c. Owners or operators of facilities which are authorized under subdivision 1 of this subsection to accept waste for disposal beyond the waste boundaries existing on October 9, 1993, shall ensure that such expanded disposal areas maintain setback distances applicable to such facilities in 9 VAC 20-80-270 A.

d. Facilities authorized for expansion in accordance with subdivision 1 of this subsection are limited to expansion to the limits of the permitted disposal area existing on October 9, 1993, or the facility boundary existing on October 9, 1993, if no discrete disposal area is defined in the facility permit.

2. Other existing industrial waste landfills.

a. Existing nonhazardous industrial waste facilities that are not located on property owned or controlled by the generator of the waste disposed of in the facility shall comply with all the provisions of this chapter except as shown in subdivision 2 of this subsection.

b. Facility owners or operators shall not be required to amend their facility permit in order to expand an industrial landfill beyond the waste boundaries existing on October 9, 1993. Liners and leachate collection systems constructed beyond the waste boundaries existing on October 9, 1993, shall be constructed in accordance with the requirements of 9 VAC 20-80-270 B.

c. Prior to the expansion of any such facility, the owner or operator submits to the department a written notice of the proposed expansion at least 60 days prior to commencement of construction. The notice shall include recent ground water monitoring data sufficient to determine that the facility does not pose a threat of contamination of ground water in a manner constituting an open dump or creating a substantial present or potential hazard to human health or the environment (see 9 VAC 20-80-180 B 4). The director shall evaluate the data included with the notification and may advise the owner or operator of any additional requirements that may be necessary to ensure compliance with applicable laws and prevent a substantial present or potential hazard to health or the environment.

d. Owners or operators of facilities which are authorized under subdivision 2 of this subsection to accept waste for disposal beyond the waste boundaries existing on October 9, 1993, shall ensure that such expanded disposal areas maintain setback distances applicable to such facilities in 9 VAC 20-80-270 A.

e. Facilities authorized for expansion in accordance with this subsection are limited to expansion to the limits of the permitted disposal area existing on October 9, 1993, or the facility boundary existing on October 9, 1993, if no discrete disposal area is defined in the facility permit.

3. Existing construction/demolition/debris landfills.

a. Existing facilities that accept only construction/demolition/debris waste shall comply with all the provisions of this chapter except as shown in subdivision 3 of this subsection.

b. Facility owners or operators shall not be required to amend their facility permit in order to expand a construction/demolition/debris landfill beyond the waste boundaries existing on October 9, 1993. Liners and leachate collection systems constructed beyond the waste boundaries existing on October 9, 1993, shall be constructed in accordance with the requirements of 9 VAC 20-80-260 B.

c. Prior to the expansion of any such facility, the owner or operator submits to the department a written notice of the proposed expansion at least sixty days prior to commencement of construction. The notice shall include

recent ground water monitoring data sufficient to determine that the facility does not pose a threat of contamination of ground water in a manner constituting an open dump or creating a substantial present or potential hazard to human health or the environment (see 9 VAC 20-80-180 B 4). The director shall evaluate the data included with the notification and may advise the owner or operator of any additional requirements that may be necessary to ensure compliance with applicable laws and prevent a substantial present or potential hazard to health or the environment.

d. Owners or operators of facilities which are authorized under this subdivision 3 to accept waste for disposal beyond the active portion of the landfill existing on October 9, 1993, shall ensure that such expanded disposal areas maintain setback distances applicable to such facilities in 9 VAC 20-80-260 A and B.

e. Facilities, or portions thereof, which have reached their vertical design capacity shall be closed in compliance with 9 VAC 20-80-260 E.

f. Facilities authorized for expansion in accordance with subdivision 2 c of this subsection are limited to expansion to the permitted disposal area existing on October 9, 1993, or the facility boundary existing on October 9, 1993, if no discrete disposal area is defined in the facility permit.

4. Facilities or units undergoing expansion in accordance with the partial exemptions created by subdivision 1 b, 2 b, or 3 b of this subsection may not receive hazardous wastes generated by the exempt small quantity generators as defined by the Virginia Hazardous Waste Management Regulations (9 VAC 20-60), wastes containing free liquids for disposal on the expanded portions of the facility. Other wastes that require special handling in accordance with the requirements of Part VIII (9 VAC 20-80-630 et seq.) of this chapter or which contain hazardous constituents which would pose a risk to health or environment, may only be accepted with specific approval by the director.

5. Nothing in subdivisions 1 b, 2 b, and 3 b of this subsection shall alter any requirement for ground water monitoring, financial responsibility, operator certification, closure, post-closure care, operation, maintenance or corrective action imposed under this chapter, or impair the powers of the director to revoke or amend a permit pursuant to § 10.1-1409 of the Virginia Waste Management Act or Part VII (9 VAC 20-80-480 et seq.) of this chapter.

D. An owner or operator of a previously unpermitted facility that managed materials previously exempt from this chapter shall submit a complete application for a solid waste management facility permit or a permit amendment in accordance with Part VII of this chapter within six months after these materials have been defined or identified as solid wastes. If the director finds that the application is complete, the owner or operator may continue to manage the newly defined or identified waste until a permit or permit amendment decision has been rendered or until a date two years after the change in definition whichever occurs sooner, provided however, that in so doing he shall not operate or maintain an open dump, a hazard, or a nuisance.

The owner or operator of an existing solid waste management facility shall comply with this regulation beginning September 24, 2003. Where necessary conflicts exist between the existing facility permit and the new requirements of the regulations, the regulations shall [~~supercede~~ *supersede*] the permit except where the standards in the permit are more stringent than the regulation. Language in an existing permit shall not act as a shield to compliance with the regulation, unless a variance to the regulations has been approved by the director in accordance with the provisions of Part IX (9 VAC 20-80-730 et seq.) of this chapter. Existing facility permits will not be required to be updated to eliminate requirements conflicting with the regulation, except at the request of the director or if a permit is amended for another reason. However, all sanitary landfills and incinerators that accept waste from jurisdictions outside of Virginia must submit the materials required under 9 VAC 20-80-113 D by March 22, 2004.

E. Conditional exemptions. The following solid waste management practices are exempt from this chapter provided no open dump, hazard, or public nuisance is created:

1. Composting of sewage sludge at the sewage treatment plant of generation without addition of other types of solid wastes.

2. Composting of household waste generated at a single-family residence at the site of generation.

3. Composting activities performed for educational purposes as long as no more than five tons of materials are on site at any time. Greater quantities will be allowed with suitable justification presented to the department. For quantities greater than five tons approval from the director will be required prior to composting.

4. Management of wastes regulated by the State Board of Health, the State Water Control Board, or any other state agency with such authority.

5. On-site management of soil contaminated with petroleum products required as part of an ongoing corrective action by the department under Article 9 (§ 62.1-44.34:8 et seq.) or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia. Management of the contaminated soils away from the site of generation is subject to this chapter unless specifically provided for in the approved corrective action plan.

6. Management of solid waste in appropriate containers at the site of its generation, provided that:

a. Putrescible waste is not stored more than seven days between time of collection and time of removal for disposal; and

b. All nonputrescible wastes that are on a system of regularly scheduled collection for disposal with collections occurring at intervals of less than 90 days.

7. Landfilling of solid waste which includes only rocks, brick, block, dirt, broken concrete and road pavement and which contains no paper, yard, or wood wastes.

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8. On-site management of solid wastes generated by the wastewater treatment facilities provided such management is subject to a regulation promulgated by the State Water Control Board.

9. Placing of stumps and other land clearing debris from agricultural or forestal activities on site of the clearing where no debris is accepted from off-site. This does not include the burial of these materials.

10. Placing of solid wastes including large tires from mining equipment from mineral mining activities on a mineral mining site in compliance with a permit issued by the Department of Mines, Minerals and Energy where no such waste is accepted from off-site and does not contain any municipal solid wastes or other special wastes. Placement of such solid wastes shall be accomplished in an environmentally sound manner.

11. Storage of less than 100 waste tires at the site of generation provided that no waste tires are accepted from off-site and that the storage will not present a hazard or a nuisance.

12. *The storage of land clearing debris including stumps and brush, [unadulterated clean] wood wastes, log yard scrapings consisting of a mixture of soil and wood, cotton gin trash, peanut hulls and similar organic wastes that do not readily decompose, in piles are exempt from this chapter if they [are stored as prescribed below meet the following conditions at a minimum]:*

a. *The wastes are managed in the following manner:*

(1) *They do not cause discharges of leachate, or attract vectors.*

(2) *They [are managed to prevent dispersal cannot be dispersed] by wind and rain.*

(3) *[They are managed to reduce the potential for] Combustion and fire [are prevented].*

(4) *[The wastes are managed so that] They do not become putrescent.*

b. *Any facility storing waste materials under the provisions of this section obtains a storm water discharge permit if they are considered a significant source under the provisions of 9 VAC 25-31-120 A 1 e.*

c. *No more than an total of 1/3 acre of waste material is stored on-site and the waste pile does not exceed 15 feet in height above base grade.*

d. *Siting provisions.*

(1) *All waste materials are stored at the site of the industrial activity that produces them.*

(2) *A 50-foot fire break is maintained between the wastepile and any structure or treeline.*

(3) *The slope of the ground within the area of the pile and within 50 feet of the pile does not exceed 4:1.*

(4) *No waste material may be stored closer than 50 feet to any regularly flowing surface water body or river, floodplain, or wetland.*

(5) *No stored waste materials shall extend closer than 50 feet to any property line.*

e. *If the industrial activities at the site cease, any waste stored at the site must be properly disposed in a permitted solid waste management facility within 90 days. [The director can approve longer time frames with appropriate justification. Justification must be provided in writing no more than 30 days after ceasing industrial activity at the site.]*

f. *Waste piles that do not meet these provisions are required to obtain a permit in accordance with the provisions in 9 VAC 20-80-480 and meet all of the requirements in 9 VAC 20-80-400. Facilities that do not comply with the provisions of this subdivision and fail to obtain a permit are subject to the provisions of 9 VAC 20-80-90 for unpermitted facilities.*

F. This chapter is not applicable to units or facilities closed in accordance with regulations or permits in effect prior to December 21, 1988, unless releases, as defined in Part I (9 VAC 20-80-10 et seq.) of this chapter, from such closed facilities cause the site to be classified as an open dump, a hazard or a nuisance under § 10.1-1402(21) of the Code of Virginia, or a site where improper waste management has occurred under § 10.1-1402(19) of the Code of Virginia.

## **9 VAC 20-80-400. Waste piles.**

A. Applicability.

1. The regulations in this section apply to owners and operators of facilities that store or treat nonputrescible solid waste in piles.

2. The regulations in this section do not apply to owners or operators of waste piles that will be closed with wastes left in place. Such waste piles are subject to regulations contained in Part V (9 VAC 20-80-240 et seq.) of this chapter.

3. This section applies to units that manage ~~uncontainized putrescible wastes inert waste [and organic wastes that are not readily putrescible]~~, land clearing debris including stumps and brush, clean wood waste, log yard scrapings consisting of a mixture of soil and wood, cotton gin trash, peanut hulls and similar organic wastes that do not readily decompose in piles that do not remain in the unit at the end of the working day. If such wastes remain in waste piles at the end of the day, this section does not apply and the management of such wastes shall be in accordance with the requirements shown in 9 VAC 20-80-330 or 9 VAC 20-80-470, as applicable. This section does not apply if materials will be actively composted according to the provisions of 9 VAC 20-80-330.

4. Any material from a state other than Virginia that is classified as a hazardous waste in that state shall be managed in accordance with the Virginia Hazardous Waste Management Regulations (9 VAC 20-60). Such wastes are

not acceptable for treatment or storage in a solid waste management facility in the Commonwealth.

5. *The regulations in this section do not apply to the management of industrial co-products in piles. A material shall be considered an industrial co-product if a demonstration can be made consistent with 9 VAC 20-80-140 D that the material is not a solid waste.*

6. *The regulations in this section do not apply to active logging operations subject to regulation under the provisions of §§ 10.1-1181 through 10.1-1181.2 of the Code of Virginia.*

## B. Siting.

1. Solid waste management facilities storing or treating waste in piles shall be adjacent to or have direct access to ~~paved or gravel roads which are paved or surfaced and that are capable of withstanding anticipated load limits.~~

2. Waste piles shall not be sited or constructed in areas subject to base floods.

3. Facility treating or storing solid waste in piles shall not be closer than 50 feet to any surface ~~stream~~ water body or wetland.

4. No facility treating or storing wastes in piles shall extend closer than 50 feet to any property line nor closer than 200 feet to any residential area, health care facility, school or recreational park area, or similar type public institution.

5. Unless the waste pile is located inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated, such units shall: ~~a.~~ be provided with an adequate area to allow for proper management of leachate and runoff; *in accordance with subdivision C 2 and D 4 of this section.*

~~b. Not be located in areas which are geologically unstable or where site topography is heavily dissected; and~~

~~c. Not be located in any area where a seasonal high water table lies within two feet of the ground surface.~~

## C. Design/construction.

1. The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under subdivision 2 of this subsection, provided that:

a. Liquids or materials containing free liquids are not placed in the pile;

b. The pile is protected from surface water run-on by the structure or in some other manner;

c. The pile is designed and operated to control dispersal of the waste by wind, where necessary, by means other than wetting;

d. The pile will not generate leachate through decomposition or other reactions; and

e. The structures, buildings, and ramps shall be of concrete, brick, or other material that can be easily cleaned.

## 2. Exposed waste piles.

a. Liners. A waste pile (except for an existing portion of a waste pile) shall have:

(1) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the pile into the adjacent soil or ground water or surface water at any time during the active life (including the closure period) of the waste pile. The liner shall be:

(a) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(b) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(c) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(2) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The design and operating conditions shall ensure that the leachate depth over the liner does not exceed one foot at its lowest point. The leachate collection and removal system shall be:

(a) Constructed of materials that are:

(i) Chemically resistant to the waste managed in the pile and the leachate expected to be generated; and

(ii) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the pile; and

(b) Designed and operated to function without clogging through the scheduled closure of the waste pile.

~~[ (c) Leachate generated by the unit must be stored in lined impoundments or tanks sized using good engineering practice. ]~~

b. The owner or operator will be exempted from the requirements of subdivision 2 a of this subsection if the director finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any waste constituents into the ground water

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or surface water at any future time. In deciding whether to grant an exemption, the director will consider:

- (1) The nature and quantity of the wastes;
  - (2) The proposed alternate design and operation;
  - (3) The hydrogeologic setting of the facility, including attenuating capacity and thickness of the liners and soils present between the pile and ground water or surface water; and
  - (4) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water;
- c. During construction or installation, liners shall be inspected by the owner's or operator's construction quality assurance personnel for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials).
- d. Immediately after construction or installation.
- (1) Synthetic liners shall be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and
  - (2) Soil-based liners shall be inspected for imperfections including lenses, cracks, channels, root holes, or other structural non-uniformities that may cause an increase in the hydraulic conductivity of the liner.
  - (3) *Any imperfections in the alternate liner design approved by the director will be repaired.*
- e. The owner or operator shall design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the pile during peak discharge from at least a 25-year storm.
- f. The owner or operator shall design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a 24-hour, 25-year storm.
3. Area, facilities and appropriate equipment shall be provided to segregate undesirable components from the incoming solid waste to be processed.
- ~~4. Roads serving the unloading, treatment, and storage areas shall be of all weather construction.~~
- ~~5.~~ 4. The storage or treatment units shall be designed to [ ~~reduce the potential for~~ prevent ] fires and migration of vectors, and to prevent escape of wastes, washwaters, *waste decomposition* odors, dust, and litter from the facility. *The storage and treatment units will be designed to withstand the physical, chemical, and biological characteristics of the waste managed.*
- ~~6.~~ 5. Materials and energy recovery, incineration, or thermal treatment facilities that treat or store materials in piles shall be provided with:
- a. Sufficient internal storage areas for unprocessed incoming solid waste to ensure an environmentally sound

operation and afford sufficient space to allow for proper processing of maximum anticipated daily incoming solid waste.

b. Areas and appropriate equipment to segregate nonrecoverable or otherwise undesirable components from the solid waste being processed.

c. Fire alarm and protection systems capable of detecting, controlling and extinguishing any and all fires shall be provided.

d. Facilities shall be designed with perimeter security fencing and gate controls to prevent unauthorized access to the site.

## D. Operation.

1. No ~~uncontainerized~~ putrescible solid waste shall remain at the storage and/or treatment facility at the end of the working day unless it is stored in *lined or covered waste storage areas or*, interim transportation vehicles (trailers, roll-off containers) designed specifically for storage.

2. A written operating plan *for the waste management facility* shall be prepared covering at the minimum:

a. Facility housekeeping, on-site traffic control, schedules for waste delivery vehicle flow, wastewater/*leachate* collection, storm water collection, vector control, odor control, *dust suppression*, noise control, and methods of enforcement of traffic flow plans for the waste delivery vehicles;

b. A description of types of wastes that will be managed at the facility, of the storage or treatment activity, of any required testing including test methods and frequencies, and sampling techniques.

*c. A description of the management and disposition of waste materials will be provided that addresses waste materials that are undesirable and will not be received at the facility.*

*d. Descriptions of first-in, first-out waste management procedures to ensure that the oldest waste materials being stored are sent off-site for re-use or disposal prior to newer materials.*

*[ e. A fire prevention and suppression program designed to minimize hazards when storing organic waste streams. ]*

3. A written contingency plan shall be prepared covering operating procedures to be employed during periods of non-operation. This plan shall set forth procedures to be employed in the event of equipment breakdown which will require standby equipment, extension of operating hours, or diversion of solid waste to other facilities.

4. Leachate and run-off that have been in contact with the contents of the waste pile shall not be permitted to drain or discharge into surface waters except when authorized under a VPDES permit issued pursuant to 9 VAC 25-31.

5. No regulated hazardous wastes shall be accepted for processing unless they are specifically exempted by the

provisions of the Virginia Hazardous Waste Management Regulations (9 VAC 20-60).

6. Collection and holding facilities associated with run-on and run-off control systems shall be emptied or otherwise managed expeditiously after storms to maintain design capacity of the system.

7. If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator shall cover or otherwise manage the pile to control wind dispersal.

8. While a waste pile is in operation, it shall be inspected weekly and after storms to detect evidence of any of the following:

- a. Deterioration, malfunctions, or improper operation of run-on and run-off control systems;
- b. Proper functioning of wind dispersal control systems, where present; and
- c. The presence of leachate in and proper functioning of leachate collection and removal systems, where present.

