



Virginia Register of Regulations

VOL. 23 ISS. 5

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

NOVEMBER 13, 2006

TABLE OF CONTENTS

Register Information Page	683
Publication Schedule and Deadlines	684
Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed	685
Petitions for Rulemaking	697
Notices of Intended Regulatory Action	698
Regulations	702
4 VAC 15-20. Definitions and Miscellaneous: In General (Proposed).....	702
4 VAC 15-320. Fish: Fishing Generally (Proposed).....	703
4 VAC 15-360. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (Proposed).....	703
6 VAC 20-250. Regulations Relating to Property and Surety Bail Bondsmen (Proposed).....	705
6 VAC 35-180. Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles (Proposed)	721
6 VAC 35-190. Regulations Governing Juvenile Work Release Programs (Proposed).....	727
8 VAC 103-20. Parking Regulations, Appeals and Fines (Proposed).....	731
9 VAC 5-40. Existing Stationary Sources (Final).....	736
12 VAC 5-31. Virginia Emergency Medical Services Regulations (Final)	745
12 VAC 5-60. State Emergency Medical Services Plan (Final).....	745
13 VAC 10-50. Rules and Regulations for Home Rehabilitation Loans (Final).....	746
13 VAC 10-120. Rules and Regulations for REACH Virginia (Final).....	746
22 VAC 40-200. Foster Care - Guiding Principles (Proposed).....	748
22 VAC 40-201. Permanency Services - Prevention, Foster Care, Adoption and Independent Living (Proposed).....	748
22 VAC 40-210. Foster Care - Assessing the Client's Service Needs (Proposed)	748
22 VAC 40-240. Nonagency Placement for Adoption - Consent (Proposed).....	748
22 VAC 40-250. Agency Placement Adoptions - AREVA (Proposed).....	748
22 VAC 40-260. Agency Placement Adoptions - Subsidy (Proposed).....	748
22 VAC 40-280. Nonagency Placements for Adoption - Adoptive Home Study (Proposed).....	748
22 VAC 40-800. Family Based Social Services (Proposed).....	748
Forms	781
General Notices/Errata	783
Calendar of Events	
Executive.....	792
Independent.....	819
Legislative.....	820
Chronological List.....	822

THE VIRGINIA REGISTER INFORMATION PAGE

THE VIRGINIA REGISTER OF REGULATIONS is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative. The *Virginia Register* has several functions. The new and amended sections of regulations, both as proposed and as finally adopted, are required by law to be published in the *Virginia Register*. In addition, the *Virginia Register* is a source of other information about state government, including petitions for rulemaking, emergency regulations, executive orders issued by the Governor, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of intended regulatory action; a basis, purpose, substance and issues statement; an economic impact analysis prepared by the Department of Planning and Budget; the agency's response to the economic impact analysis; a summary; a notice giving the public an opportunity to comment on the proposal; and the text of the proposed regulation.

Following publication of the proposal in the *Virginia Register*, the promulgating agency receives public comments for a minimum of 60 days. The Governor reviews the proposed regulation to determine if it is necessary to protect the public health, safety and welfare, and if it is clearly written and easily understandable. If the Governor chooses to comment on the proposed regulation, his comments must be transmitted to the agency and the Registrar no later than 15 days following the completion of the 60-day public comment period. The Governor's comments, if any, will be published in the *Virginia Register*. Not less than 15 days following the completion of the 60-day public comment period, the agency may adopt the proposed regulation.

The Joint Commission on Administrative Rules (JCAR) or the appropriate standing committee of each house of the General Assembly may meet during the promulgation or final adoption process and file an objection with the Registrar and the promulgating agency. The objection will be published in the *Virginia Register*. Within 21 days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative body, and the Governor.

When final action is taken, the agency again publishes the text of the regulation as adopted, highlighting all changes made to the proposed regulation and explaining any substantial changes made since publication of the proposal. A 30-day final adoption period begins upon final publication in the *Virginia Register*.

The Governor may review the final regulation during this time and, if he objects, forward his objection to the Registrar and the agency. In addition to or in lieu of filing a formal objection, the Governor may suspend the effective date of a portion or all of a regulation until the end of the next regular General Assembly session by issuing a directive signed by a majority of the members of the appropriate legislative body and the Governor. The Governor's objection or suspension of the regulation, or both, will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation have substantial impact, he may require the agency to provide an additional 30-day public comment period on the changes. Notice of the additional public comment period required by the Governor will be published in the *Virginia Register*.

The agency shall suspend the regulatory process for 30 days when it receives requests from 25 or more individuals to solicit additional public comment, unless the agency determines that the changes have minor or inconsequential impact.

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection

period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the period for which the Governor has provided for additional public comment; (iii) the Governor and the General Assembly exercise their authority to suspend the effective date of a regulation until the end of the next regular legislative session; or (iv) the agency suspends the regulatory process, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 30-day public comment period and no earlier than 15 days from publication of the readopted action.

Proposed regulatory action may be withdrawn by the promulgating agency at any time before the regulation becomes final.

FAST-TRACK RULEMAKING PROCESS

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.

EMERGENCY REGULATIONS

If an agency demonstrates that (i) there is an immediate threat to the public's health or safety; or (ii) Virginia statutory law, the appropriation act, federal law, or federal regulation requires a regulation to take effect no later than (a) 280 days from the enactment in the case of Virginia or federal law or the appropriation act, or (b) 280 days from the effective date of a federal regulation, it then requests the Governor's approval to adopt an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited to addressing specifically defined situations and may not exceed 12 months in duration. Emergency regulations are published as soon as possible in the *Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures. To begin promulgating the replacement regulation, the agency must (i) file the Notice of Intended Regulatory Action with the Registrar within 60 days of the effective date of the emergency regulation and (ii) file the proposed regulation with the Registrar within 180 days of the effective date of the emergency regulation. If the agency chooses not to adopt the regulations, the emergency status ends when the prescribed time limit expires.

STATEMENT

The foregoing constitutes a generalized statement of the procedures to be followed. For specific statutory language, it is suggested that Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia be examined carefully.

CITATION TO THE VIRGINIA REGISTER

The *Virginia Register* is cited by volume, issue, page number, and date. **18:23 VA.R. 2997-3011 July 29, 2002**, refers to Volume 18, Issue 23, pages 2997 through 3011 of the *Virginia Register* issued on July 29, 2002.

The Virginia Register of Regulations is published pursuant to Article 6 (§ 2.2-4031 et seq.) of Chapter 40 of Title 2.2 of the Code of Virginia.

Members of the Virginia Code Commission: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **Robert Hurt**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **S. Bernard Goodwyn**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

PUBLICATION DEADLINES AND SCHEDULES

November 2006 through September 2007

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
FINAL INDEX - Volume 22		October 2006
23:5	October 25, 2006	November 13, 2006
23:6	November 8, 2006	November 27, 2006
23:7	November 21, 2006 (Tuesday)	December 11, 2006
INDEX 1 Volume 23		January 2007
23:8	December 6, 2006	December 25, 2006
23:9	December 19, 2006 (Tuesday)	January 8, 2007
23:10	January 3, 2007	January 22, 2007
23:11	January 17, 2007	February 5, 2007
23:12	January 31, 2007	February 19, 2007
23:13	February 14, 2007	March 5, 2007
23:14	February 28, 2007	March 19, 2007
INDEX 2 Volume 23		April 2007
23:15	March 14, 2007	April 2, 2007
23:16	March 28, 2007	April 16, 2007
23:17	April 11, 2007	April 30, 2007
23:18	April 25, 2007	May 14, 2007
23:19	May 9, 2007	May 28, 2007
23:20	May 23, 2007	June 11, 2007
INDEX 3 Volume 23		July 2007
23:21	June 6, 2007	June 25, 2007
23:22	June 20, 2007	July 9, 2007
23:23	July 3, 2007 (Tuesday)	July 23, 2007
23:24	July 18, 2007	August 6, 2007
23:25	August 1, 2007	August 20, 2007
23:26	August 15, 2007	September 3, 2007
FINAL INDEX - Volume 23		October 2007
24:1	August 29, 2007	September 17, 2007

*Filing deadlines are Wednesdays unless otherwise specified.

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 Fall 2006 VAC Supplement includes final regulations published through *Virginia Register* Volume 22, Issue 22, dated July 10, 2006). Emergency regulations, if any, are listed, followed by the designation “emer,” and errata pertaining to final regulations are listed. Proposed regulations are not listed here. The table lists the sections in numerical order and shows action taken, the volume, issue and page number where the section appeared, and the effective date of the section.

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
Title 1. Administration			
1 VAC 50-10-10 through 1 VAC 50-10-50	Repealed	22:26 VA.R. 4083	10/4/06
1 VAC 50-10-60 through 1 VAC 50-10-150	Added	22:26 VA.R. 4084-4085	10/4/06
1 VAC 50-20-1	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-5	Added	22:26 VA.R. 4085	10/4/06
1 VAC 50-20-10	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-20	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-30	Repealed	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-40	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-50	Amended	22:26 VA.R. 4086	10/4/06
1 VAC 50-20-60 through 1 VAC 50-20-90	Repealed	22:26 VA.R. 4086-4087	10/4/06
1 VAC 50-20-100	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-110	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-120	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-130	Repealed	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-140	Amended	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-142	Added	22:26 VA.R. 4087	10/4/06
1 VAC 50-20-150 through 1 VAC 50-20-180	Amended	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-190 through 1 VAC 50-20-220	Repealed	22:26 VA.R. 4088	10/4/06
1 VAC 50-20-230	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-240	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-250	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-260	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-270	Amended	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-280	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-290	Repealed	22:26 VA.R. 4089	10/4/06
1 VAC 50-20-300	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-310	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-320	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-330	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-340	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-350	Amended	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-360	Repealed	22:26 VA.R. 4090	10/4/06
1 VAC 50-20-370	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-380	Repealed	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-382	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-384	Added	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-390	Amended	22:26 VA.R. 4091	10/4/06
1 VAC 50-20-400 through 1 VAC 50-20-530	Repealed	22:26 VA.R. 4091-4093	10/4/06
1 VAC 50-20-540 through 1 VAC 50-20-600	Amended	22:26 VA.R. 4093-4098	10/4/06
1 VAC 50-20-601	Added	22:26 VA.R. 4098	10/4/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
1 VAC 50-20-605	Added	22:26 VA.R. 4099	10/4/06
1 VAC 50-20-610	Amended	22:26 VA.R. 4100	10/4/06
1 VAC 50-20-612	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-614	Added	22:26 VA.R. 4101	10/4/06
1 VAC 50-20-616	Added	22:26 VA.R. 4102	10/4/06
1 VAC 50-20-620 through 1 VAC 50-20-670	Amended	22:26 VA.R. 4102-4105	10/4/06
1 VAC 50-20-680	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-690	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 50-20-700	Repealed	22:26 VA.R. 4105	10/4/06
1 VAC 55-30-10 through 1 VAC 55-30-90	Added	23:3 VA.R. 334-337	
Title 2. Agriculture			
2 VAC 5-195-10 through 2 VAC 5-195-180	Added	22:25 VA.R. 3872-3876	8/21/06
2 VAC 5-210-10	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-20	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-30	Amended	22:24 VA.R. 3579	7/19/06
2 VAC 5-210-40	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-41	Added	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-50	Repealed	22:24 VA.R. 3580	7/19/06
2 VAC 5-210-60	Amended	22:24 VA.R. 3581	7/19/06
2 VAC 5-330-30	Amended	22:24 VA.R. 3587	9/7/06
2 VAC 20-40-10	Amended	22:26 VA.R. 4105	10/5/06
2 VAC 20-40-20	Amended	22:26 VA.R. 4106	10/5/06
2 VAC 20-40-40	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-60	Amended	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-65	Added	22:26 VA.R. 4107	10/5/06
2 VAC 20-40-70 through 2 VAC 20-40-110	Amended	22:26 VA.R. 4107-4109	10/5/06
2 VAC 20-40-120	Repealed	22:26 VA.R. 4109	10/5/06
Title 4. Conservation and Natural Resources			
4 VAC 20-20-20	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-20-50	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-150-70	Amended	22:23 VA.R. 3277	6/28/06
4 VAC 20-252-30	Amended	22:23 VA.R. 3277	7/1/06
4 VAC 20-252-50	Amended	22:23 VA.R. 3278	7/1/06
4 VAC 20-252-115	Added	22:23 VA.R. 3278	7/1/06
4 VAC 20-566-30	Amended	22:25 VA.R. 3877	8/1/06
4 VAC 20-610-30	Amended	23:4 VA.R. 575	10/1/06
4 VAC 20-610-40	Amended	23:4 VA.R. 576	10/1/06
4 VAC 20-610-60	Amended	23:4 VA.R. 576	10/1/06
4 VAC 20-720-20	Amended	23:4 VA.R. 578	10/1/06
4 VAC 20-720-40	Amended	23:4 VA.R. 579	10/1/06
4 VAC 20-720-50	Amended	23:4 VA.R. 579	10/1/06
4 VAC 20-720-60	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-70	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-75	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-80	Amended	23:4 VA.R. 580	10/1/06
4 VAC 20-720-100	Amended	23:4 VA.R. 581	10/1/06
4 VAC 20-900-10 through 4 VAC 20-900-30	Amended	22:23 VA.R. 3279-3280	7/1/06
4 VAC 20-1090-20	Repealed	23:4 VA.R. 581	10/1/06
4 VAC 20-1090-30	Amended	23:4 VA.R. 582	10/1/06
4 VAC 25-130-816.11	Amended	22:24 VA.R. 3587	9/6/06
4 VAC 25-130-816.64	Amended	22:24 VA.R. 3588	9/6/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-170 (Form)	Amended	22:26 VA.R. 3588	--
Title 6. Criminal Justice and Corrections			
6 VAC 20-120-80	Amended	22:20 VA.R. 2704	7/12/06
6 VAC 20-190-10 through 6 VAC 20-190-200	Repealed	22:10 VA.R. 1556-1559	2/22/06
6 VAC 20-210-10 through 6 VAC 20-210-110	Repealed	22:10 VA.R. 1561-1562	2/22/06
6 VAC 20-220-20 through 6 VAC 20-220-80	Repealed	22:10 VA.R. 1559-1560	2/22/06
6 VAC 20-240-10 through 6 VAC 20-240-120	Added	22:11 VA.R. 1764-1768	3/8/06
6 VAC 20-260-10 through 6 VAC 20-260-360 emer	Added	22:12 VA.R. 2044-2053	2/20/06-2/19/07
6 VAC 35-10-10 through 6 VAC 35-10-50	Amended	23:1 VA.R. 25-26	10/18/06
6 VAC 35-10-60	Repealed	23:1 VA.R. 26	10/18/06
6 VAC 35-10-70 through 100	Amended	23:1 VA.R. 26-27	10/18/06
6 VAC 35-10-105	Added	23:1 VA.R. 27	10/18/06
6 VAC 35-10-110	Amended	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120 through 6 VAC 35-10-150	Added	23:1 VA.R. 28	10/18/06
6 VAC 35-10-120	Amended	23:1 VA.R. 28	10/18/06
6 VAC 40-10-10 through 6 VAC 40-10-90	Added	22:24 VA.R. 3746-3747	10/25/06
6 VAC 40-50-10 through 6 VAC 40-50-80 emer	Added	22:23 VA.R. 3406-3407	7/1/06-6/30/07
Title 8. Education			
8 VAC 20-21-10 through 8 VAC 20-21-730	Repealed	23:3 VA.R. 337	11/28/06
8 VAC 20-22-10 through 8 VAC 20-22-760	Added	23:3 VA.R. 344-376	11/28/06
8 VAC 20-131-5	Added	22:24 VA.R. 3589	9/7/06
8 VAC 20-131-10	Amended	22:24 VA.R. 3590	9/7/06
8 VAC 20-131-20	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-30	Amended	22:24 VA.R. 3591	9/7/06
8 VAC 20-131-40	Repealed	22:24 VA.R. 3592	9/7/06
8 VAC 20-131-50 through 8 VAC 20-131-110	Amended	22:24 VA.R. 3592-3598	9/7/06
8 VAC 20-131-140	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-150	Amended	22:24 VA.R. 3598	9/7/06
8 VAC 20-131-160	Repealed	22:24 VA.R. 3599	9/7/06
8 VAC 20-131-170 through 8 VAC 20-131-210	Amended	22:24 VA.R. 3599-3600	9/7/06
8 VAC 20-131-240	Amended	22:24 VA.R. 3600	9/7/06
8 VAC 20-131-260 through 8 VAC 20-131-310	Amended	22:24 VA.R. 3601-3607	9/7/06
8 VAC 20-131-315	Added	22:24 VA.R. 3607	9/7/06
8 VAC 20-131-320	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-325	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-330	Repealed	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-340	Amended	22:24 VA.R. 3608	9/7/06
8 VAC 20-131-350	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131-360	Added	22:24 VA.R. 3609	9/7/06
8 VAC 20-131, Appendix I	Repealed	22:24 VA.R. 3609	9/7/06
8 VAC 20-521-30	Amended	22:26 VA.R. 4110	10/4/06
8 VAC 20-541-10 through 8 VAC 20-541-60	Repealed	23:3 VA.R. 376	11/29/06
8 VAC 20-542-10 through 8 VAC 20-542-600	Added	23:3 VA.R. 376-434	11/29/06
8 VAC 40-30	Repealed	22:23 VA.R. 3281	8/24/06
8 VAC 40-31-10 through 8 VAC 40-31-320	Added	22:23 VA.R. 3281-3298	8/24/06
Title 9. Environment			
9 VAC 5-20-21	Amended	22:26 VA.R. 4111	10/4/06
9 VAC 5-20-203	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-204	Amended	22:23 VA.R. 3299	9/1/06
9 VAC 5-20-206	Amended	22:26 VA.R. 4114	10/4/06
9 VAC 5-40-300	Amended	22:26 VA.R. 4115	10/4/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-40-5060	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-5200	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5600	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5610	Amended	23:1 VA.R. 29	10/18/06
9 VAC 5-40-5620	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5630	Amended	23:1 VA.R. 31	10/18/06
9 VAC 5-40-5631	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5641	Amended	23:1 VA.R. 33	10/18/06
9 VAC 5-40-5700	Amended	22:26 VA.R. 4116	10/4/06
9 VAC 5-40-5720	Amended	22:26 VA.R. 4117	10/4/06
9 VAC 5-40-5750	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-6970	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7050	Amended	22:26 VA.R. 4118	10/4/06
9 VAC 5-40-7120	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7130	Amended	22:26 VA.R. 4119	10/4/06
9 VAC 5-40-7140	Amended	22:26 VA.R. 4122	10/4/06
9 VAC 5-40-7210	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7240	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7250	Amended	22:26 VA.R. 4124	10/4/06
9 VAC 5-40-7260	Amended	22:26 VA.R. 4125	10/4/06
9 VAC 5-40-7270	Amended	22:26 VA.R. 4136	10/4/06
9 VAC 5-40-7300	Amended	22:26 VA.R. 4139	10/4/06
9 VAC 5-40-7330	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7360	Amended	22:26 VA.R. 4140	10/4/06
9 VAC 5-40-7800	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-40-7880	Amended	22:26 VA.R. 4141	10/4/06
9 VAC 5-50-250	Amended	22:23 VA.R. 3301	9/1/06
9 VAC 5-50-270	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-50-280	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1100	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1110	Amended	22:23 VA.R. 3303	9/1/06
9 VAC 5-80-1310	Repealed	22:23 VA.R. 3308	9/1/06
9 VAC 5-80-1605	Added	22:23 VA.R. 3309	9/1/06
9 VAC 5-80-1615	Added	22:23 VA.R. 3310	9/1/06
9 VAC 5-80-1625	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1635	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1645	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1655	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1665	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1675	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1685	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1695	Added	22:23 VA.R. 3323	9/1/06
9 VAC 5-80-1700	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1705	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1710	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1715	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1720	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1725	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1730	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1735	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1740	Repealed	22:23 VA.R. 3325	9/1/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-80-1745	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1750	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1755	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1760	Repealed	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1765	Added	22:23 VA.R. 3325	9/1/06
9 VAC 5-80-1770	Repealed	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1775	Added	22:23 VA.R. 3327	9/1/06
9 VAC 5-80-1780	Repealed	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1785	Added	22:23 VA.R. 3328	9/1/06
9 VAC 5-80-1790	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1795	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1800	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1805	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1810	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1815	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1820	Repealed	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1825	Added	22:23 VA.R. 3329	9/1/06
9 VAC 5-80-1830	Repealed	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1835	Added	22:23 VA.R. 3330	9/1/06
9 VAC 5-80-1840	Repealed	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1845	Added	22:23 VA.R. 3332	9/1/06
9 VAC 5-80-1850	Repealed	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1855	Added	22:23 VA.R. 3334	9/1/06
9 VAC 5-80-1860	Repealed	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1865	Added	22:23 VA.R. 3335	9/1/06
9 VAC 5-80-1870 through 9 VAC 5-80-1920	Repealed	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1925	Added	22:23 VA.R. 3340	9/1/06
9 VAC 5-80-1930	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1935	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1940	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1945	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1950	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1955	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1960	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1965	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1970	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1975	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1985	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-1995	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:23 VA.R. 3343-3355	9/1/06
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:23 VA.R. 3355-3358	9/1/06
9 VAC 5-80-2090	Amended	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2091	Added	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:23 VA.R. 3359-3362	9/1/06
9 VAC 5-80-2141 through 9 VAC 5-80-2143	Added	22:23 VA.R. 3362-3366	9/1/06
9 VAC 5-80-2144	Added	22:23 VA.R. 3367	9/1/06
9 VAC 5-80-2180	Amended	22:23 VA.R. 3372	9/1/06
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:23 VA.R. 3373-3375	9/1/06
9 VAC 20-60-18	Amended	22:23 VA.R. 3375	8/23/06
9 VAC 20-85-20	Amended	23:4 VA.R. 584	11/29/06
9 VAC 20-85-30	Amended	23:4 VA.R. 585	11/29/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 20-85-40	Amended	23:4 VA.R. 585	11/29/06
9 VAC 20-85-60 through 9 VAC 20-85-170	Amended	23:4 VA.R. 585-589	11/29/06
9 VAC 25-31-10	Amended	22:24 VA.R. 3610	9/6/06
9 VAC 25-31-30	Amended	22:24 VA.R. 3619	9/6/06
9 VAC 25-31-80	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-100	Amended	22:24 VA.R. 3620	9/6/06
9 VAC 25-31-165	Added	22:24 VA.R. 3637	9/6/06
9 VAC 25-31-220	Amended	22:24 VA.R. 3651	9/6/06
9 VAC 25-31-290	Amended	22:24 VA.R. 3656	9/6/06
9 VAC 25-31-770	Amended	22:24 VA.R. 3657	9/6/06
9 VAC 25-31-780	Amended	22:24 VA.R. 3658	9/6/06
9 VAC 25-31-790	Amended	22:24 VA.R. 3662	9/6/06
9 VAC 25-31-800	Amended	22:24 VA.R. 3667	9/6/06
9 VAC 25-31-840	Amended	22:24 VA.R. 3670	9/6/06
9 VAC 25-31-870	Amended	22:24 VA.R. 3677	9/6/06
9 VAC 25-260-5	Amended	23:1 VA.R. 41	*
9 VAC 25-260-30	Amended	22:26 VA.R. 4142	*
9 VAC 25-260-30	Amended	23:1 VA.R. 38	*
9 VAC 25-260-50	Amended	23:1 VA.R. 42	*
9 VAC 25-260-187	Added	23:1 VA.R. 42	*
9 VAC 25-260-310	Amended	23:1 VA.R. 44	*
9 VAC 25-260-480	Amended	23:1 VA.R. 46	*
9 VAC 25-660-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-680-90	Erratum	22:23 VA.R. 3424	--
9 VAC 25-690-70	Erratum	22:23 VA.R. 3424	--
9 VAC 25-820-10 through 9 VAC 25-820-70	Added	23:2 VA.R. 231-251	11/1/06
Title 11. Gaming			
11 VAC 5-20-200	Amended	22:25 VA.R. 3907	11/6/06
11 VAC 5-20-210 through 11 VAC 5-20-520	Repealed	22:25 VA.R. 3907-3914	11/6/06
11 VAC 10-70-20	Amended	22:25 VA.R. 3916	11/4/06
11 VAC 10-70-20	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-30	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-30	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-40	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-40	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-50	Repealed	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-50	Repealed	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-60 through 11 VAC 10-70-90	Amended	22:25 VA.R. 3917-3918	11/4/06
11 VAC 10-70-60	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-70	Amended	22:26 VA.R. 4145	9/4/06-11/3/06
11 VAC 10-70-80	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-90	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-170	Amended	22:25 VA.R. 3918	11/4/06
11 VAC 10-70-170	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-10	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-10	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-30	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-30	Amended	22:26 VA.R. 4146	9/4/06-11/3/06

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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
11 VAC 10-90-50	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-50	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
Title 12. Health			
12 VAC 5-480-10 through 12 VAC 5-480-8920	Repealed	22:25 VA.R. 3877	9/20/06
12 VAC 5-481-10 through 12 VAC 5-481-3670	Added	22:25 VA.R. 3877	9/20/06
12 VAC 5-585-70	Amended	23:3 VA.R. 438	11/9/06
12 VAC 5-585-510	Amended	23:3 VA.R. 438	11/9/06
12 VAC 5-585-600 through 12 VAC 5-585-630	Amended	23:3 VA.R. 442-450	11/9/06
12 VAC 5-590-10	Amended	22:24 VA.R. 3677	9/6/06
12 VAC 5-590-370	Amended	22:24 VA.R. 3683	9/6/06
12 VAC 5-590-410	Amended	22:24 VA.R. 3708	9/6/06
12 VAC 5-590-440	Amended	22:24 VA.R. 3711	9/6/06
12 VAC 5-590-505	Added	23:1 VA.R. 47	10/18/06
12 VAC 5-590, Appendix N	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 5-590-545	Amended	22:24 VA.R. 3712	9/6/06
12 VAC 5-590-820	Amended	22:24 VA.R. 3717	9/6/06
12 VAC 30-40-10	Amended	22:23 VA.R. 3376	8/23/06
12 VAC 30-40-290	Amended	22:23 VA.R. 3377	8/23/06
12 VAC 30-40-300	Amended	22:23 VA.R. 3379	8/23/06
12 VAC 30-40-360	Added	22:23 VA.R. 3385	8/23/06
12 VAC 30-50-190	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-70-221 emer	Amended	22:26 VA.R. 4183	9/4/06-9/3/07
12 VAC 30-70-291	Amended	22:23 VA.R. 3388	8/23/06
12 VAC 30-70-301	Amended	22:25 VA.R. 3921	11/6/06
12 VAC 30-70-425	Amended	22:23 VA.R. 3389	8/23/06
12 VAC 30-70-426	Repealed	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-20	Amended	22:23 VA.R. 3390	8/23/06
12 VAC 30-80-30	Amended	22:23 VA.R. 3393	8/23/06
12 VAC 30-90-19	Amended	22:23 VA.R. 3395	8/23/06
12 VAC 30-110-90	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-370	Amended	22:26 VA.R. 4168	11/20/06
12 VAC 30-110-710	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-110-960	Amended	22:23 VA.R. 3385	8/23/06
12 VAC 30-120-215	Amended	22:24 VA.R. 3718	9/6/06
12 VAC 30-120-280	Amended	22:26 VA.R. 4170	11/20/06
12 VAC 30-120-290	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-310	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-320	Amended	22:26 VA.R. 4173	11/20/06
12 VAC 30-120-380	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-120-720	Amended	22:24 VA.R. 3721	9/6/06
12 VAC 30-120-920	Amended	22:24 VA.R. 3724	9/6/06
12 VAC 30-141-10	Amended	22:26 VA.R. 4147	10/4/06
12 VAC 30-141-40	Amended	22:26 VA.R. 4149	10/4/06
12 VAC 30-141-100	Amended	22:26 VA.R. 4150	10/4/06
12 VAC 30-141-160	Amended	22:26 VA.R. 4151	10/4/06
12 VAC 30-141-170	Repealed	22:26 VA.R. 4152	10/4/06
12 VAC 30-141-175	Added	22:26 VA.R. 4153	10/4/06
12 VAC 30-141-200	Amended	22:23 VA.R. 3387	8/23/06
12 VAC 30-141-200	Amended	22:26 VA.R. 4155	10/4/06
12 VAC 30-141-500	Amended	22:16 VA.R. 2385	7/3/06
12 VAC 30-141-500	Amended	22:23 VA.R. 3387	8/23/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 30-150-40	Amended	22:25 VA.R. 3924	11/6/06
12 VAC 30-150-50	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-70	Amended	22:25 VA.R. 3925	11/6/06
12 VAC 30-150-80	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 30-150-90	Amended	22:25 VA.R. 3926	11/6/06
12 VAC 35-115-10 through 12 VAC 35-115-150	Amended	23:1 VA.R. 50-79	10/18/06
12 VAC 35-115-145	Added	23:1 VA.R. 76	10/18/06
12 VAC 35-115-146	Added	23:1 VA.R. 77	10/18/06
12 VAC 35-115-160	Repealed	23:1 VA.R. 79	10/18/06
12 VAC 35-115-170 through 12 VAC 35-115-250	Amended	23:1 VA.R. 79-91	10/18/06
Title 14. Insurance			
14 VAC 5-30-20	Erratum	22:24 VA.R. 3755	--
14 VAC 5-30-80	Erratum	22:24 VA.R. 3755	--
14 VAC 5-260 (Forms)	Erratum	22:24 VA.R. 3756	--
14 VAC 5-260-10	Amended	23:2 VA.R. 253	10/2/06
14 VAC 5-260-20	Repealed	23:2 VA.R. 253	10/2/06
14 VAC 5-260-30 through 14 VAC 5-260-60	Amended	23:2 VA.R. 253-257	10/2/06
14 VAC 5-260-80	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-90	Amended	23:2 VA.R. 257	10/2/06
14 VAC 5-260-110	Added	23:2 VA.R. 258	10/2/06
Title 16. Labor and Employment			
16 VAC 25-60-10	Amended	22:25 VA.R. 3878	9/21/06
16 VAC 25-60-30	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-40	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-80	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-90	Amended	22:25 VA.R. 3880	9/21/06
16 VAC 25-60-100	Amended	22:25 VA.R. 3881	9/21/06
16 VAC 25-60-120 through 16 VAC 25-60-150	Amended	22:25 VA.R. 3882-3883	9/21/06
16 VAC 25-60-190	Amended	22:25 VA.R. 3883	9/21/06
16 VAC 25-60-260	Amended	22:25 VA.R. 3884	9/21/06
16 VAC 25-60-300	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-320	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-340	Amended	22:25 VA.R. 3886	9/21/06
16 VAC 25-90-1910.95	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.134	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.178	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.266	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.441	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1000	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1017	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1018	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1020	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1025	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1027	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1028	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1029	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1030	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1043	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1045	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1047	Amended	22:23 VA.R. 3396	9/1/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
16 VAC 25-90-1910.1048	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1050	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1051	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1052	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1450	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.60	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.62	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.754	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1092	Repealed	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1101	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1127	Amended	22:23 VA.R. 3396	9/1/06
Title 18. Professional and Occupational Licensing			
18 VAC 10-20-10	Amended	23:1 VA.R. 96	2/1/07
18 VAC 10-20-15	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-17	Added	23:1 VA.R. 97	2/1/07
18 VAC 10-20-20	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-25	Added	23:1 VA.R. 98	2/1/07
18 VAC 10-20-30	Repealed	23:1 VA.R. 98	2/1/07
18 VAC 10-20-60	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-35 through 18 VAC 10-20-55	Amended	23:1 VA.R. 98-99	2/1/07
18 VAC 10-20-70	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-75	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-80	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-85	Added	23:1 VA.R. 99	2/1/07
18 VAC 10-20-90 through 18 VAC 10-20-420	Amended	23:1 VA.R. 99-110	2/1/07
18 VAC 10-20-440 through 18 VAC 10-20-560	Amended	23:1 VA.R. 110-113	2/1/07
18 VAC 10-20-565	Repealed	23:1 VA.R. 114	2/1/07
18 VAC 10-20-570 through 18 VAC 10-20-620	Amended	23:1 VA.R. 113-116	2/1/07
18 VAC 10-20-625	Repealed	23:1 VA.R. 116	2/1/07
18 VAC 10-20-630 through 18 VAC 10-20-660	Amended	23:1 VA.R. 116-117	2/1/07
18 VAC 10-20-665	Repealed	23:1 VA.R. 117	2/1/07
18 VAC 10-20-670 through 18 VAC 10-20-795	Amended	23:1 VA.R. 117-122	2/1/07
18 VAC 15-20-20	Amended	23:3 VA.R. 451	12/1/06
18 VAC 15-20-30	Repealed	23:3 VA.R. 453	12/1/06
18 VAC 15-20-31	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-32	Added	23:3 VA.R. 454	12/1/06
18 VAC 15-20-33	Added	23:3 VA.R. 457	12/1/06
18 VAC 15-20-34	Added	23:3 VA.R. 458	12/1/06
18 VAC 15-20-40	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-50	Repealed	23:3 VA.R. 459	12/1/06
18 VAC 15-20-51	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-52	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-53	Added	23:3 VA.R. 459	12/1/06
18 VAC 15-20-60	Amended	23:3 VA.R. 460	12/1/06
18 VAC 15-20-70	Amended	23:3 VA.R. 460	12/1/06
18 VAC 15-20-80 through 18 VAC 15-20-150	Repealed	23:3 VA.R. 461	12/1/06
18 VAC 15-20-250 through 18 VAC 15-20-361	Repealed	23:3 VA.R. 461-463	12/1/06
18 VAC 15-20-400 through 18 VAC 15-20-451	Amended	23:3 VA.R. 464-466	12/1/06
18 VAC 15-20-453	Amended	23:3 VA.R. 466	12/1/06
18 VAC 15-20-456	Amended	23:3 VA.R. 466	12/1/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 15-20-459.6 through 18 VAC 15-20-460	Repealed	23:3 VA.R. 466-468	12/1/06
18 VAC 15-20-461	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-462	Added	23:3 VA.R. 468	12/1/06
18 VAC 15-20-463	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-464	Added	23:3 VA.R. 469	12/1/06
18 VAC 15-20-470	Amended	23:3 VA.R. 469	12/1/06
18 VAC 15-30-30	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-40	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-50	Repealed	23:3 VA.R. 471	12/1/06
18 VAC 15-30-51 through 18 VAC 15-30-54	Added	23:3 VA.R. 472-475	12/1/06
18 VAC 15-30-100 through 18 VAC 15-30-330	Repealed	23:3 VA.R. 475-481	12/1/06
18 VAC 15-30-161 through 18 VAC 15-30-167	Added	23:3 VA.R. 477-479	12/1/06
18 VAC 15-30-332	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-334	Added	23:3 VA.R. 481	12/1/06
18 VAC 15-30-420	Amended	23:3 VA.R. 481	12/1/06
18 VAC 15-30-510	Amended	23:3 VA.R. 482	12/1/06
18 VAC 15-30-810	Amended	23:3 VA.R. 483	12/1/06
18 VAC 15-30-820	Amended	23:3 VA.R. 484	12/1/06
18 VAC 25-21-70	Amended	22:26 VA.R. 4155	11/1/06
18 VAC 25-21 (Forms)	Amended	22:26 VA.R. 4155	--
18 VAC 30-20-80 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-170 emer	Amended	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 30-20-171 emer	Added	22:26 VA.R. 4186	9/1/06-8/31/07
18 VAC 41-30-10 through 18 VAC 41-30-250	Added	23:1 VA.R. 124-131	11/1/06
18 VAC 41-50-10 through 18 VAC 41-50-420	Added	22:25 VA.R. 3887-3900	10/1/06
18 VAC 50-22-40 emer	Amended	23:1 VA.R. 131	8/21/06-8/20/07
18 VAC 50-22-50 emer	Amended	23:1 VA.R. 132	8/21/06-8/20/07
18 VAC 50-22-60 emer	Amended	23:1 VA.R. 133	8/21/06-8/20/07
18 VAC 50-22-300 through 18 VAC 50-22-350 emer	Added	23:1 VA.R. 134	8/21/06-8/20/07
18 VAC 60-20-10	Amended	22:23 VA.R. 3397	8/23/06
18 VAC 60-20-20	Amended	22:23 VA.R. 3398	8/23/06
18 VAC 60-20-71	Added	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-100	Amended	22:24 VA.R. 3749	10/23/06
18 VAC 60-20-105	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-106	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-108	Amended	22:26 VA.R. 4175	11/18/06
18 VAC 60-20-210	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 60-20-230	Amended	22:23 VA.R. 3400	8/23/06
18 VAC 70-20-30	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20-50	Amended	22:26 VA.R. 4156	11/1/06
18 VAC 70-20 (Forms)	Amended	22:26 VA.R. 4156	--
18 VAC 76-20-10	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-20	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-30	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-50	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-60	Amended	22:23 VA.R. 3402	8/23/06
18 VAC 76-20-70	Added	22:23 VA.R. 3403	8/23/06
18 VAC 85-20-22 emer	Amended	22:26 VA.R. 4187	9/1/06-8/31/07
18 VAC 85-20-122	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 85-20-226 emer	Added	22:26 VA.R. 4188	9/1/06-8/31/07
18 VAC 85-20-330	Amended	22:25 VA.R. 3901	9/20/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 85-40-35 emer	Amended	22:26 VA.R. 4189	9/1/06-8/31/07
18 VAC 85-40-67 emer	Added	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-35 emer	Amended	22:26 VA.R. 4190	9/1/06-8/31/07
18 VAC 85-50-61 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-26 emer	Amended	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-73 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-101-25 emer	Amended	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-101-153 emer	Added	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-110-35 emer	Amended	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 85-110-161 emer	Added	22:26 VA.R. 4193	9/1/06-8/31/07
18 VAC 90-25-15 through 18 VAC 90-25-80	Amended	23:3 VA.R. 487-492	11/14/06
18 VAC 90-25-71	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-72	Added	23:3 VA.R. 491	11/14/06
18 VAC 90-25-81	Added	23:3 VA.R. 492	11/14/06
18 VAC 90-25-100 through 18 VAC 90-25-130	Amended	23:3 VA.R. 492-494	11/14/06
18 VAC 90-30-10 emer	Amended	22:26 VA.R. 4194	9/1/06-8/31/07
18 VAC 90-30-80	Amended	22:26 VA.R. 4177	11/18/06
18 VAC 90-30-120 emer	Amended	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 90-30-121 emer	Added	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 95-20-220	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 95-20-221	Added	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-310	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-330	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-340	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-380	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-390	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 105-20-20	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 110-20-20	Amended	22:15 VA.R. 2321	5/3/06
18 VAC 110-20-20	Erratum	22:16 VA.R. 2399	--
18 VAC 110-20-20	Amended	22:24 VA.R. 3726	9/6/06
18 VAC 110-20-20	Erratum	22:25 VA.R. 3935	--
18 VAC 110-20-20	Amended	23:4 VA.R. 635	11/29/06
18 VAC 110-20-70	Amended	22:24 VA.R. 3751	10/23/06
18 VAC 110-20-630	Amended	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-640	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-660	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-670	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-720	Amended	23:4 VA.R. 634	11/29/06
18 VAC 110-30-15	Amended	23:4 VA.R. 637	11/29/06
18 VAC 110-50-10 through 18 VAC 110-50-150	Added	22:24 VA.R. 3729-3735	9/6/06
18 VAC 110-50-20	Amended	23:4 VA.R. 637	11/29/06
18 VAC 112-20-50	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-65	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 120-30-100	Amended	23:3 VA.R. 497	12/11/06
18 VAC 155-20-10	Amended	22:26 VA.R. 4160	11/1/06
18 VAC 155-20-110	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-120	Amended	22:26 VA.R. 4161	11/1/06
18 VAC 155-20-160	Amended	22:26 VA.R. 4162	11/1/06
18 VAC 155-20-220	Amended	22:26 VA.R. 4163	11/1/06
18 VAC 155-20-280	Amended	22:26 VA.R. 4166	11/1/06
18 VAC 155-20 (Forms)	Amended	22:26 VA.R. 4166	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
18 VAC 160-20-10	Amended	23:1 VA.R. 136	12/1/06
18 VAC 160-20-74	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-76	Amended	22:26 VA.R. 4179	12/1/06
18 VAC 160-20-90	Amended	22:26 VA.R. 4180	12/1/06
18 VAC 160-20-95	Added	23:1 VA.R. 137	12/1/06
18 VAC 160-20-104	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-106	Amended	23:1 VA.R. 137	12/1/06
18 VAC 160-20-109	Amended	23:1 VA.R. 138	12/1/06
18 VAC 160-20-140	Amended	23:1 VA.R. 139	12/1/06
Title 20. Public Utilities and Telecommunications			
20 VAC 5-315 (Form)	Amended	23:4 VA.R. 639	--
20 VAC 5-315-10	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-20	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-30	Amended	23:3 VA.R. 500	9/26/06
20 VAC 5-315-40	Amended	23:3 VA.R. 501	9/26/06
20 VAC 5-413-5	Added	23:3 VA.R. 504	12/1/06
20 VAC 5-413-10	Amended	23:3 VA.R. 504	12/1/06
20 VAC 5-413-20	Amended	23:3 VA.R. 505	12/1/06
20 VAC 5-413-25	Added	23:3 VA.R. 505	12/1/06
20 VAC 5-413-30	Amended	23:3 VA.R. 505	12/1/06
20 VAC 5-413-35	Added	23:3 VA.R. 506	12/1/06
20 VAC 5-413-40	Amended	23:3 VA.R. 506	12/1/06
20 VAC 5-413-50	Added	23:3 VA.R. 506	12/1/06
Title 22. Social Services			
22 VAC 40-35-10 emer	Amended	22:26 VA.R. 4196	9/1/06-8/31/07
22 VAC 40-35-80 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-90 emer	Amended	22:26 VA.R. 4198	9/1/06-8/31/07
22 VAC 40-35-100 emer	Amended	22:26 VA.R. 4199	9/1/06-8/31/07
22 VAC 40-72-789	Erratum	22:26 VA.R. 4207	--
22 VAC 40-72-1060	Erratum	22:26 VA.R. 4207	--
22 VAC 40-325-10	Amended	22:25 VA.R. 3901	10/1/06
22 VAC 40-325-20	Amended	22:25 VA.R. 3902	10/1/06
22 VAC 40-745-10 through 22 VAC 40-745-70	Amended	23:1 VA.R. 140-145	11/1/06
22 VAC 40-745-90	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-100	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-745-110	Amended	23:1 VA.R. 145	11/1/06
22 VAC 40-901-10	Amended	22:25 VA.R. 3903	10/1/06
22 VAC 40-901-40 through 22 VAC 40-901-90	Added	22:25 VA.R. 3903-3905	10/1/06
Title 24. Transportation and Motor Vehicles			
24 VAC 30-271-10	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-271-20	Amended	23:2 VA.R. 259	11/1/06
24 VAC 30-550	Repealed	22:24 VA.R. 3736	9/6/06
24 VAC 30-551-10 through 24 VAC 30-551-100	Added	22:24 VA.R. 3736-3744	9/6/06
24 VAC 30-600	Repealed	22:24 VA.R. 3736	9/6/06