9. Incompatible wastes, or incompatible wastes and materials shall not be placed in the same pile.

*10. Roads serving the unloading, treatment, and storage areas shall be maintained to be passable in all weather by ordinary vehicles when the facility is operating. All operation areas and units shall be accessible.*

## E. Closure.

1. Closure standards. The owner or operator shall close his facility in a manner that minimizes the need for further maintenance, and controls, minimizes or eliminates, to the extent necessary to protect human health and the environment, the post-closure escape of uncontrolled leachate, surface runoff, or waste decomposition products to the ground water, surface water, or to the atmosphere.

a. At closure, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate.

b. If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subdivision 1 a of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he shall close the facility and perform post-closure care in accordance with the closure and post-closure care requirements of Part V of this chapter.

2. Closure plan and amendment of plan.

a. The owner or operator of a waste pile shall have a written closure plan. This plan shall identify the steps necessary to completely close the unit at its full operation under the permit conditions. The closure plan shall include at least a schedule for final closure including, as a minimum, the anticipated date when wastes will no longer

be received, the date when completion of final closure is anticipated, and intervening milestone dates which will allow tracking of the progress of closure.

b. The owner or operator may amend his closure plan at any time during the active life of the facility. The owner or operator shall so amend his plan any time changes in operating plans or facility design affects the closure plan.

c. The owner or operator shall notify the department whenever an amended closure plan has been prepared and placed in the operating record. *A copy of the closure plan will be maintained at the facility and provided to the department upon request.*

d. Prior to beginning closure of each solid waste disposal unit, the owner or operator shall notify the department of the intent to close.

e. The owner or operator shall provide to the department a certification from a registered professional engineer that the facility has been closed in accordance with the closure plan.

3. Time allowed for closure. The owner or operator shall complete closure activities in accordance with the closure plan and within six months after receiving the final volume of wastes. The director may approve a longer closure period if the owner or operator can demonstrate that the required or planned closure activities will, of necessity, take longer than six months to complete; and that he has taken all steps to eliminate any significant threat to human health and the environment from the unclosed but inactive facility.

4. *Within 15 days of the last receipt of waste*, the owner or operator shall post one sign notifying all persons of the closing, and providing a notice prohibiting further receipt of waste materials. *The sign will remain in place until closure activities are complete.* Further, suitable barriers shall be installed at former accesses to prevent new waste from being deposited.

5. Inspection. The department shall inspect all solid waste management facilities at the time of closure to confirm that the closing is complete and adequate. It shall notify the owner of a closed facility, in writing, if the closure is satisfactory, and shall require any necessary construction or such other steps as may be necessary to bring unsatisfactory sites into compliance with this chapter.

## 9 VAC 20-80-480. Applicability.

A. No person shall construct, operate or modify a solid waste management facility in this Commonwealth without a permit issued by the director unless otherwise specified in subsection D of this section *or 9 VAC 20-80-485.*

B. Each solid waste management facility permit shall be limited to one site and shall be nontransferable between sites.

C. Issuance of a new permit is required when there is:

1. Any new solid waste management facility; ~~or~~

2. Any change in design or process of a solid waste management facility that will, in the opinion of the director, result in a substantially different type of facility; ~~or~~

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3. Any expansion beyond the facility boundary, expansion of the waste management unit boundary or increase in the capacity of the facility specified in the existing permit. Expansions beyond the facility boundary solely for remedial purposes that do not provide for additional waste disposal area will be considered permit amendments for the purpose of establishing permit fees under the provisions of 9 VAC 20-90-40 ~~et seq.~~ For all other considerations, expansions for remedial purposes will be considered a new permit.

D. Exemptions from permit requirements. Notwithstanding the above, the following shall not require a permit:

1. The management of materials excluded under 9 VAC 20-80-150 or conditionally exempt under 9 VAC 20-80-160;
2. The solid waste management practices conditionally exempt under 9 VAC 20-80-60 D;
3. Use or reuse or temporary storage incidental to use or reuse whereby material which would otherwise be solid waste is used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product;

NOTE: This exemption does not include reclamation processes, storage prior to reclamation, and storage of speculatively accumulated materials.

4. The management of wastes regulated under other regulations of the department as specified in 9 VAC 20-80-120; or
5. The management of wastes in remediation waste management units regulated under 9 VAC 20-80-450.

E. Variances. The director may grant a variance from any regulation contained in this part to a permittee provided the requirements of Part IX (9 VAC 20-80-730 et seq.) of this chapter are met.

## **9 VAC 20-80-485. Permits-by-rule and other special permits.**

A. Permits by rule. Unless the owner or operator of the following facilities chooses to apply for and receive a full permit, he shall be deemed to have a solid waste management facility permit notwithstanding any other provisions of Part VII (9 VAC 20-80-480 et seq.) of this chapter, except 9 VAC 20-80-500 B 2 and B 3, if the conditions listed are met:

1. Transfer stations. The owner or operator of a transfer station, if he:
  - a. Notifies the director of his intent to operate such a facility and provides to the department documentation required under 9 VAC 20-80-500 B;
  - b. Provides the director with a certification that the facility meets the siting standards of 9 VAC 20-80-340 B;
  - c. Furnishes to the director a certificate signed by a registered professional engineer that the facility has been designed and constructed in accordance with the standards of 9 VAC 20-80-340 C;

d. Submits to the director an operational plan describing how the standards of 9 VAC 20-80-340 D will be met;

e. Submits to the director a closure plan describing how the standards of 9 VAC 20-80-340 E will be met; and

f. Submits to the director the proof of financial responsibility if required by the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9 VAC 20-70); and

g. Submits to the director the results of the public participation effort conducted in accordance with the requirements contained in subdivision [5 6] of this subsection.

2. Materials recovery facilities. The owner or operator of a materials recovery facility, if the owner or operator:

a. Notifies the director of his intent to operate such a facility and provides the department with documentation required under 9 VAC 20-80-500 B;

b. Provides the director with a certification that the facility meets the siting standards of 9 VAC 20-80-360 B, as applicable;

c. Furnishes to the director a certificate signed by a registered professional engineer that the facility has been designed and constructed in accordance with the standards of 9 VAC 20-80-360 C, as applicable;

d. Submits to the director an operational plan describing how the standards of 9 VAC 20-80-360 D, as applicable, will be met;

e. Submits to the director a closure plan describing how the standards of 9 VAC 20-80-360 E, as applicable, will be met;

f. Submits to the director the proof of financial responsibility if required by the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9 VAC 20-70);

g. Submits to the director the results of the public participation effort conducted in accordance with the requirements contained in subdivision [5 6] of this subsection; and

h. In addition to the above, in the case of facilities engaged in reclamation of petroleum-contaminated materials, submits to the director:

(1) A copy of the facility permit issued in accordance with the regulations promulgated by the of Air Pollution Control Board when applicable; and

(2) A description how the requirements of 9 VAC 20-80-700 will be met.

i. Existing soil reclamation facilities which became operational prior to March 15, 1993, on the basis of written approval from the director, are considered to be operating under a permit-by-rule.



3. Energy recovery, thermal treatment, or incineration facility. The owner or operator of an energy recovery, thermal treatment, or incineration facility, if he:

- a. Notifies the director of his intent to operate such a facility and provides to the department documentation required under 9 VAC 20-80-500 B;
- b. Provides the director with a certification that the facility meets the siting standards of 9 VAC 20-80-370 B, as applicable;
- c. Furnishes to the director a certificate signed by a registered professional engineer that the facility has been designed and constructed in accordance with the standards of 9 VAC 20-80-370 C, as applicable; and
- d. Submits to the director an operational plan describing how the standards of 9 VAC 20-80-370 D, as applicable, will be met.
- e. Submits to the director a closure plan describing how the standards of 9 VAC 20-80-370 E, as applicable, will be met;
- f. Submits to the director the proof of financial responsibility if required by the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9 VAC 20-70); and
- g. Furnishes to the director a copy of the facility permit issued in accordance with the regulations promulgated by the Air Pollution Control Board.
- h. In addition to the above, in the case of thermal treatment facilities engaged in reclamation of petroleum-contaminated materials, submits to the director a description of how the requirements of 9 VAC 20-80-700 will be met.

4. Composting facilities. The owner or operator of all Type A or Type B facilities that receive no more than 700 tons per quarter of compostable materials, if he:

- a. Notifies the director of his intent to operate such a facility and provides to the department documentation required under 9 VAC 20-80-500 B;
- b. Provides the director with the description of the type of facility and the classification of materials that will be composted as classified under 9 VAC 20-80-330 A 4;
- c. Provides the director with a certification that the facility meets the siting standards of 9 VAC 20-80-330 B;
- d. Furnishes to the director a certificate signed by a registered professional engineer that the facility has been designed and constructed in accordance with the standards of 9 VAC 20-80-330 C;
- e. Submits to the director an operational plan describing how the standards of 9 VAC 20-80-330 D will be met;
- f. Submits to the director a closure plan describing how the standards of 9 VAC 20-80-330 E will be met;
- g. Submits to the director the proof of financial responsibility if required by the Financial Assurance

Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9 VAC 20-70); and

h. Submits to the director the results of the public participation effort conducted in accordance with the requirements contained in subdivision [5 6] of this subsection.

5. *Waste piles. The owner or operator of a waste pile, if the owner or operator:*

- a. *Notifies the director of his intent to operate such a facility and provides the department with documentation required under 9 VAC 20-80-500 B;*
- b. *Provides the director with a certification that the facility meets the siting standards of 9 VAC 20-80-400 B, as applicable;*
- c. *Furnishes to the director a certificate signed by a registered professional engineer that the facility has been designed and constructed in accordance with the standards of 9 VAC 20-80-400 C, as applicable;*
- d. *Submits to the director an operational plan, including a contingency plan, describing how the standards of 9 VAC 20-80-400 D, as applicable, will be met;*
- e. *Submits to the director a closure plan describing how the standards of 9 VAC 20-80-400 E, as applicable, will be met;*
- f. *Submits to the director the proof of financial responsibility if required by the Financial Assurance Regulations for Solid Waste Facilities (9 VAC 20-70);*
- g. *Submits to the director the results of the public participation effort conducted in accordance with the requirements contained in subdivision 6 of this subsection; and*
- h. *Submits to the director a copy of the facility's VPDES permit if applicable.*

~~5-~~ 6. Public participation.

a. Before the initiation of any construction at the facility under subdivision 1, 2, 3, or 4 of this subsection, the owner or operator shall publish a notice once a week for two consecutive weeks in a major local newspaper of general circulation informing the public that he intends to construct and operate a facility eligible for a permit-by-rule. The notice shall include:

- (1) A brief description of the proposed facility and its location;
- (2) A statement that the purpose of the public participation is to acquaint the public with the technical aspects of the facility and how the standards and the requirements of this chapter will be met, to identify issues of concern, to facilitate communication and to establish a dialogue between the permittee and persons who may be affected by the facility;
- (3) Announcement of a 30-day comment period, in accordance with subdivision 5 6 d of this subsection, and the name, telephone number, and address of the

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owner's or operator's representative who can be contacted by the interested persons to answer questions or where comments shall be sent;

(4) Announcement of the date, time, and place for a public meeting held in accordance with subdivision 5 6 c of this subsection; and

(5) Location where copies of the documentation to be submitted to the department in support of the permit-by-rule notification and any supporting documents can be viewed and copied.

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

c. The owner or operator shall hold a public meeting not earlier than 15 days after the publication of the notice required in subdivision 5 6 a of this subsection and no later than seven days before the close of the 30-day comment period. The meeting shall be held to the extent practicable in the vicinity of the proposed facility.

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

e. The requirements of this section do not apply to the owners or operators of a material or energy recovery facility, an incinerator or a thermal treatment unit that has received a permit from the department based on the regulations promulgated by the State Air Pollution Control Board or State Water Control Board that required facility-specific public participation procedures.

6. Upon receiving the certifications and other required documents, including the results of the public meeting and the applicant's response to the comments received, the director will acknowledge their receipt within 10 working days. If the applicant's submission is administratively incomplete, the letter will state that the facility will not be considered to have a permit-by-rule until the missing certifications or other required documentation is submitted. At the time of the initial receipt or at a later date, the director may require changes in the documents designed to assure compliance with the standards of Part VI (9 VAC 20-80-320 et seq.) and Part VIII (9 VAC 20-80-630 et seq.), if applicable. Should such changes not be accomplished by the facility owner or operator, the director may require the operator to submit the full permit application and to obtain a regular solid waste management facility permit.

7. Change of ownership. A permit by rule may not be transferred by the permittee to a new owner or operator. However, when the property transfer takes place without proper closure, the new owner shall notify the department of the sale and fulfill all the requirements contained in subdivisions 1 through 4 of this subsection with the exception of those dealing with the financial assurance. Upon presentation of the financial assurance proof required by 9 VAC 20-70 by the new owner, the department will release the old owner from his closure and financial

responsibilities and acknowledge existence of the new permit by rule in the name of the new owner.

8. Facility modifications. The owner or operator of a facility operating under a permit by rule may modify its design and operation by furnishing the department a new certificate prepared by the professional engineer and new documentation required under subdivision 1, 2, 3, ~~4~~, or 5 as applicable, and 5 6 of this subsection. Whenever modifications in the design or operation of the facility affect the provisions of the approved closure plan, the owner or operator shall also submit an amended closure plan. Should there be an increase in the closure costs, the owner or operator shall submit a new proof of financial responsibility as required by the Financial Assurance Regulations for Solid Waste Disposal, Transfer, and Treatment Facilities (9 VAC 20-70).

9. Loss of permit by rule status. In the event that a facility operating under a permit by rule violates any applicable siting, design and construction, or closure provisions of Part VI of this chapter, the owner or operator of the facility will be considered to be operating an unpermitted facility as provided for in 9 VAC 20-80-80 and shall be required to either obtain a new permit as required by Part VII or close under Part V or VI of this chapter, as applicable.

10. Termination. The director shall terminate permit by rule and shall require closure of the facility whenever he finds that:

a. As a result of changes in key personnel, the requirements necessary for a permit by rule are no longer satisfied;

b. The applicant has knowingly or willfully misrepresented or failed to disclose a material fact in his disclosure statement, or any other report or certification required under this chapter, or has knowingly or willfully failed to notify the director of any material change to the information in the disclosure statement;

c. Any key personnel have been convicted of any of the crimes listed in § 10.1-1409 of the Code of Virginia, punishable as felonies under the laws of the Commonwealth, or the equivalent of them under the laws of any other jurisdiction; or has been adjudged by an administrative agency or a court of competent jurisdiction to have violated the environmental protection laws of the United States, the Commonwealth or any other state and the director determines that such conviction or adjudication is sufficiently probative of the permittee's inability or unwillingness to operate the facility in a lawful manner; or

d. The operation of the facility is inconsistent with the facility's operations manual and the operational requirements of the regulations.

B. Emergency permits. Notwithstanding any other provision of Part VII of this chapter, in the event the director finds an imminent and substantial endangerment to human health or the environment, the director may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal of solid waste for a nonpermitted facility or solid

waste not covered by the permit for a facility with an effective permit. Such permits:

1. May be oral or written. If oral, it shall be followed within five days by a written emergency permit;
2. Shall not exceed 90 days in duration;
3. Shall clearly specify the solid wastes to be received, and the manner and location of their treatment, storage, or disposal;
4. Shall be accompanied by a public notice including:
  - a. Name and address of the office granting the emergency authorization;
  - b. Name and location of the facility so permitted;
  - c. A brief description of the wastes involved;
  - d. A brief description of the action authorized and reasons for authorizing it;
  - e. Duration of the emergency permit; and
5. Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

C. Experimental facility permits.

1. The director may issue an experimental facility permit for any solid waste treatment facility which proposes to utilize an innovative and experimental solid waste treatment technology or process for which permit standards for such experimental activity have not been promulgated under Part VI of this chapter. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits:
  - a. Shall provide for the construction of such facilities based on the standards shown in 9 VAC 20-80-470, as necessary;
  - b. Shall provide for operation of the facility for no longer than one calendar year unless renewed as provided in subdivision 3 of this subsection;
  - c. Shall provide for the receipt and treatment by the facility of only those types and quantities of solid waste which the director deems necessary for purposes of determining the efficiency and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and
  - d. Shall include such requirements as the director deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, closure and remedial action), and such requirements as the director deems necessary regarding testing and providing of information to the director with respect to the operation of the facility.
2. For the purpose of expediting review and issuance of permits under this subsection, the director may, consistent with the protection of human health and the environment,

modify or waive permit application and permit issuance requirements in Part VII of this chapter except that there may be no modification or waiver of regulations regarding local certification, disclosure statement requirements, financial responsibility (including insurance) or of procedures regarding public participation.

3. Any permit issued under this subsection may be renewed not more than three times. Each such renewal shall be for a period of not more than one calendar year.

VA.R. Doc. No. R04-17; Filed August 17, 2005, 11:20 a.m.



**TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING**

**BOARD OF VETERINARY MEDICINE**

**REGISTRAR'S NOTICE:** The following regulatory action is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 7 of the Code of Virginia, which exempts regulations of the regulatory boards served by the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.

**Title of Regulation:** 18 VAC 150-20. Regulations Governing the Practice of Veterinary Medicine (18 VAC 150-20-100).

**Statutory Authority:** Chapter 38 (§ 54.1-3800 et seq.) of Title 54.1 of the Code of Virginia.

**Effective Date:** October 5, 2005.

**Agency Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, 6603 West Broad Street, 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098 or e-mail elizabeth.carter@dhp.virginia.gov.

**Summary:**

*The amendments adopt a one-time reduction in renewal fees. The renewal fee for veterinarians will be reduced for the renewal date of December 31, 2005, from \$135 to \$100; for veterinary establishments, the renewal fee will be reduced from \$140 to \$120; for veterinary technicians, the renewal fee will be reduced from \$30 to \$25. Fees for inactive licensure, which are approximately one-half the active renewal fee, and late fees for sending a renewal after the deadline, which are approximately one-third the renewal fee, are reduced correspondingly.*

**18 VAC 150-20-100. Fees.**

A. The following fees shall be in effect from October 15, 2005, to October 15, 2006:

Veterinary initial license	\$135
Veterinary license renewal (active)	\$100
Veterinary license renewal (inactive)	\$50
Veterinary reinstatement of expired license	\$175
Veterinary license late renewal	\$35

# Final Regulations

Veterinarian reinstatement after disciplinary action	\$300
Veterinary technician initial license or renewal	\$25
Veterinary technician license renewal (inactive)	\$15
Veterinary technician license late renewal	\$10
Veterinary technician reinstatement of expired license	\$50
Veterinary technician reinstatement after disciplinary action	\$75
Initial veterinary establishment permit registration	\$200
Veterinary establishment renewal	\$120
Veterinary establishment late renewal	\$40
Veterinary establishment reinstatement	\$100
Veterinary establishment reinspection	\$200
Veterinary establishment -- change of location	\$200
Veterinary establishment -- change of veterinarian-in-charge	\$30
Duplicate license	\$10
Duplicate wall certificate	\$25
Returned check	\$25
Licensure verification to another jurisdiction	\$15
 <i>B. The following fees shall be in effect on October 15, 2006, and thereafter:</i>	
Veterinary initial license or renewal (active)	\$135
Veterinary license renewal (inactive)	\$65
Veterinary reinstatement of expired license	\$175
Veterinary license late renewal	\$45
Veterinarian reinstatement after disciplinary action	\$300
Veterinary technician initial license or renewal	\$30
Veterinary technician license renewal (inactive)	\$15
Veterinary technician license late renewal	\$15
Veterinary technician reinstatement of expired license	\$50
Veterinary technician reinstatement after disciplinary action	\$75
Initial veterinary establishment permit registration	\$200
Veterinary establishment renewal	\$140
Veterinary establishment late renewal	\$45
Veterinary establishment reinstatement	\$100
Veterinary establishment reinspection	\$200
Veterinary establishment -- change of location	\$200

Veterinary establishment -- change of veterinarian-in-charge	\$30
Duplicate license	\$10
Duplicate wall certificate	\$25
Returned check	\$25
Licensure verification to another jurisdiction	\$15

**NOTICE:** The forms used in administering 18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

## FORMS

Licensure Procedure for Veterinarians (rev. 10/02)
Application for a License to Practice Veterinary Medicine (rev. 7/03).
Instructions to the Veterinary Technician Applicant (rev. <del>4/02</del> 10/05).
Application for a License to Practice Veterinary Technology (rev. 7/03).
Applicant Instructions for New, Upgrading to Full Service, or Change of Location Inspections (eff. 10/02).
Application for Veterinary Establishment Permit (rev. 7/02).
Application for Reinstatement (rev. 10/02).
Renewal Notice and Application-0301 (rev. 7/02).
Renewal Notice and Application-0302 (rev. 7/02).
Licensure Verification-Veterinarian (rev. 07/04).
Licensure Verification-Veterinary Technician (rev. 11/02).
Application for Registration for Volunteer Practice (eff. 12/02).
Sponsor Certification for Volunteer Registration (eff. 1/03).

## BOARD OF VETERINARY MEDICINE

### PLEASE TAKE SPECIAL NOTE:

APPLICANTS MUST SIGN A NOTARIZED STATEMENT ON THE BACK OF THE APPLICATION FORMALLY ACKNOWLEDGING THAT THEY HAVE READ, UNDERSTAND, AND WILL ABIDE BY THE STATUTES AND REGULATIONS. THIS MEANS THAT LICENSES CAN BE ISSUED IMMEDIATELY UPON RECEIPT BY THE BOARD OFFICE OF ALL REQUIRED DOCUMENTS AND FEES, PROVIDED THAT THE APPLICANT IS QUALIFIED FOR LICENSURE.

### Instructions to the Veterinary Technician Licensure Applicant

The booklet, *Statutes and Regulations*, is provided for your study. It contains the laws and regulations which govern the practice of veterinary medicine and veterinary technology in Virginia, including the *Drug Control Act*. Retain the booklet for your reference.

To be considered for licensure, you ***must be a graduate of an American Veterinary Medical Association (AVMA) accredited school of veterinary technology with an associate degree in veterinary technology.***

All applicants for licensure as a veterinary technician must provide the following to the Board office at the address on the next page:

- *A completed, properly executed application.* In addition to providing the requested information, the applicant must sign before a notary the statement attesting to his reading, understanding and willingness to comply with the statutes and regulations governing veterinary medicine in Virginia.
- Payment of the licensure fee which must accompany the application. The fee for licensure is \$25 for an active license and \$15 for an inactive license. (An active license is required in order to practice in Virginia.)
- *Transcript certifying graduation with an associate degree in veterinary technology from an AVMA accredited school.* The transcript must denote the date your degree was conferred. **NOTE:** The transcript may be received **directly from the school** or will be accepted in a sealed envelope from you provided the seal from the school has not been broken. **Copies of diplomas will not be accepted in lieu of official transcripts.**

G: VETTECHINSTRUCTION2002 (REV 10/02)

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# Final Regulations

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- *A report from the Interstate Reporting Service of a passing score on the National Board Examination in Veterinary Technology.* A form is included to have the score transferred to Virginia. If you have any questions regarding this form please call the Interstate Reporting Service at (212) 367-4365. **DO NOT SEND THESE FORMS TO THE STATE BOARD. THEY SHOULD BE SENT TO THE ADDRESS ON THE FORM.** (If you sat for the NBE in Virginia, you will not have to have the score transferred but be sure to indicate this in the space provided on the front of the application.)
- *Certification of licensure from each state board from which the applicant currently holds or has ever held a license to practice as a veterinary technician.* This should be sent directly by the state board or again, may be sent by the applicant given it is in an envelope sealed by the state board, and the seal is unbroken.

**PLEASE NOTE: APPLICATIONS WHICH ARE NOT ACCOMPANIED BY THE FEE OR WHICH CONTAIN INCOMPLETE INFORMATION WILL BE RETURNED TO THE APPLICANT.**

**PLEASE FORWARD YOUR APPLICATION AND FEE TO:**

VIRGINIA BOARD OF VETERINARY MEDICINE  
6603 W. BROAD ST., 5TH FLOOR  
RICHMOND, VA 23230-1712

*Revised 10/05/2005*

G: VETTECHINSTRUCTION2002 (REV 10/02)

VA.R. Doc. No. R05-291; Filed August 17, 2005, 11:37 a.m.

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# FAST-TRACK REGULATIONS

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Section 2.2-4012.1 of the Code of Virginia provides an exemption from certain provisions of the Administrative Process Act for agency regulations deemed by the Governor to be noncontroversial. To use this process, Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations will become effective on the date noted in the regulatory action if no objections to using the process are filed in accordance with § 2.2-4012.1.

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## TITLE 9. ENVIRONMENT

### STATE AIR POLLUTION CONTROL BOARD

#### Suspension of Regulatory Process

**Titles of Regulations:** 9 VAC 5-50. New and Modified Stationary Sources (amending 9 VAC 5-50-260).

9 VAC 5-60. Hazardous Air Pollutant Sources (adding 9 VAC 5-60-92).

9 VAC 5-80. Permits for Stationary Sources (amending 9 VAC 5-80-1100, 9 VAC 5-80-1110, 9 VAC 5-80-1120, 9 VAC 5-80-1140, 9 VAC 5-80-1160, 9 VAC 5-80-1170, 9 VAC 5-80-1280, 9 VAC 5-80-1290, 9 VAC 5-80-1300, and 9 VAC 5-80-1320).

The Department of Environmental Quality, on behalf of the State Air Pollution Control Board, is suspending the regulatory action for 9 VAC 5-50, 9 VAC 5-60 and 9 VAC 5-80 related to converting the permit applicability approach for the minor new source review program (Rev. K04). This action is pending reconsideration by the board of the final amendments. This action was published as a fast-track regulation in 21:19 VA.R. 2573-2590 May 30, 2005, and the amendments were to become effective August 29, 2005.

**Agency 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.

VA.R. Doc. No. R05-191; Filed August 26, 2005, 2:41 p.m.

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# EMERGENCY REGULATIONS

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## TITLE 4. CONSERVATION AND NATURAL RESOURCES

### DEPARTMENT OF MINES, MINERALS AND ENERGY

Title of Regulation: 4 VAC 25-130. Coal Surface Mining Reclamation Regulations (amending 4 VAC 25-130-816.11 and 4 VAC 25-130-816.64).

Statutory Authority: §§ 45.1-161.3 and 45.1-230 of the Code of Virginia.

Effective Dates: August 10, 2005, through August 9, 2006.

Agency Contact: Stephen A. Walz, Regulatory Coordinator, Department of Mines, Minerals and Energy, 202 North Ninth Street, 8th Floor, Richmond, VA 23219-3402, telephone (804) 692-3211, FAX (804) 692-3237, or e-mail stephen.walz@dmme.virginia.gov.

Preamble:

*This regulation change is being made to meet the requirements of Chapter 3 of the 2005 Acts of Assembly, which directs the Department of Mines, Minerals and Energy to promulgate regulations within 280 days of the enactment of the Act that:*

*1. Require coal mine permit boundary markers located on steep slopes above private dwellings or occupied buildings to be made or marked with fluorescent or reflective material; and*

*2. Require persons conducting blasting operations on coal mines occurring within 1,000 feet of a private dwelling or occupied building to conduct seismic monitoring of the blasting.*

*This regulation amendment was recommended in the accident investigation report following an August 20, 2004, accident in Wise County that resulted in fatal injuries to a three-year old boy.*

*This first amendment to the regulation will require coal mine operators to install and maintain permanent permit boundary markers in areas located above residences or occupied buildings that are made out of or marked with fluorescent or reflective paint. This requirement is being put into place to ensure that persons conducting mining operations can clearly locate the boundaries of the permitted site during the night or day when they are working on slopes above residences or occupied buildings. The goal of this change is to ensure that no danger is posed from material being released off of the permitted mine site where it can move downhill into the residences or occupied buildings.*

*The second amendment to the regulation will require operators of coal mines to monitor all blasts within 1,000 feet of a residence or occupied building with a seismograph. Under current regulations, operators may use a formula, called the scaled distance equation, to determine the allowable charge weight of explosives to be detonated in any eight-millisecond period and not be required to monitor*

*the air blast or ground vibration with a seismograph. This amendment is being put in place to help respond to the large number of complaints from the public about the effects of blasting on coal mines. Monitoring every blast will enable the Department of Mines, Minerals and Energy to better determine whether blasts on coal mines exceed the maximum air blast and ground vibration limits in the regulation.*

#### 4 VAC 25-130-816.11. Signs and markers.

(a) Specifications. Signs and markers required under this Part shall-

(1) Be posted, maintained, and removed by the person who conducts the surface mining activities;

(2) Be of a uniform design throughout the operation that can be easily seen and read;

(3) Be made of durable material;

(4) Be made of or marked with fluorescent or reflective paint or material if the signs are permit boundary markers on areas that are located on steep slopes above private dwellings or other occupied buildings; and

~~(4)~~ (5) Conform to local ordinances and codes.

(b) Maintenance. Signs and markers shall be maintained during the conduct of all activities to which they pertain.

(c) Mine and permit identification signs.

(1) Identification signs shall be displayed at each point of access to the permit area from public roads.

(2) Signs shall show the name, business address, and telephone number of the permittee and the identification number of the current permit authorizing surface coal mining activities.

(3) Signs shall be retained and maintained until after the release of all bonds for the permit area.

(d) Perimeter markers. The perimeter of a permit area shall be clearly marked prior to the permit review conducted by the division's field enforcement personnel. The perimeter shall be clearly marked by flagging, stakes or signs. All markers shall be easily visible from adjacent markers. The approximate outer perimeter of the solid portion of any pre-existing bench shall be closely marked prior to permit review.

(e) Buffer zone markers. Buffer zones shall be marked along their boundaries, prior to permit review conducted by the division's field enforcement personnel. The boundaries shall be clearly marked by flagging, stakes or signs as required under 4 VAC 25-130-816.57. All markers of the buffer zone shall be easily visible from adjacent markers.

(f) Blasting signs. If blasting is conducted incident to surface mining activities, the person who conducts these activities shall:

(1) Conspicuously place signs reading "Blasting Area" along the edge of any blasting area that comes within 100 feet of any public road right of way, and at the point where any other road provides access to the blasting area; and



(2) At all entrances to the permit area from public roads or highways place conspicuous signs which state "Warning! Explosives In Use" which clearly list and describe the meaning of the audible blast warning and all clear signals that are in use, and which explain the marking of blasting areas and charged holes awaiting firing within the permit area.

(g) Topsoil markers. Where topsoil or other vegetation - supporting material is segregated and stockpiled as required under 4 VAC 25-130-816.22, the stockpiled material shall be clearly marked.

(h) Incremental bonding markers. When the permittee elects to increment the amount of performance bond during the term of the permit, he shall, if required by the division, identify the initial and successive incremental areas for bonding by clearly marking such areas (with markers different from the perimeter markers) prior to disturbing the incremental area(s).

**4 VAC 25-130-816.64. Use of explosives; blasting schedule.**

(a) General requirements.

(1) The permittee shall conduct blasting operations at times approved by the division and announced in the blasting schedule. The division may limit the area covered, timing, and sequence of blasting as listed in the schedule, if such limitations are necessary and reasonable in order to protect the public health and safety or welfare.

(2) All blasting shall be conducted during daylight hours. The division may specify more restrictive time periods for blasting.

(3) Unscheduled blasts may be conducted only where public or permittee health and safety so require and for emergency blasting actions. When a permittee conducts an unscheduled blast, the permittee, using audible signals, shall notify residents within 1/2 mile of the blasting site and document the reason for the unscheduled blast in accordance with 4 VAC 25-130-816.68(p).

*(4) Seismic monitoring shall be conducted when blasting operations on coal surface mining operations are conducted within 1,000 feet of a private dwelling or other occupied building.*

(b) Blasting schedule publication and distribution.

(1) The permittee shall publish the blasting schedule in a newspaper of general circulation in the locality of the blasting site at least 10 days, but not more than 30 days, before beginning a blasting program.

(2) The permittee shall distribute copies of the schedule to local governments and public utilities and to each local residence within 1/2 mile of the proposed blasting site described in the schedule.

(3) The permittee shall republish and redistribute the schedule at least every 12 months and revise and republish the schedule at least 10 days, but not more than 30 days, before blasting whenever the area covered by the schedule changes or actual time periods for blasting significantly differ from the prior announcement.

(c) Blasting schedule contents. The blasting schedule shall contain, at a minimum-

- (1) Name, address, and telephone number of the permittee;
- (2) Identification of the specific areas in which blasting will take place;
- (3) Dates and time periods when explosives are to be detonated;
- (4) Methods to be used to control access to the blasting area; and
- (5) Type and patterns of audible warning and all-clear signals to be used before and after blasting.

/s/ Mark R. Warner  
Governor  
Date: August 5, 2005

VA.R. Doc. No. R05-283; Filed August 10, 2005, 3:01 p.m.



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# GOVERNOR

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EXECUTIVE ORDER NUMBER 96 (2005)

## **ESTABLISHING THE CIVIL RIGHTS MEMORIAL COMMISSION**

### Importance of the Issue

The Civil Rights Movement was a seminal period in our shared history. The struggles of the Civil Rights Movement secured the constitutional rights of African-Americans and other persons suffering from discrimination in our society. It is a movement that the Commonwealth of Virginia and the Nation should remember and honor.

The Commonwealth has memorialized for future generations many aspects of our history at the seat of government in Capitol Square in Richmond. Regrettably, the Civil Rights Movement has yet to receive such recognition.

Many of the most important legal victories of the Civil Rights Movement originated in Virginia, including Supreme Court decisions that desegregated public transportation and accommodations, juries, courtrooms, and public schools, as well as decisions that invalidated anti-miscegenation laws and restrictive property covenants.

For example, in April 1951, the students of Robert Russa Moton High School in Farmville, Virginia, led by 16-year-old Barbara Johns, held a strike to protest unequal conditions in their school system. The protest led to a federal court case, *Davis v. County School Board of Prince Edward County*, which was eventually consolidated with four other cases from Delaware, South Carolina, Kansas, and Washington, D.C. The five consolidated lawsuits culminated in one of the most important decisions ever rendered by the United States Supreme Court, *Brown v. Board of Education of Topeka*. This landmark decision helped spark the Civil Rights Movement and subsequent events in Virginia that influenced the evolution of civil rights in both the Commonwealth and the nation.

The bravery of these students and other leaders of the Civil Rights Movement helped create a more just and equitable society for all of our people. There is no more important accomplishment in our history. It is long past time for the Commonwealth of Virginia to recognize and honor the Civil Rights Movement with a memorial.

At my request, the 2005 General Assembly overwhelmingly approved House Joint Resolution 790, which requests the Governor to establish a memorial commission on civil rights.

### Creation of the Commission

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Title 2.2 of the Code of Virginia, I hereby establish the Civil Rights Memorial Commission. The Commission shall consist of eight members. As requested by House Joint Resolution 790, I will chair the Commission. Other members shall include the Lieutenant Governor, the Speaker of the House of Delegates, one member of the House of Delegates (appointed by the Speaker of the House of Delegates), the Chairman of the

Senate Committee of Rules, and three other members appointed by the Governor.

Members of the Commission shall serve without compensation, but they may receive reimbursement for expenses incurred in the discharge of their official duties.

### Charge for the Commission

I hereby direct the Commission to study and recommend to the Governor and General Assembly an appropriate memorial in Capitol Square to commemorate the courage and fortitude of Virginians in the Civil Rights Movement, including the students of Robert Russa Moton High School, and other leaders who contributed to the Civil Rights Movement in Virginia.

I further direct that all agencies of the Commonwealth provide any assistance that may be requested by the Commission. Staff support for the Commission shall be provided by the Office of the Governor and such other agencies as may be designated by the Governor.

The Commission shall submit a report of its findings and recommendations, including an appropriate executive summary, to the General Assembly and to me by December 31, 2005.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 1, 2006, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of July 2005.

/s/ Mark R. Warner  
Governor

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# GENERAL NOTICES/ERRATA

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## DEPARTMENT OF ENVIRONMENTAL QUALITY

### Total Maximum Daily Load (TMDL) for Little Creek and Beaver Creek

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 an Implementation Plan (IP) for a bacteria total maximum daily load (TMDL) on Little Creek in Washington County and bacteria and benthic TMDLs for Beaver Creek in Washington County and the City of Bristol. The Little Creek TMDL was approved by EPA in June 2002 and the Beaver Creek TMDLs were approved in July 2004. TMDL study reports can be found at the DEQ website at <http://www.deq.virginia.gov/tmdl/apptmdls>.

Section 62.1-44.19:7 C of the Code of Virginia requires 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 first public meeting on the development of the IP for Little Creek and Beaver Creek bacteria TMDLs will be held on Thursday, September 22, 2005, from 7 p.m. to 9 p.m. in the Bristol Chamber of Commerce Board Room, 20 Volunteer Parkway, Bristol, Virginia.

The public comment period will end on October 22, 2005. A fact sheet on the development of an IP for the Little Creek and Beaver Creek TMDLs is available upon request. Written comments and inquiries should include the name, address, and telephone number of the person submitting the comments and should be sent to Ms. Theresa Carter, Department of Conservation and Recreation, 252 W. Main Street, Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, or e-mail [theresa.carter@dcr.virginia.gov](mailto:theresa.carter@dcr.virginia.gov).

### Total Maximum Daily Load (TMDL) for the City of Hampton, City of Poquoson and York County, Virginia

The Department of Environmental Quality (DEQ), Virginia Department of Health 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 shellfish propagation waters located in the City of Hampton, City of Poquoson, and York County, Virginia.