PETITIONS FOR RULEMAKING

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Initial Agency Notice

Title of Regulation: **9 VAC 25-720. Water Quality Management Planning Regulation.**

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

Name of Petitioner: Jesse W. Moffett, Executive Director, Frederick-Winchester Service Authority (FWSA).

Nature of Petitioner's Request: Amend the Water Quality Management Planning Regulation (9 VAC 25-720-50 C) to modify total nitrogen (TN) and total phosphorus (TP) waste load allocations for the FWSA-Opequon Water Reclamation Facility; VPDES Permit No. 0065552. The TN and TP allocations are currently based on a permitted design capacity of 8.4 million gallons per day (MGD), and FWSA claims that the existing infrastructure is more appropriately classified as 12.6 MGD. FWSA requests that the facility's waste load allocations be increased from 102,336 lbs/yr to 153,422 lbs/yr for TN, and from 7,675 lbs/yr to 11,506 lbs/yr for TP, to reflect a design capacity of 12.6 MGD.

Agency's Plan for Disposition of Request: Public-notice receipt of the petition and provide for a 21-day public comment period. Upon close of the public comment period, review any comments received and then make a decision to either initiate a rulemaking or place the petition on the board's next meeting agenda for its consideration.

Public comments may be submitted until December 4, 2006.

Agency Contact: John M. Kennedy, Department of Environmental Quality, Chesapeake Bay Program Manager, P.O. Box 10009, Richmond, VA 23240-0009, telephone (804) 698-4312, FAX (804) 698-4116, or email jmkennedy@deq.virginia.gov.

VA.R. Doc. No. R07-22; Filed October 25, 2006, 8:32 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 6. CRIMINAL JUSTICE AND CORRECTIONS

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Criminal Justice Services Board intends to consider amending regulations entitled **6 VAC 20-160, Rules Relating to the Court-Appointed Special Advocate Program (CASA)**. The purpose of the proposed action is to clarify the rule of the Court-Appointed Special Advocate (CASA) Advisory Council, improve training opportunities, increase support for staff and volunteers, and improve the recordkeeping of both program activities and the financial accountability of each location. The proposed revisions are intended to ensure that the regulations are in support of and consistent with the mission and goals of CASA programs across Virginia.

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

Statutory Authority: §§ 9.1-151 and 9.1-153 of the Code of Virginia.

Public comments may be submitted until November 15, 2006.

Contact: Hope Hodgson, Program Assistant, Department of Criminal Justice Services, 202 N. 9th St., Richmond, VA 23219, telephone (804) 225-4331, FAX (804) 786-3414 or email hope.hodgson@dcjs.virginia.gov.

VA.R. Doc. No. R07-02; Filed September 26, 2006, 10:01 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-120, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges from Petroleum Contaminated Sites and Hydrostatic Tests**. The purpose of the proposed action is to amend, as necessary, and reissue the general VPDES permit covering point source discharges for petroleum contaminated sites and hydrostatic tests, which expires on February 26, 2008.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the Clean Water Act (33 USC 1251 et seq.); 40 CFR Parts 122, 123, and 124.

Public comments may be submitted until 5 p.m. on December 13, 2006.

Contact: James Barnett, State Lead Program Manager, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4289, FAX (804) 698-4266, or email jsbarnett@deq.virginia.gov.

VA.R. Doc. No. R07-21; Filed October 19, 2006, 9:25 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 25-196, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Cooling Water Discharges**. The purpose of the proposed action is to reissue, and amend as necessary, the existing VPDES general permit for point source discharges from noncontact cooling water.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia and § 402 of the Clean Water Act (33 USC 1251 et seq.).

Public comments may be submitted until 5 p.m. on November 15, 2006.

Contact: Burton R. Tuxford, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4086, FAX (804) 698-4032, or email brtuxford@deq.virginia.gov.

VA.R. Doc. No. R07-06; Filed September 27, 2006, 10:17 a.m.

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Water Control Board intends to consider amending regulations entitled **9 VAC 25-260, Water Quality Standards**. The purpose of the proposed action is to update the water quality standards based on new scientific information; improve permitting, monitoring and assessment programs; and fulfill the legal mandates for a three-year review of the standards.

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

Notices of Intended Regulatory Action

Statutory Authority: § 62.1-44.15 of the Code of Virginia; Clean Water Act (33 USC § 1251 et seq.); 40 CFR Part 131.

Public comments may be submitted until 5 p.m. on November 17, 2006.

Contact: Elleanore M. Daub, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4111, FAX (804) 698-4116, or email emdaub@deq.virginia.gov.

VA.R. Doc. No. R06-344; Filed August 30, 2006, 8:18 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 adopting regulations entitled **9 VAC 25-860, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Potable Water Treatment Plants**. The purpose of the proposed action is to establish appropriate and necessary permitting requirements for discharges of wastewater from potable water treatment plants. The proposed regulation will set forth standard language for effluent limitations and monitoring requirements necessary to regulate this category of dischargers.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia and § 402 of the Clean Water Act (33 USC 1251 et seq.).

Public comments may be submitted until 5 p.m. on November 30, 2006.

Contact: George E. Cosby, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4067, FAX (804) 698-4032, or email gecosby@deq.virginia.gov.

VA.R. Doc. No. R07-12; Filed October 10, 2006, 2:00 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

† Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given that the State Board of Health has WITHDRAWN the Notice of Intended Regulatory Action for **12 VAC 5-60, State Emergency Medical Service Plan**, which was published in 19:25 VA.R. 3661 August 25, 2003.

Contact: Michael Berg, Manager, Regulation and Compliance, Office of Emergency Medical Services, Department of Health, 109 Governor Street, Suite UB-55, Richmond, VA 23219, telephone (804) 864-7615, FAX (804)

864-7580, toll-free 1-800-523-6019 or email michael.berg@vdh.virginia.gov.

VA.R. Doc. No. R03-310; Filed October 30, 2006, 4:34 p.m.

TITLE 16. LABOR AND EMPLOYMENT

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 adopting regulations entitled **16 VAC 25-95, Medical Services and First Aid Standards for General Industry**. The purpose of the proposed action is to require employers in General Industry and in the Construction Industry to train employees to render first aid and cardiopulmonary resuscitation (CPR) when employees are exposed to occupational hazards that could result in death or serious physical harm.

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

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

Public comments may be submitted until 5 p.m. on November 16, 2006.

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, or email rlc@doli.state.va.us.

VA.R. Doc. No. R07-05; Filed September 27, 2006, 9:17 a.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Audiology and Speech-Language Pathology intends to consider amending regulations entitled **18 VAC 30-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update certain provisions of the regulation pursuant to recommendations resulting from a periodic review, including use of electronic notification and the Virginia Regulatory Townhall as an option for comment.

Notices of Intended Regulatory Action

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 15, 2006.

Contact: Elizabeth Young, Executive Director, Board of Audiology and Speech-Language Pathology, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9111, FAX (804) 662-9523, or email elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R07-03; Filed September 26, 2006, 12:01 p.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 76-30, Public Participation Guidelines**. The purpose of the proposed action is to follow recommendations of a periodic review of regulations to update and clarify the regulations.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on December 13, 2006.

Contact: Elaine J. Yeatts, Senior Policy Analyst, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9918, FAX (804) 662-9114, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R07-28; Filed October 26, 2006, 3:42 p.m.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Funeral Directors and Embalmers intends to consider amending regulations entitled **18 VAC 65-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update the guidelines for public participation in the promulgation of regulations.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on December 13, 2006.

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) 662-9943, or email elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R07-27; Filed October 26, 2006, 3:42 p.m.

BOARD OF PHYSICAL THERAPY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Physical Therapy intends to consider amending regulations entitled **18 VAC 112-10, Public Participation Guidelines**. The purpose of the proposed action is to clarify and update certain provisions of the regulation pursuant to recommendations resulting from a periodic review, including use of electronic notification and the Virginia Regulatory Townhall as an option for comment.

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

Statutory Authority: §§ 2.2-4007 and 54.1-2400 of the Code of Virginia.

Public comments may be submitted until 5 p.m. on November 15, 2006.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, or email elizabeth.young@dhp.virginia.gov.

VA.R. Doc. No. R07-04; Filed September 26, 2006, 12:01 p.m.

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

MOTOR VEHICLE DEALER BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Motor Vehicle Dealer Board intends to consider amending regulations entitled **24 VAC 22-20, Motor Vehicle Dealer Fees**. The purpose of the proposed action is to adjust the fee schedule that dealers follow. The regulation sets maximum fee levels. The current fee schedule was established about 10 years ago.

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

Notices of Intended Regulatory Action

Statutory Authority: § 46.2-1506 of the Code of Virginia.

Public comments may be submitted until December 1, 2006.

Contact: Bruce Gould, Executive Director, Motor Vehicle Dealer Board, 2201 W. Broad St., Suite 104, Richmond, VA 23220, telephone (804) 367-1100, FAX (804) 367-1053, toll-free 1-877-270-0203, or email bruce.gould@mvdv.virginia.gov.

VA.R. Doc. No. R07-13; Filed October 11, 2006, 12:08 p.m.



REGULATIONS

For information concerning the different types of regulations, see the Information Page.

Symbol Key

Roman type indicates existing text of regulations. Underscored language indicates proposed new text. Language that has been stricken indicates proposed text for deletion. Brackets are used in final regulations to indicate changes from the proposed regulation.

TITLE 4. CONSERVATION AND NATURAL RESOURCES

BOARD OF GAME AND INLAND FISHERIES

REGISTRAR'S NOTICE: The Board of Game and Inland Fisheries is exempt from the Administrative Process Act pursuant to § 2.2-4002 A 3 of the Code of Virginia when promulgating regulations regarding the management of wildlife.

Proposed Regulation

Title of Regulation: **4 VAC 15-20. Definitions and Miscellaneous: In General (adding 4 VAC 15-20-220).**

Statutory Authority: §§ 29.1-103, 29.1-103.1, 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Date: December 12, 2006 - 9 a.m.

Public comments may be submitted until November 23, 2006.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or email regcomments@dgif.state.va.us.

Notice to the Public: The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendment to board regulations. A public comment period on the proposed regulation opened October 24, 2006, and remains open until November 23, 2006. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be submitted online at www.dgif.virginia.gov, emailed to regcomments@dgif.virginia.gov, or sent to Department of Game and Inland Fisheries, Phil Smith, Policy Analyst and Regulatory Coordinator, 4016 West Broad Street, Richmond, Virginia 23230.

A public hearing on the advisability of adopting or amending and adopting the proposed regulation, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Tuesday, December 12, 2006, at which time any interested citizen

present shall be heard. If the board is satisfied that the proposed regulation, or any parts thereof, is advisable, in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the December 12 meeting. The regulation or regulation amendment adopted may be either more liberal or more restrictive than that proposed and being advertised under this notice.

Summary:

The proposed amendment authorizes the director to take measures to prevent, control or eradicate the spread of diseases in the Commonwealth whenever (i) such diseases threaten wildlife; (ii) a disease in wildlife has implications for human, domestic or agricultural animal health; or (iii) a disease is confirmed in wildlife held in captivity that threatens wildlife, human, domestic or agricultural animal health.

4 VAC 15-20-220. Definitions and miscellaneous: In general. Disease prevention, control and eradication in wildlife.

A. Whenever a disease threatens wildlife in the Commonwealth, the director is authorized to undertake measures to prevent, control or eradicate the spread of such disease including, but not limited to, the delineation of wildlife disease management, surveillance, and quarantine areas, the reduction of selected wildlife populations, the restriction in the movement of wildlife or parts thereof, the prohibition of feeding of wildlife or use of animal-based products such as attractants, the prohibition of rehabilitation and release of selected wildlife species and the manipulation or modification of environmental conditions. Further, the director is authorized to require mandatory checking and disease testing of selected wildlife species and to modify or establish hunting and trapping seasons and bag limits, as necessary, to prevent, control or eradicate the spread of disease in wildlife.

B. Whenever a disease in wildlife or the planned disease response has implications for human, domestic or agricultural animal health in the Commonwealth, the director, in consultation with the state and/or public health veterinarian as appropriate, is authorized to undertake measures as described in subsection A to prevent, control or eradicate the spread of such disease in wildlife.

C. Whenever a disease is confirmed in wildlife held in captivity that threatens wildlife, human, domestic or agricultural animal health, the director, in consultation with

the state and/or public health veterinarian as appropriate, is authorized to quarantine or dispose of such animals, including measures such as population reduction, depopulation and exportation, modification and decontamination of the captive facility as necessary, and revocation of permits or modification of permit conditions, as to prevent further disease transmission. The department may indemnify the owner or owners, at fair-market value, for privately owned wildlife removed. The department may seek reimbursement of costs for depopulation, modification to, or decontamination of the facility from the landowner and/or owner or owners of the facility.

D. It shall be unlawful for any person to willfully impede the department or its designee in its execution of the aforementioned measures to prevent, control, or eradicate disease in wildlife.

VA.R. Doc. No. R07-24; Filed October 25, 2006, 11:22 a.m.

Proposed Regulation

Title of Regulation: **4 VAC 15-320. Fish: Fishing Generally (amending 4 VAC 15-320-40).**

Statutory Authority: §§ 29.1-103, 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Date: December 12, 2006 - 9 a.m.

Public comments may be submitted until November 23, 2006.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or email regcomments@dgif.state.va.us.

Notice to the Public: The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendment to board regulations. A public comment period on the proposed regulation opened October 24, 2006, and remains open until November 23, 2006. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be submitted online at www.dgif.virginia.gov, emailed to regcomments@dgif.virginia.gov, or sent to Department of Game and Inland Fisheries, Phil Smith, Policy Analyst and Regulatory Coordinator, 4016 West Broad Street, Richmond, Virginia 23230.

A public hearing on the advisability of adopting or amending and adopting the proposed regulation, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Tuesday,

December 12, 2006, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation, or any parts thereof, is advisable, in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the December 12 meeting. The regulation or regulation amendment adopted may be either more liberal or more restrictive than that proposed and being advertised under this notice.

Summary:

The proposed amendment adds yellow perch, white perch, gizzard shad, carp, and gar to the list of freshwater fish that may be harvested from below the fall line in all tidal rivers of the Chesapeake Bay and sold commercially in accordance with Virginia Marine Resources Commission commercial fishing regulations, and size and harvest limits set by the Department of Game and Inland Fisheries.

4 VAC 15-320-40. Sale of game fish, yellow perch, white perch, gizzard shad, carp, gar, and catfish.

Game fish, yellow perch and catfish raised in a privately owned facility by the holder of a Permit to Propagate and Sell Certain Wildlife or Permit to Hold and Sell Certain Wildlife may be sold as follows: (i) game fish for stocking private waters; (ii) game fish for stocking public waters only with approval from the department pursuant to 4 VAC 15-320-60; (iii) trout pursuant to 4 VAC 15-330-180 and 4 VAC 15-330-190; and (iv) yellow perch and catfish for stocking private waters, public waters pursuant to 4 VAC 15-320-60, or for human consumption. Catfish Except as otherwise provided for in 4 VAC 15-320-25 and 4 VAC 15-360-10, catfish, yellow perch, white perch, gizzard shad, carp, and gar may be taken from tidewater may also be sold below the fall line in all tidal rivers of the Chesapeake Bay and sold commercially in accordance with Virginia Marine Resources Commission commercial fishing regulations.

VA.R. Doc. No. R07-25; Filed October 25, 2006, 11:21 a.m.

Proposed Regulation

Title of Regulation: **4 VAC 15-360. Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish (amending 4 VAC 15-360-10).**

Statutory Authority: §§ 29.1-103, 29.1-501 and 29.1-502 of the Code of Virginia.

Public Hearing Date: December 12, 2006 - 9 a.m.

Public comments may be submitted until November 23, 2006.

Agency Contact: Phil Smith, Policy Analyst and Regulatory Coordinator, Department of Game and Inland Fisheries, 4016 West Broad Street, Richmond, VA 23230, telephone (804) 367-1000, FAX (804) 367-0488 or email regcomments@dgif.state.va.us.

Regulations

Notice to the Public: The Board of Game and Inland Fisheries has ordered to be published, pursuant to §§ 29.1-501 and 29.1-502 of the Code of Virginia, the following proposed amendment to board regulations. A public comment period on the proposed regulation opened October 24, 2006, and remains open until November 23, 2006. Comments submitted must be in writing; must be accompanied by the name, address and telephone number of the party offering the comments; should state the regulatory action desired; and should state the justification for the desired action. Comments should be submitted online at www.dgif.virginia.gov, emailed to regcomments@dgif.virginia.gov, or sent to Department of Game and Inland Fisheries, Phil Smith, Policy Analyst and Regulatory Coordinator, 4016 West Broad Street, Richmond, Virginia 23230.

A public hearing on the advisability of adopting or amending and adopting the proposed regulation, or any parts thereof, will be held during a meeting of the board to take place at the Department of Game and Inland Fisheries, 4000 West Broad Street, Richmond, Virginia, beginning at 9 a.m. on Tuesday, December 12, 2006, at which time any interested citizen present shall be heard. If the board is satisfied that the proposed regulation, or any parts thereof, is advisable, in the form in which published or as amended after receipt of the public's comments, the board may adopt regulation amendments as final at the December 12 meeting. The regulation or regulation amendment adopted may be either more liberal or more restrictive than that proposed and being advertised under this notice.

Summary:

The proposed amendment makes it legal to take gizzard shad and white perch from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational gill net regulations and size and harvest limits set by the Department of Game and Inland Fisheries.

4 VAC 15-360-10. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.

A. Possession limits. Except as otherwise provided for in § 29.1-418 of the Code of Virginia, 4 VAC 15-20-130, subdivision 8 of 4 VAC 15-320-40 and the sections of this chapter, it shall be lawful to capture and possess live for private use and not for sale no more than five individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of amphibian and reptile and 20 individuals of any single native or naturalized (as defined in 4 VAC 15-20-50) species of aquatic invertebrate and nongame fish unless specifically listed below:

1. The following species may be taken in unlimited numbers from inland waters statewide: carp, bowfin, longnose gar, mullet, yellow bullhead, brown bullhead,

black bullhead, flat bullhead, snail bullhead, white sucker, northern hogsucker, gizzard shad, threadfin shad, blueback herring (see 4 VAC 15-320-25 for anadromous blueback herring limits), white perch, yellow perch, alewife (see 4 VAC 15-320-25 for anadromous alewife limits), stoneroller (hornyhead), fathead minnow, golden shiner, and goldfish.

2. See 4 VAC 15-320-25 for American shad, hickory shad, channel catfish, white catfish, flathead catfish, and blue catfish limits.

3. For the purpose of this chapter, "fish bait" shall be defined as native or naturalized species of minnows and chubs (Cyprinidae), salamanders (each under six inches in total length), crayfish, and hellgrammites. The possession limit for taking "fish bait" shall be 50 individuals in aggregate, unless said person has purchased "fish bait" and has a receipt specifying the number of individuals purchased by species, except salamanders and crayfish which cannot be sold pursuant to the provisions of 4 VAC 15-360-60 and 4 VAC 15-360-70. However, stonerollers (hornyheads), fathead minnows, golden shiners, and goldfish may be taken and possessed in unlimited numbers as provided for in subdivision 1 of this subsection.

4. The daily limit for bullfrogs and snapping turtles shall be 15 and bullfrogs and snapping turtles may not be taken from the banks or waters of designated stocked trout waters.

5. The following species may not be taken in any number for private use: candy darter, eastern hellbender, diamondback terrapin, and spotted turtle.

B. Methods of taking species in subsection A. Except as otherwise provided for in the Code of Virginia, 4 VAC 15-20-130, 4 VAC 15-320-40, and other regulations of the board, and except in any waters where the use of nets is prohibited, the species listed in subsection A may only be taken by hand, hook and line, with a seine not exceeding four feet in depth by 10 feet in length, an umbrella type net not exceeding five by five feet square, small minnow traps with throat openings no larger than one inch in diameter, cast nets, and hand-held bow nets with diameter not to exceed 20 inches and handle length not to exceed eight feet (such cast net and hand-held bow nets when so used shall not be deemed dip nets under the provisions of § 29.1-416 of the Code of Virginia). Gizzard shad and white perch may also be taken from below the fall line in all tidal rivers of the Chesapeake Bay using a gill net in accordance with Virginia Marine Resources Commission recreational fishing regulations. Bullfrogs may also be taken by gigging or bow and arrow and, from private waters, by firearms no larger than .22 caliber rimfire.

C. Areas restricted from taking mollusks. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take mussels and the spiny riversnail (Io

fluvialis) in the Tennessee drainage in Virginia (Clinch, Powell and the North, South and Middle Forks of the Holston Rivers and tributaries). It shall be unlawful to take mussels in the James River and tributaries west of U.S. Route 29, in the entire North Fork of the Shenandoah River, and in the entire Nottoway River.

D. Areas restricted from taking salamanders. Except as provided for in §§ 29.1-418 and 29.1-568 of the Code of Virginia, it shall be unlawful to take salamanders in Grayson Highlands State Park and on National Forest lands in the Jefferson National Forest in those portions of Grayson, Smyth and Washington Counties bounded on the east by State Route 16, on the north by State Route 603 and on the south and west by U.S. Route 58.

VA.R. Doc. No. R07-26; Filed October 25, 2006, 11:21 a.m.

◆ ————— ◆
**TITLE 6. CRIMINAL JUSTICE AND
 CORRECTIONS**

CRIMINAL JUSTICE SERVICES BOARD

Proposed Regulation

Title of Regulation: 6 VAC 20-250. Regulations Relating to Property and Surety Bail Bondsmen (adding 6 VAC 20-250-10 through 6 VAC 20-250-380).

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

Public Hearing Date: March 7, 2007 - 9 a.m.

Public comments may be submitted until January 12, 2007.
 (See Calendar of Events section
 for additional information)

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

Basis: The legal authority to regulate property and surety bail bondsmen is found in § 9.1-102 of the Code of Virginia. Section 9.1-102 authorizes the department, under the direction of the board to "license and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq) of this chapter." The board shall adopt regulations that are necessary to ensure respectable, responsible, safe and effective bail bonding within the Commonwealth pursuant to § 9.1-185.2 of the Code of Virginia.

Purpose: The regulation establishes a licensure process to include a fingerprint-based background check, licensure fees, compulsory minimum entry-level training standards, 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, to

conduct investigations, to issue disciplinary action, and to revoke, to suspend, and to refuse to renew a license. These procedures are established to ensure respectable, responsible, safe and effective bail bonding in the Commonwealth.

Substance: The regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system. It outlines procedures for receiving complaints concerning the conduct of any person whose activities are monitored by the board; conducting investigations; issuing disciplinary action; and revoking, suspending, or refusing to renew a license. The regulation provides an appeal process pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

Issues: The primary advantage of incorporating the changes presented in the proposed regulations is to continue to provide necessary public protection tasked through existing statutes. The main purposes of the amendments are to first and foremost provide a clearer set of regulations to use and understand, thereby facilitating compliance.

Some of the issues addressed pertain to increasing training standards to afford further protection by ensuring that those performing the duties of bail bonding and fugitive recovery maintain the appropriate proficiency, knowledge and skills needed in the performance of these duties. In addition, standards, restrictions and requirements for solicitation, uniforms and identification where clarified as required by statute.

There are no disadvantages to the public or agency.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. Pursuant to legislation passed during the 2004 General Assembly session, the Criminal Justice Services Board (board) proposes regulations for licensure of property and surety bail bondsmen.

Result of Analysis. There is not enough information to compare the magnitude of costs versus benefits for this proposed regulatory change.

Estimated Economic Impact. Prior to implementation of emergency regulations in July 2005, surety bail bondsmen were licensed by the State Corporation Commission (SCC). Surety bail bondsmen were required to obtain a background check and submit it to the SCC. Individuals who had been convicted of a felony, but whose civil rights had not been restored, were not eligible for licensure. Surety bondsmen were required to provide the SCC with powers of attorney which served as proof that the surety bondsmen were agents of a particular insurance company. Surety bondsmen were also required to pass an exam. In total, the Department of Criminal Justice Services (DCJS) estimates that the total cost

Regulations

of licensure through the SCC was approximately \$50 (\$35 for the background check and \$15 to cover the cost of the required exam) plus the cost associated with time spent meeting SCC requirements.

Prior to July 2005, property bail bondsmen had to obtain a certificate from a judge in a locality where they wanted to offer bonds. They had to be of good moral character. They had to verify (with a tax or other property assessment) that they had collateral against the totality of their outstanding bonds and had to sign an affidavit that they had at least \$200,000 equity in their collateral property. They had to undergo a fingerprint background check and, like surety bondsmen, they could not offer bonds if they had been convicted of a felony. The costs associated with being able to offer bonds as a property bondsmen included a \$35 fee to cover the required fingerprint background check and any costs associated with obtaining property assessments. These individuals also incurred opportunity costs for time spent meeting legal requirements.

The proposed regulation will require both property and surety bail bondsmen to:

- Have a General Equivalency Diploma (GED) or a high school diploma.
- Undergo a fingerprint background check through DCJS (this costs \$60).
- Undergo 40 hours of bail bondsmen core training and 14 hours of firearms training (if they intend to carry a gun while acting as a bondsmen).
- Take an exam (through DCJS).
- Pay a licensure fee that will vary between \$1,000, for surety bail bondsmen, and \$1,150, for principal property bail bondsmen who have other property bondsmen working for them. An additional \$30 must be paid on an annual basis if a bondsman wants a DCJS firearms endorsement.
- Undergo eight hours of in-service training before biannual re-licensure.

In addition to these general requirements, surety bail bondsmen must still maintain an SCC property and casualty license and must provide DCJS with a property and casualty power of attorney. Property bail bondsmen have to provide DCJS with verification of at least \$200,000 equity in property (or an equivalent value held in cash or certificates of deposit). Principal property bail bondsmen must also provide verification of an additional \$200,000 for each agent bail bondsmen in their employ. Property bail bondsmen must report the dollar value of any bonds they have outstanding each month (by the 5th) to DCJS. Neither property nor surety bail bondsmen may post any advertising materials on government property or wear any company insignia larger

than 3 by 5 inches while on government property. All of these requirements, except for the restrictions on advertising on government property, are due to legislative mandate.

The costs that bail bondsmen will incur because of the proposed regulation include all explicit fees and training costs plus the implicit costs of time spent on becoming and remaining licensed (time spent in training, filling out paperwork, etc.) and any loss of income that can be attributed to the new restrictions on advertising. Localities and the Commonwealth may also incur costs if the proposed regulation reduces the number of bail bondsmen operating in Virginia and, as a consequence of this, individuals in jail awaiting trial stay in jail for more days because they cannot make bail. The legislature is requiring regulation for bail bondsmen because they believe such regulation will protect the public from bondsmen, and bondsmen's agents, who have, on rare occasions, acted unethically or criminally while engaging in bond recovery. It is not entirely clear, however, that much of this same end couldn't have been accomplished more efficiently by more vigorously enforcing preexisting criminal law.

Businesses and Entities Affected. DCJS licensed 260 surety bail bondsmen and 118 property bail bondsmen when emergency regulations were implemented in late 2005. All of these, plus any other individuals who may wish to pursue a career in the future, will be affected by the proposed regulation.

Localities Particularly Affected. The proposed regulation will affect all localities in the Commonwealth.

Projected Impact on Employment. The licensure fees that DCJS will charge surety bail bondsmen are significantly higher than those that the SCC has charged and property bail bondsmen will be subject to licensure fees for the first time. These increased fees may lead some bondsmen to choose to leave their employment in this field. Some of the other requirements that this regulation or the mandating legislation imposes have imposed or will impose will preclude some bail bondsmen from continuing their practice in this field. Bail bondsmen who do not have a GED or high school diploma, for example, will not be able to be licensed by the Commonwealth as bail bondsmen no matter how long they have practiced in this field.