The impaired segments are located in VDH Growing Area 54 containing:

Growing Area 54	Cedar Creek, Northwest branch Back River
Growing Area 54	Topping Creek, Northwest branch Back River
Growing Area 54	Tabbs Creek, Northwest branch Back River

Growing Area 54 Watts Creek, Northwest branch Back River

Growing Area 54 Front Cove, Northwest branch Back River

Growing Area 54 S.W. Branch Back River

Growing Area 54 Harris River, Back River

Growing Area 54 Wallace Creek, Back River

Growing Area 54 Long Creek, Back River

Growing Area 54 Gundland Creek, Back River

All waters are tributaries 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.

This is the first public meeting to provide information and solicit participation of citizens and local government in the development of the fecal coliform TMDL's to be held on September 14, 2005, from 7 p.m. to 9 p.m. at the Northampton Branch, Hampton Public Library, main meeting room, 936 Big Bethel Road, Hampton, Virginia. Directions can be obtained by calling Chester Bigelow at (804) 698-4554 or visiting the library website at <http://www.hamptonpubliclibrary.org/services-mapnh.html>.

The public comment period will begin on September 15, 2005, and end on October 14, 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, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or e-mail [cbigelow@deq.virginia.gov](mailto:cbigelow@deq.virginia.gov).

## STATE LOTTERY DEPARTMENT

### Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on August 9, 2005, August 11, 2005, and August 15, 2005. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

#### Director's Order Number Fifty (05)

Virginia's Instant Game Lottery 288; "Black Cat Cash Doubler" (effective 8/3/05)

#### Director's Order Number Fifty-One (05)

Virginia's Instant Game Lottery 673; "Strike It Witch Tripler" (effective 7/21/05)

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# General Notices/Errata

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Director's Order Number Fifty-Three (05)

Virginia's Instant Game Lottery 674; "Instant Keno" (effective 8/8/05)

Director's Order Number Fifty-Four (05)

Virginia's Instant Game Lottery 679; "Stack'em" (effective 8/8/05)

Director's Order Number Fifty-Seven (05)

Virginia's Instant Game Lottery 684; "World Poker Tour \$100,000 Texas Hold'em" (effective 8/8/05)

Director's Order Number Fifty-Nine (05)

Virginia Lottery On-Line Games; "Subscription Program" (effective 8/8/05)

End of Games:

Director's Order Number Fifty-Five (05)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on August 5, 2005:

Game 250	Double Money
Game 264	High Card
Game 265	Cash Bonus
Game 267	Grand Hand
Game 268	Snake Rattle and Roll
Game 325	Checkerboard Bingo
Game 567	Triple 7's
Game 571	Player's Choice
Game 582	\$100,000 Riches
Game 604	Hands Down
Game 612	All the Marbles
Game 616	Ca\$hword Multiplier
Game 617	\$100,000 Draw Poker
Game 618	Cash Vault
Game 627	Casino Night
Game 628	Bonus Money
Game 629	High Stakes

The last day for lottery retailers to return for credit unsold tickets from any of these games will be September 2, 2005. The last day to redeem winning tickets for any of these games will be February 1, 2006, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a postmark of the United States Postal Service or another sovereign nation of February 1, 2006, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of lottery games.

This order is available for inspection and copying during normal business hours at the Virginia Lottery headquarters, 900 East Main Street, Richmond, Virginia; and at any Virginia Lottery regional office. A copy may be requested by mail by writing to: Director's Office, Virginia Lottery, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Frank S. Ferguson  
General Counsel  
August 2, 2005

/s/ Donna M. VanCleave  
Interim Executive Director  
August 5, 2005

## 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

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# CALENDAR OF EVENTS

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## 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](http://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

**September 15, 2005 - 6 p.m.** -- Open Meeting

**September 16, 2005 - 8 a.m.** -- Open Meeting

Woodlands Hotel and Suites, 105 Visitor Center Drive, Williamsburg, Virginia.♿ (Interpreter for the deaf provided upon request)

A working retreat for board members and staff. The sole purpose of the retreat is to discuss strategic planning. No routine board business will be discussed and no public comment will be taken.

**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](mailto:boa@boa.virginia.gov).

† **September 23, 2005 - 9 a.m.** -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Suite 378 Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Enforcement Committee to discuss open enforcement cases.

**Contact:** Jean Grant, Enforcement Coordinator/Investigator, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0725, FAX (804) 367-2174, (804) 367-9753/TTY☎, e-mail [jean.grant@boa.virginia.gov](mailto:jean.grant@boa.virginia.gov).

### COMMONWEALTH COUNCIL ON AGING

**September 8, 2005 - 9 a.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A regular quarterly meeting. Public comments are welcome.

**Contact:** Marsha Mucha, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

**September 8, 2005 - 1 p.m.** -- Open Meeting

Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A joint meeting of the Commonwealth Council on Aging and Virginia's Delegation to the 2005 White House Conference on Aging. Public comments are welcome.

**Contact:** Marsha Mucha, Virginia Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9312.

### BOARD OF AGRICULTURE AND CONSUMER SERVICES

† **September 23, 2005 - 9 a.m.** -- Open Meeting

Patrick Henry Building, 1111 East Broad Street, 2nd Floor, Governor's Cabinet Conference Room, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia agriculture and consumer services. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Roy Seward at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Roy E. Seward, Board Secretary, Department of Agriculture and Consumer Services, Washington Bldg., 1100 Bank St., Suite 211, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, e-mail [roy.seward@vdacs.virginia.gov](mailto:roy.seward@vdacs.virginia.gov).


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# Calendar of Events

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


### Virginia Cattle Industry Board

† **September 15, 2005 - 10 a.m.** -- Open Meeting  
Holiday Inn Golf and Conference Center, Woodrow Wilson Parkway, Staunton, Virginia. 

A meeting to (i) approve minutes from the July 2005 meeting; (ii) review the financial statements for the period October 1, 2004, through September 1, 2005; (iii) hear staff give program updates for the state and national level; (iv) review all projects submitted for fiscal year October 1, 2005, to September 30, 2006; and (v) develop a proposed budget for the upcoming fiscal year. The board will entertain public comment at the conclusion of all other business for a period not to exceed 30 minutes. Any person who needs any accommodation in order to participate at the meeting should contact Bill R. McKinnon at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Bill R. McKinnon, Executive Director, Department of Agriculture and Consumer Services, P.O. Box 9, Daleville, VA 24083, telephone (540) 992-1992, FAX (540) 992-4632, e-mail [bmckinnon@vacattlemen.org](mailto:bmckinnon@vacattlemen.org).


### Virginia Horse Industry Board

**September 29, 2005 - 10 a.m.** -- Open Meeting  
Virginia Department of Forestry, 900 Natural Resources Drive, 2nd Floor Meeting Room, Charlottesville, Virginia. 

A meeting to (i) review the minutes of the last meeting, (ii) review the end of the year budget for 2004-2005, and (iii) discuss marketing and promotional projects for 2005-2006. 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 Andrea S. Heid at least five days before the meeting date so that suitable arrangements can be made.

**Contact:** Andrea S. Heid, Equine Marketing Specialist/Program Manager, Department of Agriculture and Consumer Services, 1100 Bank St., 9th Floor, Richmond, VA 23219, telephone (804) 786-5842, FAX (804) 786-3122, e-mail [andrea.heid@vdacs.virginia.gov](mailto:andrea.heid@vdacs.virginia.gov).


## STATE AIR POLLUTION CONTROL BOARD

† **September 7, 2005 - 9:30 a.m.** -- Open Meeting  
† **September 15, 2005 - 9:30 a.m.** -- Open Meeting  
† **September 22, 2005 - 9:30 a.m.** -- Open Meeting  
† **September 29, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the Clean Air Mercury Rule Advisory Committee.

**Contact:** Mary E. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone

(804) 698-4423, FAX (804) 698-4510, e-mail [memajor@deq.virginia.gov](mailto:memajor@deq.virginia.gov).

† **September 7, 2005 - 1 p.m.** -- Open Meeting  
† **September 15, 2005 - 1 p.m.** -- Open Meeting  
† **September 22, 2005 - 1 p.m.** -- Open Meeting  
† **September 29, 2005 - 1 p.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the Clean Air Interstate Rule Advisory Committee.

**Contact:** Mary E. Major, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4423, FAX (804) 698-4510, e-mail [memajor@deq.virginia.gov](mailto:memajor@deq.virginia.gov).


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**September 12, 2005** - Public comments may be received 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 and 9 VAC 5-80, Permits for Stationary Sources (Rev E05)**. The purpose of the proposed action is to consider amending the regulations that govern permitting for new major stationary sources and major modifications in order to meet the new source reform requirements of 40 CFR Part 51. Public comments may be submitted until 5 p.m. on September 12, 2005.

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


**Contact:** Karen G. Sabasteanski, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4426, FAX (804) 698-4510, e-mail [kgsabastea@deq.virginia.gov](mailto:kgsabastea@deq.virginia.gov).

† **September 26, 2005 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting. The meeting start time is tentative.

**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](mailto:cmberndt@deq.virginia.gov).

## State Advisory Board on Air Pollution

**September 27, 2005 - 10 a.m.** -- Open Meeting  
**October 26, 2005 - 10 a.m.** -- Open Meeting  
**November 16, 2005 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 

A regular meeting.

**Contact:** Janet Wynne, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4140, e-mail [jtwynne@deq.virginia.gov](mailto:jtwynne@deq.virginia.gov).


## Small Business Environmental Compliance Advisory Board

**September 28, 2005 - 10 a.m.** -- Open Meeting  
Location to be announced.


A regular meeting. A location has not been determined and the time is tentative.

**Contact:** Richard Rasmussen, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4394, FAX (804) 698-4264, e-mail rgrasmussen@deq.virginia.gov.


## ALCOHOLIC BEVERAGE CONTROL BOARD

**September 12, 2005 - 9 a.m.** -- Open Meeting  
**September 26, 2005 - 9 a.m.** -- Open Meeting  
**October 11, 2005 - 9 a.m.** -- Open Meeting  
**October 24, 2005 - 9 a.m.** -- Open Meeting  
**November 7, 2005 - 9 a.m.** -- Open Meeting  
**November 21, 2005 - 9 a.m.** -- Open Meeting  
**† December 5, 2005 - 9 a.m.** -- Open Meeting  
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. 


An executive staff meeting to receive and discuss reports and activities from staff members and to discuss other matters not yet determined.

**Contact:** W. Curtis Coleburn, III, Secretary to the Board, Department of Alcoholic Beverage Control, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY , e-mail curtis.coleburn@abc.virginia.gov.


## ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

**September 20, 2005 - 10 a.m.** -- Open Meeting  
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting.


**Contact:** Cecily Slasor, I and R Specialist, Alzheimer's Disease and Related Disorders Commission, 1610 Forest Ave., Ste. 100, Richmond, VA 23229, telephone (804) 662-9338, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY , e-mail cecily.slasor@vda.virginia.gov.

## BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS


**September 7, 2005 - 3 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:** 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.

**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.

**October 26, 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.

**October 31, 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

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## Calendar of Events

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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](mailto:apelscidla@dpor.virginia.gov).

**November 3, 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](mailto:apelscidla@dpor.virginia.gov).

**November 8, 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 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](mailto:apelscidla@dpor.virginia.gov).

**November 10, 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](mailto:apelscidla@dpor.virginia.gov).

### ART AND ARCHITECTURAL REVIEW BOARD

**September 9, 2005 - 10 a.m.** -- Open Meeting  
**October 7, 2005 - 10 a.m.** -- Open Meeting  
**November 4, 2005 - 10 a.m.** -- Open Meeting  
**† December 2, 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](http://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](mailto:rford@comarchs.com).

### VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

**November 2, 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](mailto:alhi@dpor.virginia.gov).

### COMPREHENSIVE SERVICES FOR AT-RISK YOUTH AND FAMILIES

#### State Executive Council


**September 14, 2005 - 9 a.m.** -- Open Meeting  
**November 16, 2005 - 9 a.m.** -- Open Meeting  
Location to be announced.

A regular meeting. The meeting will adjourn by noon.


**Contact:** Kim McGaughy, 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

**October 6, 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 interpretive services should contact the department at 804-367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** 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](mailto:auctioneers@dpor.virginia.gov).


## BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

**November 10, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. 


A regular board meeting.

**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](mailto:elizabeth.young@dhp.virginia.gov).


## BOARD FOR BARBERS AND COSMETOLOGY

**September 8, 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:** William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8575, FAX (804) 367-2474, (804) 367-9753/TTY , e-mail [barbercosmo@dpor.virginia.gov](mailto:barbercosmo@dpor.virginia.gov).

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**October 17, 2005 - 10 a.m.** -- CANCELED  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 

**October 21, 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 Barbers and Cosmetology intends to adopt regulations entitled **18 VAC 41-50, Tattooing Regulations**. The purpose of the

proposed regulations is to promulgate regulations governing the licensure and practice of tattooing as mandated by Chapter 869 of the 2002 Acts of Assembly.


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

**Contact:** William H. Ferguson II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295 or e-mail [william.ferguson@dpor.virginia.gov](mailto:william.ferguson@dpor.virginia.gov).


**October 31, 2005 - 9 a.m.** -- CANCELED

† **December 5, 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](mailto:barbercosmo@dpor.virginia.gov).

## BOARD FOR THE BLIND AND VISION IMPAIRED


† **October 11, 2005 - 1 p.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, Administrative Headquarters Building, 397 Azalea Avenue, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review information regarding Department for the Blind and Vision Impaired activities and operations, review expenditures from board endowment fund, and discuss other issues raised for the board members.

**Contact:** Katherine C. Proffitt, Administrative Staff Assistant, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3145, FAX (804) 371-3157, toll-free (800) 622-2155, (804) 371-3140/TTY , e-mail [kathy.proffitt@dbvi.virginia.gov](mailto:kathy.proffitt@dbvi.virginia.gov).

## DEPARTMENT FOR THE BLIND AND VISION IMPAIRED

### Statewide Rehabilitation Council for the Blind

**September 17, 2005 - 10 a.m.** -- Open Meeting  
Department for the Blind and Vision Impaired, 397 Azalea Avenue, Rooms 1 and 2, 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

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# Calendar of Events

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rehabilitation services for the blind and visually impaired citizens of the Commonwealth.

**Contact:** Susan D. Payne, Vocational Rehabilitation Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 371-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, e-mail [susan.payne@dbvi.virginia.gov](mailto:susan.payne@dbvi.virginia.gov).

## BOARD FOR BRANCH PILOTS

**November 1, 2005 - 10 a.m.** -- Open Meeting  
Virginia Port Authority, 600 World Trade Center Norfolk, 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 interpretive services should contact the department at 804-367-8514 at least 10 days prior to this meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** Mark N. Courtney, 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](mailto:branchpilots@dpor.virginia.gov).

## DEPARTMENT OF BUSINESS ASSISTANCE

### Small Business Advisory Board

**September 19, 2005 - 10 a.m.** -- Open Meeting  
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. ♿

A regular meeting.

**Contact:** Vernita Boone, Administrative Assistant, Department of Business Assistance, 707 E. Main St., 3rd Floor, Richmond, VA 23219, telephone (804) 371-8230, FAX (804) 371-2142, toll-free (866) 248-8814, e-mail [vernita.boone@dba.virginia.gov](mailto:vernita.boone@dba.virginia.gov).

### CEMETERY BOARD

**October 19, 2005 - 9 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 [oneal@dpor.virginia.gov](mailto:oneal@dpor.virginia.gov).

## GOVERNOR'S TASK FORCE ON CERVICAL CANCER

† **September 15, 2005 - 10 a.m.** -- Open Meeting  
Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ♿

The third meeting of the task force.

**Contact:** Donna C. Justis, Administrative and Program Specialist III, Department of Health, 109 Governor St., 7th Floor, Richmond, VA 23219, telephone (804) 864-7651, FAX (804) 864-7670, e-mail [donna.justis@vdh.virginia.gov](mailto:donna.justis@vdh.virginia.gov).

## 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 [clyde.cristman@dcg.virginia.gov](mailto:clyde.cristman@dcg.virginia.gov).

## CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

**September 19, 2005 - 10 a.m.** -- Open Meeting

† **December 5, 2005 - 10 a.m.** -- Open Meeting  
Location to be announced.

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](mailto:david.dowling@dcr.virginia.gov).

**October 25, 2005 - 10 a.m.** -- Open Meeting  
Department of Conservation and Recreation, James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

The Northern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs for the northern area.


**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](mailto:david.dowling@dcr.virginia.gov).

**October 25, 2005 - 2 p.m.** -- Open Meeting  
Department of Conservation and Recreation, James Monroe Building, 101 North 14th St., 17th Floor Conference Room, Richmond, Virginia.


The Southern Area Review Committee will conduct general business, including review of local Chesapeake Bay Preservation Area programs for the southern area.

**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.


## CHILD DAY-CARE COUNCIL

**September 8, 2005 - 10 a.m.** -- Open Meeting  
Department of Social Services, 7 North 8th Street, 6th Floor Conference Room, Richmond, Virginia. 

A regular business meeting.

**Contact:** Pat Rengnerth, State Board Liaison, Department of Social Services, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , e-mail patricia.rengnerth@dss.virginia.gov.


## STATE CHILD FATALITY REVIEW TEAM

**September 9, 2005 - 10 a.m.** -- Open Meeting  
**November 18, 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:** Virginia Powell, Coordinator, Department of Health, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-6047, FAX (804) 371-8595, toll-free (800) 447-1708, e-mail angela.myrick@vdh.virginia.gov.


## VIRGINIA COLLEGE SAVINGS PLAN

† **October 6, 2005 - 10 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, 5th Floor, Virginia College Savings Plan Board Room, Richmond, Virginia. 

A regular meeting of the Board of Directors.


**Contact:** Nicole Douglas, Executive Assistant, Virginia Higher Education Tuition Trust Fund, James Monroe Building, 101 N. 14th St., 5th Floor, Richmond, VA, telephone (804) 786-3574, FAX (804) 786-2453, toll-free (888) 567-0540, (804) 786-2766/TTY , e-mail vcspinfo@virginia529.com.


## STATE BOARD FOR COMMUNITY COLLEGES


**September 14, 2005 - 9 a.m.** -- Open Meeting  
**November 16, 2005 - 1:30 pm.** -- 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 begin 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 


**September 15, 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)

† **November 17, 2005 - 9 a.m.** -- Open Meeting  
Danville Community College, 1008 South Main Street, Danville, Virginia. 

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, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

## COMPENSATION BOARD

† **September 21, 2005 - 11 a.m.** -- Open Meeting  
830 East Main Street, 2nd Floor, Richmond, Virginia. 

A monthly board meeting.

**Contact:** Cindy P. Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 786-0786, FAX (804) 371-0235, e-mail cindy.waddell@scb.virginia.gov.

## DEPARTMENT OF CONSERVATION AND RECREATION

**September 8, 2005 - Noon** -- Open Meeting  
**October 13, 2005 - Noon** -- Open Meeting  
**November 10, 2005 - Noon** -- Open Meeting  
Richmond City Hall, 5th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Falls of the James River Scenic Advisory Committee 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.

**September 20, 2005 - 7 p.m.** -- Open Meeting  
Powhatan Village Center, Route 13, Auditorium, Powhatan, Virginia.

A meeting of the Powhatan State Park Master Plan Advisory Committee to hear public input on the proposed master plan for the park.

**Contact:** Robert S. Munson, Planning Bureau Manager, Department of Conservation and Recreation, 203 Governor St., Suite 326, Richmond, VA 23219, telephone (804) 786-

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# Calendar of Events

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6140, FAX (804) 786-6141, e-mail  
robert.munson@dcr.virginia.gov.

† **December 1, 2005 - 10 a.m.** -- Open Meeting  
Location to be announced.

A regular business meeting of the Virginia Land Conservation Foundation to review and approve grant applications.

**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.

## Virginia Soil and Water Conservation Board

**September 15, 2005 - 9:30 a.m.** -- Open Meeting

**November 17, 2005 - 9:30 a.m.** -- Open Meeting  
Location to be determined.

A regular business meeting to discuss soil and water, stormwater management and dam safety 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

**September 8, 2005 - 9 a.m.** -- Open Meeting


**September 13, 2005 - 9 a.m.** -- Open Meeting

† **September 20, 2005 - 1 p.m.** -- Open Meeting


**September 27, 2005 - 9 a.m.** -- Open Meeting

† **October 4, 2005 - 9 a.m.** -- Open Meeting

† **October 6, 2005 - 9 a.m.** -- Open Meeting


† **October 18, 2005 - 9 a.m. and 2 p.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.


† **September 20, 2005 - 9 a.m.** -- Open Meeting

**October 18, 2005 - 9 a.m.** -- Open Meeting


† **November 16, 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 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.

**November 16, 2005 - 10 a.m.** -- CANCELED


Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 

A meeting of the Tradesman Education Committee to conduct committee business has been canceled. 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

**September 16, 2005 - 10 a.m.** -- Open Meeting


James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

**Contact:** Patty Ennis, Board Clerk, Department 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


**September 20, 2005 - 10 a.m.** -- Open Meeting

**November 15, 2005 - 10 a.m.** -- Open Meeting  
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A meeting of the Liaison Committee to discuss correctional matters of interest to the board.

**Contact:** Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, e-mail barbara.woodhouse@vadoc.virginia.gov.

**September 20, 2005 - 1 p.m.** -- Open Meeting

**November 15, 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 barbara.woodhouse@vadoc.virginia.gov.

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# Calendar of Events

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**September 21, 2005 - 9:30 a.m.** -- Open Meeting  
**November 16, 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 [barbara.woodhouse@vadoc.virginia.gov](mailto:barbara.woodhouse@vadoc.virginia.gov).

**September 21, 2005 - 10 a.m.** -- Open Meeting  
**November 16, 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 [barbara.woodhouse@vadoc.virginia.gov](mailto:barbara.woodhouse@vadoc.virginia.gov).

## BOARD OF COUNSELING


**November 3, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, Richmond, Virginia. 

A meeting of the Credentials Review Committee to review the files of applicants to determine if they have met the requirements for licensure.


**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

**November 4, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A quarterly meeting to conduct board business.

**Contact:** Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY , e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@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](mailto:lbaker@dcjs.virginia.gov).

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**September 8, 2005 - 9 a.m.** -- Public Hearing  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

**September 9, 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 Criminal Justice Services Board intends to adopt 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.

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


**Contact:** Donna Bowman, Manager, Virginia Center for School Safety, 805 E. Broad St., Richmond, VA 23219, telephone (804) 371-6506, FAX (804) 371-8981, or e-mail [donna.bowman@dcjs.virginia.gov](mailto:donna.bowman@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 board 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](mailto:lbaker@dcjs.virginia.gov).

## BOARD OF DENTISTRY

**September 16, 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](mailto:sandra.reen@dhp.virginia.gov).

## DESIGN-BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

**September 15, 2005 - 11 a.m.** -- Open Meeting  
**October 20, 2005 - 11 a.m.** -- Open Meeting  
**November 17, 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)

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# Calendar of Events

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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.

## BOARD OF EDUCATION

**September 21, 2005 - 9 a.m.** -- Open Meeting

**October 26, 2005 - 9 a.m.** -- Open Meeting

**† November 30, 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.

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**September 21, 2005 - 11 a.m.** -- Public Hearing

James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms D and E, Richmond, Virginia. 

**October 11, 2005** - Public comments may be submitted until this date.


Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Education intends to adopt regulations entitled **8 VAC 20-660, Regulations Governing Reenrollment Plans**. The General Assembly established the requirements for regulations in response to a study regarding the transfer of students between public schools, detention homes and juvenile correctional centers. This study recommended establishment of a reenrollment plan to share information about the student's public and correctional education and to facilitate the student's reenrollment in public schools upon release from commitment.

Statutory Authority: §§ 16.1-293, 22.1-17.1 and 22.1-343 of the Code of Virginia.

**Contact:** Dr. Cynthia Cave, Director of Student Services, Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 225-2818, FAX (804) 225-2524 or e-mail ccave@mail.vak12ed.edu.

## DEPARTMENT OF EMERGENCY MANAGEMENT

**† September 22, 2005 - 1 p.m.** -- Open Meeting


Sheraton - Oceanfront Hotel, 36th Street and Atlantic, Virginia Beach, Virginia. 

A meeting of the Training Committee of the State Hazardous Materials Emergency Response Advisory Council regarding hazardous materials training curriculum.

**Contact:** Ronald R. Hargrave, Training Director, Department of Emergency Management, 10501 Trade Court, Richmond, VA 23236, telephone (804) 897-6500.

## DEPARTMENT OF ENVIRONMENTAL QUALITY

**September 7, 2005 - 1:30 p.m.** -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting on the 2006 water quality assessment guidance manual to be used for the development of Virginia's 2006 305(b)/303(d) combined water quality assessment and impaired waters report. The assessment guidance can be viewed at <http://www.deq.virginia.gov/wqa>. Public notice of the comment period appears in the Virginia Register on August 22, 2005. The public comment period closes on September 23, 2005.

**Contact:** Harry Augustine, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4037, FAX (804) 698-4116, e-mail hhaugustin@deq.virginia.gov.


**† September 14, 2005 - 7 p.m.** -- Open Meeting

Northampton Public Library, Northampton Branch, 936 Big Bethel Road, Hampton, Virginia. 

The first public meeting on the development of fecal coliform TMDLs for shellfish propagation waters located in the City of Hampton, City of Poquoson, and York County. The public notice appears in the Virginia Register on September 5, 2005, and the comment period runs from September 14 2005, through October 14, 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 ccbigelow@deq.virginia.gov.

**September 20, 2005 - 9 a.m.** -- Open Meeting

Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A regular meeting of the Ground Water Protection Steering Committee.

**Contact:** Mary Ann Massie, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4042, FAX (804) 698-4116, e-mail mamassie@deq.virginia.gov.

† **September 21, 2005 - 7 p.m.** -- Public Hearing  
Mary Bethune Office Complex, 1030 Cowford Road, Public Meeting Room, Halifax, Virginia. ♿

A public hearing on a draft permit modification for the Halifax County Landfill that would allow implementation of a groundwater corrective action plan. The public comment period closes on October 6, 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](mailto:lwsyverson@deq.virginia.gov).

† **September 22, 2005 - 7 p.m.** -- Open Meeting  
Bristol Chamber of Commerce, 20 Volunteer Parkway, Board Room, Bristol, Virginia. ♿

The first public meeting on the development of the implementation plan for bacteria TMDLs for Little Creek and Beaver Creek in Washington County and the City of Bristol. The public notice appears in the September 5, 2005, issue of the Virginia Register and the comment period begins on September 22, 2005, and ends on October 22, 2005.

**Contact:** Theresa Carter, Department of Conservation and Recreation, 252 W. Main St., Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, e-mail [theresa.carter@dcr.virginia.gov](mailto:theresa.carter@dcr.virginia.gov).

## Litter Control and Recycling Fund Advisory Board

**October 12, 2005 - 10:30 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia.

A regular meeting.

**Contact:** G. Steven Coe, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4029, FAX (804) 698-4224, e-mail [gscoe@deq.virginia.gov](mailto:gscoe@deq.virginia.gov).

## BOARD OF FORESTRY

**September 26, 2005 - 8:30 a.m.** -- Open Meeting  
Virginia Tech, Cheatham Hall, Blacksburg, 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, telephone (434) 220-9045, FAX (434) 977-7749, e-mail [donna.hoy@dof.virginia.gov](mailto:donna.hoy@dof.virginia.gov).

## Reforestation of Timberlands Board

† **September 27, 2005 - 10 a.m.** -- Open Meeting  
11301 Pocahontas Trail, Providence Forge, Virginia.

A meeting to review and discuss the 2004-05 program year. The group will be briefed on the progress of sign-ups in the current year. The afternoon session will be in the field and focus on genetics and the tree improvement program.

**Contact:** Dean Cumbia, Staff Forester, Reforestation of Timberlands Board, 900 Natural Resources Dr., Charlottesville VA 22903, telephone (434) 220-9042, FAX (434) 296-2369, e-mail [becky.woodson@dof.virginia.gov](mailto:becky.woodson@dof.virginia.gov).

## BOARD OF FUNERAL DIRECTORS AND EMBALMERS

**September 7, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The Special Conference Committee will meet to hear possible violations of the laws and regulations that govern the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 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](mailto:elizabeth.young@dhp.virginia.gov).

**September 13, 2005 - 9 a.m.** -- CANCELED

**September 14, 2005 - 9 a.m.** -- CANCELED  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to hear possible violations of the laws and regulations governing the practice of funeral service has been canceled.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, 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](mailto:elizabeth.young@dhp.virginia.gov).

**September 13, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss general business matters relating to funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 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](mailto:elizabeth.young@dhp.virginia.gov).

† **September 27, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Legislative/Regulatory Committee to discuss the rules and regulations that pertain to the practice of funeral service.

**Contact:** Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 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](mailto:elizabeth.young@dhp.virginia.gov).

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# Calendar of Events

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## BOARD FOR GEOLOGY

**October 12, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation,  
3600 West Broad Street, Richmond, Virginia. 📍

A meeting to conduct board business.

**Contact:** David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-6128, (804) 367-9753/TTY 📞, e-mail geology@dpor.virginia.gov.

## STATE BOARD OF HEALTH

**October 21, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-410, Regulations for the Licensure of Hospitals in Virginia**. The purpose of the proposed action is to require a registered nurse, qualified by education and experience in perioperative nursing, to be present as a circulating nurse in each operating room during surgical procedures conducted in inpatient hospitals and outpatient surgical centers. This amendment is the result of a petition for rulemaking received from the Virginia Council of Perioperative Nurses.

Statutory Authority: §§ 32.1-12 and 32.1-127 of the Code of Virginia.

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

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† **November 4, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-90, Regulations Governing Disease Reporting and Control**. The purpose of the proposed action is to (i) establish isolation and quarantine requirements, (ii) insert and clarify definitions, (iii) clarify the reportable disease list, (iv) update the conditions that are reportable by laboratories and to the tests used to confirm those conditions, (v) revise information to be included on a disease report, and (vi) update tuberculosis reporting and control requirements.

Statutory Authority: §§ 32.1-12 and 32.1-35 of the Code of Virginia.

**Contact:** Diane Woolard, Ph.D., Director, Division of Surveillance and Investigation, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-8141, FAX (804) 864-8139 or e-mail diane.woolard@vdh.virginia.gov.

## DEPARTMENT OF HEALTH

† **September 27, 2005 - 9 a.m.** -- Open Meeting  
Madison Building, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.

A meeting of the Authorized Onsite Soil Evaluator Regulations Advisory Committee to make recommendations to the commissioner regarding AOSE/PE policies, procedures and programs.

**Contact:** Donna Tiller, Executive Secretary, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7475, e-mail donna.tiller@vdh.virginia.gov.

**October 21, 2005 - 10 a.m.** -- Open Meeting  
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 📍 (Interpreter for the deaf provided upon request)

A meeting of the Virginia Early Hearing Detection and Intervention Program Advisory Committee to assist the Virginia Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program. The advisory committee meets four times a year.

**Contact:** Pat T. Dewey, Program Manager, Department of Health, 109 Governor St., 8th Floor, Richmond, VA 23219, telephone (804) 864-7713, FAX (804) 864-7721, toll-free (866) 493-1090, (800) 828-1120/TTY 📞, e-mail pat.dewey@vdh.virginia.gov.

## Hemophilia Advisory Board

**September 23, 2005 - 10 a.m.** -- Open Meeting  
State Corporation Commission Building, 1300 E. Main Street, Richmond, Virginia.

Discussion of hemophilia-related issues, statistics and reports. Other matters are not yet determined.

**Contact:** Jan Kuhn, Program Nurse Manager, or Tamara Quarles, Program Specialist, Department of Health, P.O. Box 980461, telephone (804) 827-3306, FAX (804) 692-0291, toll-free (866) 228-2516, e-mail jgkuhn@mail2.vcu.edu or tsquarles@vcu.edu.

## Virginia HIV Community Planning Committee


† **September 9, 2005 - 8:30 a.m.** -- Open Meeting  
Crowne Plaza Hotel, 555 East Canal Street, Richmond, Virginia. 📍

A regular meeting.


**Contact:** Elaine Martin, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7962, e-mail elaine.martin@vdh.virginia.gov.




## BOARD OF HEALTH PROFESSIONS


**September 8, 2005 - 8:15 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 1, Richmond, Virginia. 


A meeting of the Regulatory Research Committee to review reports and make recommendations concerning its update on telehealth and on its evaluation of the need to regulate naturopaths. In addition, the committee will review an amendment to its legislative proposal drafted in response to public comment. The amended version would allow a 24-month grace period for training dialysis patient care technicians prior to requiring certification as opposed to a year. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).


**September 8, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 3, Richmond, Virginia. 


A meeting of the Nominating Committee to develop a slate of officers for the annual elections. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

**September 8, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 1, Richmond, Virginia. 


A meeting of the Enforcement Committee to receive a progress report on the Sanctions Reference Study highlighting medicine's and dentistry's implementation experiences to-date, as well as the status of the work for nursing, veterinary medicine and pharmacy. The committee will also review agency performance reporting formats and consider agency standards performance in light of the priority system. Also, the committee will receive reports on current strategies being used by the individual boards as well as agency staff to meet disciplinary caseload demands. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

**September 8, 2005 - 10:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 1, Richmond, Virginia. 


A meeting of the Executive Committee to consider and make recommendations regarding the agency's budget.


Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).


**September 8, 2005 - 11:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 1, Richmond, Virginia. 


A meeting of the Education Committee to review and make recommendations concerning the disciplinary brochures for informal conferences and to be briefed on the October issues forum development. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

**September 8, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 1, Richmond, Virginia. 

A meeting of the full board to receive reports from the Director, Executive Director, and respective standing committees and each health regulatory board. In addition, the board will hold its annual election of officers. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Health Professions, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7691, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

**October 21, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
Board Room 3, Richmond, Virginia. 

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](mailto:peggy.call@dhp.virginia.gov).

## BOARD FOR HEARING AID SPECIALISTS

**November 7, 2005 - 9 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation  
3600 West Broad Street, 4th Floor Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be conducted in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to this meeting.

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## Calendar of Events

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so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** William H. Ferguson, II, Executive Director, Board for 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.

### STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

**September 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 State Council of Higher Education for Virginia intends to amend regulations entitled **8 VAC 40-20, Regulations for the Senior Citizen Higher Education Program**. The purpose of the proposed action is to conform the regulations with the enabling statute, § 23-38.56 of the Code of Virginia, by providing clarifying language and by incorporating changes from Chapters 381, 521, and 700 of the Acts of Assembly.

Statutory Authority: § 23-38.56 of the Code of Virginia.

**Contact:** Rick Patterson, Regulatory Coordinator, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2609, FAX (804) 225-2604, or e-mail rickpatterson@schev.edu.

† **September 13, 2005 - 8 a.m.** -- Open Meeting  
James Monroe Building, 101 North 14th Street, Richmond, Virginia.

Committee meetings begin at 8 a.m. The council will meet at 1 p.m. Agenda materials will be available on the website approximately one week prior to the meeting at [www.schev.edu](http://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, telephone (804) 225-2602, FAX (804) 371-7911, e-mail leeanrung@schev.edu.

### DEPARTMENT OF HISTORIC RESOURCES

† **September 14, 2005 - 10 a.m.** -- Open Meeting  
Oakwood Country Club, 3409 Rivermont Avenue, Ballroom, Lynchburg, Virginia. 📍

A joint meeting of the Historic Resources Board and State Review Board. The Historic Resources Board will consider proposed nominations to the Virginia Landmarks Register,

proposed Historic Highway Markers and proposed Historic Preservation Easements. The State Review Board will consider proposed nominations to the National Register of Historic Places. The boards will convene in an informal afternoon session (about 1:30 p.m. at the same location) to consider preliminary information forms (first step of Register process where owners get informal advice and guidance). Pending draft nominations may be reviewed at [www.dhr.virginia.gov/homepage\\_features/board\\_activities.htm](http://www.dhr.virginia.gov/homepage_features/board_activities.htm).

**Contact:** Marc Wagner, State and National Registers Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY ☎, e-mail marc.wagner@dhr.virginia.gov.

### VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **September 14, 2005 - 11 a.m.** -- Open Meeting  
The Hotel Roanoke and Conference Center, 110 Shenandoah Avenue, Roanoke, Virginia. 📍

A regular meeting to (i) review and, if appropriate, approve the minutes from the prior meeting; may consider for approval and ratification mortgage loan commitments under its various programs; (ii) review proposed amendments to the Authority's Rules and Regulations for Allocation of Low-Income Housing Tax Credits and to the Authority's Rules and Regulations for Administration of Rent Reduction Tax Credits; (iii) review the authority's operations for the prior months; and (iv) consider such other matters and take such other actions as they may deem appropriate. Various committees of the Board of Commissioners, including the Programs Committee, the Audit/Operations Committee, the Executive Committee, and the Committee of the Whole, may also meet during the day preceding the meeting and before and after the meeting and may consider matters within their purview. The committees and the board may meet during meals on the night before the meeting and on the day of the meeting. The commissioners may also meet at scheduled events, including meals, during the Governor's Housing Conference at the above location on September 14-16, 2005. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting. The annual meeting of the shareholders and board of directors of Housing for Virginia, Inc., a corporation wholly owned by the Authority, will be held prior to the meeting(s) of the committees at approximately 2 p.m. on the day before the meeting.