Effects on the Use and Value of Private Property. To the extent that the proposed regulation precludes business owners from continuing to practice as bail bondsmen, the value of their businesses will likely fall toward zero. If these businesses can be sold, some of their original value may be recoverable. Bail bondsmen who are able to continue practicing after promulgation of the proposed regulation may see an increase in the value of their businesses as they will likely face less competition and may be able to write more bonds.

Small Businesses: Costs and Other Effects. Property and surety and bail bondsmen will incur licensure fees and the cost associated with the necessary background check. They will also lose the value associated with the ban the proposed regulation will place on advertisement of any sort within any court, jail, lock-up or on any surrounding government property.

Small Businesses: Alternative Method that Minimizes Adverse Impact. Most requirements that the proposed regulation will impose are on account of legislative mandate. DCJS might lessen the impact of the proposed regulation by loosening the restrictions on advertising on government property and the restrictions on what advertising bail bondsmen can wear.

Legal mandate. 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

Agency's Response to the Department of Planning and Budget's Economic Impact Analysis: The Department of Criminal Justice Services, Private Security Services Section, concurs with the economic impact analysis as reviewed by the Department of Planning and Budget.

Summary:

The proposed regulation establishes a licensure process, licensure fees, compulsory minimum entry-level training standards including firearms training and qualifications, standards of conduct, and administration of the regulatory system for property and surety bail bondsmen. The proposed regulation provides an appeal process pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the

Code of Virginia) and outlines procedures for (i) receiving complaints concerning the conduct of any person whose activities are monitored by the board; (ii) conducting investigations; (iii) issuing disciplinary action; and (iv) revoking, suspending, or refusing to renew a license.

CHAPTER 250.

REGULATIONS RELATING TO PROPERTY AND SURETY BAIL BONDSMAN.

PART I.
DEFINITIONS.

6 VAC 20-250-10. Definitions.

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

"Agent bail bondsman" means a licensed property bail bondsman who is in the employment of another licensed property bail bondsman whose collateral requirement is met by the principal bail bondsman pursuant to § 9.1-185.5 of the Code of Virginia.

"Armed" means a bail bondsman who carries or has immediate access to a firearm in the performance of his duties.

"Bail" means the pretrial release of a person from custody upon those terms and conditions specified by order of an appropriate judicial officer.

"Bail bondsman" means any person who is licensed by the department who engages in the business of bail bonding and is thereby authorized to conduct business in all courts of the Commonwealth.

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

"Bond" means the posting by a person or his surety of a written promise to pay a specific sum, secured or unsecured, ordered by an appropriate judicial officer as a condition of bail to assure performance of the terms and conditions contained in the recognizance.

"Certificate" means a certificate issued by a judge on or before June 30, 2005, pursuant to former § 19.2-152.1 of the Code of Virginia.

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

"Firearm endorsement" means a method of regulation, which identifies a person licensed as a bail bondsman who has successfully completed the annual firearms training and has met the requirements as set forth in this regulation.

"Licensee" means a licensed bail bondsman.

Regulations

"Principal bail bondsman" means a licensed property bail bondsman who provides the collateral requirements for himself and any agent bail bondsmen in his employment.

"Property bail bondsman" means a person pursuant to this article who, for compensation, enters into a bond or bonds for others, whether as a principal or surety, or otherwise pledges real property, cash or certificates of deposit issued by a federally insured institution, or any combination thereof as security for a bond as defined in § 19.2-119 of the Code of Virginia that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail.

"Recognizance" means a signed commitment by a person to appear in court as directed and to adhere to any other terms ordered by an appropriate judicial officer as a condition of bail.

"Surety bail bondsman" means a person licensed pursuant to this article who is also licensed by the State Corporation Commission as a property and casualty insurance agent, and who sells, solicits, or negotiates surety insurance as defined in § 38.2-121 of the Code of Virginia on behalf of insurers licensed in the Commonwealth, pursuant to which the insurer becomes surety on or guarantees a bond, as defined in § 19.2-119 of the Code of Virginia, that has been posted to assure performance of terms and conditions specified by order of an appropriate judicial officer as a condition of bail.

"Training school" means a training school that is certified or licensed by the department for the specific purpose of training regulated personnel in at least one category of the compulsory minimum training standards.

PART II. FEES.

6 VAC 20-250-20. 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 and other administrative requests for services relating to bail bonding services.

<u>Bail bondsman license application</u>	<u>\$900</u>
<u>(Initial/Renewal)</u>	
<u>Licensure category fee:</u>	
<u>Surety</u>	<u>\$100</u>
<u>Property (agent)</u>	<u>\$100</u>
<u>Property (principal)</u>	<u>\$250</u>
<u>Firearms endorsement (annually)</u>	<u>\$30</u>
<u>Fingerprint card processing</u>	<u>\$60</u>
<u>Replacement photo identification</u>	<u>\$30</u>
<u>Reinstatement</u>	<u>\$250</u>
<u>In-service alternate training credit</u>	<u>\$50</u>

B. Dishonor of fee payment due to insufficient funds.

1. The department may suspend the license it has granted any person 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 licensee may request that the suspended license or authority be reinstated, provided payment of the dishonored amount plus any penalties or fees required under the statute or regulation accompanies the request. Suspension under this provision shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

PART III.

LICENSING PROCEDURES AND REQUIREMENTS.

6 VAC 20-250-30. Bail bondsman eligibility.

A. Persons required to be licensed as a bail bondsman pursuant to § 9.1-102.47 of the Code of Virginia, shall meet all licensure requirements in this section. Persons who carry or have access to a firearm while on duty must have a valid license with a firearm endorsement as described under 6 VAC 20-250-80. If carrying a handgun concealed, the person must also have a valid concealed handgun permit and the written permission of his employer pursuant to § 18.2-308 of the Code of Virginia.

B. Each person applying for a bail bondsman license shall meet the minimum requirements for eligibility as follows:

1. Be a minimum of 18 years of age;
2. Be a United States citizen or legal resident alien of the United States; and
3. Have received a high school diploma or GED.
4. Have successfully completed all initial training requirements, pursuant to the compulsory minimum training standards in Part IV of this regulation.
5. Have successfully completed the bail bondsman exam required by the board at a certified or licensed private security services training school with a minimum passing grade of 70%.

5. Have successfully completed the bail bondsman exam required by the board at a certified or licensed private security services training school with a minimum passing grade of 70%.

C. The following persons are not eligible for licensure as bail bondsmen and may not be employed nor serve as the agent of a bail bondsman:

1. Persons who have been convicted of a felony within the Commonwealth, any other state, or the United States, who have not been pardoned, or whose civil rights have not been restored;
2. Persons who are an employee, spouse of an employee or residing in the same household of an employee of a local or regional jail; sheriff's office; state or local police

department; an office of an attorney for the Commonwealth; Department of Corrections, Department of Criminal Justice Services; or a local community corrections agency, or persons appointed as conservators of the peace pursuant to Article 4.1 (§ 9.1-150.1 et seq.) of Chapter 1 of Title 9.1 of the Code of Virginia.

6 VAC 20-250-40. Initial bail bondsman license application.

A. Prior to the issuance of any bail bondsman license, each bondsman applicant shall:

1. Pass the bail bondsman exam as prescribed by the board at a certified or licensed private security services training school with a minimum passing grade of 70%. Any applicant who improperly uses notes or other reference materials, or otherwise cheats on the exam, shall be ineligible to become a licensed bail bondsman.

2. Successfully complete entry-level training, and firearms training if applicable, pursuant to the compulsory minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter;

3. File with the department a completed application for such license on the form and in the manner provided by the department.

4. Submit fingerprints to the department pursuant to 6 VAC 20-250-50;

5. Submit the appropriate nonrefundable application processing fee and appropriate category fee to the department.

6. Maintain a physical address in Virginia where records required to be maintained by the Code of Virginia and this regulation are kept and available for inspection by the department. A post office box is not a physical address;

7. Provide the legal entity name, all fictitious names and physical addresses of all companies under which he carries out his bail bonding business.

B. Additionally, prior to the issuance of a property bail bondsman license, each property bail bondsman applicant shall provide proof of collateral of \$200,000 on his bonds and proof of collateral of \$200,000 on the bonds of each of his agents. Any collateral that is not in the form of real estate, cash, or certificates of deposit issued by a FDIC-insured financial institution shall be specifically approved by the department before it may be used as collateral.

C. A property bail bondsman license will not be issued if the true market value of the equity in his collateral of real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof does not meet or exceed \$200,000.

1. If the property used as collateral is real estate, such real estate shall be located in the Commonwealth. In addition, the property bail bondsman applicant shall submit to the department:

a. A true copy of the current real estate tax assessment thereof, certified by the appropriate assessing officer of the locality wherein such property is located or, at the option of the property bail bondsman, an appraisal of the fair market value of the real estate, which appraisal shall have been prepared by a licensed real estate appraiser, within one year of its submission.

b. A new appraisal, if, at its discretion, the department so orders for good cause shown prior to certification. At the discretion of the department, after the original submission of any property appraisal or tax assessment, further appraisals or tax assessments for that property may not be required more than once every five years.

c. An affidavit by the property bail bondsman applicant that states, to the best of such person's knowledge, the amount of equity in the real estate, and the amounts due under any obligations secured by liens or similar encumbrances against the real estate, including any delinquent taxes, as of the date of the submission. At its discretion, the department may require additional documentation to verify these amounts.

2. If the property used as collateral consists of cash or certificates of deposit, the property bail bondsman applicant shall submit to the department verification of the amounts, and the names of the financial institution in which they are held.

3. Any property bail bondsman issued a certificate by a judge pursuant to former § 19.2-152.1 of the Code of Virginia, prior to July 1, 1989, who has continuously maintained his certification and who has never provided to a court collateral of \$200,000 or more, shall continue to be exempt from the \$200,000 collateral requirements specified above. Those property bail bondsmen who are exempted from this provision shall satisfy all of the other requirements in this article for bail bondsmen, and shall provide to the department the collateral amount to which they may bond and provide proof of his prior certification by obtaining a certified copy of (i) the certificate issued pursuant to former § 19.2-152.1 of the Code of Virginia and (ii) the documents held by the originating court that stated the collateral amount for which they were able to bond.

4. Each property bail bondsman, if so directed by the department, shall place a deed of trust on the real estate that he is using for the limit of his expected bonded indebtedness to secure the Commonwealth and shall name the attorney for the Commonwealth of the affected locality as trustee under the deed of trust, and furnish the

Regulations

department an acceptable appraisal and title certificate of the real estate subject to any such deed of trust.

5. Each principal property bail bondsman applicant shall submit signed documentation authorizing special power of attorney for the purpose of bonding on any collateral provided for licensure that is not legally in the sole ownership of the principal property bail bondsman.

6. Each agent property bail bondsman applicant shall submit signed documentation authorizing special power of attorney for the purpose of bonding on any collateral provided for licensure by the principal bail bondsman.

D. Prior to the issuance of a surety bail bondsman license, each surety bail bondsman applicant shall:

1. Submit proof of current licensing as a property and casualty insurance agent validated by the State Corporation Commission.

2. Submit copies of each qualifying power of attorney that will be used to provide surety. All qualifying powers of attorney filed with the department shall contain the name and contact information for both the surety agent and the registered agent of the issuing company. In the event an applicant for a surety bail bondsman license is unable to obtain a qualifying power of attorney prior to the issuance of his license, the department may issue a letter of temporary licensure for not more than 30 days on the condition that each qualifying power of attorney obtained be filed within the 30 days. This temporary license does not permit a surety bail bondsman to write bail bonds for any insurance company without first filing the company qualifying power of attorney with the department.

6 VAC 20-250-50. Fingerprint processing.

A. Each person applying for licensure as a bail bondsman 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 person or persons have a record of conviction.

C. Fingerprint cards found to be unclassifiable will suspend action on the application pending the re-submittal of a classifiable fingerprint card. The applicant shall be so notified in writing and shall submit a new fingerprint card within 30

days before the processing of his application shall resume. After 30 days, the initial fingerprint application process will be required to include applicable application 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 20-250-60. Application sanctions/denial, probation, suspension and revocation.

A. The department may deny a license in which any person has been convicted in any jurisdiction of any felony. Any plea of nolo contendere shall be considered a conviction for the purposes of this regulation. 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 license in which any person has not maintained good standing in every jurisdiction where licensed; has had his license 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 licensing 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. The department may deny licensure to a person for other just cause.

E. A licensee shall be subject to disciplinary action for violations or noncompliance with the Code of Virginia or this regulation. Disciplinary action shall be in accordance with procedures prescribed by the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The disciplinary action may include but is not limited to a letter of censure, fine, probation, suspension or revocation.

6 VAC 20-250-70. License issuance.

A. Upon completion of the initial license application requirements, the department may issue an initial license for a period not to exceed 24 months.

B. Each license shall be issued to the applicant named on the application and shall be valid only for the person named on the license. No license shall be assigned or otherwise transferred to another person.

C. Each licensee 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 regulation.

6 VAC 20-250-80. Additional category application.

Licensed individuals seeking to add categories to a current license must:

1. Submit a properly completed application provided by the department;
2. Meet all licensure requirements pursuant to 6 VAC 20-250-40 B through D; and
3. Submit the applicable, nonrefundable category fee.

6 VAC 20-250-90. Firearm endorsement.

A. In addition to applying for a bail bondsman license, each applicant who carries or has immediate access to a firearm while on duty must apply for such endorsement on a form and in the manner prescribed by the board and containing any information the board requires.

B. Prior to the issuance of a firearm endorsement, each applicant shall:

1. Successfully complete the entry-level firearms training, pursuant to the compulsory minimum training standards set forth in Part IV (6 VAC 20-250-130 et seq.) of this chapter; and
2. Submit the appropriate nonrefundable application-processing fee to the department.

C. Upon completion of the application requirements, the department may issue a firearm endorsement for a period not to exceed 12 months.

D. Firearms endorsements may be reissued for a period not to exceed a period of 12 months when the applicant has met the following requirements:

1. Filed with the department a completed application for such endorsement on the form and in the manner provided by the department at least 30 days prior to expiration of their current endorsement;
2. Successfully completed the firearms retraining pursuant to the compulsory minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter; and
3. Submitted the appropriate nonrefundable application processing fee to the department.

6 VAC 20-250-100. License renewal application.

A. The department should receive applications for licensure renewal at least 30 days prior to expiration. The department will provide a renewal notification to the last known mailing address of the licensed person. However, if a renewal notification is not received by the person, it is the responsibility of the person to ensure renewal requirements are filed with the department.

B. Each person applying for license 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 compulsory

minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter; and

2. Be in good standing in every jurisdiction where licensed. This subdivision shall not apply to any probationary periods during which the person is eligible to operate under the license.

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

1. A properly completed renewal application provided by the department;
2. Fingerprint cards submitted pursuant to 6 VAC 20-250-50;
3. The applicable, nonrefundable license renewal fee, and appropriate category fee;
4. Proof of successful completion of in-service training pursuant to the compulsory minimum training standards set forth under Part IV (6 VAC 20-250-130 et seq.) of this chapter; and
5. All other documentation listed in 6 VAC 20-250-40 B and C.

D. Upon completion of the renewal license application requirements, the department may issue a license for a period not to exceed 24 months.

E. Any renewal application received by the department shall meet all renewal requirements prior to the expiration date of a license or shall be subject to the initial bail bondsman license application requirements pursuant to 6 VAC 20-250-40.

6 VAC 20-250-110. License termination.

A. Any surety bail bondsman license issued pursuant to this part shall terminate immediately upon the termination of the licensee's property and casualty insurance agent license, and may not be applied for again until the person has been issued a new property and casualty insurance agent license.

B. A surety bail bondsman may apply for reinstatement of the terminated license no more than 120 days from termination with the appropriate reinstatement application and nonrefundable fees. After 120 days application for a bail bondsman license shall be subject to the initial bail bondsman license application requirements pursuant to 6 VAC 20-250-40.

6 VAC 20-250-120. Replacement state issued identification.

Licensed person seeking a replacement state issued photo identification shall submit to the department:

1. A properly completed application provided by the department; and
2. The applicable, nonrefundable application fee.

Regulations

PART IV.
COMPULSORY MINIMUM TRAINING STANDARDS
FOR BAIL BONDSMEN.

Article 1.
Training Requirements.

6 VAC 20-250-130. Entry-level training.

A. Each bail bondsman as defined by § 9.1-185 of the Code of Virginia, must meet the compulsory minimum training standards herein established, unless provided for otherwise in accordance with this regulation.

B. Training must be completed at a private security services training school certified or licensed by the department.

C. Training will be credited only if application for licensure is submitted to the department within 12 months of completion of training.

D. Hour requirement. The compulsory minimum entry-level training hour requirement by category, excluding examinations, practical exercises and range qualification, shall be:

1. Bail bondsman core training - 40 hours
2. Firearms training - 14 hours

E. Course content. The compulsory minimum entry-level training course content by category, excluding examinations, mandated practical exercises and range qualification, shall be as provided in this subsection.

Core subjects. The entry-level curriculum set forth the following areas identified as:

I. Orientation - two hours.

A. Ethical standards

1. Professionalism
2. Misrepresentation
3. Conflicts of interest
4. Information protection, confidentiality, and discretion requirements

B. Brief introduction to Code of Virginia and regulations relating to bail bondsman

II. Law - 12 hours plus one practical exercise.

A. Code of Virginia and regulations relating to bail bondsman

1. Definitions
2. Licensing procedures and requirements
3. Compulsory minimum training standards
4. Standards of practice and prohibited acts
5. Administrative requirements/standards of conduct

6. Administrative reviews, complaints, procedures, and responsibilities

B. Basic law

1. Legal terminology and definitions
2. Purpose and function of law
3. U.S. Constitution
 - a. Amendments
 - b. Bill of Rights
4. Landmark cases
5. Limitations and liability

C. Surety and property law

1. Surety bail bondsman
 - a. Insurance companies
 - b. Agent vs. attorney-in-fact
 - c. Virginia qualification requirements
2. Property bail bondsman
 - a. Virginia property requirements
 - b. Agent requirements

D. Courts

1. Civil court system
 - a. Federal
 - b. State
 - c. Local jurisdiction
 - d. Definitions
 - e. Civil judicial procedures
2. Criminal court system
 - a. State and federal
 - b. Legal authority and related issues
 - c. Liability concerns
 - d. Definitions/interpretations
 - e. Magistrates

E. Release from legal obligation

1. When defendant answers charge
2. Circulate the bail piece release
3. Special considerations
 - a. The recognizance
 - b. Preliminary hearing

c. Bond continuation pending pre-sentence report

d. Sentencing

e. Withhold findings

f. Bond reinstatement

III. Fugitive recovery - 24 hours plus one practical exercise.

A. Legal procedures

1. Bondsman's legal right to recover

2. Notice of show cause hearing

3. Entry of finding of default

4. Payment of forfeiture

5. Recovery: 12 months from entry of finding of default

6. Section 9.1-185.15 of the Code of Virginia, recovery of bailees

B. Criminal statutes

1. Liability considerations/liability insurance

2. Case law

3. Law enforcement

a. State

b. Federal

4. Reasonable force to effect apprehension

C. Use of recovery agents in Virginia

1. Virginia legal requirements

2. Recovery agents authority

3. Employee vs. independent contractor

4. Liability considerations/liability insurance

D. Investigative techniques

1. Surveillance

2. Court research

3. Law-enforcement coordination

4. Interviewing

5. Impersonation and misrepresentation

6. Reference materials and resource list

7. Skip-tracing techniques

8. Fugitive identification

E. Recovery procedures

1. Pursuit

a. Foot

b. Vehicular

c. Other

2. Entry and search

3. Perimeter/interior room control

F. Agent survival

1. Confrontation management

2. Use of force

3. Deadly force

4. Escalation of force

5. Emergency procedures

G. Apprehension of a fugitive

1. Compliant versus noncompliant procedures

2. Search of person

a. Personal items

b. Seizure of contraband

3. Handcuffing techniques

4. Rights of the accused

5. Detainment and transportation

6. Interstate transport

7. False arrest

IV. Responsibilities of bondsman and remanding to custody two hours plus one practical exercise.

A. Recovery in Virginia

B. Recovery out of Virginia; Uniform Extradition Act

C. International recovery

D. Legal detainment facilities

E. Entering the jail or sally port

F. Signing the bail piece/return to court

G. Hospital procedures for injuries

V. Documentation - two hours plus one practical exercise.

A. Required by the courts

B. Required by DCJS

C. Recordkeeping

D. Reporting

E. Retaining records

VI. Written examination

Total hours (excluding exam) - 40 hours

Regulations

6 VAC 20-250-140. In-service training.

A. Each person licensed with the department as a bail bondsman shall complete the compulsory in-service training standards within the last 12 months preceding the expiration date of licensure. If in-service training is not completed by the expiration date of licensure, entry-level training will be required pursuant to initial licensure requirements pursuant to 6 VAC 20-250-40.

B. Course content. The compulsory minimum in-service training course content by category, excluding examinations, practical exercises and range qualification, shall be as follows:

Bail Bondsman core subjects:

1. Legal authority - 2 hours
2. Job-related training - 6 hours

Total hours - 8 hours

6 VAC 20-250-150. In-service alternative training credit.

Persons who have completed training that meets or exceeds the compulsory minimum training standards promulgated by the board for 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 licensure 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 alternative 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;
3. Proof of attendance and successful completion; and
4. The applicable, nonrefundable application fee.

6 VAC 20-250-160. Training extension.

A. An extension of the time period to meet in-service training requirements may be approved only under specific circumstances, which do not allow bail bondsmen 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; and
3. Military or foreign service.

B. A request for extension shall:

1. Be submitted in writing, dated and signed by the licensee prior to the expiration date of the time limit required for completion of the requirements;

2. Indicate the projected date that the person 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 licenses that have expired.

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

E. Approved extensions may only be granted for a period not to exceed 12 months.

Article 2.

Firearms Training Requirements.

6 VAC 20-250-170. General firearms training requirements.

Firearms training endorsement is required for all bail bondsmen who carry or have access to a firearm while on duty. Each person who carries or has access to firearms while on duty shall qualify with each type of action and caliber of firearm to which he has access.

6 VAC 20-250-180. Firearms (handgun/shotgun) entry-level training.

All armed bail bondsmen must satisfactorily complete the firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services (6 VAC 20-171) for handgun and for shotgun, if applicable, prior to the issuance of the firearms endorsement.

6 VAC 20-250-190. Firearms (handgun/shotgun) retraining.

On an annual basis all armed bail bondsman must requalify for a firearms endorsement by satisfactorily completing firearms classroom training, practical exercises and range training, as prescribed in the Regulations Relating to Private Security Services (6 VAC 20-171) for handgun and for shotgun, if applicable.

6 VAC 20-250-200. Prior firearms training exemption.

A. Persons having previous department-approved firearms training may be authorized credit for such training that meets or exceeds the compulsory minimum training standards for a firearm endorsement, 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.

B. Individuals requesting a training exemption shall file an application furnished by the department and include the applicable, nonrefundable application fee. The department may issue a training exemption on the basis of individual qualifications as supported by required documentation.

Article 3. Training Sessions.

6 VAC 20-250-210. Bail bondsmen and firearms training sessions.

A. Training sessions will be conducted by private security services training schools certified or licensed under the Regulations Relating to Private Security Services (6 VAC 20-171) or by the department in accordance with requirements established in this chapter. Adherence to the administrative requirements, attendance and standards of conduct are the responsibility of the training school, training school director and instructor of the training session.

B. Administrative requirements.

1. In a manner approved by the department, a notification to conduct a training session shall be submitted to the department. All notifications shall be received by the department, or postmarked if mailed, no less than seven calendar days prior to the beginning of each training session to include the date, time, instructors and location of the training session. The department may allow a session to be conducted with less than seven calendar days of notification with prior approval. Session notifications require no fee from the training school. A notification to conduct a training session shall be deemed to be in compliance unless the department notifies the training school director to the contrary.

2. Notification of any changes to the dates, times, location or cancellation of a future training session must be submitted to the department in writing and received by the department at least 24 hours in advance of the scheduled starting time of the class. In the event that a session must be cancelled on the scheduled date, the department must be notified immediately followed by a cancellation in writing as soon as practical.

3. On a form provided by the department, the training school director shall issue an original training completion form and training certificate to each student who satisfactorily completes a training session no later than five business days following the training completion date.

4. In a manner approved by the department, the training school director shall submit an original training completion

roster to the department affirming each student's successful completion of the session. The training completion roster shall be received by the department within seven calendar days, or postmarked if mailed, no later than five business days following the training completion date.

5. A written examination shall be administered at the conclusion of each entry-level training session. The examination shall be based on the applicable learning objectives. The student must attain a minimum grade of 70% for all entry-level training examinations to satisfactorily complete the training session.

6. Firearms classroom training shall be separately tested and graded. Individuals must achieve a minimum score of 70% on the firearms classroom training examination.

7. Failure to achieve a minimum score of 70% on the firearms classroom written examination will exclude the individual from the firearms range training.

8. To successfully complete the firearms range training; the individual must achieve a minimum qualification score of 75% of the scoring value of the target.

9. To successfully complete the bail bondsman entry-level training session, the individual must:

a. Successfully complete each of the three graded practical exercises required; and

b. Pass the written examination with a minimum score of 70%.

C. Attendance.

1. Individuals enrolled in an approved training session are required to be present for the hours required for each training session.

2. Tardiness and absenteeism will not be permitted. Individuals violating these provisions will be required to make up any training missed. Such training must be completed within 60 days after the completion of the training session. Individuals not completing the required training within this period are required to complete the entire training session.

3. Individuals that do not successfully complete the compulsory minimum training standards of the training session shall not be reported to the department except where required.

4. Each individual attending an approved training session shall comply with the regulations promulgated by the board and any other rules within the authority of the training school. If the training school director or instructor considers a violation of the rules detrimental to the training of other students or to involve cheating on examinations, the training school director or instructor may expel the individual from the school. Notification of such action shall

Regulations

immediately be reported to the employing firms and the department.

D. Standards of conduct.

1. The training school, training school director and instructor shall at all times conform to the application requirements, administrative requirements and standards of conduct established for certification as a training school and instructor.

2. Training sessions will be conducted by DCJS-certified instructors or other individuals authorized to provide instruction.

3. Training sessions will be conducted utilizing lesson plans developed including at a minimum the compulsory minimum training standards established pursuant to this chapter.

4. Instruction shall be provided in no less than 50-minute classes.

5. Training sessions may not exceed nine hours of classroom instruction per day. Range qualification and practical exercises shall not be considered classroom instruction; however, total training, including the maximum allotment of nine hours classroom instruction and applicable range qualification and practical exercises, shall not exceed 12 hours per day. This does not include time allotted for breaks, meals and testing.

6. All audiovisual training aids must be accompanied by a period of instruction where the instructor reviews the content of the presentation and the students are provided the opportunity to ask questions regarding the content.

7. A training session must adhere to the minimum compulsory training standards and must be presented in its entirety. Training school directors may require additional hours of instruction, testing or evaluation procedures.

8. A training session must provide accurate and current information to the students.

9. Mandated training conducted not in accordance with the Code of Virginia and this chapter is null and void.

10. A duplicate set of instructor course materials including all student materials shall be made available to any department inspector during the training session, if requested.

PART V.

RECORDKEEPING STANDARDS AND REPORTING REQUIREMENTS.

6 VAC 20-250-220. Recordkeeping standards.

A. The bail bondsman shall retain the following for a minimum of three calendar years from the date of the termination of the liability:

1. Copies of recognizance, documentary evidence of terms of agreement between principal, indeminator and licensed bail bondsman.

2. Copies of all written representations made to any court or to any public official for the purpose of avoiding a forfeiture of bail, setting aside a forfeiture, or causing a defendant to be released on his own recognizance.

3. Copies of all affidavits and receipts made in connection with collateral received in the course of business.

4. Evidence of the return of any security or collateral received in the course of business, including a copy of the receipt showing when and to whom the collateral was returned.

5. Copies of all written documentation in connection with the recovery of a bailee pursuant to 6 VAC 20-250-260.

B. Upon request of the department, a bail bondsman shall provide any documents required to be kept pursuant to this section.

6 VAC 20-250-230. Reporting requirements.

A. Each licensed bail bondsman shall report within 30 calendar days to the department any change in his residence, name, business name or business address, and ensure that the department has the names and all fictitious names of all companies under which he carries out his bail bonding business.

B. Each licensed bail bondsman arrested or convicted of a felony shall report within 30 calendar days to the department the facts and circumstances regarding the arrest or criminal conviction.

C. Each licensed bail bondsman shall report to the department, within 30 calendar days of the final disposition of the matter any administrative action taken against him by another governmental agency in the Commonwealth or in another jurisdiction. Such report shall include a copy of the order, consent to order or other relevant legal documents.

D. Each licensed bail bondsman shall report to the department within 24 hours any event in which he discharges a firearm during the course of his duties.

E. Each licensed property bail bondsman shall submit to the department, on a prescribed form, not later than the fifth day of each month, a list of all outstanding bonds on which he was obligated as of the last day of the preceding month, together with the amount of the penalty of each such bond.

F. Each licensed principal property bail bondsman shall report to the department any change in the number of agents in his employ within seven days of such change and concurrently provide proof of collateral of \$200,000 for each new agent, in accordance with subsection C of § 9.1-185.5 of the Code of Virginia.

G. Each licensed agent bail bondsman shall report to the department any change in his employment within seven days of such change.

H. Each licensed principal property bail bondsman shall report to the department within five business days if any new lien, encumbrance, or deed of trust is placed on any real estate that is being used as collateral on his or his agents' bonds as well as the amount it is securing. The reporting requirement deadline is deemed to begin as soon as the licensed property bail bondsman learns of the new lien, encumbrance, or deed of trust, or should have reasonably known that such a lien, encumbrance, or deed of trust had been recorded.

I. Each licensed surety bail bondsman shall report to the department within 30 days any change in his employment or agency status with a licensed insurance company. If the surety bail bondsman receives a new qualifying power of attorney from an insurance company, he shall forward a copy thereof within 30 days to the department, in accordance with subdivision D 2 of § 9.1-185.5 of the Code of Virginia.

PART VI.

ADMINISTRATIVE REQUIREMENTS/STANDARDS OF CONDUCT.

6 VAC 20-250-240. General requirements.

All bail bondsman are required to maintain administrative requirements and standards of conduct as determined by the Code of Virginia, department guidelines and this regulation.

6 VAC 20-250-250. Professional conduct standards; grounds for disciplinary actions.

A. Any violations of the restrictions or standards under this statute shall be grounds for placing on probation, refusal to issue or renew, sanctioning, suspension or revocation of the bail bondsman's license. A licensed bail bondsman is responsible for ensuring that his employees, partners and persons contracted to perform services for or on behalf of the bonding business comply with all of these provisions, and do not violate any of the restrictions that apply to bail bondsmen. Violations by a bondsman's employee, partner, or agent may be grounds for disciplinary action against the bondsman, including probation, suspension or revocation of license. Upon notification from the State Corporation Commission of a license suspension, the department shall immediately suspend a surety bondsman's license, pending the results of an investigation.

B. A licensed bail bondsman shall not:

1. Knowingly commit, or be a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, forgery, scheme or device whereby any other person lawfully relies upon the word, representation, or conduct of the bail bondsman.

2. Solicit sexual favors or extort additional consideration as a condition of obtaining, maintaining, or exonerating bail bond, regardless of the identity of the person who performs the favors.

3. Conduct a bail bond transaction that demonstrates bad faith, dishonesty, coercion, incompetence, extortion or untrustworthiness.

4. Coerce, suggest, aid and abet, offer promise of favor, or threaten any person on whose bond he is surety or offers to become surety, to induce that person to commit any crime.

5. Give or receive, directly or indirectly, any gift of any kind to any nonelected public official or any employee of a governmental agency involved with the administration of justice, including but not limited to law-enforcement personnel, magistrates, judges, and jail employees, as well as attorneys. De minimis gifts, not to exceed \$50 per year per recipient, are acceptable, provided the purpose of the gift is not to directly solicit business, or would otherwise be a violation of board regulations or the laws of the Commonwealth.

6. Fail to comply with any of the statutory or regulatory requirements governing licensed bail bondsmen.

7. Fail to cooperate with any investigation by the department.

8. Fail to comply with any subpoena issued by the department.

9. Provide materially incorrect, misleading, incomplete or untrue information in a license application, renewal application, or any other document filed with the department.

10. Provide bail for any person if he is also an attorney representing that person.

11. Provide bail for any person if the bondsman was initially involved in the arrest of that person.

C. A licensed bail bondsman shall ensure that each recognizance on all bonds for which he signs shall contain the name, license number and contact information.

D. A surety bail bondsman shall in addition ensure that each recognizance for which he signs contains the contact information for both the surety agent and the registered agent of the issuing company.

E. An administrative fee may be charged by a bail bondsman, not to exceed reasonable costs and must be disclosed in writing. Reasonable costs may include, but are not limited to, travel, court time, recovery fees, phone expenses, administrative overhead and postage.

F. A property bail bondsman shall not enter into any bond if the aggregate of the penalty of such bond and all other bonds, on which he has not been released from liability, is in excess

Regulations

of the true market value of the equity in his real estate, cash or certificates of deposit issued by a federally insured institution, or any combination thereof.

G. A property bail bondsman or his agent shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.

H. A surety bail bondsman shall not refuse to cover any forfeiture of bond against him or refuse to pay such forfeiture after notice and final order of the court.

I. A surety bail bondsman shall not write bail bonds on any qualifying power of attorney for which a copy has not been filed with the department.

J. A surety bail bondsman shall not violate any of the statutes or regulations that govern insurance agents.

K. A licensed bail bondsman shall disclose in writing to the indemnitor if the bail bondsman has the knowledge that the bailee is being held in multiple jurisdictions.

6 VAC 20-250-260. Solicitation of business; standards, restrictions and requirements.

A. Only licensed bail bondsmen shall be authorized to solicit bail bond business in the Commonwealth.

B. A licensed bail bondsman shall not:

1. Solicit bail bond business or have any person solicit on his behalf by directly initiating contact with any person in any court, jail, lock-up, or surrounding government property.
2. Leave any type of advertising material in any court, jail, lock-up or surrounding government property.
3. Loiter by any jail or magistrate's office unless there on legitimate business.
4. Communicate with any inmate without first notifying the sheriff of jailor of their intent to communicate with such inmate.
5. Refer a client or a principal for whom he has posted bond to an attorney for financial profit or other consideration.

6 VAC 20-250-270. Recovery of bailees; methods of capture; standards and requirements; limitations.

A. During the recovery of a bailee, a bail bondsman shall have a copy of the relevant recognizance for the bailee. In the event a bail bondsman is recovering the bailee of another bondsman, he shall also have written authorization from the bailee's bondsman obtained prior to affecting the capture. The department shall develop the written authorization form to be used in such circumstances.

B. A bail bondsmen shall not enter a residential structure without first verbally notifying the occupants who are present at the time of the entry.

C. Absent exigent circumstances, a bail bondsman shall give prior notification of at least 24 hours to local law enforcement or state police of the intent to apprehend a bailee. In all cases, a bail bondsman shall inform local law enforcement within 30 minutes of capturing a bailee.

D. A bail bondsman shall not break any laws of the Commonwealth in the act of apprehending a bailee.

E. A bail bondsman shall adhere to the recovery requirements pursuant to § 19.2-149 of the Code of Virginia.

F. A bail bondsman must complete and maintain the information on the recovery of a bailee on a form prescribed by the department.