**Contact:** J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY ☎, e-mail judson.mckellar@vhda.com.


## VIRGINIA INFORMATION TECHNOLOGIES AGENCY

### Information Technology Investment Board

**September 8, 2005 - 1 p.m.** -- Open Meeting  
Virginia Information Technologies Agency Operations Center,  
110 South 7th Street, 4th Floor Auditorium, Richmond,  
Virginia. 

A special meeting to review and approve the recommendations of the Enterprise Applications PPEA Steering Committee to proceed (or not) into negotiation phase. A request will be made to hold the meeting in closed session. For more information on PPEA, visit <http://www.vita.virginia.gov/ppea/ppea.cfm>.

**Contact:** Jennifer W. Hunter, Interim IT Investment Board Executive Director, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 343-9012, FAX (804) 343-9015, e-mail [jenny.hunter@vita.virginia.gov](mailto:jenny.hunter@vita.virginia.gov).

**October 5, 2005 - 1 p.m.** -- Open Meeting  
Virginia Information Technologies Agency Operations Center,  
110 South 7th Street, 4th Floor Auditorium, Richmond,  
Virginia. 

A regular meeting.

**Contact:** Jennifer W. Hunter, Interim IT Investment Board Executive Director, Virginia Information Technologies Agency, 110 S. 7th St., 3rd Floor, Richmond, VA 23219, telephone (804) 343-9012, FAX (804) 343-9015, e-mail [jenny.hunter@vita.virginia.gov](mailto:jenny.hunter@vita.virginia.gov).

### E-911 Wireless Services Board

**September 14, 2005 - 9 a.m.** -- Open Meeting  
**November 9, 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](mailto:steve.marzolf@vita.virginia.gov).

**September 14, 2005 - 10 a.m.** -- Open Meeting  
**November 9, 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](mailto:steve.marzolf@vita.virginia.gov).


## GOVERNOR'S TASK FORCE ON INFORMATION TECHNOLOGY IN HEALTH CARE

**September 9, 2005 - 10 a.m.** -- Open Meeting  
Patrick Henry Building, Capitol Square, Room 3032,  
Richmond, Virginia.

A meeting of subcommittee 4 regarding privacy, security, governance, policy and legal issues of electronic health records.

**Contact:** Diane Horvath, Legal and Legislative Services, VITA, 1111 E. Broad St., Richmond VA 23219, telephone (804) 343-9009.


## INNOVATIVE TECHNOLOGY AUTHORITY

**September 14, 2005 - 1 p.m.** -- Open Meeting  
Center for Innovative Technology, 2214 Rock Hill Road,  
Herndon, Virginia. 

A meeting to elect officers.

**Contact:** June Portch, Operations Manager, Innovative Technology Authority, 2214 Rock Hill Rd., Herndon, VA 20170, telephone (703) 689-3049, FAX (703) 464-1708, e-mail [jportch@cit.org](mailto:jportch@cit.org).

## VIRGINIA INTERAGENCY COORDINATING COUNCIL


**September 14, 2005 - 9:30 a.m.** -- Open Meeting  
Henrico Area Mental Health's East Center, East Wing 23,  
4825 South Laburnum Avenue, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

The Virginia Interagency Coordinating Council meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion focuses on issues related to implementation of the Part C program.

**Contact:** La Keisha White, Part C Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Child and Family Services, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710, FAX (804) 371-7959.

## JAMESTOWN-YORKTOWN FOUNDATION

NOTE: CHANGE IN MEETING DATE

**October 12, 2005 - Noon** -- 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

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# Calendar of Events

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(757) 253-4950, (757) 253-5110/TTY ☎, e-mail  
judith.leonard@jyf.virginia.gov.

**November 21, 2005 - 10 a.m.** -- Open Meeting

**November 22, 2005 - 8 a.m.** -- Open Meeting

Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, Virginia. ♿ (Interpreter for the deaf provided upon request)

A semiannual two-day meeting of the Board of Trustees and the board's standing committees. Time listed above is approximate as a detailed schedule is yet to be determined. Opportunity for public comment will be included on the November 22 business meeting agenda.

**Contact:** Laura W. Bailey, Executive Assistant to the Boards, Jamestown-Yorktown Foundation, P.O. Box 1607, Williamsburg, VA 23187, telephone (757) 253-7285, FAX (757) 253-5299, toll-free (888) 593-4682, (757) 253-5110/TTY ☎, e-mail laura.bailey@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

NOTE: CHANGE IN MEETING DATE

**September 14, 2005 - 10 a.m.** -- Open Meeting

J. Sargeant Reynolds Community College, North Run Business Park, 1630 East Parham Road, Richmond, Virginia. ♿ (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.state.va.us.

## Safety Health Codes Board

† **September 15, 2005 - 10 a.m.** -- Open Meeting

State Corporation Commission, 1500 East Main Street, Courtroom A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting.

**Contact:** Regina P. Cobb, Agency Management Analyst Senior, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-0610, FAX (804) 786-8418, (804) 786-2376/TTY ☎, e-mail rlc@doli.state.va.us.

## STATE LAND EVALUATION ADVISORY COUNCIL

**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

**September 19, 2005 - 8:15 a.m.** -- Open Meeting

**November 14, 2005 - 8:15 a.m.** -- Open Meeting

The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

Meetings of the board to discuss matters pertaining to the Library of Virginia and the board. Committees of the board will meet as follows:


8:15 a.m. - Public Library Development Committee, Orientation Room  
Publications and Educational Services Committee, Conference Room B  
Records Management Committee, Conference Room C

9:30 a.m. - Archival and Information Services Committee, Orientation Room  
Collection Management Services Committee, Conference Room B  
Legislative and Finance Committee, Conference Room C


10:30 a.m. - Library Board, Conference Room, 2M

**Contact:** Jean H. Taylor, Executive Secretary to the Librarian, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY ☎, e-mail jtaylor@lva.lib.va.us.


## COMMISSION ON LOCAL GOVERNMENT

**September 12, 2005 - 10 a.m.** -- Open Meeting  
The Jackson Center, 501 North 2nd Street, 3rd Floor  
Conference Room, Richmond, Virginia. 

A regular meeting to consider matters as may be presented.

**Contact:** Ted McCormack, Associate Director, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 786-6508, FAX (804) 371-7090, (804) 828-1120/TTY , e-mail ted.mccormack@dhcd.virginia.gov.


## LONGWOOD UNIVERSITY

† **September 9, 2005 - 8:45 a.m.** -- Open Meeting  
Longwood University, 201 High Street, Lancaster 102,  
Farmville, Virginia. 

Meetings to conduct routine business of the following committees:

8:45 a.m. - University Advancement  
10:45 a.m. - Audit Committee  
1 p.m. - Administration, Finance and Facilities  
2:45 p.m. - Academic and Student Affairs


**Contact:** Jeanne Hayden, Longwood University, Office of the President, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

† **September 10, 2005 - 9 a.m.** -- Open Meeting  
Longwood University, 201 High Street, Lancaster 102,  
Farmville, Virginia. 


A meeting to conduct routine business of the Board of Visitors.

**Contact:** Jeanne Hayden, Longwood University, Office of the President, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.


## MARINE RESOURCES COMMISSION

**September 27, 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 commission meeting.

**Contact:** Jane McCroskey, Commission Secretary, Marine Resources Commission, 2600 Washington Avenue, 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

**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

**September 21, 2005 - 1 p.m.** -- Open Meeting  
**November 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 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.


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**September 23, 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 30-80, Methods and Standards for Establishing Payment Rates: Other Types of Care**. The purpose of the proposed action is to establish a new payment methodology for generic drugs and brand-name drugs that are priced as generics that is based on Wholesale Average Cost (WAC). This methodology will permit the weekly review of marketplace prices for drugs and revisions of DMAS' prices.

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

**Contact:** Katina Goodwyn, Pharmacy Contract Manager, Division of Healthcare Services, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0428, FAX (804) 786-1680 or e-mail katina.goodwyn@dmas.virginia.gov.

**November 10, 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.

**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.

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# Calendar of Events

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**November 15, 2005 - 1 p.m.** -- Open Meeting  
Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Boardroom, Richmond, Virginia.

A meeting of the Pharmacy Liaison 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.

## BOARD OF MEDICINE

† **September 7, 2005 - 9 a.m.** -- Open Meeting  
† **October 12, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

**September 13, 2005 - 9 a.m.** -- Open Meeting  
Holiday Inn Select, 2801 Plank Road, Fredericksburg, Virginia. (Interpreter for the deaf provided upon request)

**September 21, 2005 - 9 a.m.** -- Open Meeting  
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.

A Special Conference Committee will convene an informal conference to inquire into allegations that certain practitioners of medicine or the other healing arts may have violated certain laws and regulations governing the practice of medicine. Further, the committee may review cases with board staff for case disposition, including consideration of consent orders for settlement. The committee will meet in open and closed session pursuant to the Code of Virginia. Public comment will not be received.

**Contact:** Renee S. Dixon, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail renee.dixon@dhp.virginia.gov.

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**September 9, 2005** - Public comments may be received 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, Osteopathy, Podiatry and Chiropractic**. The purpose of the proposed action is to incorporate the requirement for the practitioner to report any final disciplinary action taken by institutions or entities, which results in suspension or revocation of privileges or termination of employment. The requirement for reporting is currently stated in § 54.1-2910.1 (10) of the Code of Virginia, but its addition to regulation will ensure that practitioners are obligated to report within 30 days.

Statutory Authority: §§ 54.1-2400 and 54.1-2910.1 of the Code of Virginia.

Public comments may be submitted until September 9, 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.

**September 16, 2005 - 8 a.m.** -- Open Meeting  
**November 17, 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.

**September 16, 2005 - 8 a.m.** -- CANCELED  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.

A meeting of the Executive Committee has been canceled.

**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.

† **September 16, 2005 - 2 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia.

A formal hearing to inquire into allegations that a certain practitioner 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 of matter pending before the board. The Board will meet in open and closed sessions pursuant to § 2.2-3711 of the Code of Virginia. Public comment will not be received.

**Contact:** Renee S. Dixon, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY , e-mail renee.dixon@dhp.virginia.gov.

## Advisory Board on Acupuncture

† **November 30, 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Athletic Training

† **December 1, 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Occupational Therapy

† **November 29, 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Physician Assistants

† **December 1, 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Radiologic Technology

† **November 30, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

A meeting to consider issues related to the regulation of radiologic technologists and radiologic 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](mailto:william.harp@dhp.virginia.gov).

## Advisory Board on Respiratory Care

† **November 29, 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](mailto:william.harp@dhp.virginia.gov).

## STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **September 7, 2005 - 10 a.m.** -- Open Meeting  
Roslyn Conference Center, 8727 River Road, Richmond, Virginia. ♿

A regular meeting. Public comment will be received.

**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.dmhhrsas.virginia.gov](mailto:marlene.butler@co.dmhhrsas.virginia.gov).

## DEPARTMENT OF MINES, MINERALS AND ENERGY

† **September 7, 2005 - 3 p.m.** -- Open Meeting  
Powell River Project Pavilion, near Norton, Virginia. ♿  
(Interpreter for the deaf provided upon request)

A general business meeting of the Abandoned Mine Land Advisory Committee. Items to be discussed include DMLR Program Update, NRCS – RAMP and PL566 Program, and committee business. Anyone wishing to comment will have an opportunity do so prior to the close of the meeting. Those in need of special accommodations should contact the department one week prior to the meeting date.

**Contact:** Roger L. Williams, Abandoned Mine Land Service Manager, Department of Mines, Minerals and Energy, 3405 Mountain Empire Rd., P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8208, FAX (276) 523-8247, (800) 828-1120/TTY ☎, e-mail [roger.williams@dmme.virginia.gov](mailto:roger.williams@dmme.virginia.gov).

† **October 5, 2005 - 9 a.m.** -- Open Meeting  
Oxbow Center, 16620 East Riverside Drive, St. Paul, Virginia. ♿ (Interpreter for the deaf provided upon request)

At 9 a.m. the Regulatory Work Group of the Division of Mined Land Reclamation will meet regarding the final rule for monitoring of blasting within 1,000 feet of an occupied

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# Calendar of Events

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dwelling, permit markers, Office of Surface Mining proposed revegetation rule, Virginia revegetation standards, and proposed rule for stream restoration.

At 1 p.m. the permit Streamline Standardization Group will meet regarding electronic permitting, digital professional engineer certification and signature, ground control plans, anniversary reports, roads, black water, reforestation, issue with acid mine drainage bonding in Tennessee, and fly rock notification requirement. Public comments will be received as the last item of the meeting. Special accommodations for the disabled will be made available upon request. Anyone needing special accommodations should contact the Department of Mines, Minerals and Energy at least seven days prior to the meeting or hearing date.

**Contact:** Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, 3405 Mountain Empire Rd., P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY ☎, e-mail les.vincent@dmme.virginia.gov.

## MOTOR VEHICLE DEALER BOARD

† **September 12, 2005 - 8:30 a.m.** -- Open Meeting  
Department of Motor Vehicles, 2300 West Broad Street, Room 702, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Committees will meet as follows:

Dealer Practices Committee - 8:30 a.m.  
Licensing Committee - Immediately following Dealer Practices  
Advertising Committee - 9:30 a.m. or immediately after Licensing, whichever is later  
Transaction Recovery Fund Committee - Immediately following Advertising  
Franchise Law Committee - To be scheduled as needed  
Full board meeting - 10 a.m. or five to 45 minutes following Transaction Recovery Fund

NOTE: Meetings may begin later, but not earlier than scheduled. Meeting end times are approximate. Any person who needs any accommodation in order to participate in the meeting should contact the board at least 10 days before the meeting so that suitable arrangements can be made.

**Contact:** Alice R. Weedon, Administrative Assistant, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free (877) 270-0203, e-mail dboard@mvdv.virginia.gov.

## VIRGINIA MUSEUM OF FINE ARTS

**September 8, 2005 - 8 a.m.** -- Open Meeting

**October 6, 2005 - 8 a.m.** -- Open Meeting

**November 1, 2005 - 8 a.m.** -- Open Meeting

Virginia Museum of Fine Arts, 200 North Boulevard, Main Lobby Conference Room, Richmond, Virginia. ♿

A meeting for staff to update the Executive Committee. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

**September 13, 2005 - 2 p.m.** -- Open Meeting

Virginia Museum of Fine Arts, 200 North Boulevard, Main Lobby Conference Room, Richmond, Virginia. ♿

A meeting of the Strategic Plan Subcommittee for the subcommittee to discuss strategic plan creation. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

**September 21, 2005 - 1 p.m.** -- Open Meeting

Virginia Museum of Fine Arts, 200 North Boulevard, Richmond, Virginia. ♿

The following committees will meet for staff updates:

9 a.m. - Museum Expansion (most of the meeting will be held in closed session) - CEO Parlor  
11:15 a.m. - Art Acquisitions (most of the meeting will be held in closed session) - Library  
1 p.m. - Artistic Oversight - CEO Parlor  
3:30 p.m. - Government Affairs - 2nd Floor Meeting Room

Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

**September 22, 2005 - 9 a.m.** -- Open Meeting

Virginia Museum of Fine Arts, 200 North Boulevard, 2nd Floor Meeting Room, Richmond, Virginia. ♿

A meeting of the Fiscal Oversight Committee for staff to update the committee. Public comment will not be received.

**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

**September 22, 2005 - Noon** -- Open Meeting

Virginia Museum of Fine Arts, 200 North Boulevard, CEO Parlor, Richmond, Virginia. ♿

A meeting for staff to update the board. Part of the meeting will be held in closed session. Public comment will not be received.



**Contact:** Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, (804) 340-1401/TTY ☎, e-mail sbroyles@vmfa.state.va.us.

## BOARD OF NURSING

**September 7, 2005 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 1, Richmond, Virginia. ♿

A meeting of the Medication Aide Task Force to promulgate regulations regarding medication aides.

**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.

**September 19, 2005 - 9 a.m.** -- Open Meeting  
**September 21, 2005 - 9 a.m.** -- Open Meeting  
**September 22, 2005 - 9 a.m.** -- Open Meeting  
**November 14, 2005 - 9 a.m.** -- Open Meeting  
**November 16, 2005 - 9 a.m.** -- Open Meeting  
**November 17, 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.

**September 20, 2005 - 9 a.m.** -- Open Meeting  
**November 15, 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.

**October 4, 2005 - 9 a.m.** -- Open Meeting  
**October 11, 2005 - 9 a.m.** -- Open Meeting  
**October 17, 2005 - 9 a.m.** -- Open Meeting  
**October 18, 2005 - 9 a.m.** -- Open Meeting  
**October 20, 2005 - 9 a.m.** -- Open Meeting  
**October 25, 2005 - 9 a.m.** -- Open Meeting  
**† December 5, 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 or three 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.

## JOINT BOARDS OF NURSING AND MEDICINE

**October 19, 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

**† September 14, 2005 - 9:30 a.m.** -- Open Meeting  
**† October 27, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The LTCA Task Force will meet to discuss development of regulations. 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.

**† September 27, 2005 - 9 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Nominating Committee to decide on nominations for officers of the Board of Long-Term Care Administrators. There will be a public comment period at the beginning of the meeting.

**Contact:** Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail cheri.emma-leigh@dhp.virginia.gov.

**† September 27, 2005 - 9:30 a.m.** -- Open Meeting  
**† November 29, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The board will meet to discuss general business matters and receive information from the Long-Term Care

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## Calendar of Events

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Administrators Task Force. There will be a 15-minute public comment period during the beginning 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](mailto:sandra.reen@dhp.virginia.gov).

† **September 27, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

The board will hold a formal hearing. There will not be a public comment period.

**Contact:** Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7457, FAX (804) 662-7246, (804) 662-7197/TTY ☎, e-mail [cheri.emma-leigh@dhp.virginia.gov](mailto:cheri.emma-leigh@dhp.virginia.gov).

**October 12, 2005 - 9:30 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](mailto:sandra.reen@dhp.virginia.gov).

### OLD DOMINION UNIVERSITY

**September 9, 2005 - 1 p.m.** -- Open Meeting  
Webb University Center, Old Dominion University, 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 by the board.

**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](mailto:dmeeks@odu.edu).

**October 24, 2005 - 3 p.m.** -- Open Meeting  
**November 15, 2005 - 3 p.m.** -- Open Meeting  
Webb University Center, Old Dominion University, Norfolk, Virginia. ♿

A regular meeting of the executive committee of the governing board of the institution to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

**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](mailto:dmeeks@odu.edu).

### OLMSTEAD OVERSIGHT ADVISORY COMMITTEE

**September 13, 2005 - 11 a.m.** -- Open Meeting  
**September 14, 2005 - 9 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.

**October 13, 2005 - 11 a.m.** -- CANCELED  
Virginia Housing Development Authority, 621 South Belvedere Street, Richmond, Virginia.

A regular meeting.

**Contact:** Brandon Leonard, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 371-0829, e-mail [brandon.leonard@governor.virginia.gov](mailto:brandon.leonard@governor.virginia.gov).

### BOARD FOR OPTICIANS

NOTE: CHANGE IN MEETING DATE  
**November 18, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.


**Contact:** William H. Ferguson, II, Executive Director, Board for Opticians, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY ☎, e-mail [opticians@dpor.virginia.gov](mailto:opticians@dpor.virginia.gov).

### BOARD OF OPTOMETRY


**September 13, 2005 - 8:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Room 3, Richmond, Virginia. ♿

A meeting of the TPA Formulary Committee to review the annual TPA Formulary. Public comment will be received at the beginning of the meeting.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).


**September 13, 2005 - 9:30 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Room 3, Richmond, Virginia. 

The board will meet to receive an ARBO/CELMO update, discuss issues relating to professional designation titles, adopt final regulations for incorporation of TPA certification, review the budget, have elections, set 2006 calendar, review case agency standards and conduct any other general business as needed. Public comment will be received at the beginning of the meeting.


**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

**September 13, 2005 - 1 p.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Richmond, Virginia. 


Formal hearings. Public comment will not be received.

**Contact:** Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , e-mail [elizabeth.carter@dhp.virginia.gov](mailto:elizabeth.carter@dhp.virginia.gov).

## VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES


† **December 1, 2005 - 10 a.m.** -- Open Meeting  
Location to be announced. 

An Executive Committee meeting.

**Contact:** Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA, telephone (804) 786-0016, FAX (804) 786-1118, toll-free (800) 846-4464, (800) 846-4464/TTY , e-mail [sandra.smalls@vbpd.virginia.gov](mailto:sandra.smalls@vbpd.virginia.gov).

† **December 2, 2005 - 9 a.m.** -- Open Meeting  
Location to be announced.

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](mailto:sandra.smalls@vbpd.virginia.gov).

## PESTICIDE CONTROL BOARD

† **October 20, 2005 - 9 a.m.** -- Public Hearing  
Department of Agriculture and Consumer Services,  
Washington Building, 1100 Bank Street, Room 204,  
Richmond, Virginia.

† **November 30, 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 Pesticide Control Board intends to

amend regulations entitled **2 VAC 20-51, Regulations Governing Pesticide Applicator Certification Under Authority of Virginia Pesticide Control Act**. The purpose of the proposed action is to review the regulation for effectiveness and continued need, including amending the regulation to (i) help reduce fraudulent examination activities by eliminating proctoring by private individuals; (ii) more clearly define application and training requirements; (iii) establish applicator categories in areas where needed for industry; (iv) meet EPA requirements; (v) establish recordkeeping requirements for not-for-hire pesticide applicators, as means of ensuring that all pesticides are stored and used safely; and (vi) amend the regulation for housekeeping purposes.


Statutory Authority: § 3.1-249.30 of the Code of Virginia.

**Contact:** W. Wayne Surles, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6558, FAX (804) 371-8598, toll-free 1-800-552-9963 or e-mail [wayne.surles@vdacs.virginia.gov](mailto:wayne.surles@vdacs.virginia.gov).

## BOARD OF PHARMACY

**September 13, 2005 - 9 a.m.** -- Open Meeting  
† **December 1, 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](mailto:scott.russell@dhp.virginia.gov).


## BOARD OF PHYSICAL THERAPY

**October 28, 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](mailto:elizabeth.young@dhp.virginia.gov).

## POLYGRAPH EXAMINERS ADVISORY BOARD

† **December 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. Persons desiring to participate in the meeting and requiring special

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## Calendar of Events

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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:** 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 FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

**September 19, 2005 - 10 a.m.** -- Open Meeting  
**November 14, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A quarterly board meeting.

**Contact:** Judith A. Spiller, Executive Secretary, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8519, FAX (804) 367-9537, (804) 367-9753/TTY ☎, e-mail judy.spiller@dpor.virginia.gov.

### BOARD OF PSYCHOLOGY

**October 11, 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.

**October 17, 2005 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

An informal conference.

**Contact:** Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail evelyn.brown@dhp.virginia.gov.

### VIRGINIA PUBLIC BROADCASTING BOARD

† **September 7, 2005 - 10 a.m.** -- Open Meeting  
Virginia Museum of Fine Arts, 200 North Boulevard, Richmond, Virginia. ♿

A regular quarterly meeting.

**Contact:** Richard Zorn, Deputy Secretary of Administration, Virginia Public Broadcasting Board, 1111 E. Broad St., Richmond, VA, telephone (804) 786-1201, FAX (804) 371-0038, e-mail richard.zorn@governor.virginia.gov.

### VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

**September 29, 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, 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.

### REAL ESTATE APPRAISER BOARD

**September 14, 2005 - 11 a.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, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reappraisers@dpor.virginia.gov.

**November 1, 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


**September 15, 2005 - 9 a.m.** -- Open Meeting  
**November 17, 2005 - 9 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:** Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad Street, Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, e-mail reboard@dpor.virginia.gov.


† **September 29, 2005 - 9 a.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, Real Estate Appraiser Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY , e-mail reappraisers@dpor.virginia.gov.

## DEPARTMENT OF REHABILITATIVE SERVICES

### Commonwealth Neurotrauma Initiative Trust Fund Advisory Board

**September 30, 2005 - 10 a.m.** -- Open Meeting  
Department of Rehabilitative Services, 8004 Franklin Farms  
Drive, Conference Room 101, Richmond, Virginia.   
(Interpreter for the deaf provided upon request)

A regular meeting.

**Contact:** Kristie Chamberlain, CNI Program Administrator, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, e-mail kristie.chamberlain@drs.virginia.gov.

## VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

NOTE: CHANGE IN MEETING TIME

**September 20, 2005 - 12:30 p.m.** -- Open Meeting  
Greater Richmond Convention Center, 403 North 3rd Street,  
Richmond, Virginia.

E-mail Nancy Vorona for information and to participate in the meeting.

**Contact:** Nancy Vorona, VP Research Investment, CIT, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, e-mail nvorona@cit.org.

**November 15, 2005 - 1 p.m.** -- Open Meeting  
NASA Langley Research Center/National Institute of  
Aerospace, Hampton, Virginia.


Tour at 10 a.m. Meeting will follow at 1 p.m. Lunch will be provided.

**Contact:** Nancy Vorona, VP Research Investment, CIT, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, e-mail nvorona@cit.org.

## SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

**September 14, 2005 - 10 a.m.** -- Open Meeting


NOTE: CHANGE IN MEETING LOCATION

**October 19, 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

† **September 21, 2005 - Noon** -- Open Meeting  
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


† **September 29, 2005 - 9 a.m.** -- Open Meeting

† **September 30, 2005 - 9 a.m.** -- Open Meeting  
Capital One Town Center, Capital One Drive, Innsbrook, Glen  
Allen, Virginia.

A board retreat/workshop.

**Contact:** Pat Rengnerth, 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.

## DEPARTMENT OF SOCIAL SERVICES

† **September 12, 2005 - 9 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House  
Room C, Richmond, Virginia. 

A business meeting of the Child Support Quadrennial Guideline Review Panel.


**Contact:** Tara Outridge, Operations Support Coordinator, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7431, e-mail tara.outridge@dss.virginia.gov.

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# Calendar of Events

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## BOARD OF SOCIAL WORK

**September 16, 2005 - 10 a.m.** -- Open Meeting  
Department of Health Professions, 6603 West Broad Street,  
5th Floor, Conference Room 1, Richmond, Virginia. 


A meeting to conduct regular board business.

**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 (804) 662-7250, (804) 662-7197/TTY , e-mail [evelyn.brown@dhp.virginia.gov](mailto:evelyn.brown@dhp.virginia.gov).

## BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

**October 12, 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](mailto:soilscientist@dpor.virginia.gov).

## COMMONWEALTH TRANSPORTATION BOARD

**September 15, 2005 - 9 a.m.** -- Open Meeting  
Department of Transportation, 1221 East Broad Street,  
Auditorium, Richmond, Virginia. 


A combined workshop and regularly scheduled meeting to transact CTB 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 A. Mathis, Administrative Staff Assistant, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2701, e-mail [carol.mathis@vdot.virginia.gov](mailto:carol.mathis@vdot.virginia.gov).

NOTE: CHANGE IN MEETING DATE

**September 21, 2005 - 6 p.m.** -- Open Meeting


NOTE: CHANGE IN MEETING LOCATION

Prince William County, 15941 Donald Curtis Drive, Ferlazzo Auditorium, Woodbridge, Virginia. 

The third meeting of the I-95/395 PPTA Advisory Panel to consider two proposals for improvements to the I-95/395 corridor. Proceedings will be televised over the county's cable network. Public comments will be received.

**Contact:** Robert L. Trachy, Jr., Project Manager, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4263, e-mail [larry.trachy@vdot.virginia.gov](mailto:larry.trachy@vdot.virginia.gov).

**October 11, 2005 - 7 p.m.** -- Open Meeting

1200 Government Center Parkway, Fairfax County Board of Supervisors Meeting Room, Fairfax, Virginia. 

The final 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. Proceedings will be televised over the county's cable network.


**Contact:** Robert L. Trachy, Jr., Project Manager, Department of Transportation, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-4263, FAX (804) 225-4700, or e-mail [larry.trachy@vdot.virginia.gov](mailto:larry.trachy@vdot.virginia.gov).

## TREASURY BOARD

**September 21, 2005 - 9 a.m.** -- Open Meeting

**October 19, 2005 - 9 a.m.** -- Open Meeting

**November 16, 2005 - 9 a.m.** -- Open Meeting

Department of the Treasury, 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](mailto:melissa.mayes@trs.virginia.gov).

## DEPARTMENT OF THE TREASURY

### Virginia College Building Authority

† **September 15, 2005 - 2 p.m.** -- Open Meeting

Department of the Treasury, 101 North 14th Street, 3rd Floor, Richmond, Virginia. 

A meeting to consider the issuance of Educational Facilities Revenue Bonds (Public Higher Education Financing Program).

**Contact:** Janet Aylor, Public Finance Manager, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23218-1879, telephone (804) 786-2082, FAX (804) 225-3187, e-mail [janet.aylor@trs.virginia.gov](mailto:janet.aylor@trs.virginia.gov).

## DEPARTMENT OF VETERANS SERVICES


### Joint Leadership Council of Veterans Service Organizations

**September 14, 2005 - 11 a.m.** -- Open Meeting  
Location to be determined.

A regular meeting.

**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](mailto:steven.combs@dvs.virginia.gov).

### Board of Veterans Services

**September 19, 2005 - 11 a.m.** -- Open Meeting  
Location to be announced; Richmond, Virginia. 

A regular meeting.

**Contact:** Steve 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](mailto:steven.combs@dvs.virginia.gov).

## BOARD OF VETERINARY MEDICINE

**September 23, 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 Veterinary Medicine intends to amend regulations entitled **18 VAC 150-20, Regulations Governing the Practice of Veterinary Medicine**. The purpose of the proposed action is to require a notice on a rabies certificate stating the 28-day waiting period for effectiveness.

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

Public comments may be submitted until September 23, 2005, to Elizabeth Carter, Ph.D., Executive Director, Board of Veterinary 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](mailto:elaine.yeatts@dhp.virginia.gov).

## BOARD FOR WASTE MANAGEMENT FACILITY OPERATORS


**September 28, 2005 - 10 a.m.** -- Open Meeting  
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, 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:** David E. Dick, Executive Director, Board for Waste Management Facility Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-0219, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail [wastemgt@dpor.virginia.gov](mailto:wastemgt@dpor.virginia.gov).

## STATE WATER CONTROL BOARD

**September 16, 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](mailto:wknorris@deq.virginia.gov).

**September 19, 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 Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia.

**Contact:** Allan Brockenbrough, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4147, FAX (804) 698-4032, e-mail [abrockenb@deq.virginia.gov](mailto:abrockenb@deq.virginia.gov).

† **September 16, 2005 - 10 a.m.** -- Open Meeting  
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

† **September 30, 2005 - 10 a.m.** -- Open Meeting

† **October 14, 2005 - 10 a.m.** -- Open Meeting

† **October 28, 2005 - 10 a.m.** -- Open Meeting

Department of Environmental Quality, 4949-A Cox Road, Glen Allen, Virginia.

A meeting of the advisory committee assisting the department in the development of a proposal to allow for the renewal of the Virginia Water Protection General Permit Regulation and allow revisions regarding administrative procedures; permit and application requirements; definitions and terminology; compensatory mitigation; permit usage thresholds; permit conditions; and typographical and grammatical errors. The Notice of Intent appears in the Virginia Register on September 5, 2005.

**Contact:** Catherine M. Harold, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4047, FAX (804) 698-4032, e-mail [cmharold@deq.virginia.gov](mailto:cmharold@deq.virginia.gov).

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# Calendar of Events

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**September 23, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-115, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities**. The purpose of the proposed action is to reissue and amend, as necessary, the general VPDES permit which establishes limitations and monitoring requirements for point source discharges from seafood processing facilities.

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

**Contact:** Michael B. Gregory, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4065, FAX (804) 698-4032 or e-mail mbgregory@deq.virginia.gov.

\* \* \* \* \*

**September 23, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-193, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Ready-Mixed Concrete Plants**. The purpose of the proposed action is to amend the existing general VPDES permit to include appropriate and necessary permitting requirements for discharges of wastewater from concrete product facilities.

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

**Contact:** Burton Tuxford, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4086, FAX (804) 698-4032 or e-mail brtuxford@deq.virginia.gov.

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**September 23, 2005** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled **9 VAC 25-810, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Coin-Operated Laundry**. The purpose of the proposed action is to establish appropriate and necessary permitting requirements for discharges of wastewater from coin-operated laundries.

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

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

**September 27, 2005 - 9:30 a.m.** -- Open Meeting

**September 28, 2005 - 9:30 a.m.** -- Open Meeting


General Assembly Building, 9th and Broad Streets, House Room C, Richmond, 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 cberndt@deq.virginia.gov.

## BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


**September 14, 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. 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 interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

**Contact:** 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.

**September 15, 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 E. Dick, Assistant Director, Board for Waterworks and Wastewater Works Operators, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , e-mail waterwasteoper@dpor.virginia.gov.

## VIRGINIA WORKFORCE COUNCIL

† **September 13, 2005 - 1 p.m.** -- Open Meeting

Fairview Park Marriott, 3111 Fairview Park Drive South, Falls Church, Virginia. 


Public comment is welcome. Five minutes per speaker and a written copy of the remarks is required.

**Contact:** Gail Robinson, Virginia Workforce Council Liaison, Virginia Workforce Council, 703 E. Main St., Richmond, VA 23219, telephone (804) 225-3070, FAX (804) 225-2190, toll-free (800) 828-1129, e-mail gail.robinson@vec.virginia.gov.



## INDEPENDENT


### STATE LOTTERY BOARD

**September 7, 2005 - 9:30 a.m.** -- Open Meeting  
Virginia Lottery Department, 900 East Main Street, 13th Floor,  
Richmond, Virginia. 


A regular meeting to conduct routine business. There will be an opportunity for public comment shortly after the meeting is convened.

**Contact:** Frank S. Ferguson, Director, Legislative and Regulatory Affairs, Virginia Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7905, e-mail [fferguson@valottery.state.va.us](mailto:fferguson@valottery.state.va.us).


### VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **September 19, 2005 - 4 p.m.** -- Open Meeting  
1910 Byrd Avenue, Suite 5, Richmond, Virginia  (Interpreter for the deaf provided upon request)


A meeting of the Policy Committee. Public comment is welcome and will be received beginning at 4 p.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant, at 1-800-552-3962 (Voice/TTY) or via e-mail at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than September 2, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Please visit the Virginia Office for Protection and Advocacy website at [www.vopa.state.va.us](http://www.vopa.state.va.us) for directions. For further information please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi, no later than September 2, 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](mailto:lisa.shehi@vopa.virginia.gov).


### Board for Protection and Advocacy

**September 20, 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 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](mailto:lisa.shehi@vopa.virginia.gov).

## Disabilities Advisory Council


**October 12, 2005 - 10 a.m.** -- Open Meeting  
Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Disabilities Advisory Council. Public comment will be received at 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant at 1-800-552-3962 (Voice/TTY) or via e-mail at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than September 28, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Directions and further information are available by contacting Ms. Shehi. If interpreter services or other accommodations are required please contact Ms. Shehi no later than September 28, 2005.


**Contact:** Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Avenue, Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7413, toll-free (800) 552-3962, (804) 225-2042/TTY , e-mail [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

**November 3, 2005 - 10 a.m.** -- Open Meeting  
Albemarle County Office Building, 1600 5th Street, Meeting Room B, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the PAIMI Advisory Council. 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 October 20, 2005.

**Contact:** Delicia (Dee) 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](mailto:delicia.vance@vopa.virginia.gov).

## PAIMI Advisory Council

**November 3, 2005 - 10 a.m.** -- Open Meeting  
Albemarle County Office Building, 1600 5th Street, Meeting Room B, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)

Public comment is welcome and will be received at the beginning of the meeting. Public comment will also be accepted by telephone. If you wish to provide public comment via telephone, you must call Lisa Shehi, Administrative Assistant, at 1-800-552-3962 (Voice/TTY) or via e-mail at [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov) no later than October 20, 2005. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. Please visit the Virginia Office for Protection and Advocacy website at [www.vopa.state.va.us](http://www.vopa.state.va.us) for directions. For further information, please contact Ms. Shehi. If interpreter services or other accommodations are required, please contact Ms. Shehi, no later than October 20, 2005.

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## Calendar of Events

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**Contact:** Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 662-7213, FAX (804) 662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ☎, e-mail [lisa.shehi@vopa.virginia.gov](mailto:lisa.shehi@vopa.virginia.gov).

### VIRGINIA RETIREMENT SYSTEM

**September 23, 2005 - 10 a.m.** -- Open Meeting  
Virginia Retirement System Investment Department, 1111 East Main St., 3rd Floor, Richmond, Virginia. 📍

A special meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

**Contact:** Phyllis Henderson, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6675, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY ☎, e-mail [phenderson@vrs.state.va.us](mailto:phenderson@vrs.state.va.us).

**October 12, 2005 - 1 p.m.** -- Open Meeting

**November 9, 2005 - 9 a.m.** -- Open Meeting

**November 17, 2005 - 9 a.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 📍

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main 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](mailto:lking@vrs.state.va.us).