6 VAC 20-250-280. Collateral received in the course of business; standards and requirements.

A. A licensed bail bondsman shall be permitted to accept collateral security or other indemnity from the principal, which shall be returned upon final termination of liability on the bond, including the conclusion of all appeals or appeal periods. Such collateral security or other indemnity required by the bail bondsman shall be reasonable in relation to the amount of the bond.

B. When a bondsman accepts collateral, he shall give a written receipt to the depositor. The receipt shall provide a full description of the collateral received and the terms of redemption or forfeiture. The receipt shall also include the depositor's name and contact information.

C. Any bail bondsman who receives collateral in connection with a bail transaction shall receive such collateral in a fiduciary capacity, and prior to any forfeiture of bail shall keep it separate and apart from any other funds or assets of such bail bondsman. In the event a bondsman receives collateral in the nature of a tangible good, it shall be a per se violation of the bail bondsman's fiduciary duty to make personal use of any such collateral unless there is a proper forfeiture of bail.

D. Any collateral received shall be returned with all due diligence to the person who deposited it with the bail bondsman or any assignee other than the bail bondsman as soon as the obligation is discharged and all fees owed to the bail bondsman have been paid. In any event, after a specific request for the return of the collateral by the depositor, the collateral shall be returned within 15 days after all fees owed have been paid.

6 VAC 20-250-290. Uniforms and identification; standards and restrictions.

A. A bail bondsman shall not wear, carry, or display any uniform, badge, shield, or other insignia or emblem that implies he is an agent of state, local, or federal government.

B. A bail bondsman shall wear or display only identification issued by or whose design has been approved by the department.

1. A bail bondsman is required to visibly display on his outermost clothing, the photo identification license issued by the department at all times while on legitimate bail bonding business on government property.

2. A bail bondsman may display only his name and name of his company on the front of his shirt or jacket on government property as long as the insignia or emblem is no larger than 3 x 5 inches in its entirety.

PART VII.
COMPLAINTS, DEPARTMENT ACTIONS,
ADJUDICATION.

Article 1.
Complaints.

6 VAC 20-250-300. Submittal requirements.

A. Any aggrieved or interested person may file a complaint against any person whose conduct and activities are regulated or required to be regulated by the board. The complaint must allege a violation of the law governing bail bondsman services or this regulation.

B. Complaints may be submitted:

1. In writing, or on a form provided by the department, by a signed complainant;

2. In writing, submitted anonymously, that provide sufficient detailed information for the department to conduct an investigation; or

3. Telephonically, providing the complaint alleges activities that constitute a life-threatening situation, or have resulted in personal injury or loss to the public or to a consumer, or that may result in imminent harm or personal injury, and that provide sufficient detailed information for the department to conduct an investigation.

6 VAC 20-250-310. 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 regulation.

B. Documentation.

1. Persons regulated or required to be regulated by this regulation pursuant to the Code of Virginia are required to

provide department investigators with any and all records required to be maintained by this regulation.

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.

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 regulation.

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.

Article 2.
Department Actions.

6 VAC 20-250-320. Disciplinary action; sanctions; publication of records.

A. Each person subject to jurisdiction of this regulation who violates any statute or regulation pertaining to bail bondsman services 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 of this regulation:

1. Letter of reprimand or censure;

2. Probation for any period of time;

3. Suspension of license or approval granted, for any period of time;

4. Revocation;

5. Refusal to issue or renew a license or approval;

6. Fine not to exceed \$2,500 per violation as long as the respondent was not criminally prosecuted; or

7. Remedial training.

B. The department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this regulation but do not hold a valid license, certification or 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.

C. The director (chief administrative officer of the department) may summarily suspend a license under this

Regulations

regulation without a hearing, simultaneously with the filing of a formal complaint and notice for a hearing, if the director finds that the continued operations of the licensee would constitute a life-threatening situation, or has resulted in personal injury or loss to the public or to a consumer, or that may result in imminent harm, personal injury or loss.

D. 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 licensees whose conduct and activities are subject to this regulation and have been sanctioned or denied licensure or approval.

6 VAC 20-250-330. Fines, administrative and investigative costs.

The department may recover costs of any investigation and adjudication of any violations of the Code of Virginia or regulations that result in a sanction, including fine, probation, suspension, revocation or denial of any license. Such costs shall be in addition to any monetary penalty that may be imposed.

Article 3. Adjudication.

6 VAC 20-250-340. 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 regulation. Pursuant to the authority conferred in § 9.1-141 C 6 of the Code of Virginia and in accordance with the procedures set forth by the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) 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 20-250-350. 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 20-250-360. 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 any license or approval, the department may assess the holder thereof the cost of conducting such hearing when the department has final authority to grant such license, registration, certification 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.

6 VAC 20-250-370. 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 of the Department of Criminal Justice Services 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 20-250-380. Court review; appeal of final agency order.

A. The agency's final administrative decision (final agency orders) 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 of the Department of Criminal Justice Services 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. R05-279; Filed October 24, 2006, 12:33 p.m.

STATE BOARD OF JUVENILE JUSTICE

Proposed Regulation

Title of Regulation: 6 VAC 35-180. Regulations Governing Mental Health Services Transition Plans for Incarcerated Juveniles (adding 6 VAC 35-180-10 through 6 VAC 35-180-170).

Statutory Authority: §§ 16.1-293.1 and 66-10 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 29, 2007.

(See Calendar of Events section for additional information)

Agency Contact: Deron Phipps, Regulatory Coordinator, Department of Juvenile Justice, 700 East Franklin Street, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6407, FAX (804) 371-0773, or email deron.phipps@djj.virginia.gov.

Basis: Section 66-10 of the Code of Virginia establishes the general authority of the Board of Juvenile Justice to promulgate regulations.

During the 2005 session, the General Assembly enacted Senate Bill 843 and House Bill 2245 thereby creating § 16.1-293.1 of the Code of Virginia. (See Chapters 334 and 405 of the 2005 Acts of Assembly.) Section 16.1-293.1 provides that the "Board of Juvenile Justice, after consultation with the Department of Mental Health, Mental Retardation and Substance Abuse Services, must promulgate regulations for the planning and provision of post-release services for persons committed to the Department of Juvenile Justice (DJJ) pursuant to subdivision A 14 of § 16.1-278.8 or placed in a postdispositional detention program pursuant to subsection B of § 16.1-284.1 and identified as having a recognized mental health, substance abuse, or other therapeutic treatment need." Section 16.1-293.1 also specifies certain elements that must be included in the transitional treatment plan, which, therefore, will be addressed in the regulation.

Purpose: The purpose of the proposed regulation is to ensure the planning and provision of postrelease services addressing the mental health, substance abuse, or other therapeutic treatment needs of incarcerated juveniles as they transition back into their communities. The goal is to ensure implementation and continuity of necessary treatment and services in order to improve short- and long-term outcomes for juvenile offenders with significant needs in these areas. Services should be provided in the least restrictive setting consistent with public safety and the juvenile's treatment needs.

Substance: The proposed regulation specifies how individuals will be identified as having a recognized mental health, substance abuse, or other therapeutic treatment need.

The regulation requires that the transitional services plan be in writing and completed prior to the person's release. The plan must be designed to ensure continuity of necessary treatment and services.

The regulation requires that:

1. The mental health services transition plan identify the mental health, substance abuse, or other therapeutic needs of the person being released;
2. Appropriate treatment providers and other persons from state and local agencies or entities, as defined by the board, participate in the development of the plan.

In addition, the proposed regulation provides that appropriate family members, caregivers, and other relevant persons are to be invited to participate in the development of the person's plan.

The proposed regulation requires that, prior to the person's release from incarceration, the identified agency or agencies responsible for the case management of the mental health services transition plan will make the necessary referrals specified in the plan. The proposed regulations also require identifying the person who will assist in applying for insurance and other services identified in the plan, including completing and submitting applications that may be submitted only upon release.

Issues: The regulation enhances the public safety because the services mandated therein should reduce recidivism by juveniles who have been incarcerated and identified with a mental health treatment need. About 1,000 juveniles are released each year from a JCC. Of those juveniles, 60% of the males and 90% of the females have diagnosed mental health treatment needs (41% of males and 59% of females have severe emotional disturbances). Half of the youth have taken psychotropic medications prior to commitment; 25% have been hospitalized in mental hospitals prior to commitment; and approximately 70% of all wards are identified as having a "High Treatment Need" for substance abuse services. Seventy-five percent of the wards were committed for nonviolent offenses.

This regulation is intended to ensure the planning and provision of postrelease services addressing the mental health, substance abuse, or other therapeutic treatment needs of incarcerated juveniles as they transition back into their communities. The goal is to ensure implementation and continuity of necessary treatment and services in order to improve short- and long-term outcomes for juvenile offenders with significant needs in these areas. Services should be provided in the least restrictive setting consistent with public safety and the juvenile's treatment needs. The plan shall address the juvenile's need for, and ability to access, medication, medical insurance, disability benefits, mental health services, and funding necessary to meet the juvenile's treatment needs.

Regulations

The regulatory action poses no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. Pursuant to Chapter 440 (2005, Acts of the Assembly), the Board of Juvenile Justice (board) proposes to promulgate regulations to provide for coordinated post-release mental health, substance abuse and other therapeutic treatment for incarcerated juveniles.

Result of Analysis. There is insufficient data to measure the magnitude of cost versus benefits for the proposed regulation. Cost and benefits are detailed below.

Estimated Economic Impact. Prior to passage of Chapter 440 in 2005, the Department of Juvenile Justice (DJJ) had no regulations dictating how post-release services would be planned and provided. DJJ reports that it was their practice to try and ensure juveniles leaving DJJ custody received appropriate care but there was no formal coordination between DJJ and local agencies that would provide for that care. Currently, most juveniles who leave DJJ custody, and are in need of continuing care, will receive services through one of the 40 Community Services Boards (CSBs) throughout the state. CSBs receive state and federal funding through the Department of Mental Health, Mental, Mental Retardation and Substance Abuse Services (DMMRSAS).

Chapter 440 (2005, Acts of the Assembly) requires the board to promulgate regulations that will ensure "continuity of necessary treatment and services" through a mental health services transitional plan. This plan must be developed by a team that includes "appropriate treatment providers," "persons from state and local agencies or entities" (as defined by the board) and "appropriate family members, caregivers, or other persons" (also as defined by the board). This legislation also requires that "prior to the person's release from incarceration, the identified agency or agencies responsible for case management of the mental health services transition services plan shall make the necessary referrals specified in the plan, including completing and submitting applications that may only be submitted upon release."

The board proposes regulations that require service plans be developed for juveniles who have been diagnosed with a mental illness that is likely to impair their ability to function in the communities to which they will be released, as well as juveniles who are receiving medication treatment while incarcerated. At least 90 days before release, the court services unit (CSU) or post-dispositional detention program (PDDP) that has custody of an affected juvenile will be required to review their case and determine if a mental health services transitional plan is needed. If it is, the CSU or PDDP will enter into a Memorandum of Understanding (MOU) with public agencies (local Departments of Social Services

(LDSS), CSBs, local Departments of Health, representatives of local school districts) that will be responsible for the post-release care. The time frame requirement for the initiation of case review and planning are waived if a juvenile is subject to a judicial order for release. In this instance, case review and planning will be completed no later than 30 days after release.

The proposed regulation requires that a mental health services transitional plan specify:

- What agency or person will be assigned case management duties.
- The kind of services that will be made available.
- Who will provide these services.
- The time frame in which these services will be provided and
- All proposed sources for funding to pay for these services

All applications for services, insurance or financial services will be required to be filled out before release when possible.

The proposed regulation will benefit juveniles who may have otherwise received no needed services or who would have received less than optimally effective services. The communities into which these juveniles will be released will also likely benefit as offered services may lower the probability of recidivism. Local agencies, as well as DJJ, may incur unbudgeted for costs associated with implementing this regulation. These costs would include staff time spent planning for post-release services, as well as time and resources spent providing services for juveniles who would not have previously received them.

Businesses and Entities Affected. The proposed regulation will affect the approximately 1,000 juveniles and young adults released each year from juvenile correctional facilities. Also affected will be the court services units, community services boards, Local Departments of Social Services, Local Departments of Health and local school divisions that will enter into Memorandums of Understanding to meet the needs of released juveniles.

Localities Particularly Affected. The proposed regulation will affect all 134 localities in the Commonwealth.

Projected Impact on Employment. To the extent that the proposed regulation ensures that juveniles receive drug treatment/therapy/other mental health services when they otherwise would not have, employment in therapeutic fields may increase to meet this increased demand. Since many of these juveniles would have received services anyway, albeit in a less coordinated, efficient fashion, any increase in employment is likely to be small.

Effects on the Use and Value of Private Property. Any private individuals or businesses that are tasked with

providing services for released juveniles will likely see an increase in their revenues. So long as costs associated with providing these services are less than the associated revenues, profits, and the value of these private businesses, will increase.

Small Businesses: Costs and Other Effects. Costs for implementing the proposed regulation will fall on state and local agencies.

Small Businesses: Alternative Method that Minimizes Adverse Impact. Costs for implementing the proposed regulation will fall on state and local agencies.

Legal mandate. 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

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

Summary:

The proposed regulations provide the framework for creating a mental health services transition plan for the provision of mental health, substance abuse, or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center or postdispositional detention.

CHAPTER 180.
REGULATIONS GOVERNING MENTAL HEALTH
SERVICES TRANSITION PLANS FOR INCARCERATED
JUVENILES.

PART I.
GENERAL PROVISIONS.

6 VAC 35-180-10. Definitions.

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

"Direct discharge" means the release of a juvenile from commitment to the Department of Juvenile Justice with no supervision conditions imposed upon the juvenile by the department or a court.

"Facility" means a juvenile correctional center operated by the Department of Juvenile Justice, an alternative placement for juveniles under the direct custody of the Department of Juvenile Justice, or a postdispositional detention program serving juveniles sentenced under § 16.1-284.1 of the Code of Virginia.

"Identified as having a recognized mental health, substance abuse, or other therapeutic treatment need" means a juvenile who meets established criteria based on objective assessment or diagnosis by a qualified mental health professional, as provided for in this regulation.

"Incarceration" means confinement in a postdispositional detention program pursuant to § 16.1-284.1 of the Code of Virginia or in a juvenile correctional center or alternative placement as a result of a commitment to the Department of Juvenile Justice pursuant to subdivision A 14 of § 16.1-278.8 or § 16.1-285.1 of the Code of Virginia.

"Juvenile" means an individual who was committed to the Department of Juvenile Justice pursuant to § 16.1-285.1 or subdivision A 14 of § 16.1-278.8 of the Code of Virginia or placed in a postdispositional detention program pursuant to subsection B of § 16.1-284.1 of the Code of Virginia. For purposes of this regulation, the term includes wards being released from incarceration that are 18 years old or older.

"Mental health initiative funds" means funds appropriated by the General Assembly to the Department of Mental Health, Mental Retardation and Substance Abuse Services for mental health and substance abuse services for children and adolescents with serious emotional disturbances who are not mandated for services under the Comprehensive Services Act (§ 2.2-5200 et seq. of the Code of Virginia).

"Mental health services transition planning" means the enhanced planning process described by 6 VAC 35-180-70 through 6 VAC 35-180-160 to ensure the provision of mental health, substance abuse, or other therapeutic treatment services upon a juvenile's release from incarceration. This

Regulations

planning process is considered "enhanced" because it is more comprehensive than the standard process for developing a plan for probation, parole, or aftercare. This process shall result in a mental health transition services plan.

6 VAC 35-180-20. Purpose and goal.

A. This chapter is intended to ensure the planning and provision of postrelease services addressing the mental health, substance abuse, or other therapeutic treatment needs of incarcerated juveniles as they transition back into their communities. The goal is to ensure implementation and continuity of necessary treatment and services in order to improve short- and long-term outcomes for juvenile offenders with significant needs in these areas. Services should be provided in the least restrictive setting consistent with public safety and the juvenile's treatment needs. The plan shall address the juvenile's need for and ability to access medication, medical insurance, disability benefits, mental health services, and funding necessary to meet the juvenile's treatment needs.

B. This chapter is intended to be applied in conjunction with other relevant regulations of agencies of the Commonwealth (e.g., 6 VAC 35-150, Standards for Nonresidential Services Available to Juvenile and Domestic Relations District Courts; 6 VAC 35-140, Standards for Juvenile Residential Facilities; 22 VAC 42-10, Standards for Interdepartmental Regulation of Children's Residential Facilities; and 8 VAC 20-660, Regulations Governing the Reenrollment of Students Committed to the Department of Juvenile Justice).

6 VAC 35-180-30. Criteria for mental health services transition planning.

A juvenile will qualify for mental health services transition planning when one of the following criteria is met:

1. A qualified mental health professional determines that the juvenile has a current diagnosis for a mental illness that is likely to result in significant impairment in the juvenile's functioning in the community, including, but not limited to, the following: psychotic disorders, major affective disorders, substance use disorders, and posttraumatic stress disorder.

2. The juvenile is currently receiving medication treatment for a mental illness as described in subdivision 1 of this section, and the provider has indicated a treatment necessity to continue such medication upon discharge.

6 VAC 35-180-40. Confidentiality.

For all activities conducted in accordance with this chapter, confidential information shall be handled in accordance with the Health Insurance Portability and Privacy Act (HIPAA), federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2), and any other relevant state or federal law or regulation addressing sharing of confidential information.

PART II. AGREEMENTS AMONG AGENCIES AND SERVICE PROVIDERS.

6 VAC 35-180-50. Interagency Memorandum of Understanding.

Each court service unit (CSU) and postdispositional detention program shall enter into a single, integrated Memorandum of Understanding (MOU) with the public agencies that are required to participate in the Community Policy and Management Team (CPMT), as established by § 2.2-5205 of the Code of Virginia, for each jurisdiction covered by the CSU or postdispositional detention program. The MOU shall specify the parties' commitment to participate in the planning process established in this chapter and in § 16.1-293.1 B of the Code of Virginia. Other public or private agencies may be party to these agreements as appropriate.

6 VAC 35-180-60. Content of agreements.

The Memorandum of Understanding shall identify:

1. The substance abuse, mental health, or other therapeutic treatment and case management services that the agencies will make available for juveniles being released from incarceration;

2. If, and with what restrictions, the Family Assessment and Planning Teams (FAPT), as established by § 2.2-5207 of the Code of Virginia, shall be responsible for the development and implementation of the mental health transition plan as described in 6 VAC 35-180-100 or how the mental health transition planning process will take place when the FAPT will not serve as the responsible entity;

3. The process and parties responsible for making the necessary referrals specified in the plan and for assisting the juvenile and the juvenile's family with the process of applying for services identified in the plan;

4. A timeline for implementation of services upon the juvenile's release from incarceration;

5. The sources of funding that may be utilized to provide the services;

6. Methods for maximizing available sources of funding, including Medicaid, and the process and parties responsible for initiation of application(s) for insurance or other benefits that may be used to fully or partially fund such services; and

7. Methods for handling confidential information in accordance with the Health Insurance Portability and Privacy Act (HIPAA), federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR Part 2), and any other relevant state or federal law or regulation addressing sharing of confidential information.

PART III.
FACILITY REVIEW OF JUVENILE'S CASE.

6 VAC 35-180-70. Timing and purpose of facility case review.

A. At least 90 days before a juvenile's scheduled release from a juvenile correctional center or postdispositional detention program, designated staff at the facility where the juvenile resides shall review the juvenile's case, including the juvenile's individualized service plan, to determine if the juvenile qualifies for the enhanced mental health services transition planning based on the criteria set forth in 6 VAC 35-180-30.

B. In addition to an assessment of the criteria set forth in 6 VAC 35-180-30, the facility case review shall address the continuing needs of the juvenile, family involvement, the juvenile's progress towards discharge, and the anticipated release date.

C. The time frames designated in subsection A of this section shall be waived in the event that a judicial order for release of a juvenile sentenced under § 16.1-285.1 (serious offender incarcerated in a juvenile correctional center) or § 16.1-284.1 (placement in a postdispositional detention program) of the Code of Virginia makes such time frames impracticable. In such cases, review shall be completed as soon as possible, but no later than 30 days after the juvenile's release.

6 VAC 35-180-80. Participants in facility case review.

The following parties shall participate (either in person or via telephone or video-conference) in the facility review unless clearly inappropriate (as determined by the professional members of the facility review team) and documented in the case file:

1. The juvenile;
2. The juvenile's family, legal guardian, or legally authorized representative;
3. The juvenile's probation or parole officer, or a representative of the Department of Corrections (adult probation), if applicable;
4. Facility staff knowledgeable about the juvenile and his mental health needs; and
5. Other community agency staff, if appropriate (e.g., Department of Social Services (DSS) personnel for a youth to be released to DSS custody).

6 VAC 35-180-90. Distribution and documentation of facility case review.

The results of the facility case review, including any recommendations for treatment or other services, shall be distributed to the parties who participated in the meeting. The distribution shall be documented in the juvenile's record.

PART IV.
ENHANCED TRANSITION PLANNING.

Article 1.
Developing the Transition Plan.

6 VAC 35-180-100. Enhanced mental health transition planning.

A. If the juvenile meets the criteria set out in 6 VAC 35-180-30, the probation or parole officer present at the facility case review meeting shall (i) notify the responsible agency or agencies identified in the Memorandum of Understanding established pursuant to 6 VAC 35-180-50, and (ii) schedule a meeting, to be conducted no later than 30 days prior to the juvenile's anticipated release, to develop the juvenile's mental health services transition plan.

B. However, when a juvenile (i) will receive a direct discharge from the department upon attaining the age of 21 and will not be subject to adult parole supervision, or (ii) will be released from a postdispositional program at age 18 or older without having been placed on probation, the meeting shall be scheduled and proceed only with the juvenile's documented consent and, as required by law, the consent of his parent or legal guardian.

C. The time frames designated in subsection A of this section shall be waived in the event that a judicial order for release of a juvenile sentenced under § 16.1-285.1 (serious offender incarcerated in a juvenile correctional center) or § 16.1-284.1 (placement in a postdispositional detention program) of the Code of Virginia makes such time frames impracticable. In such cases, review shall be completed as soon as possible, but no later than 30 days after the juvenile's release.

6 VAC 35-180-110. Referral to family assessment and planning team.

If the juvenile's case is referred to the local family assessment and planning team established under the Comprehensive Services Act (§ 2.2-5200 et seq. of the Code of Virginia), the meeting will be conducted in accordance with the policies of the family planning and assessment team.

6 VAC 35-180-120. Development of the plan if other than family assessment and planning team.

A. If the juvenile's case is not referred to the local family assessment and planning team, the following persons shall participate in the development of the mental health services transition plan:

1. The juvenile;
2. The juvenile's parent, legal guardian, or legal custodian unless clearly inappropriate (as determined by the professional members of the review team) and documented in the case file;

Regulations

3. Unless the juvenile will not be receiving any postrelease supervision, the juvenile's probation or parole officer or a representative of the Department of Corrections for those offenders determinately committed under § 16.1-285.1 of the Code of Virginia who will be released to adult supervision; and

4. A representative of one or more of the agencies participating in the Memorandum of Understanding established by 6 VAC 35-180-50, as applicable and appropriate.

B. The following persons may be invited to participate in the meeting to develop the juvenile's mental health services transition plan:

1. Other family members or caregivers who are judged to be critical to the person's successful completion of treatment services; and

2. Any other person, agency, or institution having a legitimate interest in the development of the plan for the purpose of providing treatment or services for the juvenile who is the subject of the plan.

C. If the persons invited pursuant to subsection B of this section are unable to participate in the planning meeting as described in subsection D of this section, they may provide information prior to the meeting.

D. All participants in the development of the plan shall be concurrently available to each other during the transition services planning meeting, either in person, or by telephone conference call, or by video-conference.

Article 2.
Content of the Plan.

6 VAC 35-180-130. Content of the plan.

A. The plan shall specify:

1. The person(s) assigned case management responsibilities for the development and implementation of the mental health transition services plan. Case management includes making all referrals and coordination of all aspects of the plan;

2. The kinds of substance abuse, mental health, or other therapeutic treatment that will be made available to the juvenile;

3. The provider or providers who will be responsible for delivering each service;

4. The projected time frame over which each service will be provided;

5. The proposed sources through which the services will be funded (funding sources may include, but are not limited to, Medicaid, Comprehensive Services Act (§ 2.2-5200 et seq. of the Code of Virginia), Family Access to Medical

Insurance Security, private insurance, and other federal, state, or local funds such as Promoting Safe & Stable Families funds, federal mental health and substance abuse block grant funds, Virginia Juvenile Community Crime Control Act funds, DJJ Transitional Services funds, and other state general funds available to the Community Service Boards, the Department of Juvenile Justice, or other agencies participating in the planning process); and

6. Any applications for services, insurance, and other financial assistance that must be completed in order for the juvenile to obtain the identified services. Such applications include (i) those applications that may be completed and submitted before the juvenile's release from incarceration; (ii) those applications that may be completed before, but may not be submitted until after, the juvenile is released from incarceration; and (iii) those applications that may not be initiated until after the juvenile's release from incarceration. The plan shall assign responsibility for assisting the juvenile or the juvenile's parents or guardians in completing such applications.

B. To the extent possible, all issues pertaining to the implementation of the plan shall be resolved prior to the juvenile's release.

Article 3.
Completion and Implementation of the Plan.

6 VAC 35-180-140. Time frames for completing the plan and related tasks.

A. To facilitate the process of referrals for services and application and enrollment for financial and other assistance, the written plan shall be completed at least 10 days prior to the juvenile's release from incarceration unless such time frame is rendered impracticable by a judicial order to release the juvenile from incarceration. In such instances, the plan shall be completed as soon as possible, but in no event later than 30 days following the date of the court order for release.

B. All referrals for services and all applications for financial and other assistance shall be completed within sufficient time frames to ensure continuity of necessary treatment and implementation of recommended services upon the juvenile's release.

C. All participants in the development of the plan shall sign the plan, indicating their commitment to fulfill the responsibilities assigned to them.

PART V.
REVIEW OF THE PLAN.

6 VAC 35-180-150. Reports to probation or parole officer.

When it is a condition of probation or parole that the juvenile must participate in one or more treatment services provided in accordance with this chapter, the person or agency responsible for providing such clinical services shall report to

the probation or parole officer on the juvenile's progress toward meeting the plan's objectives at least monthly as long as the juvenile remains under probation or parole supervision.

When the juvenile's treatment need has been met, the service may be discontinued, and the probation or parole officer shall be notified that the juvenile has completed the treatment.

When the juvenile discontinues participation in the treatment or is suspended or terminated from the program, the probation or parole officer shall be notified as soon as practicable of the juvenile's changed status.

6 VAC 35-180-160. Periodic review of mental health transition plan.

A. Every 90 days, the parties to the plan shall review and assess the juvenile's progress and continued applicability of the plan.

B. Any changes to the plan shall be made in writing. All participants shall sign and receive copies of the revised plan.

6 VAC 35-180-170. Final review prior to termination of probation or parole.

A. If the juvenile has been placed on probation or parole, the individuals and agencies participating in the implementation of the mental health transition plan shall convene no later than 30 days before the juvenile's anticipated release from probation or parole supervision to determine if any of the services provided for in the plan should continue beyond the juvenile's release from probation or parole supervision.

B. If the determination is made that one or more services should continue, an updated plan shall be developed for the juvenile, including identification of the case manager to be responsible for the plan from that point forward. All participants shall sign and receive a copy of the updated plan.

C. If treatment services are continued beyond the juvenile's release from probation or parole, the service provider and case manager shall have no further duty to report to the probation or parole officer on the juvenile's progress in treatment.

VA.R. Doc. No. R06-104; Filed October 20, 2006, 12:52 p.m.

Proposed Regulation

Title of Regulation: 6 VAC 35-190. Regulations Governing Juvenile Work Release Programs (adding 6 VAC 35-190-10 through 6 VAC 35-190-110).

Statutory Authority: §§ 66-10 and 66-25.1:3 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 29, 2007.

(See Calendar of Events section for additional information)

Agency Contact: Deron Phipps, Regulatory Coordinator, Department of Juvenile Justice, 700 East Franklin Street, P.O. Box 1110, Richmond, VA 23218-1110, telephone (804) 786-6407, FAX (804) 371-0773, or email deron.phipps@djj.virginia.gov.

Basis: Section 66-10 of the Code of Virginia authorizes the Board of Juvenile Justice to promulgate such regulations as may be necessary to carry out the provisions of Title 66 and other laws of the Commonwealth administered by the director or the department.

Section 66-25.3:2 of the Code of Virginia authorizes the department to provide juveniles committed to the department with opportunities to work and participate in career training or technical education programs. In implementing such programs, § 66-25.3:3 authorizes the State Board of Juvenile Justice to develop regulations setting forth the rules and criteria by which the department may operate work release programs whereby committed juveniles may be employed by private individuals, corporations, or state agencies at places of business.

Purpose: The goal of the career training and technical education programs authorized by § 66-25.1:2 of the Code of Virginia is "to assist juveniles in acquiring necessary work habits, developing marketable skills, and identifying career goals through a broad range of career opportunities and mentoring and apprenticeship programs."

The goals of the work release provisions of § 66-25.1:3 of the Code of Virginia are (i) to allow a juvenile who is proficient in any trade or occupation and who meets the work release criteria established by the director to be approved for employment by private individuals, corporations, or state agencies at places of business; and (ii) to permit a juvenile who meets the work release criteria and is capable of receiving substantial benefit from educational and other related community activity programs that are not available within a juvenile correctional center to attend such programs outside of the juvenile correctional facility.

Substance: The proposed regulation (i) provides for an assessment of wards' suitability to participate in work release or similar programs, based on the enabling statute; (ii) specifies criteria that wards must meet to be considered for participation in a work release, educational release, job enterprise, or other rehabilitative program in the community; (iii) requires written procedures to ensure accountability of participating wards; (iv) specifies conditions wards must meet to participate in a work release program; (v) specifies the conditions that must be met by an employing, supervising, or training entity; (vi) establishes conditions for ward participation in educational or rehabilitative release program; (vii) requires written procedures, consistent with the Code of Virginia, governing ward furloughs; (viii) requires that a ward's earnings shall be disbursed in accordance with § 66-

Regulations

25.1:3 of the Code of Virginia; and (ix) requires written procedures for removing a ward from a program.

Issues: The proposed regulations will strengthen the department's ability to help develop a committed juvenile's educational and career skills needed to successfully transition back into the community from which the ward was committed. Providing the opportunity to participate in educational and career training programs and jobs to wards between the ages of 16 and 21 will increase that ward's potential for obtaining meaningful employment upon release from the juvenile correctional center. Ensuring that a ward is participating in educational and career programs during his commitment will increase the likelihood of a successful transition back into the community and lessen the possibility of recidivism. Reducing recidivism and providing juveniles with better possibilities for career development will benefit all Virginia families.

The department may develop appropriate interagency linkages with state and local agencies, public and private institutions of education and of higher education, labor and industry councils, the business community, rehabilitative services providers, and employment and guidance services.

The regulatory action poses no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. Pursuant to Chapter 648 (2005 Acts of Assembly), the Board of Juvenile Justice (board) proposes to promulgate permanent regulations which will allow continuation of work release programs for juveniles committed to the Department of Juvenile Justice (DJJ). These regulations were put in place by emergency regulatory action (December, 2005).

Result of Analysis. The benefits likely exceed the costs for this proposed regulatory change.

Estimated Economic Impact. Before passage of Chapter 648, and implementation of a pilot work release program in 2005, juveniles (and adults between the ages of 18 and 21) incarcerated in Virginia's juvenile correctional facilities were only able to work and gain an education on-site. This limited the types of job training and educational opportunities of which these individuals could avail themselves and had the potential to impede their ability to function in the larger society to which they would eventually be released.

The proposed regulations set rules under which incarcerated juveniles may engage in outside employment and education. Criteria for participation in this work release program include:

- Juveniles must be at least 17 years old.

- They must have been in the custody of the DJJ for at least 90 days.
- They must have no major infractions of facility rules on their records (they may have very limited numbers of minor or moderate rules infractions).
- They may have only have been in one of the two least serious security levels of custody.
- They may not have any gang affiliations.

Juveniles who have been convicted of a violent felony may only participate in the program with the permission of the director of the correctional facility to which they have been committed. DJJ has received funding for this program from the US Department of Labor; this funding covers staff to operate the program, vehicles to transport program participants to and from their places of employment or education and electronic monitoring equipment worn by program participants.

So far under DJJ's pilot program, approximately 10-12 juveniles have either worked at one of four participating businesses or attended classes at the one participating community college. DJJ estimates that five of the eight correctional facilities statewide would be appropriate venues for expansion of this pilot program.

Although this program will likely increase the possibility that convicted juveniles will have the opportunity to re-offend when they are on the job or on an educational campus, selection criteria and monitoring should ensure that increase is minimized. In any case, this risk is one that communities would face eventually, and probably at an even greater level, as incarcerated juveniles age out of the system without the benefits that this program offers. Weighed against this risk are the benefits from this program that will accrue to juvenile participants and the businesses that employ them.

Juveniles who participate in a work release program are likely to be able to learn a more varied job skills set than can be taught inside a correctional facility. They will also have the opportunity to learn coping skills and practice forming interpersonal relationships in an environment that is both less restrictive than the correctional facility where they are incarcerated and more reflective of the wider communities in which they must eventually function. Additionally, juvenile participants will benefit from their wages which will allow them to pay off any court imposed fines and restitution monies and, after those obligations are fulfilled, will allow them to provide money to their families (if they choose) or have spending money at the correctional facility store.

Businesses that choose to participate in juvenile work release may benefit in several ways. Juvenile inmate labor is likely to be allocated in ways that do not fully reflect market pressures so businesses may be able to offer lower wages to juveniles who enter their employ through work release

programs. Work release participants will be transported to and from their employment by correctional facility personnel, and may have less freedom to quit than they would have under other circumstances, so businesses who participate in this program may incur fewer costs associated with searching for, and training, new employees. Both of these effects will tend to lower employee costs for participating businesses. These cost saving are likely to be small given that only a handful (4-6) of juveniles have been eligible to participate in the program at any given time.

Businesses and Entities Affected. The proposed regulation will affect approximately 1000 incarcerated juveniles; approximately 300 of these are between the ages of 18 and 21. Participating businesses, as well as the communities where these juveniles are incarcerated and will work, will also be affected.

Localities Particularly Affected. The proposed regulation will affect all localities in the Commonwealth.

Projected Impact on Employment. Total employment within the Commonwealth is very unlikely to be affected by the proposed regulation. To the extent that they are able to gain work experience outside of the correctional facilities where they are incarcerated, juveniles in this program will likely be more employable once they are released.

Effects on the Use and Value of Private Property. Because juvenile inmate labor is likely to be allocated in ways that do not fully reflect market pressures, businesses may be able to offer lower wages to juveniles who enter their employ through work release programs. Because work release participants will be transported to and from their employment by correctional facility personnel and may have less freedom to quit than they would have under other circumstances, businesses who participate in this program may incur fewer costs associated with searching for, and training, new employees. To the extent that some combination of these two affects occur, participating businesses may experience a (small) increase in profits.

Small Businesses: Costs and Other Effects. Participating small businesses will likely see no cost increases because of this proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact. Participating small businesses will likely see no cost increases because of this proposed regulation.