**October 12, 2005 - 10 a.m.** -- Open Meeting

**November 8, 2005 - 1 p.m.** -- Open Meeting

**November 16, 2005 - 2:30 p.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 📍

A regular meeting of the Benefits and Actuarial Committee. 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](mailto:lking@vrs.state.va.us).

**November 8, 2005 - 3:30 p.m.** -- Open Meeting

**November 16, 2005 - 4 p.m.** -- Open Meeting

Virginia Retirement System Headquarters Building, 1200 East Main Street, Richmond, Virginia. 📍

A regular meeting of the Audit and Compliance Committee. 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](mailto:lking@vrs.state.va.us).

**November 15, 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 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](mailto:lking@vrs.state.va.us).

**November 16, 2005 - 4 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

4 p.m. - Administration and Personnel

No public comment will be received at the meeting.

**Contact:** LaShaunda B. King, Executive Assistant, Virginia Retirement System, 1200 E. Main 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](mailto:lking@vrs.state.va.us).

## LEGISLATIVE

### JOINT COMMISSION ON ADMINISTRATIVE RULES

† **September 7, 2005 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 📍

A regular meeting. For questions regarding the meeting agenda, contact Elizabeth Palen, 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:** Nathan Hatfield, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

### JOINT SUBCOMMITTEE ON ADOPTION LAWS AND POLICIES

**September 12, 2005 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. 📍

A regular meeting. For questions regarding the meeting agenda, contact Jesse French, 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) 698-7410.

## JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **September 12, 2005 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

The meeting agenda will include (i) Homeland Security funding and preparedness, (ii) the Virginia Information Technologies Agency, and (iii) the 2005 report to the General Assembly.

**Contact:** Patricia Bishop, Fiscal Officer, Joint Legislative Audit and Review Commission, General Assembly Bldg, Suite 1100, Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, e-mail [tbishop@leg.state.va.us](mailto:tbishop@leg.state.va.us).

## JOINT SUBCOMMITTEE PLANNING AND COORDINATING THE 200TH ANNIVERSARY CELEBRATION OF THE BIRTH OF ROBERT E. LEE

† **September 27, 2005 - 2 p.m.** -- Open Meeting  
Washington and Lee University, Elrod Commons, Chavis Room, Lexington, Virginia. ♿

A meeting to include a tour of the colonnade and Lee Chapel, lunch and a work session. For questions regarding the meeting agenda, contact Lisa Wallmeyer, Division of Legislative Services, (804) 786-3591.

**Contact:** William L. Owen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

## VIRGINIA CODE COMMISSION

**September 21, 2005 - 10 a.m.** -- Open Meeting  
**October 19, 2005 - 10 a.m.** -- Open Meeting  
**November 16, 2005 - 10 a.m.** -- Open Meeting  
**December 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 continue work on the 2007 Code of Virginia reorganization project and the Title 3.1 recodification.

**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](mailto:jchaffin@leg.state.va.us).

## DISABILITY COMMISSION

† **September 21, 2005 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ♿

† **November 16, 2005 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Amy Marschean, 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) 698-7410.

## HOUSE AND SENATE SUBCOMMITTEES ON LAND CONSERVATION TAX CREDIT

**November 10, 2005 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, contact Joan Putney, Division of Legislative Services, (804) 786-3591.

**Contact:** William L. Owen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

## JOINT SUBCOMMITTEE STUDYING MEDICAL, ETHICAL, AND SCIENTIFIC ISSUES RELATING TO STEM CELL RESEARCH

**September 21, 2005 - 10 a.m.** -- Open Meeting  
**November 15, 2005 - 2 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 Norma Szakal or Amy Marschean, Division of Legislative Services, (804) 786-3591.


**Contact:** Barbara L. Regen, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.


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## Calendar of Events

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### JOINT SUBCOMMITTEE TO EXAMINE THE COST AND FEASIBILITY OF RELOCATING THE MUSEUM AND WHITE HOUSE OF THE CONFEDERACY

**September 26, 2005 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 


**November 21, 2005 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, contact Robie Ingram or Bryan Stogdale, Division of Legislative Services, (804) 786-3591.

**Contact:** Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

### JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

**September 12, 2005 - 10 a.m.** -- Open Meeting


**October 18, 2005 - 10 a.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Emerging Technology Issues Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [lwallmeyer@leg.state.va.us](mailto:lwallmeyer@leg.state.va.us).

NOTE: CHANGE IN MEETING TIME


**September 14, 2005 - 1 p.m.** -- Open Meeting

**October 19, 2005 - 1 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Nanotechnology Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [lwallmeyer@leg.state.va.us](mailto:lwallmeyer@leg.state.va.us).


† **October 4, 2005 - 10 a.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, 5th Floor Conference Room, Richmond, Virginia. 

A meeting of the Intellectual Property Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [lwallmeyer@leg.state.va.us](mailto:lwallmeyer@leg.state.va.us).


**October 11, 2005 - 2 p.m.** -- Open Meeting

**November 15, 2005 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Integrated Government Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [lwallmeyer@leg.state.va.us](mailto:lwallmeyer@leg.state.va.us).

**October 12, 2005 - 2 p.m.** -- Open Meeting

**November 16, 2005 - 2 p.m.** -- Open Meeting  
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

A meeting of the JCOTS Privacy Advisory Committee.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [lwallmeyer@leg.state.va.us](mailto:lwallmeyer@leg.state.va.us).

† **December 1, 2005 - 10 a.m.** -- Open Meeting


General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. 

The final meeting for 2005.

**Contact:** Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, e-mail [lwallmeyer@leg.state.va.us](mailto:lwallmeyer@leg.state.va.us).

### JOINT SUBCOMMITTEE STUDYING THE VEHICLE TOWING AND RECOVERY INDUSTRY

**September 12, 2005 - 2 p.m.** -- Open Meeting

General Assembly Building, 9th and Broad Streets, Senate Room B, Richmond, 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) 698-7410.

**JOINT SUBCOMMITTEE STUDYING THE VOTING EQUIPMENT CERTIFICATION PROCESS**

**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 TRAINING RESOURCES**

**September 21, 2005 - 10 a.m.** -- Open Meeting  
**November 15, 2005 - 2 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 Frank Munyan, Division of Legislative Services, (804) 786-3591.

**Contact:** Lois V. Johnson, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

**CHRONOLOGICAL LIST**

**OPEN MEETINGS**

- September 7**  
 † Administrative Rules, Joint Commission on  
 † Air Pollution Control Board, State  
 Architects, Professional Engineers, Land Surveyors,  
 Certified Interior Designers and Landscape Architects,  
 Board for  
 Environmental Quality, Department of  
 Funeral Directors and Embalmers, Board of  
 Lottery Board  
 † Medicine, Board of  
 † Mental Health, Mental Retardation and Substance Abuse  
 Services Board, State  
 † Mines, Minerals and Energy, Department of  
 Nursing, Board of  
 † Public Broadcasting Board
- September 8**  
 Aging, Commonwealth Council on Aging  
 Architects, Professional Engineers, Land Surveyors,  
 Certified Interior Designers and Landscape Architects,  
 Board for  
 Barbers and Cosmetology, Board for  
 Child Day-Care Council  
 Conservation and Recreation, Department of  
 - Falls of the James Scenic River Advisory Committee  
 Contractors, Board for  
 Criminal Justice Services Board  
 Health Professions, Board of  
 Information Technologies Agency, Virginia

- Information Technology Investment Board  
 Museum of Fine Arts, Virginia
- September 9**  
 Art and Architectural Review Board  
 Child Fatality Review Team, State  
 Governor, Office of the  
 † Health, Department of  
 - Virginia HIV Community Planning Committee  
 † Longwood University  
 Old Dominion University
- September 10**  
 † Longwood University
- September 12**  
 Adoption Laws and Policies, Joint Subcommittee on  
 Alcoholic Beverage Control Board  
 † Audit and Review Commission, Joint Legislative  
 Local Government, Commission on  
 † Motor Vehicle Dealer Board  
 † Social Services, Department of  
 Technology and Science, Joint Commission on  
 Vehicle Towing and Recovery Industry, Joint Subcommittee  
 Studying the
- September 13**  
 Charitable Gaming Board  
 Contractors, Board for  
 Funeral Directors and Embalmers, Board of  
 Gaming Board, Charitable  
 † Higher Education for Virginia, State Council of  
 Land Evaluation Advisory Council, State  
 Medical Assistance Services, Board of  
 Medicine, Board of  
 Museum of Fine Arts, Virginia  
 Olmstead Oversight Advisory Committee  
 Optometry, Board of  
 Pharmacy, Board of  
 † Workforce Council, Virginia
- September 14**  
 At-Risk Youth and Families, Comprehensive Services for  
 Community Colleges, State Board for  
 † Environmental Quality, Department of  
 † Historic Resources, Department of  
 † Housing Development Authority, Virginia  
 Information Technologies Agency, Virginia  
 - E-911 Wireless Services Board  
 Innovative Technology Authority  
 Interagency Coordinating Council  
 Labor and Industry, Department of  
 - Virginia Apprenticeship Council  
 † Nursing Home Administrators, Board of  
 Olmstead Oversight Advisory Committee  
 Real Estate Appraiser Board  
 Sewage Handling and Disposal Appeal Review Board  
 Technology and Science, Joint Commission on  
 Veterans Services, Department of  
 Waterworks and Wastewater Works Operators, Board for
- September 15**  
 Accountancy, Board of  
 † Agriculture and Consumer Services, Department of  
 - Virginia Cattle Industry Board  
 † Air Pollution Control Board, State  
 † Cervical Cancer, Governor's Task Force on  
 Community Colleges, State Board for

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# Calendar of Events

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Conservation and Recreation, Department of  
- Virginia Soil and Water Conservation Board  
Design-Build/Construction Management Review Board  
† Labor and Industry, Department of  
- Safety and Health Codes Board  
Real Estate Board  
Transportation Board, Commonwealth  
† Treasury, Department of the  
- Virginia College Building Authority  
Waterworks and Wastewater Works Operators, Board for

## September 16

Accountancy, Board of  
Correctional Education, Board of  
Dentistry, Board of  
Medicine, Board of  
Social Work, Board of  
Water Control Board, State

## September 17

Blind and Vision Impaired, Department for the  
- Statewide Rehabilitation Council for the Blind

## September 19

Business Assistance, Department of  
- Small Business Advisory Board  
Chesapeake Bay Local Assistance Board  
Library Board, State  
Nursing, Board of  
Professional and Occupational Regulation, Board for  
† Protection and Advocacy, Virginia Office for  
Veterans Services, Department of  
- Board of Veterans Services  
Water Control Board, State

## September 20

Alzheimer's Disease and Related Disorders Commission  
Conservation and Recreation, Department of  
- Powhatan State Park Master Plan Advisory Committee  
† Contractors, Board for  
Corrections, Board of  
Environmental Quality, Department of  
Nursing, Board of  
Protection and Advocacy, Virginia Office for  
- Board for Protection and Advocacy  
Research and Technology Advisory Commission, Virginia

## September 21

Code Commission, Virginia  
† Compensation Board  
Corrections, Board of  
† Disability Commission  
Education, Board of  
Medical Assistance Services, Department of  
Medicine, Board of  
Museum of Fine Arts, Virginia  
Nursing, Board of  
† Small Business Financing Authority, Virginia  
Stem Cell Research, Joint Subcommittee Studying Medical,  
Ethical and Scientific Issues Relating to  
Transportation Board, Commonwealth  
Treasury Board  
Workforce Development Training Resources, Joint  
Subcommittee Studying

## September 22

† Air Pollution Control Board, State  
† Emergency Management, Department of

† Environmental Quality, Department of  
Museum of Fine Arts, Virginia  
Nursing, Board of

## September 23

† Accountancy, Board of  
† Agriculture and Consumer Services, Board of  
Health, Department of  
- Hemophilia Advisory Board  
Retirement System, Virginia

## September 26

† Air Pollution Control Board, State  
Alcoholic Beverage Control Board  
Forestry, Board of  
Museum and White House of the Confederacy, Joint  
Subcommittee to Examine the Cost and Feasibility of  
Relocating the

## September 27

Air Pollution Control Board, State  
† Birth of Robert E. Lee, Joint Subcommittee Planning and  
Coordinating the 200th Anniversary Celebration of the  
Contractors, Board for  
† Forestry, Board of  
- Reforestation of Timberlands Board  
† Funeral Directors and Embalmers, Board of  
† Health, Department of  
Marine Resources Commission  
† Nursing Home Administrators, Board of  
Water Control Board, State

## September 28

Air Pollution Control Board, State  
- Small Business Environmental Compliance Advisory  
Board  
Waste Management Facility Operators, Board for  
Water Control Board, State

## September 29

Agriculture and Consumer Services, Department of  
- Virginia Horse Industry Board  
† Air Pollution Control Board, State  
Public Guardian and Conservator Advisory Board, Virginia  
† Real Estate Board  
† Social Services, State Board of

## September 30

Rehabilitative Services, Department of  
- Commonwealth Neurotrauma Initiative Trust Fund  
Advisory Board  
† Social Services, State Board of  
† Water Control Board, State

## October 4

† Contractors, Board for  
Nursing, Board of  
† Technology and Science, Joint Commission on

## October 5

Information Technology Agency, Virginia  
- Information Technology Investment Board  
† Mines, Minerals and Energy, Department of

## October 6

Auctioneers Board  
† College Savings Plan, Virginia  
† Contractors, Board for  
Museum of Fine Arts, Virginia

## October 7

Art and Architectural Review Board

**October 11**

Alcoholic Beverage Control Board  
† Blind and Vision Impaired, Board for the  
Nursing, Board of  
Psychology, Board of  
Technology and Science, Joint Commission on  
Transportation Board, Commonwealth

**October 12**

Environmental Quality, Department of  
- Litter Control and Recycling Fund Advisory Board  
Geology, Board for  
Jamestown-Yorktown Foundation  
† Medicine, Board of  
Nursing Home Administrators, Board of  
Protection and Advocacy, Virginia Office for  
Retirement System, Virginia  
Soil Scientists and Wetland Professionals, Board for  
Technology and Science, Joint Commission on

**October 13**

Conservation and Recreation, Department of  
- Falls of the James Scenic River Advisory Committee

**October 14**

† Water Control Board, State

**October 17**

Nursing, Board of  
Psychology, Board of

**October 18**

† Contractors, Board for  
Nursing, Board of  
Technology and Science, Joint Commission on

**October 19**

Cemetery Board  
Code Commission, Virginia  
Nursing and Medicine, Joint Boards of  
Sewage Handling and Disposal Appeal Review Board  
Technology and Science, Joint Commission on  
Treasury Board

**October 20**

Design-Build/Construction Management Review Board  
Nursing, Board of  
† Pesticide Control Board

**October 21**

Health, Department of  
Health Professions, Department of  
- Health Practitioners Intervention Program Committee

**October 24**

Alcoholic Beverage Control Board  
Old Dominion University

**October 25**

Chesapeake Bay Local Assistance Board  
Nursing, Board of

**October 26**

Air Pollution Control Board, State  
Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for  
Education, Board of

**October 27**

† Nursing Home Administrators, Board of

**October 28**

Physical Therapy, Board of  
† Water Control Board, State

**October 31**

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

**November 1**

Branch Pilots, Board for  
Museum of Fine Arts, Virginia  
Real Estate Appraiser Board

**November 2**

Asbestos, Lead, and Home Inspectors, Virginia Board for

**November 3**

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

Counseling, Board of  
Protection and Advocacy, Virginia Office for

**November 4**

Art and Architectural Review Board  
Counseling, Board of

**November 7**

Alcoholic Beverage Control Board  
Hearing Aid Specialists, Board for

**November 8**

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

Retirement System, Virginia

**November 9**

Information Technologies Agency, Virginia  
- E-911 Wireless Services Board  
Retirement System, Virginia

**November 10**

Architects, Professional Engineers, Land Surveyors,  
Certified Interior Designers and Landscape Architects,  
Board for

Audiology and Speech-Language Pathology, Board of  
Conservation and Recreation, Department of

- Falls of the James Scenic River Advisory Board  
Land Conservation Tax Credit, House and Senate  
Subcommittees

Medical Assistance Services, Department of  
- Drug Utilization Review Board

**November 14**

Library Board  
Nursing, Board of  
Professional and Occupational Regulation, Board for

**November 15**

Corrections, Board of  
Medical Assistance Services, Department of  
Nursing, Board of  
Old Dominion University  
Research and Technology Advisory Commission, Virginia  
Retirement System, Virginia  
Stem Cell Research, Joint Subcommittee Studying Medical,  
Ethical and Scientific Issues Relating to  
Technology and Science, Joint Commission on  
Workforce Development Training Resources, Joint  
Subcommittee Studying

**November 16**

Air Pollution Control Board, State  
At-Risk Youth and Families, Comprehensive Services for  
Code Commission, Virginia

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# Calendar of Events

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Community Colleges, State Board for  
† Contractors, Board for  
Corrections, Board of  
† Disability Commission  
Medical Assistance Services, Department of  
Nursing, Board of  
Retirement System, Virginia  
Technology and Science, Joint Commission on  
Treasury Board

## November 17

† Community Colleges, State Board for  
Conservation and Recreation, Department of  
- Virginia Soil and Water Conservation Board  
Design-Build/Construction Management Review Board  
Medicine, Board of  
Nursing, Board of  
Real Estate Board  
Retirement System, Virginia

## November 18

Child Fatality Review Team, State  
Opticians, Board for

## November 21

Alcoholic Beverage Control Board  
Jamestown-Yorktown Foundation  
Museum and White House of the Confederacy, Joint  
Subcommittee to Examine the Cost and Feasibility of  
Relocating the  
Voting Equipment Certification Process, Joint  
Subcommittee Studying the

## November 22

Jamestown-Yorktown Foundation

## November 29

† Medicine, Board of  
- Advisory Board on Occupational Therapy  
† Nursing Home Administrators, Board of

## November 30

† Education, Board of  
† Medicine, Board of  
- Advisory Board on Acupuncture  
- Advisory Board on Radiologic Technology  
- Advisory Board on Respiratory Care

## December 1

† Conservation and Recreation, Department of  
† Medicine, Board of  
- Advisory Board on Athletic Training  
- Advisory Board on Physician Assistants  
† People with Disabilities, Board for  
† Pharmacy, Board of  
† Polygraph Examiners Advisory Board  
† Technology and Science, Joint Commission on

## December 2

† Art and Architectural Review Board  
† People with Disabilities, Board for

## December 5

† Alcoholic Beverage Control Board, State  
† Barbers and Cosmetology, Board for  
† Chesapeake Bay Local Assistance Board  
† Nursing, Board of

## December 21

Code Commission, Virginia

## PUBLIC HEARINGS

### September 8

Criminal Justice Services Board

### September 21

Education, Board of  
† Environmental Quality, Department of

### October 20

† Pesticide Control Board

### November 9

Juvenile Justice, Board of