Legal mandate. 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

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

Summary:

The proposed regulations provide the framework for assessing each juvenile committed to the Department of Juvenile Justice for participation in a work release program, apprenticeship program, job enterprise program, or any other work experience opportunity located at or through the juvenile correctional center (JCC) where the juvenile is placed. As required by the Code of Virginia, the juveniles participating in these offsite work and educational opportunities will be those who have made significant rehabilitative progress and have demonstrated their capacity to meet the challenges presented by these opportunities.

A juvenile who is proficient in a trade or occupation and who meets the work release criteria established by the director may be approved for employment outside of the JCC. A juvenile who the director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational and other related community activity programs that are not available within a JCC may attend such programs outside of the juvenile correctional facility.

CHAPTER 190.
REGULATIONS GOVERNING JUVENILE WORK
RELEASE PROGRAMS.

6 VAC 35-190-10. Definitions.

Unless the context clearly requires a different understanding, the following terms shall have the meanings indicated when used in this regulation.

Regulations

"Educational release program" or "rehabilitative release program" means a program whereby wards of the Department of Juvenile Justice who meet the minimum eligibility criteria for a work release program, and who the director determines may receive substantial benefit from the activity, may be approved to participate in educational or other community activity programs not available within a juvenile correctional center.

"Furlough" means a temporary, short-term, authorized absence from a secure custody facility for a specific purpose. A furlough extends the physical limits of confinement to include the place or places in the community that the ward is given specific permission to visit.

"Work release program" means a program whereby wards of the Department of Juvenile Justice who meet specified eligibility criteria may be approved for employment by private individuals, corporations, or state agencies at places of business, as provided for in § 66-25.1:3 of the Code of Virginia or by local agencies at places of business or to improve, repair, work on, or cultivate public or private property or buildings as provided for in § 66-25.1:2 of the Code of Virginia.

6 VAC 35-190-20. Policy and purpose.

A. It is the policy of the Commonwealth of Virginia to provide juveniles committed to the Department of Juvenile Justice with job training opportunities, consistent with protection of the public safety, so as to facilitate their reintegration into their communities as productive citizens upon release from commitment.

B. The purpose of the career-related programs, training, and services governed by this regulation is to assist juveniles in acquiring necessary work habits, developing marketable skills, and identifying career goals through a broad range of career opportunities and mentoring and apprenticeship programs. Work training opportunities may include but need not be limited to, business, industrial, agricultural, highway maintenance and construction, and other arrangements whereby juveniles may be employed to improve, repair, work on, or cultivate public or private property or buildings.

6 VAC 35-190-30. Assessing a ward's suitability for program participation.

A. Department case management procedures shall provide a process for assessing the suitability of individual wards for work release, educational release, and other programs authorized by this regulation, subject to eligibility criteria established by 6 VAC 35-190-40.

B. The assessment shall include:

1. A review of the ward's offense history and his behavior during commitment;

2. The completion of an objective risk assessment of the juvenile's likelihood to reoffend;

3. An assessment of the juvenile's suitability for the particular community release program, including, if applicable, the ward's proficiency in a trade or occupation related to a work release program.

6 VAC 35-190-40. Eligibility criteria.

A. In accordance with department case management procedures, wards may be approved to participate in a work release, educational release, or other rehabilitative program in the community when they meet the following eligibility criteria:

1. The ward must be at least 16 years of age.

2. The ward must have been in direct care for a minimum of 90 days.

3. The ward must not have committed a moderate institutional offense during the previous 30 days, nor a major institutional offense within the previous 90 days.

4. A ward who previously escaped from a secure setting shall not be eligible for participation in a release program.

5. A ward who is determinately committed as a serious offender pursuant to § 16.1-285.1 of the Code of Virginia, may participate in a release program only with written authorization of the committing court.

6. A ward who is committed for a violent juvenile felony as defined pursuant to § 16.1-228 of the Code of Virginia may be recommended to participate, but must be approved by the director of the department or his designee, in accordance with case management procedures.

7. A ward requiring the highest level of supervision according to the department's classification system, shall not be eligible to participate in a release program.

8. A ward whose scores on an objective risk assessment instrument indicates a high risk of reoffending may participate in a release program only with the approval of the director.

9. A ward who is subject to compulsory education shall not be eligible except on a part-time basis consistent with applicable child labor laws and with the concurrence of the school authority.

B. Wards shall meet the established eligibility requirements prior to being released to participate in the program.

6 VAC 35-190-50. Written procedures for accountability of participants.

Written procedures shall ensure the accountability of participants and provide for supervision in the community. Such procedures shall include at a minimum:

1. Provisions for a daily count of participating wards;
2. Methods for determining and identifying wards who are authorized to leave the facility;
3. Provisions for a controlled sign-out and sign-in process;
4. Methods for verifying the ward's location within the community, which may include telephone contact, random field visits, or global positioning systems technology; and
5. Written procedure, approved by the facility's health authority, that either permits or prohibits self-medication by wards when they are away from the facility.

6 VAC 35-190-60. Conditions for offender participation in a work release program.

Ward participation in a work release program shall conform to the following specific conditions.

1. Participation by the ward shall be on a voluntary basis.
2. Wards may be required to apply and interview for a position with a participating entity, and to be accepted by the entity, as a condition of placement.

6 VAC 35-190-70. Conditions for employing, supervising, or training entity.

A public or private entity providing employment, supervision, or training as part of a work release program shall be responsible for ensuring that:

1. Rates of pay and other conditions of employment shall not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed.
2. Designated staff at the ward's facility will be promptly notified if the work release participant is subject to employee discipline; fails to report to work as scheduled; leaves the work area without permission; receives or places nonbusiness telephone calls; or uses or appears to be under the influence of alcohol or other drugs.

6 VAC 35-190-80. Conditions for ward participation in educational release or rehabilitative release program.

Ward participation in an educational release or rehabilitative release program shall conform to the following specific conditions unless ordered otherwise by an appropriate court.

1. Participation by an indeterminately committed ward shall be voluntary and may be subject to an application, interview, and approval process by the entity conducting the program.
2. Participation of a determinately committed ward must be approved in writing by the committing court. The department may recommend that the ward be approved for participation.
3. Classes, meetings, or training sessions shall be on a regularly scheduled basis.

4. Other conditions shall not be more restrictive on the ward than those required by other participants, unless specifically authorized by this regulation.

6 VAC 35-190-90. Furlough.

Participants in the work release, educational release, or rehabilitative release programs may be considered for furlough. Written procedures shall govern the granting of furloughs in accordance with the provisions of § 66-25.1:4 of the Code of Virginia.

6 VAC 35-190-100. Earnings.

All earnings shall be received, and disbursed in accordance with subsection C of § 66-25.1:3 of the Code of Virginia.

6 VAC 35-190-110. Removing participants from program.

Written procedures shall establish the criteria and process for removing a participant from the program.

1. Procedures shall include provisions for an impartial hearing for the participant.
2. Procedures shall include provisions for the appeal of the removal.
3. Documentation shall reflect that this information was explained to all participants when they were assigned to the program.

V.A.R. Doc. No. R06-139; Filed October 20, 2006, 12:52 p.m.



TITLE 8. EDUCATION

VIRGINIA MUSEUM OF FINE ARTS

Proposed Regulation

REGISTRAR'S NOTICE: The Virginia Museum of Fine Arts is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth. The museum is required, however, to publish proposed and final regulations.

Title of Regulation: **8 VAC 103-20. Parking Regulations, Appeals and Fines (adding 8 VAC 103-20-10 through 8 VAC 103-20-50).**

Statutory Authority: § 23-9.2:3 of the Code of Virginia.

Agency Contact: Kenton Towner, Risk Management and Protective Services, Virginia Museum of Fine Arts, 200 North Boulevard, Richmond, VA, telephone (804) 340-1488, FAX (804) 340-1646 or email kenton.towner@vmfa.museum.

Regulations

Summary:

These regulations shall allow the Virginia Museum of Fine Arts to (i) provide safe and convenient parking for visitors, guests and employees of the museum; (ii) provide parking relief for Museum District residents and institutions; (iii) operate facilities ethically and in full compliance with state and local codes of law; and (iv) better operate facilities in a financially self-sustaining manner.

CHAPTER 20.

PARKING REGULATIONS, APPEALS AND FINES.

8 VAC 103-20-10. Definitions.

A. The following words or terms when used in this regulation shall have the following meaning unless the context clearly indicates otherwise.

"Employee" means any individual retained for services rendered to the Virginia Museum of Fine Arts (including the employees of the Foundation, Food Services, Special Events, Membership and volunteers) but does not include employees of contractor companies retained by any museum entity.

"Motor vehicle" means any automobile, bus, truck, van, motorcycle or motorized scooter requiring a license or registration for legal street operation.

"Parking Services Manager" means the employee(s) of the agency designated by the Chief Operating Officer of the museum and operating under the authority of the Board of Trustees to enforce this regulation.

"Virginia Museum of Fine Arts" or "VMFA" or "agency" means the educational institutional and all associated entities as defined by § 23-253.4 of the Code of Virginia.

"Visitor" means any person who is legally present on Virginia Museum of Fine Arts property and who is not presently and directly employed by the museum or by a company under contract with the museum.

B. Applicability. This regulation applies to the use and operation of all parking facilities on the VMFA campus, including properties owned or leased by the VMFA Foundation and, with the consent of the property owner, any properties that may be rented, loaned or otherwise provided to any VMFA entity in support of any event or other purpose where motor vehicle parking is to be provided.

8 VAC 103-20-20. General provisions.

A. Registration requirements.

1. All employees parking motorized vehicles on the Virginia Museum of Fine Arts campus must display a parking permit issued by the Parking Services Manager, unless the employee has parked in a designated visitor parking area and is paying the going daily rate.

2. Failure to properly register employee vehicles and to display the permit may result in a fine for the parking violation and possible immobilization of the vehicle.

B. Eligibility for permanent parking permits.

1. A current VMFA ID card, or other evidence of eligibility (authorizing signature on a ID card request form or a letter of employment) will be required when registering for a permanent parking permit.

2. Employees may register motorcycles, mopeds, or motorized scooters in addition to passenger vehicles. No more than one registered employee vehicle may be parked in the designated staff parking area at any time.

3. All vehicles registered must be owned by the registrant or a member of the registrant's family.

4. Each trustee will be automatically issued an ID card that serves as a permanent parking pass for the term of his appointment to the board. Trustees unable to produce their electronic ID card will pay the going daily visitor rate to exit the parking facility.

C. Volunteer and intern parking.

1. Departments using the services of volunteer staff may register with the Parking Services Manager for parking privileges at no charge for their use of a limited number of designated parking spaces. Volunteer permits are valid for no more than a single year (12 months).

2. Departments using the services of interns should direct such persons to visit the Parking Services Office to obtain a temporary parking permit. No fee will be collected for the temporary permit assigned for the terms and duration of the assignment. Availability of permits is limited. Interns will be permitted to park in designated areas as space is available.

3. All permits will be recovered and returned to the Parking Services Manager at the termination of the respective agreement.

D. Visitor parking.

1. Visitors may park in the park and pay facilities or pay-by-the-hour parking areas. All visitors are subject to receiving fines or being immobilized or towed for unauthorized parking in permit only or nonparking areas.

2. Only the Parking Services Office may authorize a visitor to park in an area not designated for visitors.

E. Temporary permits/museum guest parking.

1. Departments receiving guests may purchase from the Parking Services Office a temporary parking permit at a reduced daily rate.

2. Employees of companies involved in construction or similar projects on campus may park in a designated job

site without a permit. This area should be defined in cooperation with the Parking Services Manager. When parking outside the designated zone, a permit is required and must be purchased from the Parking Services Office.

F. Permit usage and requirement.

1. A permanent parking permit or a temporary permit displayed from the rearview mirror of a passenger vehicle (or in the wind screen of vehicles without rearview mirrors), is required for parking on the VMFA campus in any area other than park and pay and pay-by-the-hour areas. Convertibles, jeeps, or other open top vehicles that may leave a temporary permit unsecured may be issued special decals to be affixed to the windshield.

2. Motorcycles and similar vehicles shall have the parking permit permanently affixed to the vehicle on the front or back fender for visibility. Motorcycles are prohibited from parking in bicycle racks, fire lanes, yellow zones, sidewalks, decks, handicap spaces, access zones, or any other unauthorized space.

3. While permits may be transferred to any vehicle driven by the permit holder, the registered permit holder is responsible for all citations issued to that permit. Permits are not transferable from person to person. No permit is considered legal unless it is purchased directly from the Parking Services Office by the individual and the individual is currently eligible for the permit issued. Vehicles displaying illegal permits will be issued a citation in addition to being immobilized or towed at owner's expense.

4. It is the responsibility of the registrant to remove permanent parking permits from a vehicle when it is sold, transferred or otherwise disposed of.

5. Failure to obtain and display a valid permit may result in parking fines or immobilization of the vehicle until fines are paid.

G. Refunds on parking permits.

1. Employees terminating employment must turn in their permit in order to receive a prorated refund. Employees will be charged from the time the permit was issued through the full month in which they are requesting a refund. Refunds are issued after any remaining debts are paid to the department.

2. No refunds will be given on temporary permits.

H. Replacement of permits.

1. If a hangtag malfunctions, the permit holder may obtain a replacement at no charge by returning the defective permit to the Parking Services Office. If a windshield decal stops adhering, the permit holder may obtain a replacement at no charge by returning the defective permit to the Parking Services Office.

2. If a permanent permit is lost, stolen, or nonreturnable, a charge of \$5.00 will be assessed for a replacement.

I. Short-term parking.

1. Metered spaces are provided for the short-term parking convenience of persons visiting the ticket office, museum restaurants or VMFA shop. When the ticket office, restaurants and the shop are normally open, the metered spaces will be limited to short-term parking only.

2. Enforcement.

a. Meter parking is enforced: 7 a.m. until 9:30 p.m. everyday.

b. Persons with a valid DMV-issued handicap license plate or hangtag may use the metered parking spaces at no charge for the first four hours. After four hours the standard rate for the parking space applies.

c. A VMFA parking permit is not valid as payment at meters.

d. Parking or standing at an expired meter is not allowed and will result in a fine.

J. Missing or inoperable meters.

1. Inoperable meters are considered closed spaces; vehicles parked in these spaces are subject to a parking violation. Missing and inoperable meters should be reported to the Parking Services Office immediately for replacement or repair.

2. Cases of meter vandalism may be tried in a Virginia court of law as destruction of property or larceny, in addition to any violation issued.

3. Valid currency.

a. Only United States currency may be used in parking meters.

b. Federal law prohibits the use of other currency, altered U.S. currency, or other objects.

K. Loading and unloading spaces.

1. Loading and unloading is permitted only in designated areas and in accordance with the signing of that space. Prohibited and restricted areas, handicapped spaces, fire lanes, and meters are not designated for loading and unloading.

2. Any vehicle loading or unloading in these areas is subject to a fine, or towing, at owner's risk and expense.

3. Use of loading/unloading spaces.

a. A valid VMFA permit must be displayed in order to park in a loading/unloading space.

b. Loading/unloading parking is limited to the posted time limit unless the Parking Services Office grants an

Regulations

exception for special circumstances. Vehicles exceeding the posted time limit are subject to a fine.

L. Parking space availability. The purchase of a parking permit gives the permit holder the right to park in a designated area only when there is space available in that location. The purchase of a parking permit does not guarantee the purchaser access to a parking space at all times.

M. Liability disclaimer. VMFA, the Commonwealth of Virginia, and agents of VMFA do not assume responsibility for any vehicle or its contents when parked on museum property. The museum and the state do not assume responsibility for damage to vehicles that are booted, immobilized, or towed due to violations incurred or as a result of other violations.

8 VAC 103-20-30. Enforcement of parking regulations.

A. Enforcement in general.

1. The chief operating officer of the agency has the overall responsibility for monitoring the enforcement of parking regulations and to direct the creation of new or revision of existing regulations, enforcement procedures, and appeals processes.

2. The agency's Protective Services Department and specified licensed security officers employed by private security companies that are contracted by the agency have the authority and duty to enforce the museum's parking regulations through issuing parking permits, issuing parking citations, coordinating lawful vehicle removal/transfer, immobilization of vehicles, collection of fines, and to provide a fair method for appealing citations issued.

3. No vehicle operator, including museum employees, shall park a vehicle that violates any of these rules and regulations. Any vehicle found violating these regulations is subject to a fine.

B. Limitations on enforcement. Only regulations pertaining to the parking of motor vehicles enacted by the Commonwealth of Virginia in this regulation are to be enforced within the jurisdiction described in 8 VAC 103-20-10 B. Operators of vehicles in violation of the rules and regulations may only be subject to citation, fine, immobilization of the vehicle, or towing of the vehicle at the owner's risk and expense.

C. Payment of fines for parking violations.

1. Unless otherwise specified, tickets must be paid within 10 days of citation issue date.

2. Delinquencies are referred to a collection agency, the Virginia Department of Taxation Division of Set-Off Debt Collection, and credit bureaus. If the account remains unpaid, the individual becomes responsible for the payment

of all additional agency costs. Collection costs may be as much as one-third of the balance due to the agency.

D. Parking offenses and enforcement actions.

1. Multiple citations. A vehicle may be issued multiple citations and fines for multiple violations at one time. A vehicle may be issued additional citations for the continued noncompliance of parking regulations, not to exceed one citation per four-hour period for the same violation.

2. Towing.

a. A vehicle may be towed from one area to another for violations of certain restrictions. Vehicles may be moved to an appropriate location or to an impoundment location. All towing arising from enforcement actions is at the owner's risk and expense. Any vehicle impeding the flow of traffic, whether in a roadway or parking lot, is subject to towing at the owner's risk and expense. Towing without notification can occur under certain circumstances.

b. Towing tickets cannot be appealed. All towing tickets must be paid within 10 days of citation issue date.

3. Booting.

a. A vehicle may be immobilized (booted) if its registered driver or owner accrues \$300 or more of unpaid fines, has outstanding late fines in excess of 10 days, or the vehicle has been determined to be abandoned.

b. Tampering with a booted vehicle, without payment and release by an authorized museum staff member, may result in additional action(s) being taken by the museum in accordance and compliance with all applicable laws.

c. All booting arising from enforcement actions is at the owner's risk and expense. Booting without notification can occur under certain circumstances.

d. Booting tickets cannot be appealed. All booting tickets must be paid within 10 days of citation issue date.

4. Fire lane violation. A vehicle parked in a fire lane or a roadway is subject to towing at the owner's risk and expense.

5. Handicapped space violation. A vehicle improperly parked in a handicapped area is subject to towing at the owner's risk and expense without notice.

6. Reserved space violation. A vehicle improperly parked in a reserved space is subject to towing at the owner's risk and expense without notice.

7. Blocking of egress or ingress. Any vehicle that blocks, impedes, or restricts another vehicle's ability of egress or ingress as a result of violating a parking regulation is

subject to towing, at the owner's risk and expense without notice.

8. Overnight parking.

a. Parking facilities at the museum are intended solely for the use of persons with business at the museum during established hours.

b. Overnight parking is permitted for staff on official travel and members and guests on council sponsored excursions only; no other overnight parking is permitted. Those requiring overnight parking for established purposes are to contact the Parking Services Office to make arrangements.

c. Vehicles parked overnight without authorization may be subject to a fine or towing at the owner's risk and expense without notice.

8 VAC 103-20-40. Parking citation appeals.

A. Appeals in general.

1. The procedures provided herein apply to all Virginia Museum of Fine Arts staff, volunteers, contractors, visitors, and others who use agency parking facilities. This procedure is designed to assist the museum's chief operating officer in evaluating the parking program, to highlight problem areas, to provide an avenue to correct enforcement errors, and to provide a means of redress.

2. The chief operating officer has the responsibility of monitoring the policy and directing creation of new or revision of existing policies and procedures.

B. Appeals procedure.

1. Requests for an appeal may be done in person within 10 calendar days of the issue date of the citation.

2. Head, Risk Management and Protective Services will normally function as the appeals officer, the chief operating officer in his absence.

3. The appeals officer will carefully review each appeal. The appeals officer will base his decision on this regulation and on the information presented. The appeals officer may approve the appeal (dismiss the citation), deny the appeal (uphold the citation), or downgrade the violation to an appropriate lesser violation.

4. The appellant can appeal the decision of the hearing officer (see subsection G of this section, Parking Appeals Board). Any fines due after the appeal has been heard must be paid within 15 days of notice of the decision.

5. Failure to pay will result in the accumulation of late fees and the individual's outstanding account being turned over to a collection agency, the Virginia Department of Taxation Division of Set-Off Debt Collection, and credit bureaus. If the account remains unpaid, the individual becomes

responsible for the payment of all additional agency costs. Collection costs may be as much as one-third of the balance due.

6. Any staff, volunteer, or visitor may appeal in person or fill out a parking citation appeal form within 10 calendar days of the citation. Forms are available from the Parking Services Manager. Contact the Parking Services Office for office hours and location of hearing officer.

7. Fines associated with appealed citations need not be paid until the appellant is advised of the decision. All appeals must be submitted with the appellant's name, address, and telephone number. Appeals submitted without this information will not be processed.

C. Hearing officer decision guidelines.

1. The citation and fine is presumed valid. It is the obligation of the appellant to present information that would invalidate the ticket.

2. Reasons that might warrant invalidation of the ticket are evidence of illness that necessitated the violation, mechanical breakdowns that were handled in a reasonably expeditious manner, documented erroneous information given by a Parking Services Office employee, or other circumstances that are unusual enough to warrant special consideration.

3. Reason to warrant a downgrade of the ticket are when further information that was not readily available to the citing officer is provided to the reviewer as a justification for the downgrade, valid misunderstandings regarding ambiguous parking areas in the judgment of the reviewer, etc.

4. A specific reason for denial need not be given. A general statement can be made that a sufficient reason for reversal was not made.

D. Time limit on filing appeals.

Failure to file an appeal in 10 calendar days of the issue date of the citation will result in the addition of a late fee of \$10 to the fine in accordance with this regulation. No appeals will be considered more than 30 calendar days from the issue of the citation.

E. Final appeal, parking board of appeals.

Hearing officer determinations may be appealed to the appeals board. Notification of a determination will provide information stating if an additional appeal process is available as an option. A request for reconsideration of denied appeals to an appeals board must be made within 10 calendar days from the time a decision was made by the hearing officer. For an appeal to be reconsidered by the appeals board, the appellant must schedule a hearing and be present at that hearing. The appellant will have the opportunity to present his

Regulations

case directly to the board members. The decision of the board members is final.

F. Parking citation and fine liability. Ultimately, the registered owner of a vehicle is responsible for all citations and fines issued to said vehicle whether or not the owner was in fact the driver. In addition to the registered owner of the vehicle, the holder of a VMFA parking permit may also be held financially responsible for citations and fines issued to the vehicle for which the permit is registered.

G. Parking appeals board. A parking appeals board will be appointed monthly and convene twice a month to hear parking citation appeals and advise the chief operating officer on parking related matters. The board consists of three VMFA staff members rotationally selected by the Office of Human Resources.

8 VAC 103-20-50. Schedule of fines.

Citation	Definition	Fine
No permit	No permit on file or displayed	\$25
Parking overtime	Parking time limit exceeded	\$10
Fire lane	Parking at yellow curbing or signing	\$85
Restricted area	Not adhering to signage or restrictions	\$35
Prohibited zone	Not authorized for parking area	\$25
Loading zone	Improper/unauthorized use of loading area	\$35
Handicapped area	Violation of policy and procedure	\$100
Blocking handicapped access	Restricting ability to access in or out	\$100
Parking in a reserved space/area	No permit for restricted area	\$50
Fraudulent display	Use of lost/stolen/counterfeit permit	\$75
Booting and Immobilization	Restricting ability of moving car by device	\$50
Improper display	Noncompliance with policy display requirements	\$15
Parking over the lines	Exceeding parameter of designated space control	\$15
Double parking	Parking side by side in a vertical parking area	\$15

VA.R. Doc. No. R07-23; Filed October 25, 2006, 10:23 a.m.

TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the Administrative Process Act in accordance with §§ 2.2-4006 A 3, which excludes regulations that consist only of changes in style or form or corrections of technical errors, and 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations provided such regulations do not differ materially from those required by federal law or regulation. The State Air Pollution Control Board will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **9 VAC 5-40. Existing Stationary Sources (amending 9 VAC 5-40-250; adding 9 VAC 5-40-7370, 9 VAC 5-40-7540; and repealing 9 VAC 5-40-300, 9 VAC 5-40-310, and 9 VAC 5-40-311).**

Statutory Authority: § 10.1-1308 of the Code of Virginia; §§ 110, 111, 123, 129, 171, 172 and 182 of the Clean Air Act (40 CFR Parts 51 and 60).

Effective Date: December 15, 2006.

Agency Contact: Karen G. Sabasteanski, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4426, FAX (804) 698-4510 or email kgsabastea@deq.virginia.gov.

Summary:

The first part of this action clarifies and recodifies the existing provisions covering case-by-case RACT (reasonably available control technology) determinations and creates a new Article 51 in which to separate the RACT-specific requirements from the general process requirements of Article 4. These amendments consist only of changes in style or form.

Article 4 currently contains emission standards for general process operations, including determination of case-by-case RACT. As implementation of the Clean Air Act Amendments of 1990 has progressed, numerous revisions to the RACT portions of Article 4 have been made, thus significantly increasing the rule's complexity. This has resulted in regulations that are very difficult to read and understand.

The second part of this action is to add the new eight-hour ozone standard requirements. These amendments are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent U.S. Environmental Protection Agency (EPA) regulation.

40 CFR Part 51 sets out requirements for the preparation, adoption, and submittal of SIPs. EPA has added a new subpart X to 40 CFR Part 51, which covers the implementation of the eight-hour ozone standard. It requires that nonattainment areas meet the requirements of § 51.900(f), including RACT and major source applicability cut-offs for purposes of RACT. The rule also specifies dates by when states must submit the RACT SIP, and when RACT must be implemented. The state regulations must be consistent with the federal regulations in order for the state to implement RACT.

9 VAC5-40-250. Definitions.

A. For the purpose of the Regulations for the Control and Abatement of Air Pollution and subsequent amendments or any orders issued by the board, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined herein shall have the meanings given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.

C. Terms defined.

"Combustion installation" means all combustion units within a stationary source in operation prior to October 5, 1979.

"Combustion unit" means any type of stationary equipment in which solid, liquid or gaseous fuels and refuse are burned, including, but not limited to, furnaces, ovens, and kilns.

"Heat input" means the total gross calorific value of all fuels burned.

"Manufacturing operation" means any process operation or combination of physically connected dissimilar process operations which is operated to effect physical or chemical changes or both in an article.

"Materials handling equipment" means any equipment used as a part of a process operation or combination of process operations which does not effect a physical or chemical change in the material or in an article, such as, but not limited to, conveyors, elevators, feeders or weighers.

"Physically connected" means any combination of process operations connected by materials handling equipment and designed for simultaneous complementary operation.

"Process operation" means any method, form, action, operation or treatment of manufacturing or processing, including any storage or handling of materials or products before, during or after manufacturing or processing.

"Process unit" means any step in a manufacturing or process operation which results in the emission of pollutants to the atmosphere.

"Process weight" means total weight of all materials introduced into any process unit which may cause any

emission of pollutants. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air for all fuels.

"Process weight rate" means a rate established as follows:

- a. For continuous or long-run steady-state process operations, the total process weight for the entire period of continuous operation or for a typical portion of it, divided by the number of hours of such period or portion of it.
- b. For cyclical or batch process operations, the total weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

~~"Reasonably available control technology" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility.~~

"Rated capacity" means, the capacity as stipulated in the purchase contract for the condition of 100% load, or such other capacities as mutually agreed to by the board and owner using good engineering judgment.

"Total capacity" means with reference to a combustion installation, the sum of the rated capacities (expressed as heat input) of all units of the installation which must be operated simultaneously under conditions of 100% use load.

9 VAC 5-40-300. Standard for volatile organic compounds. (Repealed.)

~~A. No owner or other person shall cause or permit to be discharged from any affected facility any volatile organic compound emissions in excess of that resultant from using reasonably available control technology.~~

~~B. The provisions of this section apply to all facilities that (i) are within a stationary source in the Northern Virginia or Richmond Emissions Control Area (see 9 VAC 5-20-206) and (ii) are within a stationary source that has a theoretical potential to emit 25 tons per year or greater in the Northern Virginia Emissions Control Area or 100 tons per year or greater in the Richmond Emissions Control Area. Theoretical potential to emit shall be based on emissions at design capacity or maximum production and maximum operating hours (8,760 hours/year) before add on controls, unless the facility is subject to state and federally enforceable permit conditions which limit production rates or hours of operation. Emissions from all facilities, including facilities exempt from any other emission standard for volatile organic compounds in this chapter, shall be added together to determine theoretical potential to emit.~~

~~C. For facilities subject to the provisions of this section, the owners shall within three months of the effective date of this emission standard (i) notify the board of their applicability~~

Regulations

status, (ii) commit to making a determination as to what constitutes reasonably available control technology for the facilities and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but not later than the following dates:

1. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 50 tons per year or greater, May 31, 1995.
2. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 25 tons per year or greater, but less than 50 tons per year, May 31, 1996.
3. For facilities in the Richmond Emissions Control Area with a theoretical potential to emit 100 tons per year or greater, May 31, 1995.

9 VAC 5-40-310. Standard for nitrogen oxides. (Repealed.)

~~A. No owner or other person shall cause or permit to be discharged from any affected facility any nitrogen oxides emissions in excess of that resultant from using reasonably available control technology.~~

~~B. Unless the owner demonstrates otherwise to the satisfaction of the board, compliance with the provisions of subsection A of this section shall be achieved for the applicable source types by the use of reasonably available control technology as defined in 9 VAC 5-40-311.~~

~~C. The provisions of this section apply to all facilities that (i) are within a stationary source in the Northern Virginia, or Western Virginia Emissions Control Area (see 9 VAC 5-20-206) and (ii) are within a stationary source that has a theoretical potential to emit 25 tons per year or greater in the Northern Virginia Emissions Control Area, or 100 tons per year or greater in the Western Virginia Emissions Control Area. Theoretical potential to emit shall be based on emissions at design capacity or maximum production and maximum operating hours (8,760 hours/year) before add-on controls, unless the facility is subject to state and federally enforceable permit conditions which limit production rates or hours of operation. Emissions from all facilities, including facilities exempt from any other emission standard for nitrogen oxides in this chapter, shall be added together to determine theoretical potential to emit.~~

~~D. For facilities subject to the provisions of subsection A of this section, the owners shall within three months of the effective date of the emission standard (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes reasonably available control technology for the facilities and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but no later than the following dates:~~

~~1. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 50 tons per year or greater, May 31, 1995.~~

~~2. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 25 tons per year or greater, but less than 50 tons per year, November 15, 2005.~~

~~3. For facilities in the Western Virginia Emissions Control Area with a theoretical potential to emit 100 tons per year or greater, November 15, 2005.~~

~~E. For facilities to which the provisions of subsection B of this section are applicable, the owners shall within three months of the effective date of the emission standard (i) notify the board of their applicability status, (ii) commit to accepting the emission standard as reasonably available control technology for the applicable facilities or to submitting a demonstration as provided in subsection B of this section and (iii) provide a schedule acceptable to the board for submitting the demonstration no later than the dates specified in subdivisions 1, 2 and 3 of this subsection, and for achieving compliance with the emission standard as expeditiously as possible but no later than the dates specified in subdivisions 4, 5 and 6 of this subsection.~~

~~1. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 50 tons per year or greater, January 1, 1994.~~

~~2. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 25 tons per year or greater, but less than 50 tons per year, January 1, 2004.~~

~~3. For facilities in the Western Virginia Emissions Control Area with a theoretical potential to emit 100 tons per year or greater, January 1, 2004.~~

~~4. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 50 tons per year or greater, May 31, 1995.~~

~~5. For facilities in the Northern Virginia Emissions Control Area with a theoretical potential to emit 25 tons per year or greater, but less than 50 tons per year, November 15, 2005.~~

~~6. For facilities in the Western Virginia Emissions Control Area with a theoretical potential to emit 100 tons per year or greater, November 15, 2005.~~

~~F. No owner or other person shall cause or permit to be discharged from any facility any nitrogen oxides emissions in excess of those necessary to achieve emissions reductions identified in any attainment or maintenance plan or any other legally enforceable document submitted to the U.S. Environmental Protection Agency as a revision to the state implementation plan.~~

~~1. The facilities to which the provisions of this subsection apply are facilities within the Richmond Emissions Control Area (see 9 VAC 5-20-206) identified in any attainment or~~

~~maintenance plan submitted to the U.S. Environmental Protection Agency as a revision to the state implementation plan.~~

~~2. The board may establish case by case emission limits and other requirements as may be necessary to achieve the required emission reductions via permits, consent orders, or other legally enforceable means.~~

~~3. Facilities subject to this subsection shall be in compliance with any limits and other requirements established pursuant to subdivision 2 of this subsection within the timeframes established in any state plan revision, permit, or other legally enforceable document.~~

~~4. The provisions of subsections A through E of this section shall not apply to facilities within the Richmond Emissions Control Area (see 9 VAC 5-20-206).~~

9 VAC 5-40-311. Reasonably available control technology guidelines for stationary sources of nitrogen oxides. (Repealed.)

~~A. General. Unless otherwise approved by the board, this section defines reasonably available control technology for the purposes of compliance with 9 VAC 5-40-310 A for the source types specified here.~~

~~B. Definitions.~~

~~1. For the purpose of this section and subsequent amendments or any orders issued by the board, the words or terms shall have the meaning given them in subdivision B-3 of this section.~~

~~2. As used in this section, all terms not defined here shall have the meaning given them in 9 VAC 5 Chapter 10 (9 VAC 5-10-10 et seq.), unless otherwise required by context.~~

~~3. Terms defined.~~

~~"Capacity factor" means the ratio of the average load on a machine or equipment for the period of time considered to be the capacity rating of the machine or equipment.~~

~~"Combustion modification" means any change to the configuration of the burners or the firing method or mechanism of any combustion equipment for the purpose of reducing the emissions of nitrogen oxides. Acceptable combustion equipment changes within the context of this term include, but are not limited to, reburning, burners out of service, flue gas recirculation, fuel substitution, engine adjustments, engine modifications, fuel modifications and the addition of over fire air and low nitrogen oxides burner systems.~~

~~"Fossil fuel" means natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials for the purpose of creating useful heat.~~

~~"Fuel burning equipment" means any furnace, with fuel burning equipment appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat to be utilized by indirect heat transfer or producing power. This includes facilities that are designed as boilers to produce steam or heated water and are designed to burn either fossil fuel or refuse derived fuel. It does not include such facilities if designed primarily to burn raw refuse.~~

~~"Gas turbine" means a rotary internal combustion engine fueled by liquid or gaseous fuel.~~

~~"Heat input" means the total gross calorific value of all fuels burned.~~

~~"Incinerator" means any device, apparatus, equipment, or structure using combustion or pyrolysis for destroying, or reducing the volume of any material or substance.~~

~~"Internal combustion engine" means a reciprocating engine which is fueled by liquid or gaseous fuel.~~

~~"Process heater" means any fuel burning equipment which is used to produce heat for use in a manufacturing process. This term includes boilers which use a heat transfer medium other than water, but does not include drying ovens, steam generating units, or other drying apparatus.~~

~~"Rated capacity" means the capacity as stipulated in the purchase contract for the condition of 100% load, or such other capacities as mutually agreed to by the board and owner using good engineering judgment.~~

~~"Refuse derived fuel (RDF)" means fuel produced from solid or liquid waste (includes materials customarily referred to as refuse and other discarded materials) or both which has been segregated and classified, with the useable portions being put through a size reduction and classification process which results in a relatively homogeneous mixture.~~

~~"Steam generating unit" means any furnace, boiler or other device used for combusting fuel for the purpose of producing steam.~~

~~C. Definition of reasonably available control technology.~~

~~1. For the source types listed below, reasonably available control technology is defined as the emission limits specified below based upon the application of combustion modification; however, owners may elect to use any alternative control technology, provided such alternative is capable of achieving the prescribed emission limits.~~

~~a. Steam generating units and process heaters. The maximum allowable emission rate for nitrogen oxides from steam generating units and process heaters is as follows:~~

Regulations

TABLE 4 4C

Maximum Allowable Emission Rates for Nitrogen Oxides Emissions from Steam-Generating Units and Process Heaters (pounds per million Btu heat input)

Fuel Type	Firing Method		
	Face* and Tangential	Cyclone	Stokers
Coal—wet bottom	1.0	.55	N/A
Coal—dry bottom	.38	N/A	0.4
Oil or Gas or both	.25	.43	N/A
Gas only	.20	N/A	N/A

* Includes wall, opposed and vertical firing methods

b. Gas turbines. The maximum allowable emission rate for nitrogen oxides from gas turbines is as follows:

TABLE 4 4D

Maximum Allowable Emission Rates for Nitrogen Oxides Emissions from Gas Turbines (parts per million by dry volume corrected to 15% oxygen)

Fuel Type	Turbine Type	
	Simple Cycle	Combined Cycle
Gas	42	42
Oil	65/77*	65/77*

* Limit shall be 65 ppm for fuel bound nitrogen (FBN) <0.015% and 77 ppm for FBN ≥ .015%.

2. Any demonstration of compliance with the limits in subdivision C 1 of this section shall be on a daily basis.

3. For the source types and sizes listed below, a demonstration of reasonably available control technology is not required as provided in 9 VAC 5 40 310 B.

a. Any steam generating unit, process heater or gas turbine with an annual capacity factor of less than 5.0%, except that three months following any calendar year during which the capacity factor is 5.0% or greater, the facility shall be subject to 9 VAC 5 40 310 A or B, as applicable, and the owner shall comply with 9 VAC 5 40 310 D or E, as applicable, except the compliance date shall be two years after approval of the schedule by the board. Time periods during which a stand-by unit is used to provide replacement services for a unit being altered to comply with the provisions of 9 VAC 5 40 310 A or B shall not be used as the basis for a determination that the stand-by unit exceeded the annual capacity factor criteria of 5.0%.

b. Any stationary internal combustion engine with a rated capacity of less than 450 hp of output power.

e. Any incinerator with a maximum capacity of less than 50 tons of waste per day.

d. Any incinerator or thermal or catalytic oxidizer used exclusively as air pollution control equipment.

e. Any generator used solely to supply emergency power to buildings during periods when normal power supplies are interrupted and during periods of scheduled maintenance.

Article 51.

Emission Standards for Stationary Sources Subject to Case-by-Case RACT Determination (Rule 4-51).

9 VAC 5-40-7370. Applicability and designation of affected facility.

A. The affected facility to which the provisions of this article apply is each facility that is within a stationary source that has a theoretical potential to emit equal to or greater than the applicable source threshold specified in Table 4-51A or 4-51B, and Table 4-51C or 4-51E.

B. The provisions of this article apply to all Emission Control Areas as defined in 9 VAC 5-20-206 and indicated in Table 4-51A or 4-51B, and Table 4-51C or 4-51E.

C. The provisions of this article do not apply to a particular pollutant from an affected facility if the affected facility is subject to other emission standards in this chapter covering the same pollutant.

9 VAC 5-40-7380. Definitions.

A. For the purpose of applying this article in the context of the Regulations for the Control and Abatement of Air Pollution and related uses, the words or terms shall have the meanings given them in subsection C of this section.

B. As used in this article, all terms not defined here shall have the meanings given them in 9 VAC 5-10, unless otherwise required by context.

C. Terms defined.

“Capacity factor” means the ratio of the average load on a machine or equipment for the period of time considered to be the capacity rating of the machine or equipment.

“Combustion modification” means any change to the configuration of the burners or the firing method or mechanism of any combustion equipment for the purpose of reducing the emissions of nitrogen oxides. Acceptable combustion equipment changes within the context of this term include, but are not limited to, reburning, burners out of service, flue gas recirculation, fuel substitution, engine adjustments, engine modifications, fuel modifications and the addition of over fire air and low nitrogen oxides burner systems.

“Fossil fuel” means natural gas, petroleum, coal and any form of solid, liquid or gaseous fuel derived from such materials for the purpose of creating useful heat.

“Fuel burning equipment” means any furnace, with fuel burning equipment appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat to be utilized by indirect heat transfer or producing power. This includes facilities that are designed as boilers to produce steam or heated water and are designed to burn either fossil fuel or refuse derived fuel. It does not include such facilities if designed primarily to burn raw refuse.

“Gas turbine” means a rotary internal combustion engine fueled by liquid or gaseous fuel.

“Heat input” means the total gross calorific value of all fuels burned.

“Incinerator” means any device, apparatus, equipment, or structure using combustion or pyrolysis for destroying, or reducing the volume of any material or substance.

“Internal combustion engine” means a reciprocating engine that is fueled by liquid or gaseous fuel.

“Presumptive RACT” means the emission limit that a particular source is capable of meeting by the application of reasonably available control technology that is defined in 9 VAC 5-40-7430.

“Process heater” means any fuel burning equipment that is used to produce heat for use in a manufacturing process. This term includes boilers that use a heat transfer medium other than water, but does not include drying ovens, steam generating units, or other drying apparatus.

“Rated capacity” means the capacity as stipulated in the purchase contract for the condition of 100% load, or such other capacities as mutually agreed to by the board and owner using good engineering judgment.

“Reasonably available control technology” or “RACT” means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility.

“Refuse derived fuel (RDF)” means fuel produced from solid or liquid waste (includes materials customarily referred to as refuse and other discarded materials) or both that has been segregated and classified, with the useable portions being put through a size reduction and classification process which results in a relatively homogeneous mixture.

“Steam generating unit” means any furnace, boiler or other device used for combusting fuel for the purpose of producing steam.

“Theoretical potential to emit” means the maximum capacity of a stationary source to emit a pollutant based on emissions

at design capacity or maximum production and maximum operating hours (8,760 hours/year) before add-on controls, unless the facility is subject to state and federally enforceable permit conditions that limit production rates or hours of operation. Emissions from all facilities, including facilities exempt from any other emission standard for volatile organic compounds or nitrogen oxides in this chapter, shall be added together to determine theoretical potential to emit.

“Tpy” means tons per year.

9 VAC 5-40-7390. Standard for volatile organic compounds (one-hour ozone standard).

A. No owner or other person shall cause or permit to be discharged from any affected facility any volatile organic compounds (VOCs) emissions in excess of that resultant from using RACT.

B. The provisions of this section apply to all facilities that (i) are within a stationary source in the emissions control areas specified in Table 4-51A and (ii) are within a stationary source that has a theoretical potential to emit at the applicable source thresholds specified Table 4-51A.

TABLE 4-51A.

Notification and Compliance Dates for Facilities Located in VOC Emissions Control Areas.

<u>Emissions Control Area</u>	<u>Source Threshold</u>	<u>Notification Date</u>	<u>Compliance Date</u>
<u>Richmond</u>	<u>≥ 100 tpy</u>	<u>October 1, 1991</u>	<u>May 31, 1995</u>
<u>Northern Virginia</u>	<u>≥ 100 tpy</u>	<u>October 1, 1991</u>	<u>May 31, 1995</u>
<u>Northern Virginia</u>	<u>≥ 50 tpy and <100 tpy</u>	<u>April 1, 1993</u>	<u>May 31, 1995</u>
<u>Northern Virginia</u>	<u>≥ 25 tpy and < 50 tpy</u>	<u>July 1, 1996</u>	<u>May 31, 1996</u>

C. For facilities subject to the provisions of this section, the owners shall, by the notification dates specified in Table 4-51A, (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes RACT for the facilities and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51A.

D. For the purposes of this section only, the Richmond Emissions Control Area shall not include Prince George County and Petersburg City.

9 VAC 5-40-7400. Standard for volatile organic compounds (eight-hour ozone standard).

A. No owner or other person shall cause or permit to be discharged from any affected facility any volatile organic

Regulations

compounds (VOCs) emissions in excess of that resultant from using RACT.

B. The provisions of this section apply to all facilities that (i) are within a stationary source in the emissions control areas specified in Table 4-51B and (ii) are within a stationary source that has a theoretical potential to emit at the applicable source thresholds specified Table 4-51B.

TABLE 4-51B.

Notification and Compliance Dates for Facilities Located in VOC Emissions Control Areas

Emissions Control Area	Source Threshold	Notification Date	Compliance Date
Northern Virginia	≥ 50 tpy	March 1, 2007	April 1, 2009

C. For facilities subject to the provisions of this section, the owners shall, by the notification dates specified in Table 4-51B, (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes RACT for the facilities and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51B.

D. Nothing in this article shall exempt any facility subject to the provisions of 9 VAC 5-40-7390 from being subject to the provisions of this section. The board may reevaluate any RACT determination made under 9 VAC 5-40-7390 and require compliance with a new RACT determination as necessary to implement this section.

E. Upon the request of the board, the owner of a facility subject to or exempt from the provisions of 9 VAC 5-40-7390 shall provide such information as the board deems necessary to determine if the facility is subject to this section.

9 VAC 5-40-7410. Standard for nitrogen oxides (one-hour ozone standard).

A. No owner or other person shall cause or permit to be discharged from any affected facility any nitrogen oxides (NO_x) emissions in excess of that resultant from using RACT.

B. Unless the owner demonstrates otherwise to the satisfaction of the board, facilities to which the presumptive RACT provisions of 9 VAC 5-40-7430 are applicable shall comply with the provisions of subsection A of this section by the use of presumptive RACT.

C. The provisions of this section apply to all facilities that (i) are within a stationary source in the emissions control areas specified in Table 4-51C and (ii) are within a stationary source that has a theoretical potential to emit at the applicable source thresholds specified in Table 4-51C.

TABLE 4-51C.

Notification and Compliance Dates for Facilities Located in NO_x Emissions Control Areas for Which There is No Presumptive RACT.

Emissions Control Area	Source Threshold	Notification Date	Compliance Date
Northern Virginia	≥ 50 tpy	April 1, 1993	May 31, 1995
Northern Virginia	≥ 25 tpy and < 50 tpy	September 4, 2003	November 15, 2005
Western Virginia	≥ 100 tpy	June 24, 2004	November 15, 2005

D. For facilities subject to the provisions of this section and for which there is no presumptive RACT definition, the owners shall, by the notification dates specified in Table 4-51C, (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes RACT for the facilities and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51C.

E. For facilities subject to the provisions of this section and for which there is a presumptive RACT definition, the owners shall, by the notification dates specified in Table 4-51D, (i) notify the board of their applicability status, (ii) commit to accepting the presumptive RACT emission limits as RACT for the applicable facilities or to submitting a demonstration as provided in subsection B of this section and (iii) provide a schedule acceptable to the board for submitting the demonstration no later than the demonstration dates specified in Table 4-51D, and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51D.

TABLE 4-51D.

Notification and Compliance Dates for Facilities Located in NO_x Emissions Control Areas for Which Presumptive RACT is Defined.

Emissions Control Area	Source Threshold	Notification Date	Demonstration Date	Compliance Date
Northern Virginia	≥ 50 tpy	April 1, 1993	January 1, 1994	May 31, 1995
Northern Virginia	≥ 25 tpy and < 50 tpy	September 4, 2003	January 1, 2004	November 15, 2005
Western Virginia	≥ 100 tpy	June 24, 2004	January 1, 2004	November 15, 2005

F. No owner or other person shall cause or permit to be discharged from any facility any NO_x emissions in excess of those necessary to achieve emissions reductions identified in

any attainment or maintenance plan or any other legally enforceable document submitted to the U.S. Environmental Protection Agency as a revision to the state implementation plan.

1. The facilities to which the provisions of this subsection apply are facilities within any emissions control area (see 9 VAC 5-20-206) identified in any attainment or maintenance plan submitted to the U.S. Environmental Protection Agency as a revision to the state implementation plan.

2. The board may establish case-by-case emission limits and other requirements as may be necessary to achieve the required emission reductions via permits, consent orders, or other legally enforceable means.

3. Facilities subject to this subsection shall be in compliance with any limits and other requirements established pursuant to subdivision 2 of this subsection within the timeframes established in any state plan revision, permit, or other legally enforceable document.

9 VAC 5-40-7420. Standard for nitrogen oxides (eight-hour ozone standard).

A. No owner or other person shall cause or permit to be discharged from any affected facility any nitrogen oxides (NO_x) emissions in excess of that resultant from using RACT.

B. Unless the owner demonstrates otherwise to the satisfaction of the board, facilities to which the presumptive RACT provisions of 9 VAC 5-40-7430 are applicable shall comply with the provisions of subsection A of this section by the use of presumptive RACT.

C. The provisions of this section apply to all facilities that (i) are within a stationary source in the emissions control areas specified in Table 4-51E and (ii) are within a stationary source that has a theoretical potential to emit at the applicable source thresholds specified in Table 4-51E.

TABLE 4-51E.

Notification and Compliance Dates for Facilities Located in NO_x Emissions Control Areas for Which There is No Presumptive RACT.

Emissions Control Area	Source Threshold	Notification Date	Compliance Date
Northern Virginia	≥ 100 tpy	March 1, 2007	April 1, 2009

D. For facilities subject to the provisions of this section and for which there is no presumptive RACT definition, the owners shall, by the notification dates specified in Table 4-51E, (i) notify the board of their applicability status, (ii) commit to making a determination as to what constitutes RACT for the facilities and (iii) provide a schedule acceptable to the board for making this determination and for achieving compliance with the emission standard as expeditiously as

possible but no later than the compliance dates specified in Table 4-51E.

E. For facilities subject to the provisions of this section and for which there is a presumptive RACT definition, the owners shall, by the notification dates specified in Table 4-51F, (i) notify the board of their applicability status, (ii) commit to accepting the presumptive RACT emission limits as RACT for the applicable facilities or to submitting a demonstration as provided in subsection B of this section and (iii) provide a schedule acceptable to the board for submitting the demonstration no later than the demonstration dates specified in Table 4-51F, and for achieving compliance with the emission standard as expeditiously as possible but no later than the compliance dates specified in Table 4-51F.

TABLE 4-51F.

Notification and Compliance Dates for Facilities Located in NO_x Emissions Control Areas for Which Presumptive RACT is Defined.

Emissions Control Area	Source Threshold	Notification Date	Demonstration Date	Compliance Date
Northern Virginia	≥ 100 tpy	March 1, 2007	June 1, 2007	April 1, 2009

F. Nothing in this article shall exempt any facility subject to the provisions of 9 VAC 5-40-7390 from being subject to the provisions of this section. The board may reevaluate any RACT determination made under 9 VAC 5-40-7410 and require compliance with a new RACT determination as necessary to implement this section.

G. Upon the request of the board, the owner of a facility subject to or exempt from the provisions of 9 VAC 5-40-7390 shall provide such information as the board deems necessary to determine if the facility is subject to this section.

9 VAC 5-40-7430. Presumptive reasonably available control technology guidelines for stationary sources of nitrogen oxides.

A. Unless otherwise approved by the board, this section defines presumptive RACT for the purposes of compliance with 9 VAC 5-40-7410 A or 9 VAC 5-20-7420 A for the source types specified here.

B. Presumptive RACT is defined as follows.

1. For the source types listed below, RACT is defined as the emission limits specified below based upon the application of combustion modification; however, owners may elect to use any alternative control technology, provided such alternative is capable of achieving the prescribed emission limits.

a. The maximum allowable emission rate for NO_x from steam generating units and process heaters is as follows:

Regulations

TABLE 4-51G.

Maximum Allowable Emission Rates for NO_x Emissions from Steam Generating Units and Process Heaters (pounds per million Btu heat input).

Fuel Type	Firing Method		
	Face* and Tangential	Cyclone	Stokers
Coal – wet bottom	1.0	.55	N/A
Coal – dry bottom	.38	N/A	0.4
Oil or Gas or both	.25	.43	N/A
Gas only	.20	N/A	N/A

* Includes wall, opposed and vertical firing methods

b. The maximum allowable emission rate for NO_x from gas turbines is as follows:

TABLE 4-51H.

Maximum Allowable Emission Rates for NO_x Emissions from Gas Turbines (parts per million by dry volume corrected to 15% oxygen).

Fuel Type	Turbine Type	
	Simple Cycle	Combined Cycle
Gas	42	42
Oil	65/77*	65/77*

* Limit shall be 65 ppm for fuel bound nitrogen (FBN) < 0.015% and 77 ppm for FBN ≥ .015%.

2. Any demonstration of compliance with the limits in subdivision B 1 of this section shall be on a daily basis.

3. The following sources are not required to make demonstration of RACT as required by 9 VAC 5-40-7410 B or 9 VAC 5-40-7420 B.

a. Any steam generating unit, process heater or gas turbine with an annual capacity factor of less than 5.0%, except that three months following any calendar year during which the capacity factor is 5.0% or greater, the facility shall be subject to 9 VAC 5-40-7410 A or B, or 9 VAC 5-40-7420 A or B, as applicable, and the owner shall comply with 9 VAC 5-40-7410 D or E, or 9 VAC 5-40-7420 D or E, as applicable, except the compliance date shall be two years after approval of the schedule by the board. Time periods during which a stand-by unit is used to provide replacement services for a unit being altered to comply with the provisions of 9 VAC 5-40-7410 A or B, or 9 VAC 5-40-7420 A or B, shall not be used as the basis for a determination that the stand-by unit exceeded the annual capacity factor criteria of 5.0%.

b. Any stationary internal combustion engine with a rated capacity of less than 450 hp of output power.

c. Any incinerator with a maximum capacity of less than 50 tons of waste per day.

d. Any incinerator or thermal or catalytic oxidizer used exclusively as air pollution control equipment.

e. Any generator used solely to supply emergency power to buildings during periods when normal power supplies are interrupted and during periods of scheduled maintenance.

9 VAC 5-40-7440. Standard for visible emissions.

The provisions of Article 1 (9 VAC 5-40-60 et seq.) of this chapter (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply.

9 VAC 5-40-7450. Standard for fugitive dust/emissions.

The provisions of Article 1 (9 VAC 5-40-60 et seq.) of this chapter (Emission Standards for Visible Emissions and Fugitive Dust/Emissions, Rule 4-1) apply.

9 VAC 5-40-7460. Standard for odor.

The provisions of Article 2 (9 VAC 5-40-130 et seq.) of this chapter (Emission Standards for Odor, Rule 4-2) apply.

9 VAC 5-40-7470. Standard for toxic pollutants.

The provisions of Article 4 (9 VAC 5-60-200 et seq.) of 9 VAC 5 Chapter 60 (Emission Standards for Toxic Pollutants, Rule 6-4) apply.

9 VAC 5-40-7480. Compliance.

The provisions of 9 VAC 5-40-20 (Compliance) apply.

9 VAC 5-40-7490. Test methods and procedures.

The provisions of 9 VAC 5-40-30 (Emission Testing) apply.

9 VAC 5-40-7500. Monitoring.

The provisions of 9 VAC 5-40-40 (Monitoring) apply.

9 VAC 5-40-7510. Notification, records and reporting.

The provisions of 9 VAC 5-40-50 (Notification, Records and Reporting) apply.

9 VAC 5-40-7520. Registration.

The provisions of 9 VAC 5-20-160 (Registration) apply.

9 VAC 5-40-7530. Facility and control equipment maintenance or malfunction.

The provisions of 9 VAC 5-20-180 (Facility and Control Equipment Maintenance or Malfunction) apply.

9 VAC 5-40-7540. Permits.

A permit may be required prior to beginning any of the activities specified below and the provisions of 9 VAC 5-50 and 9 VAC 5-80 may apply. Owners contemplating such action should contact the appropriate regional office for guidance.

1. Construction of a facility.
2. Reconstruction (replacement of more than half) of a facility.
3. Modification (any physical change to equipment) of a facility.
4. Relocation of a facility.
5. Reactivation (restart-up) of a facility.
6. Operation of a facility.

VA.R. Doc. No. R07-16; Filed October 13, 2006, 10:17 a.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

Final Regulation

REGISTRAR'S NOTICE: The Department of Health is claiming an exclusion from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **12 VAC 5-31. Virginia Emergency Medical Services Regulations (amending 12 VAC 5-31-1610).**

Statutory Authority: §§ 32.1-12, 32.1-111.4 and 32.1-111.5 of the Code of Virginia.

Effective Date: December 13, 2006.

Agency Contact: Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580 or email michael.berg@vdh.virginia.gov.

Summary:

The amendment allows registered nurses who are recognized under the Nurse Licensure Compact (§ 54.1-3030 et seq. of the Code of Virginia) to be eligible for EMS certification through equivalency.

12 VAC 5-31-1610. Certification through equivalency.

A Virginia licensed practical nurse, registered nurse (to include those recognized through the Nurse Licensure Compact (§ 54.1-3030 et seq. of the Code of Virginia)), physician assistant or military corpsman with current credentials may be issued EMT certification through equivalency after completing the requirements of 12 VAC 5-31-1640 B, including passing a written and practical certification examination.

VA.R. Doc. No. R07-17; Filed October 18, 2006, 9:11 a.m.

Final Regulation

REGISTRAR'S NOTICE: The following regulation is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 2, which excludes regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority. The Department of Health will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **12 VAC 5-60. State Emergency Medical Services Plan (repealing 12 VAC 5-60-10 through 12 VAC 5-60-260).**

Statutory Authority: §§ 32.1-12 and 32.1-111.3 of the Code of Virginia.

Effective Date: December 13, 2006.

Agency Contact: Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580 or email michael.berg@vdh.virginia.gov.

Summary:

The Office of the Attorney General has determined that the State EMS Plan does not belong in the Virginia Administrative Code. The State EMS Plan is a guidance document and carries no regulatory authority. Therefore, it is being repealed.

VA.R. Doc. No. R07-18; Filed October 18, 2006, 9:13 a.m.



Regulations

TITLE 13. HOUSING

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

REGISTRAR'S NOTICE: The Virginia Housing Development Authority is exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) pursuant to § 2.2-4002 A 4; however, under the provisions of § 2.2-4031, it is required to publish all proposed and final regulations.

Final Regulation

Title of Regulation: 13 VAC 10-50. Rules and Regulations for Home Rehabilitation Loans (repealing 13 VAC 10-50-10 through 13 VAC 10-50-100).

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: November 1, 2006.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll free 1-800-968-7837, email judson.mckellar@vhda.com.

Summary:

The authority's rules and regulations for the home rehabilitation loan program are being repealed because the program authorized by such rules and regulations has been terminated.

VA.R. Doc. No. R06-331; Filed October 23, 2006, 11:56 a.m.

Final Regulation

Title of Regulation: 13 VAC 10-120. Rules and Regulations for REACH Virginia (amending 13 VAC 10-120-10 through 13 VAC 10-120-80).

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Effective Date: November 1, 2006.

Agency Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll free 1-800-968-7837, or email judson.mckellar@vhda.com.

Summary:

The amendments to the authority's rules and regulations for the Virginia Housing Fund (i) include references to REACH Virginia that supersede the authority's Virginia Housing Fund and that provide increased funding for housing previously assisted by the authority through the Virginia Fund and (ii) make related technical changes.

CHAPTER 120. RULES AND REGULATIONS FOR THE VIRGINIA HOUSING FUND REACH VIRGINIA.

13 VAC 10-120-10. Definitions.

"Application" or "proposal" means a written request to the authority by a prospective borrower for a loan or a written request to the authority by an applicant requesting the establishment of a loan program or other assistance under these rules and regulations.

~~"Fund" means the housing fund created by the authority from moneys in its general fund for the purposes set forth herein.~~

"Loan" means any extension of credit which is made or financed or is to be made or financed pursuant to these rules and regulations.

"Loan program" means any program requested to be developed or implemented by the authority for the purpose of providing loans pursuant to these rules and regulations.

"REACH Virginia" means the funding from the authority net assets that are dedicated to reduce the interest rates or otherwise provide housing subsidies under its programs.

"VHF" means the housing fund created by the authority in 1989 and continued through June 30, 2005, from moneys in its general fund.

13 VAC 10-120-20. Applicability and purpose.

The rules and regulations that follow will be applicable to loans or programs for loans which are made or financed or are proposed to be made or financed by the authority to borrowers who have presented proposals or applications for loans or loan programs from ~~the fund~~ REACH Virginia.

The principal purpose of ~~the fund~~ REACH Virginia is to create new housing opportunities for lower income Virginians ~~through its operation as a special purpose revolving loan fund~~. The highest priority is placed upon serving the elderly, disabled, and homeless as well as families in need of affordable housing not otherwise being serviced by other housing programs. ~~The fund~~ REACH Virginia will also seek to provide support for comprehensive programs of neighborhood revitalization.

There will be special emphasis placed upon using ~~the fund~~ REACH Virginia to attract and leverage other housing aid of all kinds including, but not limited to, financial, in kind, tax incentives and subsidies. ~~The fund~~ REACH Virginia shall be used to encourage partnerships with both public and private interests including state agencies, localities and nonprofit organizations. The goal is to maximize the participation in, and resources devoted to, solving housing problems of lower income Virginians.

There will be an emphasis on creative uses of ~~the fund~~ REACH Virginia which will result in the most effective use

of its resources and advancement of the state of the art in providing decent housing at an affordable cost to lower income Virginians.

Notwithstanding anything to the contrary herein, the executive director is authorized to waive or modify any provision herein, where deemed appropriate by him, for good cause, to the extent not inconsistent with the Act.

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these rules and regulations shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the borrower, any contractors or any other parties under any agreements or documents relating to the loan.

These rules and regulations are intended to provide a general description of the authority's processing requirements for loans or loan programs under ~~the fund~~ REACH Virginia and are not intended to include all actions involved or required in the processing and administration of such loans or loan programs. Because ~~the fund~~ REACH Virginia is an experimental venture, in order to refine and improve its implementation, it is the intention of the authority to be flexible in its interpretation of the principles set forth herein for loans or loan programs of special merit. These rules and regulations are subject to change at any time by the authority and may be supplemented by additional policies, rules and regulations adopted by the authority from time to time. The authority reserves the right to change the ~~size of the fund or its amount of funds available under REACH Virginia or their~~ uses as circumstances may reasonably dictate.

PART II.

PRINCIPLES GOVERNING ~~THE FUND~~ REACH VIRGINIA.

13 VAC 10-120-30. General principles.

~~The fund is a revolving loan fund. It is the authority's intent that repaid principal plus interest, less any loss of interest or principal in the event of default sustained by the fund, will be recycled and loaned to additional projects up to the full amount of the fund as approved by the board.~~

Project and program proposals will be given preference in the selection process to the extent they address the following:

1. Needs of the user group, which shall be primary;
2. Partnerships which maximize leveraging of ~~fund~~ REACH Virginia loans;
3. Extent to which the project is either innovative or demonstrates a possible "breakthrough" idea for serving lower income households or both;

4. Potential for the project to be replicable (i.e., demonstration);

5. Financial soundness and experience of the sponsor.

Proposals should seek to maximize the number of persons or projects which are served. Projects which highly leverage ~~fund~~ REACH Virginia moneys by attracting external subsidies and capital are encouraged.

The authority will seek an equitable geographic distribution of loans made from ~~the fund~~ REACH Virginia.

All loans to be made from ~~the fund~~ REACH Virginia shall comply with all applicable laws and regulations to which the authority is subject and with any rules and regulations of the authority applicable or to be applicable thereto and such other underwriting criteria as the executive director deems necessary to protect the interests of the authority as lender.

13 VAC 10-120-40. Terms of loans.

~~Ten~~ Thirty-five years shall be the maximum loan term, although longer amortization schedules may be utilized.

13 VAC 10-120-50. Interest rates.

The interest rate on loans shall be determined ~~pursuant to a schedule and criteria established~~ from time to time by a ~~resolution of the board~~ the authority. Such interest rates are expected to be significantly lower than those which would be available from other sources and, at the same time, will provide continuing support for the authority's currently outstanding and future bond issues. The authority realizes that loans will have significantly higher risks than alternative investments and will have little or no liquidity. If deemed necessary, all or a portion of the ~~interest~~ principal payments on loans may be deferred by the authority.

13 VAC 10-120-60. Solicitation of applications and proposals.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit proposals or applications for ~~the fund~~ REACH Virginia. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission and selection of applications and proposals as he shall consider necessary or appropriate. The executive director may cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available moneys in ~~the fund~~ REACH Virginia are to be allocated and such other matters as he shall deem appropriate relating to the selection of applications and proposals or the establishment of programs. The authority may also consider and approve

Regulations

applications and proposals submitted from time to time to the authority without any solicitation therefor on the part of the authority.

13 VAC 10-120-70. Authority programs under ~~the fund~~ REACH Virginia.

Programs may be designed and operated by the authority if they are innovative, cannot currently be conventionally funded, or may serve as models for future state or bond funding.

13 VAC 10-120-80. Application and selection for processing.

Application for a loan or loan program shall be commenced by filing with the authority an application or proposal on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority.

Based on the applications, proposals, documents and any additional information submitted by applicants or obtained from other sources ~~by the authority, a subcommittee of the board, the authority~~ shall select for processing those applications and proposals which it determines may best satisfy the purposes and principles of ~~the fund~~ REACH Virginia set forth in 13 VAC 10-120-20 and 13 VAC 10-120-30 hereof.

Nothing contained herein shall require the authority to select any application or proposal which, in the judgment of the ~~subcommittee of the board~~ authority, does not adequately satisfy the purposes and principles of ~~the fund~~ REACH Virginia set forth in 13 VAC 10-120-20 and 13 VAC 10-120-30 hereof.

The selection by the ~~subcommittee of the board~~ authority shall be based only on the documents and information received or obtained by it at that time and shall be subject to modification or reversal upon receipt and further analysis of additional documents or information at a later time.

After selection of an application or proposal for a loan has been made by the ~~subcommittee of the board~~ authority, such application will then be processed by the authority in accordance with ~~the authority's one or both of the following:~~ (i) any applicable rules and regulations of the authority or, if no such rules and regulations are applicable, in accordance with (ii) such written agreement or agreements with the applicant as the executive director may require to effect the purposes and principles hereof and to protect the authority's interest as lender.

After selection of an application or proposal for a loan program has been made by the ~~subcommittee of the board~~ authority, the authority may implement such program by one or more of the following: (i) applying any ~~then~~ applicable existing rules and regulations of the authority, (ii) promulgating new rules and regulations therefor, or (iii)

entering into such written agreement or agreements with the applicant or proposed borrowers ~~or both~~ as the executive director may require consistent with the purposes and principles hereof and the authority's interest as lender.

Any application or proposal for a loan or loan program to be assisted with the VHF shall be processed or implemented in accordance with the rules and regulations for the VHF that were in effect prior to November 1, 2006.

VA.R. Doc. No. R06-332; Filed October 23, 2006, 11:56 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Proposed Regulation

Titles of Regulations: 22 VAC 40-200. Foster Care - Guiding Principles (repealing 22 VAC 40-200-10 and 22 VAC 40-200-20).

22 VAC 40-201. Permanency Services - Prevention, Foster Care, Adoption and Independent Living (adding 22 VAC 40-201-10 through 22 VAC 40-201-210).

22 VAC 40-210. Foster Care - Assessing the Client's Service Needs (repealing 22 VAC 40-210-10 through 22 VAC 40-210-40).

22 VAC 40-240. Nonagency Placement for Adoption - Consent (repealing 22 VAC 40-240-10 through 22 VAC 40-240-30).

22 VAC 40-250. Agency Placement Adoptions - AREVA (repealing 22 VAC 40-250-10 and 22 VAC 40-250-20).

22 VAC 40-260. Agency Placement Adoptions - Subsidy (repealing 22 VAC 40-260-10 and 22 VAC 40-260-20).

22 VAC 40-280. Nonagency Placements for Adoption - Adoptive Home Study (repealing 22 VAC 40-280-10 and 22 VAC 40-280-20).

22 VAC 40-800. Family Based Social Services (repealing 22 VAC 40-800-10 through 22 VAC 40-800-170).

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

Public Hearing Date: N/A -- Public comments may be submitted until January 12, 2007.

(See Calendar of Events section for additional information)

Agency Contact: Lynette Isbell, Acting Director, Division of Family Services, Department of Social Services, 7 North Eighth Street, Richmond, VA 23219, telephone (804) 726-7082, FAX (804) 726-7895, or email lynette.isbell@dss.virginia.gov.

Basis: The statutory authority to repeal the seven regulations and promulgate the new permanency services regulation can be found in §§ 63.2-217 and 63.2-319 of the Code of Virginia. These statutes describe the authority of the State Board of Social Services to adopt regulations as may be necessary to carry out the purposes of the department and the programs the department is mandated to provide.

Purpose: The new permanency services regulation will incorporate all aspects of permanency (Foster Care Prevention, Foster Care, Independent Living, Agency Placement Adoptions – AREVA, Agency Placement Adoptions – Subsidy, and Nonagency Adoption Placement) in one new comprehensive regulation that will position all permanency services regulations in one location in the Virginia Administrative Code.

The new permanency services regulation is essential to protect the health, safety and welfare of children in the Commonwealth because it will strengthen the regulatory infrastructure of programs providing for the permanency of children - a strong, stable environment in which to grow up – resulting in the strengthening of the institution of family and improving the health, safety and welfare of children. The new permanency services regulation will also mandate new procedures integral to Virginia’s compliance with federal regulations and in keeping with the federal child and family services program outcome goals. There are no environmental impacts resulting from this regulation.

Substance: This joint action will repeal the seven existing regulations pertaining to foster care prevention, foster care, and adoption services. A comprehensive new permanency services regulation will be promulgated to take the place of and expand upon these seven regulations.

The new permanency services regulation will incorporate comprehensive definitions pertaining to all permanency services for children: Foster Care Prevention, Foster Care, Agency Placement Adoptions - AREVA, Agency Placement Adoptions – Subsidy, and Nonagency Adoption Placement. Definitions will be updated to ensure consistency between all service programs and to comply with federal and state requirements. The foster care prevention section will expand on and identify mandated and optional service provisions for preventing children from needing to enter foster care.

The foster care section will regulate all foster care services and activities as specified in the Code of Virginia including but not limited to accepting children into placement, assessment and reassessments, service planning and service delivery, criminal history and central registry background checks, independent living placements, permanency goals, case reviews of children in foster care, types of foster care placements, and worker contacts with children in foster care. These sections specify changes in the provisions for frequency of worker contact with children in foster care and their parents, required training for foster care and adoption

workers and supervisory staff, procedures for conducting criminal background checks on adults in the home when children are expected to return home, standardized foster care paper case file formats, timeframes for filing petitions for termination of parental rights, development of concurrent case plans for children, requirements for providing independent living services to older youth, requirements for conducting administrative panel reviews, and frequency for scheduling visitation between a child in foster care and the child’s parents and/or siblings.

The adoption section will incorporate and update current adoption regulations, including Agency Placement Adoptions – AREVA and Agency Placement Adoptions - Subsidy, and Nonagency Adoption Placement, into this chapter. This regulation will also mandate minimum requirements for foster and adoptive worker training.

Issues: The public is expected to benefit from this new comprehensive permanency services regulation. The regulation strengthens the protection offered to children by providing a regulatory framework for service provision to children in foster care and their families. It also strengthens the authority and responsibilities of local departments of social services who are entrusted to carry out service provision to children in foster care and their families by specifying how such services are to be provided and in what timeframes.

The regulation poses no disadvantages to the public and Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Regulation. The State Board of Social Services (board) proposes to repeal seven regulations which now govern parts of the adoption process as well as the disposition of children in foster care and children who are at risk of becoming part of the foster care system. One comprehensive regulation that mandates the shape and scope of permanency services in Virginia will replace those seven that are to be repealed.

In order to comply with Federal Title IV-E, the board proposes to require that:

1. Certain specific judicial findings must be in the initial court order for removal of a child from his or her home.
2. The Department of Social Services (DSS) must provide certain specified documentation to support a judicial finding that every reasonable effort has been made to achieve the goal of family preservation.

The proposed regulation will also bring Virginia into greater compliance with the Federal Adoption and Safe Families Act of 1997 (ASFA) by requiring that:

Regulations

1. Absent a court order to the contrary, DSS encourage and facilitate visitation between foster children and their parents and siblings.
2. The case of each child in foster care be subject to judicial review at set intervals.
3. DSS include all affected parties in the service planning process and notify these parties of all judicial and administrative hearings so that they may participate if they wish.¹
4. DSS have, in most situations, monthly face-to-face contact with children in intrastate foster care. The one exception to this monthly contact requirement for children placed within Virginia is that DSS need only have face-to-face contact with children in permanent foster care not less than every six months. Children placed out-of-state, either with relatives or in a foster home or residential facility, need only meet face to face with DSS workers, or their designees, annually. Face-to face meetings between a child in foster care and DSS must occur in the home or facility where the child resides and must be documented in the Commonwealth's approved case documentation system (OASIS).
5. DSS have face-to-face contact with the parents or prior guardians to whom children in the foster care system are expected to be returned. The proposed regulation, but not ASFA, requires that contact occur at not less than monthly intervals.
6. DSS have contact with all foster care providers, except those that provide permanent foster care, at least monthly. DSS need only have contact with providers of permanent foster care once every six months. The proposed regulation, but not ASFA, requires that contact, in most cases, occur at not less than monthly intervals.
7. DSS petition for termination of parental rights at the first permanency planning hearing except where federally defined compelling reasons exist that would preclude such a petition.
8. New social workers and supervisory staff participate in initial training and ongoing yearly training.

In addition to bringing Virginia into greater compliance with the requirements of Title IV-E and ASFA, the proposed regulation contains requirements that are already DSS policy (DSS Foster Care Policy Manual Volume VII, Section III, Chapter B), but which has not yet been put into regulatory code. These portions of the proposed regulation do not represent a change in DSS practices.

Result of Analysis. The costs likely exceed the benefits for one of these proposed regulatory changes. There is

¹ Affected parties include parents or prior guardians, foster parents and, when appropriate, children who are the subject of the service plan.

insufficient data to decide whether benefits exceed costs for all other proposed changes. Detailed analysis can be found in the next section.

Estimated Economic Impact. Most of the provisions of 22 VAC 40-201 do not represent a substantive change in how the foster care system in Virginia operates. As noted above, much of the proposed regulation is a restatement of current DSS policy. There are however substantial costs, mostly labor costs, attached to the proposed regulation provisions that concern visitation between foster children and family members from whom they have been separated, between these children and their case social workers, and between social workers and parents. There will also be substantial costs associated with social worker and supervisor training.

Current regulation contains no specific language obligating DSS to maintain ties between foster care children and their siblings and parents or former guardians; at this point, various localities have different policies for, and place varying importance on, this type of visitation. In 2003, the US Department of Health and Human Services Children's Bureau (HHS) conducted a review of child and family services in Virginia. Visitation between foster children and their families is one of the areas in which Virginia's foster care system "did not achieve substantial conformity" with the ASFA mandates. In order to avoid threatened monetary penalties, DSS seeks to now bring regulation and practice into compliance with ASFA, which requires that states facilitate this visitation so that families can be more easily reunited at the end of the foster care process.

DSS estimates that implementation of this portion of the proposed regulation will require that local DSS offices (LDSS) hire the equivalent of 33.5 full time social workers (\$55,108 per worker per year²) in order to coordinate and supervise visitation between children in foster care and their siblings and parents. This change will likely yield benefits for children in foster care in that they will be able to maintain more stable ties with family members with whom they will eventually live.

Additionally, DSS estimates that 156 full time social workers will be needed to implement mandated monthly face-to-face visitation between social workers and children in most types of foster care placement. While there is no federal requirement that visitation occur at any particular interval, the proposed regulation is written to require monthly visitation in most cases because DSS anticipates that that will be a federal requirement in the future. DSS and HHS believes that many situations, like poor placement fit, that might prove harmful to foster children can be caught and fixed more quickly if social workers have face-to-face contact more frequently.

² This figure includes salary, retirement benefits, FICA, insurance, travel expenses, supplies, telephone costs, equipment costs and the one time expenses associated with setting up an office. The same expenses are included in the per year cost for each new case aide and supervisor. Other accounting methods which recognize, for instance, that office space can be shared would likely yield lower per-worker costs.

This portion of the proposed regulation represents a large change in DSS policy as currently only quarterly visits are required.

In stark contrast with the proposed visitation requirements for foster children placed within Virginia, DSS, apparently with the blessing of HHS, proposes to reduce the frequency of face-to-face visits between social workers and children placed out of state, either with relatives or in foster homes or residential facilities, from quarterly to annually. Although this reduction in services will save the state some money, it will also very likely leave children placed out of state more vulnerable and may also leave DSS open to charges that they are neglecting a population of children whose safety is, ultimately, their responsibility.

DSS does not anticipate additional funding for localities to cover the increased visitation mandated by the proposed regulation and so would have to meet new regulatory requirements using their current staff. This provision, if promulgated without funding or resource redistribution, may have a negative effect on social worker retention rates which may, in turn, have a negative economic impact on the Commonwealth as additional funds will be needed for recruiting and hiring replacement workers.

DSS estimates that, in order to comply with ASFA and facilitate new worker and annual in-service training, LDSS will need to hire 40.2 full time social workers. Of that number, 19.9 social workers would cover hours taken up by new worker training and 20.3 full time social workers would cover hours needed for continuing yearly training of all social worker and supervisory staff. The HSS Child and Family Services Review (CFSR) found that:

"Virginia did not achieve substantial conformity with the systemic factor of training. The CFSR determined that the State does not provide initial training for all agency personnel who deliver services under titles IV-B and IV-E statewide. Further, ongoing training for staff to address the skills and knowledge needed to carry out their duties is not provided in a consistent manner across the State."

Again, DSS seeks to bring regulation and practice in this area into conformity with Federal standards in order to avoid possible monetary penalties. While the costs of this training are, in practical terms, unavoidable, they are mitigated by expected decreases in staff turnover. Social workers who are trained before they are assigned cases and who receive ongoing training are less likely to become frustrated because they are unprepared to handle the stress of their job. They may, as a consequence, stay in their position longer. If this is the case, DSS will avoid costs associated with searching for, and hiring, new employees. In addition, this portion of the proposed regulation will have non-monetary benefits in that well trained social workers are more likely to make good decisions for the children who they are evaluating or who are already in the care of DSS.

DSS estimates that, in order to facilitate the training and visitation mandated by the proposed regulation, LDSS will need to hire the equivalent of 38.5 full time supervisors (\$71,737 per supervisor per year) to maintain a supervisor to social worker ratio of 1 to 6. DSS estimates of the number of supervisors needed are based on estimates of the number of new social workers needed statewide rather than in any particular locality. Because any one of the 120 local departments is not likely to hire a large enough number of new social workers to justify the expense of an extra supervisor, DSS's estimates of the number of supervisors needed statewide likely overstates the supervisory needs of LDSSs. DSS also reports that local departments will need to hire 16.48 full time case aides (\$47,745 per aide per year) to maintain an aide to social worker ratio of 1 to 14. Again, because the scale of social worker hiring for any one LDSS will likely be smaller than the statewide number suggests, the estimate of required new case aides is likely higher than the number of case aides that LDSSs will actually need.

DSS estimates that the full labor cost for implementing the proposed regulation as it is now written is \$16,236,429 (based on FY 2006 data). Localities would be responsible for covering 20% (\$3,247,286) for service administration, so the Commonwealth's portion of labor costs if the proposed regulation were fully implemented would be \$12,989,144 for FY 2006.

Other explicit costs generated by implementation of the proposed regulation, cost for printing training materials and any cost attached to gathering specific documentation that must be presented in removal hearings are two examples, are estimated by DSS to be minimal and already covered by pre-existing budgetary allowances. These represent costs to opportunity in that funds used for these things cannot be used for something else, but DSS does not require an increase in their budget to cover them.

The unforeseen costs that may be attached to the proposed regulation are harder to judge. For instance, the provision that requires that social workers meet with the parents of children in foster care may be problematic since DSS can dictate practice for LDSS staff but cannot force unwilling parents to meet if that is not their inclination. The cost of this item in man hours could easily add up very quickly as LDSS staff may find that they are spending a good deal more time than anticipated trying to get parents to comply. In addition, this may serve as a source of frustration to social workers and may be a factor that increases DSS staff turnover.

The requirement that foster care parents have monthly contact with social workers could conceivably decrease the supply of foster care homes if that contact is viewed as an unnecessary intrusion. On the other hand, there is a strong argument to be made that increased contact between social workers and foster care parents may mean that the needs of the foster child are assessed more quickly, and services are delivered in a

Regulations

more timely fashion, so frustration on the part of foster care families is reduced. This might very well reduce the possibility of foster parents removing themselves from the system. There is insufficient data to know which effect will outweigh the other. If this requirement causes greater foster parent attrition, search costs to recruit new foster parents may rise and LDSS may find they cannot find enough foster parents to meet demand for foster care services. If this happens, they may be forced to rely more heavily on private placement services. This might increase the price private placement agencies can negotiate at contract renewal.

Many portions of the proposed regulation have minimal or no cost attached to their implementation but do have substantial cost attached if they are not promulgated and put into practice. It will cost little or nothing, for example, to get judges to word removal orders so that they meet Title IV-E requirements. If DSS does not mandate that the wording, however, Virginia may fail the next scheduled Title IV-E audit. If this happens DSS will have to return all Title IV-E funds that were dispersed in cases where Federal regulation was not adhered to and will have to pay additional penalties. The amount that Virginia could be forced to pay out if this happens could range between \$2,000,000 and \$12,000,000. DSS's best estimate of what Virginia would owe the Federal government is approximately \$8,000,000. Virginia is scheduled to be audited again in August 2006.

In addition, DSS was subject to an audit of their compliance with ASFA. Many of the requirements of the proposed regulation are aimed at fixing the deficiencies that HHS found with Virginia's child and family services. Although there has been no exact dollar amount yet attached to non-compliance, Virginia may be subject to monetary penalties if they do not improve performance in implementing ASFA mandates.

Businesses and Entities Affected. The proposed regulation will affect 169 private placement agencies and child residential institutions, as well as the approximately 8,000 children in foster care in Virginia.

Localities Particularly Affected. All 120 local Departments of Social Services will be affected by this new regulation.

Projected Impact on Employment. DSS estimates that at least 230 new social workers will need to be hired to meet the visitation and training requirements of the proposed regulation. Additionally, approximately 55 new support and supervisory positions may be created.

Effects on the Use and Value of Private Property. The revenue of private placement agencies might increase if foster parent attrition rates increase and LDSS cannot recruit adequate numbers of replacement foster parents. The use and value of private property should not otherwise be affected by the proposed regulation.

Small Businesses: Costs and Other Effects. Only public agencies and non-profit private placing agencies are likely to be affected by the proposed regulation.

Small Businesses: Alternative Method that Minimizes Adverse Impact. Only public agencies and non-profit private placing agencies are likely to be affected by the proposed regulation.

Legal mandate. 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. Further, if the proposed regulation has an adverse effect on small businesses, § 2.2-4007 H requires that such economic impact analyses include (i) an identification and estimate of the number of small businesses subject to the regulation; (ii) the projected reporting, recordkeeping, and other administrative costs required for small businesses to comply with the regulation, including the type of professional skills necessary for preparing required reports and other documents; (iii) a statement of the probable effect of the regulation on affected small businesses; and (iv) a description of any less intrusive or less costly alternative methods of achieving the purpose of the regulation. The analysis presented above represents DPB's best estimate of these economic impacts.

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

Summary:

This is a joint action to repeal seven regulations and replace them with one comprehensive new permanency services regulation that will encompass the full range of services for providing a child with a safe, secure and stable situation in which to grow up.

The proposed regulation incorporates comprehensive definitions pertaining to permanency services and provide a regulatory structure for the programs pertaining to permanency for children: Foster Care Prevention and Stabilization, Foster Care Services, Agency Placement Adoptions, and Nonagency Adoption Placement.

The proposed regulation incorporates and updates the repealed agency placement and nonagency placement regulations. The new regulation also includes one section

on foster care prevention and stabilization and sections covering the range of foster care services including entering foster care; foster care placement; case opening; initial assessment; choosing the goal; preparing the service plan; service delivery; reviewing the service plan; closing the foster care case; funding; other requirements; independent living; and training. A section has also been added to address suspected violations in the placement and adoption of a child.

CHAPTER 201.

PERMANENCY SERVICES - PREVENTION, FOSTER CARE, ADOPTION AND INDEPENDENT LIVING.

22 VAC 40-201-10. Definitions.

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

"Adoption" means a legal process in which a person's rights and duties toward birth parent(s) are terminated and similar rights and duties are established with a new family.

"Adoption assistance agreement" means a written agreement between the agency and adoptive parent(s). An adoption assistance agreement may be for a federal subsidy, a state subsidy, or a conditional subsidy.

"Adoption progress report" means a report filed with the juvenile court every six months that documents in detail, the reasonable efforts made to locate an adoptive family for a child following termination of parental rights. Section 16.1-283 F of the Code of Virginia requires that an adoption progress report be submitted to the juvenile court every six months following termination of parental rights until the adoption is final.

"Adoption search" means interviews and written or telephone inquiries made by an agency to locate and advise the biological parent(s) or siblings of an adult adoptee's request by application for disclosure or petition to the court for identifying information from a closed adoption record.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive home study" means an assessment of the adoptive family to determine their suitability for adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult adoption" means the adoption of any person 18 years of age or older. A petition may be filed in circuit court by any natural person who is a resident of this Commonwealth (i) for the adoption of a stepchild 18 years of age or over to whom he has stood in loco parentis for a period of at least

three months; (ii) for the adoption of a niece or nephew over 18 years of age who has no living parents and who has lived in the home of the petitioner for at least three months; (iii) for the adoption of any person 18 years of age or over who is the birth child of the petitioner or who had resided in the home of the petitioner for a period of at least three months prior to becoming 18 years of age; or (iv) for the adoption of any person 18 years of age or older, for good cause shown, provided that the person to be adopted is at least 15 years younger than the petitioner and the petitioner and the person to be adopted have known each other for at least five years prior to the filing of the petition for adoption, and provided further that both the petitioner and the person to be adopted have been residents of the Commonwealth for at least two years immediately prior to the filing of the petition.

"AFDC" means the Aid to Families with Dependent Children Program.

"Agency placement adoption" means an adoption in which a child is placed in an adoptive home by a local department or child-placing agency that has custody of the child.

"AREVA" means the Adoption Resource Exchange of Virginia that maintains a registry and photo-listing of children and families waiting for adoption.

"Assessment" means an initial evaluation of the situation of the child and family to identify services needed.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent(s) and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 of the Code of Virginia or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903 and 63.2-1221 of the Code of Virginia. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child with special needs" means any child under the age of 18 in the custody of an agency or child-placing agency who:

1. The state has determined is unlikely to return home because of termination of parental rights.
2. Has individual characteristics that make the child hard to place including:
 - a. Having a physical, mental, or emotional condition(s) existing prior to adoption;

Regulations

b. Having a hereditary tendency, congenital problem, birth injury leading to risk of future disability;

c. Having been prenatally exposed to drugs or alcohol or suspected of having been prenatally exposed to drugs or alcohol;

d. Being eight years of age or older;

e. Being a member of a minority or mixed racial heritage, and at least three years of age;

f. Being a member of a sibling group who are being placed with the same family at the same time; or

g. Having significant emotional ties with the foster parents with whom the child has resided for at least 12 months when the adoption is in the best interest of the child.

3. Has had reasonable efforts made to place without subsidy.

4. For whom the above conditions were present at the time of adoption, but not diagnosed until after entry of the final order of adoption and the diagnosis is not more than 12 months old.

"Commissioner" means the Commissioner of the Department of Social Services or his designee, or authorized representative.

"Community Policy and Management Team (CPMT)" means a team established by the Comprehensive Services Act for At-Risk Youth and Families. The team is appointed by local governing bodies to manage the cooperative effort in each community to serve the needs of troubled and at-risk youth and their families and to maximize the use of state and community resources. This team's powers and duties are set out in § 2.2-5206 of the Code of Virginia.

"Comprehensive Services Act for At-Risk Youth and Families (CSA)" means the legislation found in Chapter 52 (§ 2.2-5200 et seq.) of Title 2.2 of the Code of Virginia creating a collaborative system of services and funding that is child centered, family focused, and community based to address the strengths and needs of troubled and at-risk youth and their families.

"Custody investigation" means a court ordered method to gather information regarding a child whose custody, visitation or support is in controversy or requires determination.

"Department" means the state Department of Social Services.

"Family" means the child's birth or adopted family or prior custodian(s), whoever had legal custody of the child at the time the child entered foster care.

"Family Assessment and Planning Team (FAPT)" means the local team created by the CPMT to assess the strengths and needs of troubled youths and families who are referred to the

team. The powers and duties of the FAPT are set out in § 2.2-5208 of the Code of Virginia.

"Finalization of the adoption" means the court process of approving the adoption that begins with the filing of a petition and ends with the entry of the final order of adoption.

"Foster child" means a person who has been placed into foster care through a noncustodial foster care agreement, entrustment or court commitment before 18 years of age and who may remain in foster care to age 21.

"Foster care placement" means placement of a child through (i) an agreement between the parent(s) or guardian(s) and the local board or public agency designated by the CPMT where legal custody remains with the parent(s) or guardians or (ii) an entrustment or court commitment of the child to the local board or licensed child-placing agency.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child, who is abused or neglected as defined in § 63.2-100 of the Code of Virginia or in need of services as defined in § 16.1-228 of the Code of Virginia, and his family, when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board or the public agency designated by the community policy and management team and the parent(s) or guardian(s) where legal custody remains with the parent(s) or guardian(s), or (iii) has been committed or entrusted to a local board or licensed child-placing agency.

"Foster family placement" means placement of a child with a family that has been approved by the local department or a child-placing agency to provide substitute care for children until a permanent placement can be achieved.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"ICPC" means the Interstate Compact on the Placement of Children, which is found in § 63.2-1000 of the Code of Virginia and is statutory uniform law in all 50 states, the District of Columbia and the U.S. Virgin Islands.

"Independent living" means a program of services and activities for children in foster care who are 16 years of age or older, and persons who are former foster care children between the ages of 18 and 21 that prepares them for the successful transition from foster care to self-sufficiency.

"Independent living placement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Individual Family Service Plan (IFSP)" means the plan for services developed by the FAPT in accordance with § 2.2-5208 of the Code of Virginia.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent(s) or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent(s) or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Investigation and report of investigation" means the process by which the local department obtains specific information required by the Code of Virginia about the placement and the suitability of the adoption. The findings of the investigation are compiled into a written report for the circuit court containing a recommendation of the action to be taken by the court.

"Juvenile court" means the juvenile and domestic relations district court of Virginia.

"Lifebook" means a picture and narrative story of a child's life written by the child and social worker using the child's own words, pictures, photos, drawings, and memorabilia to tell the child's story.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Maintenance payments" means payments made on behalf of a child to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, and school supplies. A child's personal incidentals, liability insurance with respect to a child and reasonable travel for a child's visitation with family or other caretakers are also included in the definition of a maintenance payment.

"Nonagency placement adoption" means an adoption in which the child is not in the custody of a local department or licensed child-placing agency, and is placed in the adoptive home directly by the birth parent(s) or legal guardian.

"Noncustodial foster care agreement" means the agreement that specifies the conditions for care and control of the child that the agency or public agency designated by the community policy and management team enters into with the parent(s) or guardian(s) to place a child in foster care when the parent(s) or guardian(s) retain custody.

"Nonrecurring expenses" means expenses of adoptive parent(s) directly related to the adoption of a child with special needs including, but not limited to, attorney fees directly related to the finalization of the adoption, transportation, court costs, and reasonable and necessary fees of child-placing agencies.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent(s) or legal guardian(s) for the purpose of foster care or adoption.

"Permanency" for children means establishing family connections and placement options for children in order to provide a lifetime of commitment, continuity of care, a sense of belonging and a legal and social status that goes beyond the child's temporary foster care placement.

"Permanency planning" means an array of social work and legal efforts directed toward securing safe, nurturing, life-long families for children in foster care.

"Person" means any natural person, or any association, partnership or corporation.

"Petitioner" means the person who presents the petition for adoption to the court.

"Prior custodian" means the person with whom the child resided, other than the birth parent(s), before custody was transferred to or placement made with the local department or licensed child-placing agency when that person had custody of the child.

"Reassessment" means evaluation of the situations of the child, birth family or prior custodian(s), and resource, foster or adoptive family completed after the initial assessment to identify changes in needed services.

"Residential placement" means placement in a licensed publicly or privately owned facility, other than a private family home, where 24-hour care is provided to children separated from their families. A residential placement includes residential facilities for children, group homes, and some programs in psychiatric hospitals. Residential and group home placements are not considered permanent foster care placements.

"Resource family" means an approved relative or foster family home that agrees to both support reunification and be prepared to adopt the child if the child and family do not reunify.

"Reunification" means the return of the child to his home, based on a permanent plan, after removal for reasons of child abuse and neglect, abandonment, child in need of services, parental request for relief of custody, noncustodial agreement, entrustment, or any other court-ordered removal.

"Service fee directory" means the directory created pursuant to § 2.2-5214 of the Code of Virginia, which lists services

Regulations

offered and rates charged by any entity, public or private, that offers specialized services for at-risk youth or families.

"Service plan" means a written document that outlines the services needed and those that will be provided to a foster child and his family.

"Service worker" means the worker primarily responsible for case management or service coordination and meeting the foster care requirements for a foster care case.

"Special service payments" means payments or services provided to help in meeting the adoptive or foster child's physical, mental, emotional, or dental needs.

"SSI" means Supplemental Security Income.

"State pool fund" means the pooled federal, state and local funds established by the Comprehensive Services Act and used to pay for services authorized by the CPMT, including foster care services.

"Stepparent adoption" means the adoption of a child by a new spouse of the birth or adoptive parent.

"Subsidy/adoption assistance" means a money payment or services provided to adoptive parent(s) on behalf of a child with special needs.

"Title IV-E" means the title of the Social Security Act that authorizes federal funds for foster care and adoption assistance.

"Treatment program" means a program designed to provide services for physical, mental, and emotional problems.

"Visitation and report" means the visitation conducted pursuant to § 63.2-1212 of the Code of Virginia and subsequent to the entry of an interlocutory order of adoption; and the written report compiling the findings of the visitation that is filed in the circuit court.

"Youth" means any child 16-18 years of age or any person 18 to 21 years of age transitioning out of foster care and receiving independent living services pursuant to § 63.2-905.1 of the Code of Virginia.

22 VAC 40-201-20. Prevention and stabilization.

A. Services shall be available to families to prevent the need for foster care placement to the extent that funds are available for these services. Any services available to a child in a foster care placement may also be available to a child and his family to prevent foster care placement and shall be based on an assessment of the child's and family's needs. Families have a right to decline offered services.

B. Services to prevent foster care placement are paid from state pool funds, family preservation funds, and child protective service funds.

C. Services may include those that:

1. Support children and families to reach self-sufficiency;
2. Protect children and families from abuse/neglect;
3. Keep children out of foster care by keeping families together;
4. Reunite children with their family or prior custodian(s), when possible; and
5. Find new homes and/or preventing disruption of adoptions, if possible.

D. Mandated foster care prevention cases are those in which:

1. The child's safety is at risk if he remains in the home or with the custodian(s);
2. The child is at risk of removal and placement into foster care within six months of the date the need for services is identified;
3. The goal is to maintain the child in the home or with the custodian(s); and
4. The services are provided by a provider who meets appropriate and relevant standards.

E. Nonmandated foster care prevention cases are those in which:

1. Services may be provided to the extent funds are available;
2. Short-term intervention is needed to stabilize the family's or child's situation and/or to provide family support when the child is not at immediate risk of removal from his home;
3. Services are needed to enhance parental or family capacities to care for and nurture the child(ren); and
4. Short-term support is needed to maintain the family when a parent/caretaker has temporarily lost the capacity to care for and nurture the child.

F. Services will generally be short-term and may be intensive in order to address and resolve immediate crises that threaten family integrity and safety.

G. Every prevention case shall begin with a current assessment of the family's and child's situation, including a safety assessment when there are allegations of abuse and neglect. A reassessment shall be done every six months thereafter and shall continue until the foster care case is closed.

H. Any service may be purchased to prevent foster care placement and/or to stabilize the family situation, provided the need for the service is documented in the local department's case record or the foster care service plan or in the CSA's individual family service plan (IFSP).

I. Services may include the purchase of basic services such as emergency shelter, food, clothing, utilities or rent when no other resources are available and a lack of these resources becomes life threatening or may result in foster care placement.

22 VAC 40-201-30. Entering foster care.

A. Children enter foster care through court commitment based on an abuse or neglect petition, children in need of services (CHINS) petition, an entrustment, delinquency, a request for relief of custody, and a noncustodial foster care agreement.

B. Title IV-E court order requirements for placement in foster care.

1. Best interest requirements. The local department shall ensure that the initial court order contains a judicial determination that the child was removed from the home because the court found that continuation in the home would be contrary to the welfare of the child, or that it is in the child's best interests to be placed in foster care, or that there is no less drastic alternative than removal of the child from his home.

2. Reasonable efforts requirements. A court order within 60 days of entry into care must contain language that indicates reasonable efforts were made to prevent the need for removal of the child from the home.

C. The local department shall petition the court at least annually for a judicial determination for every child in foster care that reasonable efforts have been made to either reunite the child with his prior family if return home is the goal, or place the child in a timely manner in accordance with his permanency plan. The local department shall document the reasonable efforts made to reunify the child and family or achieve a permanent placement for the child on the initial 60-day service plan and on foster care service plans submitted for all court reviews thereafter.

D. Indian Child Welfare Act. Children of federally recognized American Indian or Alaskan Eskimo heritage are subject to the Indian Child Welfare Act. If a local department suspects or knows that a child in foster care or one about to be placed in foster care is of federally recognized American Indian or Alaskan Eskimo heritage, the local department shall contact the tribal council. However, when a child entering care is believed or known to have Virginia Indian heritage, the local department shall contact the Virginia Council on Indians and consider tribal culture and connections in the placement and care of the child.

E. Temporary entrustment agreement.

1. The primary goal of a temporary entrustment agreement is to return the child home or to plan for adoption.

2. The agreement shall specify the rights and obligations of the child, the parent(s) or guardian(s) and the local

department. It shall include the responsibility of the parent(s) for financial support of the child and the authority of parent(s) and the local department for medical care of the child.

3. Entrustments cannot be used for educational purposes, to make the child eligible for Medicaid, to avoid abuse/neglect charges, or to obtain mental health treatment.

4. An entrustment cannot extend beyond the child's 18th birthday.

5. Parent(s) or prior custodian(s) may request return of the child to their home. The agreement is considered to be revoked unless the local department opposes the request and obtains a judicial decision that the child shall remain in foster care.

6. There are two types of temporary entrustments, those issued for up to 90 days, and those issued for more than 90 days.

a. Entrustments for up to 90 days.

(1) This type of entrustment is used when a situation related to the child or his family can be resolved within 90 days. Documentation of the plan for services is required.

(2) If it appears that the child will not return home within 90 days, the local department shall petition the court for a hearing to approve the service plan and entrustment no later than the 89th day after the entrustment agreement has been signed.

(3) If the local department decides to terminate the entrustment and seek court commitment during the first 90 days, the local department shall petition the court for custody and submit the service plan for approval.

b. Entrustments for more than 90 days. The local department shall petition the court for approval of the temporary entrustment agreement intended to exist for 90 days or more within 30 days of signing the agreement and the local department shall submit a service plan with the petition.

F. Permanent entrustment agreement.

1. This agreement provides a method for the parent(s) to voluntarily relinquish parental rights and gives the local department authority to place the child for adoption.

2. The local department shall petition the court within 180 days of signing the entrustment agreement to make a judicial determination that placement is in the best interest of the child and that reasonable efforts have been made to prevent removal. A service plan must be submitted with the petition.

Regulations

3. Once the court approves the permanent entrustment, all parental rights are terminated, but the parents may appeal the order in accordance with § 16.1-296 of the Code of Virginia. The parent(s) can no longer revoke the permanent entrustment agreement.

4. The adoption progress report shall be submitted to the court within six months of the court's approval of the permanent entrustment and every six months thereafter until finalization of the adoption.

G. The noncustodial foster care agreement.

1. A local department may enter into a noncustodial foster care agreement with the parent(s) of a child.

2. The noncustodial foster care agreement shall address the conditions for care and control of the child, and the rights and obligations of the child, parent(s) or guardian(s), and local department.

3. A copy of the agreement shall be given to the parent(s) or guardian(s), to the placement provider, and be kept in the child's record.

4. The plan for foster care placement through a noncustodial agreement shall be submitted for approval by the court.

5. The local department or other public agency designated by the CPMT shall file a foster care plan with the juvenile court within 60 days following the board or public agency's placement of the child unless the court, for good cause, allows an extension of time, which shall not exceed an additional 60 days.

6. When children are placed in foster care through a noncustodial foster care agreement, all foster care requirements shall be met.

7. When another public agency other than the local department is the case manager and enters into the noncustodial foster care agreement with the parent(s) or guardian(s), the other public agency is responsible for meeting the requirements of this section and all other foster care review requirements. The local department is responsible for providing consultation to the other agency on meeting these foster care requirements, and for assuring the case is entered in the department's approved case documentation system.

22 VAC 40-201-40. Foster care placements.

A. The local department has responsibility to protect the safety of each child under its care.

B. Requirements for placement.

1. The local department shall provide a placement that is appropriate for the child and shall describe and discuss the appropriateness of the placement in the service plan.

2. The local department shall place the child in the least restrictive (most family like) setting consistent with the best interests and special needs of the child.

3. The local department shall attempt to place the child in as close proximity as possible to the parent(s) or prior custodian(s) home to facilitate visitation and provide continuity for the child.

4. The local department shall place the child in a licensed or approved placement.

5. The local department shall enter into a placement agreement with the placement provider.

6. Prior to placing a child in an emergency foster home or in any home not already approved by the local department or a licensed child-placing agency, or with relatives, the local department shall conduct a criminal background search and child abuse and neglect central registry check on all adults residing in the home in which the child is to be placed. Results of the check may prohibit placement of the child. Background check results shall be shared only with the person on whom the check was completed.

7. Prior to returning a child to parent(s) from whom the child had previously been removed, the local department shall conduct a criminal background search and child abuse and neglect central registry check on all adults residing in the home in which the child is to be placed. Results of the check may prohibit placement of the child, and in such cases, the background check results shall be shared only with the person on whom the check was completed. This requirement also applies in the case of a child who is returning home after being placed outside the home as a result of a noncustodial foster care agreement.

8. The local department shall document that foster parent(s) and other providers are given educational and medical information at initial placement, each time a child is placed, and on an ongoing basis in order to assure that foster parent(s) and other providers have basic medical and educational information about the child.

9. The local department may not delay or deny placement of a child into a foster family placement on the basis of race, color, or national origin of the foster parent(s) or child involved.

10. If the local department determines it is unlikely the child will return to his prior family in a timely manner, information shall be documented in the service plan regarding the opportunities for placing the child with relatives or in an adoptive home.

C. Preplacement visits. A service worker shall make a preplacement visit to any out-of-home placement to observe the environment where the child will be living.

1. The preplacement visit shall precede the placement date except in cases of emergency, which shall be documented in the case narrative. In such emergency situation, a preplacement visit may be the day of placement.

2. When a child is to be placed outside of Virginia, the preplacement visit shall be following ICPC procedures.

D. Foster family homes.

1. Foster family homes shall meet standards established by the board and shall be approved by local departments or licensed child placing agencies prior to placement of the child. A copy of the foster home approval and reapproval shall be maintained in the child's record, including those homes approved by a licensed child-placing agency.

2. An employee of a local department cannot serve as a foster or adoptive parent for children in the custody of that local department. The employee can be a foster or adoptive parent for another local department or licensed child-placing agency.

3. Multiple local department foster homes.

a. Homes may be providers for more than one local department.

b. Local departments placing a child into a foster home approved by another local department shall obtain prior written approval for each child they wish to place.

4. Foster homes providing multiple types of care. Homes may be providers of regular, emergency, specialized, therapeutic and permanent foster care at the same time when:

a. The foster parent(s) demonstrate they can handle the different service needs of the children; and

b. Services to children in ongoing placement are not disrupted by emergency placements.

5. An emergency foster home is a foster family home where a child may be temporarily placed until a more appropriate placement is found or the home is approved.

6. A regular foster home is a foster family home that has been approved and is being paid to provide basic maintenance, supervision, and parenting.

7. A relative foster home is a foster family home of relatives. These homes shall fully meet foster home standards as long as the child is in foster care.

8. A specialized foster home is a local department approved foster home where the local department has elected to pay an additional service payment due to the difficulty of care of a child with special needs.

9. A therapeutic foster home is a trained foster parent, providing care through a licensed child-placing agency or local department's defined foster care therapeutic program.

E. A foster home approved by a licensed child-placing agency is a foster family home approved by and provided through a private child-placing agency. The local department shall maintain a copy of the licensed child-placing agency's current license in the child's foster care record.

F. A treatment foster care program home is foster family home approved by a local department or a licensed child-placing agency and enrolled by the Department of Medical Assistance Services (DMAS) to provide Medicaid-reimbursed treatment foster care case management services for children.

G. An adoptive home is a home that has been approved by a local department or private licensed child-placing agency for the placement of a child with the intent to adopt.

H. An independent living placement is a placement of a youth in foster care, who is at least 16 years old, that does not provide daily parental supervision.

1. In determining whether an independent living arrangement is the best plan for a foster youth, service workers must conduct an assessment to determine whether the placement is in the best interests of the youth.

2. The services worker shall make an on-site visit to approve the living arrangement.

I. Residential placement.

1. Prior to placement, the local department shall verify that the residential placement facility is licensed by the appropriate licensing agency. A copy of the license shall be maintained in the child's record, along with documentation that criminal background and central registry checks have been completed on all employees.

2. Priority shall be given to facilities that provide services to return children to the community.

3. The local department shall coordinate the placement with the school division to assure that the child's educational needs are met.

J. Interstate placements.

1. The local department shall receive approval from the department's Office of the Interstate Compact on the Placement of Children prior to placing a child out of state.

2. When the plan is to permit a foster child to move with a foster parent(s) from Virginia to another state, the department shall obtain the commissioner's consent prior to allowing the move.

K. Placements in another local department's jurisdiction. When a child is to be placed in a home in another local department's jurisdiction within the state and the local department in that community has not approved that home, the local department holding custody shall:

Regulations

1. Notify the local department where the home is located that the home is being considered for the child's placement;

2. Conduct a study and approve the home or request that the local department in the receiving locality study and approve the home;

3. Request the local department in the receiving locality supervise the child or notify them that the local department holding custody will supervise; and

4. Notify the school division in the new locality as well as the school division the child is leaving within 72 hours of placement.

L. When foster parent(s) move to another jurisdiction. When a child moves with a foster family from one local department's jurisdiction to another in the state, the local department holding custody is responsible for continuing supervision of the child unless supervision is transferred to the other local department. The local department holding custody shall notify the local department in the county or city to which the foster family moves.

M. Transferring custody to another local department. If a local department is considering transferring custody of a child to another local department because the parent(s) or guardian(s) has moved to that locality, the local department shall submit a petition to the court requesting approval of the transfer of custody.

N. Notification of placement changes. All parent(s) with residual parental rights or prior custodian(s) shall be notified in writing of any change in placement or visitation privileges within 10 days of such a change.

22 VAC 40-201-50. Foster care case opening.

A. The department shall approve one specific official case documentation system in which all foster care and adoption cases shall be documented.

B. Case opening requirements.

1. Information for every child in foster care shall be entered into the department's approved case documentation system as soon as possible but no later than 30 days after the child's custody is transferred to the local department or he is placed in foster care. The service worker is responsible for entering and updating all case data in the department's approved case documentation system as soon as possible but no later than 30 days after each activity or event.

2. Paper case records for the child. The department's approved case documentation system contains the official case record for all foster care cases, and is supplemented with forms, letters, and other original hard copy documents that shall be retained in the paper case record.

a. A required paper case record format includes the following identifiable divisions and corresponding tabs, and shall contain the identified key documents:

(1) Referral.

(a) Referral for determining eligibility for Title IV-E funding and Medicaid;

(b) Medical and mental health examinations;

(c) Child support referral;

(d) Social Security Disability (SSD); and

(e) Any other governmental benefits.

(2) Personal documents.

(a) Birth verification;

(b) Social security card and/or application.

(3) Legal documents with original signatures.

(a) Petitions;

(b) Entrustments;

(c) Court orders; and

(d) ICPC forms.

(4) Service plans.

(a) Foster care service plan;

(b) IFSP; and

(c) Transitional living plan for older youth in care.

(5) Agreements with original signatures including

(a) Noncustodial foster care agreements;

(b) Foster family home placement agreements;

(c) Respite care agreements; and

(d) Permanent foster care agreements.

(6) Reports, including

(a) Social histories;

(b) School reports (including referrals for special education assessment or services);

(c) Medical reports;

(d) Psychological reports; and

(e) Quarterly provider reports.

(7) Residential placement information, including

(a) Application; and

(b) Placement reports.

(8) Correspondence, in chronological order, including

- (a) Notice of visitation and visitation arrangements;
- (b) Notice of placement change;
- (c) Notice of an administrative panel review;
- (d) CPS summary or affidavit; and
- (e) Other correspondence.

(9) Adoption documents.

- (a) Termination of parental rights order;
- (b) Adoption assistance agreement (if applicable); and
- (c) Adoptive home placement agreement.

(10) Purchase orders and invoices.

3. Case record for the foster family. Basic demographic information about all foster families (public and private) shall be entered into the department's approved automated case documentation system. The paper case record for the local department approved foster home shall include all forms and information gathered during the home study evaluation and approval process.

C. Referrals for maintenance: Title IV-E and state pool funds. All children in foster care placement are eligible to receive room, board, and supervision. Funding sources for paying the costs of maintenance and procedures for determining the source to be used are described below:

1. Title IV-E eligibility referral requirements.

- a. All children in foster care shall be referred for an initial determination of Title IV-E eligibility by services staff within 10 calendar days of the court commitment order, or the date the voluntary entrustment agreement is signed, or the date the noncustodial agreement is signed.
- b. To determine Title IV-E eligibility, the child's case shall be in compliance with federally determined eligibility.

2. Special regulations governing entrusted children.

- a. Funding from Title IV-E is limited to 180 days for children in custody pursuant to a voluntary entrustment agreement unless the agreement has been approved by the court and the court order contains the necessary best interests and reasonable efforts statements.
- b. For a child who is permanently entrusted to be eligible for Title IV-E foster care and subsidy, there shall be:
 - (1) A court hearing within 180 days of the permanent entrustment;
 - (2) A judicial determination and statements on the court order that reasonable efforts were made to prevent removal and that the placement is not contrary to the welfare of the child; and

(3) A Title IV-E payment made during the temporary entrustment period if the case was initially a temporary entrustment.

c. Failure to meet requirements of this section will result in the child being ineligible for Title IV-E funding. Costs for the child's placement shall then be paid from state pool funds.

D. Referral for determination of Medicaid eligibility.

1. Funding for medical services is from state and federal funds provided through DMAS. Service workers are responsible for submitting required documentation for Medicaid eligibility to the eligibility worker within 10 days of date of placement.

2. Informing Medicaid of changes. Eligibility for Medicaid is redetermined annually. However, the service worker shall provide the eligibility worker with any new information that might affect Medicaid eligibility within 10 days from the date of the change.

E. Referral for collection of child support.

1. The local department is responsible for following the policies and procedures of the Division of Child Support Enforcement (DCSE).

2. In cases where the foster care plan has the goal of returning the child to the parent(s) and collection of support will interfere with achieving that goal, the service worker may claim "good cause" for the parent(s) to whom the child is to return. Claiming good cause shall result in the case not being pursued by DCSE for collection of support.

F. Arranging visitation with parent(s) or prior custodian(s) and siblings. Efforts to maintain contact with the parent(s) or prior custodian(s) and siblings in accordance with the goal for the child shall begin as soon as the child is placed in foster care. If the local department wishes to terminate visitation, it shall obtain court approval. If the plan for visitation changes, parent(s) shall be notified in writing.

G. Referral for services. The service worker is responsible for referring the child and family to appropriate services identified through the assessment and service planning processes.

H. SSI and other potential benefits.

1. The service worker is responsible for determining all financial resources available to the child, including SSI, governmental benefits, and private resources.

2. The service worker is also responsible for assessing whether a child in care may be eligible for other benefits and referring that child for eligibility determinations within timeframes set by the department.

Regulations

I. Obtaining a medical exam. The service worker is responsible for ensuring that the child receives a medical examination no later than 60 days after placement.

J. School enrollment requirements.

1. The service worker shall work with the school in the locality where the child is placed to ensure that the child is enrolled in school within 72 hours after placement.

2. Local departments will allow children to remain in their previous school placement when it is in the best interest of the child to do so.

3. When a school change is necessary, the service worker, in cooperation with the parent(s) and foster care providers, will coordinate the school placement.

K. Setting up the payment process for providers. The service worker is responsible for ensuring that the foster parent(s) and other service providers receive appropriate and timely payments according to departmental policies and procedures.

22 VAC 40-201-60. Initial assessment.

A. Initial assessment requirements.

1. The needs of the child and the circumstances of the birth family or prior custodian(s) shall be assessed to determine the service needs of the child and family. The initial assessment shall:

a. Be completed within 60 days of acceptance of the child for foster care placement; and

b. Be entered into the department's approved automated case documentation system.

B. Reassessments. Reassessments shall occur every six months after placement for as long as the child remains in foster care.

22 VAC 40-201-70. Choosing the foster care goal.

A. Foster care goals are established in order to assure permanent planning for the child.

B. The service plan for the child shall:

1. Specify one of the approved permanency goals. The foster care goals are hierarchical, indicating the order in which the goal shall be addressed by the local department. Goals, in order of priority, are:

1. Return to parent(s) or prior guardian.

2. Placement with relatives.

3. Adoption.

4. Permanent foster care.

5. Independent living.

6. Another planned permanent living arrangement.

7. Continued foster care. Continued foster care is not a permanency goal and should only be chosen when all others goals have been excluded and the reason(s) for their exclusion is documented in the automated case management file.

22 VAC 40-201-80. Preparing the initial service plan.

A. The service plan describes the needs of the child and family and identifies the services that will be provided to meet these needs so that the permanency goal can be achieved.

B. There shall be a service plan for every child in foster care. Any appropriate service shall be made available to a foster child when that service is documented as needed in the child's foster care service plan.

C. The service plan shall include:

1. The reasons the child came into care and why placement is needed;

2. The services offered to prevent removal of the child from the home of the birth parent(s)/prior custodian(s);

3. The child's situation at the time of placement in relation to the child's family;

4. Information regarding the child's health and educational status;

5. The nature of the placement that will be provided the child;

6. The efforts made to place the child in the least restrictive setting available;

7. The needs that shall be met to achieve the goal for the child;

8. The programs, care, services and other support that will be offered to the child and parents and other prior custodians;

9. A plan for visitation between the child and parent(s) and siblings;

10. The permanency goal selected for the child;

11. For teens 16 or over, the specific independent living services to meet the needs of the youth;

12. Target dates for completion of the services provided to the child, the parent(s)/prior custodian(s), and foster parents;

13. The projected date for goal achievement;

14. A description of how the child, parent(s) or prior custodian(s), or foster parent(s) were involved in the planning process. A description of why the parent(s)/prior custodian(s) were not involved in the planning process shall also be included when appropriate;

15. When the child cannot be returned to parent(s) or prior custodian(s), a description of the reasons the child cannot return home and a plan to lead to termination of parental rights within the specified time frames; and

16. A description of efforts made to place siblings together.

D. A full service plan on all children shall be completed and filed in the case record within 60 days of custody or placement (whichever comes first) of a child through court commitment, noncustodial foster care agreement, or a permanent entrustment agreement or, within 30 days of signing of a temporary entrustment for a placement of 90 days or more.

1. For children entering care through a court commitment for abuse or neglect, the local department shall file the plan with the petition for the dispositional hearing or, when there has not been a previous court hearing, within 75 days of when the child entered foster care.

2. If a child is entrusted, the local department shall file the plan with the petition to approve the entrustment agreement.

3. The local department shall provide the court with sufficient information to ensure that parent(s) receive notice of the dispositional hearing.

4. A new plan is required when there is a change in the permanency goal, when there is a permanency planning hearing, and when a child returns from a commitment to the Department of Juvenile Justice (DJJ).

a. When a child's legal custody has been returned from the local department to the parent(s) or prior custodian(s) and the child returns to local department custody and into a foster care placement, it shall be considered a new placement and a new service plan shall be developed.

b. When a child returns home to the parent(s) or prior custodian(s), but remains in the custody of the local department and then returns to foster care placement, it shall be considered a new placement if the child was home for six months or longer and a new service plan shall be developed. If the child was home for less than six months and returns to an out-of-home placement, the child shall be considered to be in the original placement and a new service plan is not required.

22 VAC 40-201-90. Service delivery.

A. The permanency planning process begins when the first contact is made with the child and family and continues until the safety, permanency and well-being of the child is assured, the goal is achieved, and services are terminated.

B. When the goal is return to parent(s) or prior custodian(s), permanency planning requires that any and all necessary services are provided to implement this goal.

1. Services to the parent(s) or prior custodian(s) shall continue until the child is returned home, the court case is dismissed, or the court approves another foster care goal for the child.

2. Local department workers shall have a minimum of monthly face-to-face contact with the parent(s) or prior custodian(s) to whom the child is expected to return.

C. When the goal is adoption, services shall be provided to prepare the child for adoption and to achieve the goal of adoption. All parental rights shall be terminated and the local department shall have legal authority to place and consent to the child's adoption.

1. The petition shall specifically request that parental rights of the parent(s) be terminated and that the local department be given the authority to place and consent to adoption of the child.

2. The local department shall provide the court with sufficient information to provide legal notice of the petition to all persons with a legitimate interest.

3. The child remains in custody of the local department and is eligible for foster care services until the final order of adoption.

4. The adoption progress report shall be submitted to court six months following termination of parental rights and every six months thereafter until the adoption is final.

5. Adoptive planning shall:

a. Reflect the child's need to be in a permanent placement as soon as possible.

b. Recognize the importance of placing siblings in the same adoptive home.

c. Consider foster parent(s) with whom the child has developed emotional ties as a primary adoptive resource for the child.

When a family is selected, full, factual information that the local department has about the child and the child's birth family, except that which would reveal the identity of the child's birth family, shall be provided to prospective adoptive parents.

The goal of adoption is achieved when the final order of adoption is entered.

D. Permanent foster care.

1. The purpose of permanent foster care is to maintain the child in the foster home in which the child and foster parent(s) have already established an attachment by strengthening the legal bond between the child and foster family. Permanent foster care provides greater rights and responsibilities to the foster family that regular foster

Regulations

parent(s) do not have, including the authority to give consent to:

- a. Application to college;
- b. Entrance into the military;
- c. Marriage;
- d. Driver's license; and
- e. Surgery.

2. The roles and responsibilities of the local department, foster parents, birth parent(s) and, if appropriate, the child shall be defined in a mutually developed and signed agreement.

3. The child shall be age 12 or over. In some limited circumstances permanent foster care may be appropriate for younger children. In these situations, approval from the department shall be obtained before the petition is filed.

4. The local department is responsible for:

- a. Conducting at least one face-to-face visit with the child in the child's home at least every six months.
- b. Reviewing the case plan and progress made through alternating administrative panel reviews and a court hearing every six months.
- c. Maintaining involvement of the birth family, if possible.

E. Independent living.

1. The focus of services is to assist older teens in acquiring skills to become self-sufficient and transition from foster care to independence.

2. All youth 16 or older, regardless of their permanency goal, shall have a transitional independent living plan that describes the services that will be provided to prepare them for independence. Youth shall be supported and encouraged to participate in designing their transitional independence plan and take responsibility for achieving independence.

3. Preparing youth for independence requires accurate assessment of their skills and needs and targeted service provision.

4. Service planning for older youth shall be done in accordance with 22 VAC 40-201-140.

F. Another planned permanent living arrangement. This goal provides long-term residential treatment for children with a severe and chronic emotional, physical or neurological disabling condition.

G. Continued foster care.

1. This goal is not a permanency goal and shall only be used when all other goals are found to be inappropriate.

2. Services provided shall be focused on establishing a permanency goal for the child.

H. Local department responsibilities to foster parent(s) and providers.

1. Foster parent(s) and providers should be contacted by local department service workers as often as needed but at least monthly. Permanent foster homes approved for the permanent placement of a specific child shall be contacted at least every six months.

2. Foster parent(s) and providers shall be given the opportunity to participate in all meetings and conferences related to service planning for a child in the home or placement.

3. Foster parent(s) and providers shall be given information they may need about the child, and shall keep this information confidential. Foster parent(s) and providers shall be given appropriate sections of the foster care service plan and educational and medical information about the child.

4. Foster parent(s) and providers shall be given notice, whenever possible, as specified in the placement agreement, when a change in placement is to occur.

I. Worker contact with children in foster care. Workers shall have a face-to-face visit with the child including those youth in independent living situations, at least monthly.

1. At least one face-to-face visit per quarter shall occur in the child's place of residence.

2. When courtesy supervision is provided by another local department, that local department is responsible for the visits.

3. Children in an approved permanent foster home shall be visited by the local department worker at least once every six months in the permanent foster home.

4. Ongoing annual visits with a child placed outside Virginia with relatives, in a foster home, or an adoptive home:

a. May be made by the agency in the receiving state authorized by the ICPC to provide supervision.

b. The worker from the agency providing supervision shall have a face-to-face visit with the child at least annually in the child's home or placement.

5. Annual on-site visits are required for children placed in out-of-state residential facilities.

6. Workers are required to document contacts with children in the department's approved automated case documentation system.

J. Services to older youth in foster care.

1. Opportunities for independent living activities, services, and learning experiences for youth ages 16 to 21 years, shall be provided to youth in foster care no matter what their permanency goal.

2. Independent living activities are not an alternative to permanence for any youth. They should be provided to youth while concurrently pursuing return home, adoption or other permanency goals.

3. A youth placed in foster care before the age of 18 may continue to receive services from the local department between ages 18 to 21 if:

a. The youth willingly agrees to remain in placement and cooperate with all services and this is documented in the case record; and

b. The youth is making progress in an educational, treatment or training program; or

c. The youth is in permanent foster care, requires continuing foster care assistance to participate in an educational, training, or treatment program, and wishes to remain in foster care.

K. Consent for medical treatment for children in foster care pursuant to § 54.1-2969 of the Code of Virginia.

1. Where possible, the parent(s) of a child who is committed or entrusted to a local department shall always be involved in the medical planning for the child.

2. When the parent(s) are not available, or their consent cannot be obtained immediately, a court order is required for major medical/surgery treatment.

a. If the court order is not readily available, the local department superintendent, director or his designee may consent.

b. The local department may obtain blanket authority from the court to consent to medical treatment and surgery. This blanket authority shall be in writing and signed by the judge.

3. Section 54.1-2969 E of the Code of Virginia deems the child in foster care an adult who may consent to specific medical services as defined in this section of the Code of Virginia.

L. Medical care and treatment to be provided to a child in foster care placement.

1. A medical examination of the child shall be obtained no later than 60 days after placement, commitment or entrustment.

2. Annual routine medical and dental examinations for children four years of age and over shall be provided.

3. Medical care shall be provided for the child who is ill or injured or has ongoing medical treatment for the child with physical, mental or emotional disabilities.

M. Providing services during residential placement.

1. Local department staff shall:

a. Maintain telephone contact with the facility staff to coordinate services as often as possible but no less than once a month.

b. Encourage and assist with regular visits between the child and parent(s) and the child and siblings.

c. Inform parents of their child's progress and needs while in placement.

d. Complete documentation of every visit and contact in the department's approved automated case documentation system.

e. Develop a plan to transition the child back to the family or community.

2. Local departments shall require residential facilities to provide the following:

a. A treatment plan for the child within 30 days of child's placement in the residential facility;

b. Notification to the local department of the child's progress and behaviors, including any serious incident, while the child is in residential care through regular reports.

N. Respite care services. Respite care for foster parent(s) can be provided on an emergency or planned basis in accordance with criteria determined by the department.

22 VAC 40-201-100. Reviewing the service plan.

A. Service plans for children in custody or foster care placement shall be reviewed to assure the effectiveness of permanency planning for every child. A formal review shall be held at least every six months. The types of reviews are:

1. The foster care review hearing;

2. The permanency planning hearing;

3. The administrative panel review; and

4. The supervisory review.

B. Parental attendance at court hearings. The local department is responsible for providing the court with as much information as possible as to the names, addresses, and any other contact information on parent(s) and previous caretaker(s) who should be given notice of the next hearing. Parents whose rights have been terminated do not receive notice. The local department is responsible for providing the court with as much information as possible as to the names, addresses, and any other contact information for foster

Regulations

parents, pre-adoptive parents, the child, and other interested parties who should be notified of every hearing.

C. First foster care review hearing.

1. The purpose of the first foster care review hearing is to review the progress made on the initial foster care service plan or make changes in the plan.

2. Within five months of the dispositional hearing at which the foster care plan was reviewed, the local department shall submit to the court:

a. A petition for a foster care review hearing;

b. A foster care service plan reassessment that shall include any updates to the initial foster care service plan;

c. Information listing individuals who should receive a copy of the petition and/or be notified of the hearing. These include at least the child, the parents, guardian, or prior custodian(s); the guardian ad litem; the foster parents; and any other interested parties.

D. Permanency planning hearing. The purpose of the permanency planning hearing is to establish a permanent goal for a child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child. The local department shall file a petition for a permanency planning hearing within 10 months of the dispositional hearing at which the foster care plan was reviewed, and shall submit to the court:

1. A petition for a permanency planning hearing requesting the court take one of the actions in accordance with § 16.1-282.1 of the Code of Virginia, permanency planning hearing for children in foster care.

2. Information listing individuals who will receive the foster care service plan and/or be notified of the hearing. These include the child, if age 12 and over; guardian ad litem; child's parent(s) or prior custodian(s); parents' attorney(s); foster parent(s); preadoptive parent(s); and other interested parties the court directs, such as attorneys for the local department, or the court appointed special advocate (CASA).

3. A foster care service plan reassessment and a new foster care service plan are required at the permanency planning hearing depending on the foster care goal and status toward achieving the goal. Foster care goal-related requirements for new service plans are:

a. When the goal is return home or placement with relatives with subsequent transfer of custody, and the court does not approve the transfer of custody, the local department shall develop a new foster care service plan identifying how it will achieve the goal for the child in the next six months.

b. If the local department decides that it is in the best interests of the child to ask for the local department to continue having custody of the child and the goal is either return home, placement with relatives, or continued foster care, the local department shall describe in the new service plan how the local department intends to accomplish the goals of return home or placement with relatives in the next six months.

c. If the goal is continued foster care, the local department shall identify a new goal and describe how it will achieve that goal in the next six months.

d. If the local department does not petition for termination of parental rights at the initial permanency planning hearing, it shall defer such action through the approval of an interim plan for the child pursuant to § 16.1-282.1 of the Code of Virginia and document in the foster care service plan one of the following exceptions:

(1) Termination of parental rights is not in the best interests of the child that requires that the local department document a compelling reason explaining why termination is not in the best interests of the child;

(2) The child is being cared for by a relative; or

(3) The local department has not provided services to the parent(s) deemed necessary for the safe return of the child.

e. When the local department petitions for termination of parental rights, it shall:

(1) File a petition that states termination of parental rights is in the best interests of the child; and

(2) File a service plan with the goal of adoption.

E. Subsequent permanency planning hearing. The subsequent permanency planning hearing occurs within six months of the first permanency planning hearing when a permanency goal or plan has not been achieved by the first permanency planning hearing. A second permanency planning hearing occurs when the court approved the goal of return home, placement with relatives, or continued foster care at the initial permanency planning hearing. The same requirements apply to this hearing as apply to the first permanency planning hearing.

F. Foster care review hearings after a permanency goal is approved. The purpose of these foster care review hearings is to review progress in cases where the permanency goals of reunification, placement with relatives, adoption, permanent foster care, independent living, or another planned permanent living arrangement has been approved.

1. Where the goals of return home, placement with relatives, adoption, or independent living are approved, the foster care review hearings are held at least annually after the permanency planning hearing. Administrative panel

reviews are held at six-month intervals between these yearly court reviews. These court hearings are discontinued once the final order of adoption is issued or the child turns age 18.

2. Where the goal of another planned permanent living arrangement is approved, foster care review hearings shall be held at least every six months.

G. Permanent foster care and reviews.

1. Once a child is placed in a court-approved permanent foster care placement with a permanent foster family named in the court order, annual foster care review hearings shall be held.

2. Permanent foster care cases are subject to administrative panel reviews that shall occur every six months, between the annual judicial reviews.

H. Administrative panel reviews.

1. An administrative panel review (APR) shall be held six months after a permanency planning hearing when the goals of adoption, permanent foster care or independent living have been approved by the court.

a. The local department shall invite the child, the child's foster parent(s), adoptive parent(s), guardian ad litem, CASA, and other placement providers to participate at the APR.

b. The child will continue to have APRs alternating with annual foster care review hearings until a final order of adoption is issued or the child reaches age 18.

2. Composition of the review panel.

a. The local department is responsible for ensuring the APR is conducted by a panel of appropriate persons at least one of whom is not responsible for the case management or delivery of services to either the child or the parent(s).

b. The local department is responsible for having outside objective panel members participating in the APR.

c. The local department is required to do all that is possible to encourage the participation of these individuals in the APR process in order for them to provide input.

d. Parent(s), minors, the child's foster parent(s), attorney or friends of parents cannot be members of the panel.

3. The FAPT staffing may substitute for an APR as long as the requirements for the APR are met.

4. Results of the APR.

a. The local department shall consider all recommendations made by the panel in planning services for the child. At the APR, the panel shall address and

make recommendations, when needed, concerning the following:

(1) Appropriateness of the services provided during the preceding six months;

(2) Appropriateness of the child's current placement;

(3) Extent of the local department's, parent(s)', child's, and foster care provider's compliance with the service plan;

(4) Any barriers to goal achievement;

(5) Appropriateness of the program goal for the child and of the date for goal achievement; and

(6) Continuing need for placement.

b. The findings of the panel and any recommendations made by the panel, including changes to the service plan, shall be recorded in the department's approved case documentation system.

c. The birth parent(s)/prior custodian(s), foster parents, or other providers not in attendance shall be given or offered a copy of the results of the APR as documented on the department approved form for this review.

5. Hearings that substitute for an APR.

a. A foster care review or permanency planning hearing may substitute for the APR.

b. Another type of court hearing may substitute for an APR if:

(1) The parent(s) are notified of the hearing.

(2) The APR process and results are documented in the department's approved case documentation system and includes:

(a) The date the hearing was held; and

(b) An indication that this hearing was held in lieu of an APR.

(3) The court makes a determination in regard to:

(a) The continuing need for and appropriateness of the placement.

(b) The extent of all parties' compliance with the case plan.

(c) The extent of progress which has been made toward alleviating the conditions that brought the child into care.

c. The court order will serve as documentation of the APR in this situation and no additional forms are required.

I. Supervisory reviews. A supervisory review is required every six months for children placed in their own homes, but

Regulations

still in the custody of the department, and for youth ages 18-21. When a child returns home after being in a foster care placement and remains in the custody of the local department, the supervisory review shall be scheduled six months from the last APR.

J. Exceptions to required reviews.

1. Hearings when cases are on appeal. When a case is on appeal for TPR, the juvenile and domestic relations district court retains jurisdiction on all matters not on appeal. The circuit court appeal hearing may substitute for a review hearing if the circuit court adjudicates the future status of the child.

2. Children committed to DJJ.

a. Children formerly in local department custody who have been committed to DJJ are not subject to APRs or court review hearings during their commitment.

b. Children committed to DJJ who return to foster care are subject to APRs and the appropriate court review hearing.

K. Developing the plan when the goal is changed to adoption. At the initial permanency planning hearing, the local department shall file a petition with the court 30 days prior to the hearing to terminate parental rights, along with the foster care service plan. Additional information as directed by the department may need to be gathered. This information is critical as it will serve as a basis for identifying adoption services, will be used in the selection of an appropriate adoptive home, and will be the only information available to the child after adoption about the child's birth family and background. If any of this information is missing from the foster care record, one of the services that shall be identified on the new plan is to obtain the missing information.

L. Redeterminations.

1. Redetermining Title IV-E eligibility. Eligibility shall be redetermined at least annually or upon change in situation and in accordance with federal Title IV-E eligibility requirements and department procedures.

2. Redetermining Medicaid eligibility. The service worker is responsible for providing the Medicaid worker information required for the annual redetermination of eligibility and information related to changes in the child's situation.

22 VAC 40-201-110. Closing the foster care case.

A. Terminating court commitments. There are three ways court commitments are terminated:

1. Through court order when parent(s)/prior custodian(s), relatives, or the local department petition the court requesting termination and the court transfers custody;

2. A child, 18 to 21 years of age or older, committed as abused and neglected or in need of services, requests to be released; or

3. The court terminates custody at the time of a dispositional or other hearing.

B. Termination of noncustodial foster care agreements.

1. Noncustodial foster care agreements are terminated at the request of the parent(s)/prior custodian(s) if the following conditions are met:

a. A criminal background check and child abuse and neglect central registry check shall be completed on all adults in the home prior to the return of the child from an out-of-home placement. The local department shall evaluate the results of the background and registry checks to determine whether any criminal background or abuse/neglect history exists to preclude the safe return of the child.

b. In those cases where the judge has heard and approved the noncustodial foster care agreement, termination of the noncustodial foster care agreement is not effective until the judge agrees to and documents the termination of the agreement.

2. The local department may petition the court for custody should the local department disagree with the request for return of the child.

C. Discharging a child from care.

1. The foster care case shall be closed in the department's approved case documentation system as soon as possible, but no later than 30 days after the child leaves care of the local department.

2. Record retention at closure.

a. When the foster care paper case record is closed for services, the record shall contain all court orders, assessments, service plans, administrative panel reviews, and a brief closure statement identifying when the case was closed, placement of the child, and child and family adjustment. Pertinent documents including, but not limited to, eligibility determinations, medicals, and educational and social history shall also be retained.

b. Personal items belonging to the child should be given to the child.

c. When closing a case in the department's approved case documentation system, the final case contact should reflect the case disposition at case closure, a summary of services in place at termination, child and family adjustment, over-all case progress, and a summary of the final court hearing.

3. Length of time records shall be retained after closure. Agencies shall maintain paper and electronic case records

in accordance with regulations promulgated by The Library of Virginia.

4. Access to records after closure. Any foster care youth who has reached age 18, has not been adopted, and has not had parental rights terminated shall have the right to request and receive information from his record, including information about parent(s) or relatives. If a youth has not been adopted, has reached age 18, and has had parental rights terminated, he shall have access to his records, but not to identifying information pertaining to his biological family, except by order of the circuit court.

5. Emancipation of youth before age 18. Youth who are at least age 16 years of age may be legally emancipated at a court hearing held pursuant to § 16.1-331 of the Code of Virginia.

22 VAC 40-201-120. Funding.

A. Paying for maintenance.

1. Payment for maintenance for children in foster care is made by Title IV-E or state pool funds for non-Title IV-E eligible children.

2. Agencies are not permitted to increase the basic maintenance rates to foster parents. Specialized payments to regular foster parents, who are not part of a therapeutic program, are considered service payments and cannot be paid by Title IV-E funds.

3. Duplicate payments for maintenance cannot be made.

4. To determine if payments to foster parents for children under the age of 19 are to be considered income for federal or state tax purposes, refer to the Department of the Treasury, Internal Revenue Service Guidance Publications.

5. Title IV-E is used to pay all maintenance costs when all federal guidelines for eligibility are met.

B. Paying for children supervised by another state agency.

1. Payment for the costs of maintenance and social services is the responsibility of the local department holding custody of the child or having accepted placement of the child.

2. Certification of a child to a state mental health facility does not relieve the local department of custody.

a. Room, board and medical costs are not the responsibility of the local department unless the department maintains custody.

b. Costs of clothing and personal care items shall be paid by the local department holding custody.

3. The DJJ is responsible for the maintenance and care of the child committed to its care. Payments cannot be made by the local department for maintenance of the child at the DJJ facility.

C. Children placed in out-of-state foster homes.

1. Payment for non-Title IV-E eligible children is from state pool funds at the rate set by the other state.

2. Payment from Title IV-E is at the standard rate for Virginia. Where this rate is not acceptable to the other state, payment of Virginia's maintenance rate is from Title IV-E funds, with the balance paid from state pool funds as a specialized payment.

3. The foster homes shall meet standards for care set by the other state.

D. Paying maintenance for the child of a foster child.

1. If a foster child has a child and the child remains in the custody of his foster child parent, the child shall be eligible for a foster care maintenance payment if he remains in a foster home or residential facility with his parent or comes to live in a foster home or residential facility with his parent. The child shall not be eligible for Temporary Assistance for Needy Families (TANF). Maintenance costs of the child of a foster child are to be paid out of the same pool of funds as the foster child's maintenance costs.

2. If the child of a foster child has his own resources (i.e. SSI, SSA, or child support) these resources shall be used toward the maintenance cost.

E. Paying for independent living placements.

1. The standard statewide payment is made from state pool funds.

2. The payment covers the cost of maintenance.

F. Paying for services using state pool funds. Any child placed through a noncustodial foster care agreement, committed or entrusted to a local board of social services or for whom a local department is given responsibility for aftercare supervision is eligible for state pool funds that may, if needed by the child, fund:

a. Maintenance and services for a child placed outside of his own home.

b. Services for a child living in his own home (preplacement and postplacement) in the custody of the local board.

G. Purchase of services from foster parents are services provided by foster parent(s) to meet the special needs of a child and are distinct from basic maintenance and supervision of the child. The provider(s) shall be qualified through training or experience to provide the special services required. The child's record shall document the special physical, mental or emotional problems of the child that require the need for service.

H. Expenses paid by foster parent(s) on behalf of the child. Local departments shall reimburse foster parent(s) for

Regulations

expenses paid by them on behalf of the foster child when the services are pre-authorized.

I. Purchasing foster home recruitment, study, approval and placement with state pool funds. The recruitment, screening, study and development of foster family homes and placement services may be purchased from licensed child placing and other agencies. The purchase shall be on behalf of a specific child.

J. Purchasing regular education services.

1. Children in foster care are considered to be indigent and eligible for free textbooks and workbooks.

2. Other educational services needed by the child and not provided by the school division may be purchased using state pool funds.

3. Regular education services may be purchased when:

- a. They are needed to achieve an educational goal;
- b. They are not the responsibility of state and/or education agencies;
- c. Services are not available without cost; and
- d. Charges for services are the same to all residents of the locality regardless of income.

4. Expenses related to school activities that are not necessary to meet an educational goal may be purchased with state pool funds based on CPMT procedures.

K. Paying for special educational services. When a child is placed in another jurisdiction, agencies shall follow the funding guidelines established by the Virginia Department of Education for any children receiving foster care services.

L. Use of state pool funds for special education services. State pool funds are to be used to purchase special education and related services for a child placed in a residential facility approved for special education or private special education day school in accordance with the child's IEP. Procedures to access state pool funds for these placements will be based upon CPMT policies. The local department, in coordination with the FAPT, is responsible for ensuring that an appropriate placement is provided for the child. State pool funds may pay for special education services when it is determined that a child has additional special education needs not included on the IEP.

M. Paying for care in a residential facility. The cost of maintenance for a child placed in a residential facility is paid from Title IV-E or state pool funds for non-Title IV-E children. Services provided in a residential facility will be paid from state pool funds.

N. Purchasing transportation services. Transportation may be provided from state pool funds, Medicaid, or Title IV-E in

accordance with federal and state guidelines for use of these funds.

O. Purchasing day care services. Child day care services for foster children may be purchased in a licensed day care facility or home, using Title IV-E or state pool funds, in accordance with federal and state policy for use of these funds.

P. Paying for independent living program services. Independent living program services are paid from the local department's allocation of the Chafee Foster Care Independence Program funds. The local department shall have an approved independent living program plan before funds may be obligated. Independent living program funds shall not be used to pay for maintenance.

22 VAC 40-201-130. Other requirements.

A. Confidentiality of records. The records of children in foster care are confidential and information about children in foster care or their parent(s) or relative(s) is confidential. The local department may disclose information upon order of the court or when the local department determines that the person has a legitimate interest in accordance with state and federal law and regulation and it is in the best interests of the child to release the information.

B. Travel of foster children. Out-of-country travel may be approved at the option of the local department when the director of the local department gives written approval for a child going out of the country. The local department shall obtain written approval from the parent(s) or custodian(s) if whereabouts are known and parental rights have not been terminated. The local department-approved sponsor of the out-of-country trip shall provide the local department with the contact information where the child and/or sponsor can be reached. Proper passports, visas or other requirements for traveling out of the country shall be obtained. Written assurances shall be obtained that the sponsor will provide for the health, safety and legal needs of the child during the trip. The local department shall provide the sponsor with authorization to obtain medical care.

C. Requirement for approved child restraint devices.

1. Children age five and under, transported in a car by local department staff, foster care providers, or any adult transporting a child, shall be secured in a child restraint device of a type approved by the United States Department of Transportation.

2. Certain children may be exempt from the requirements for an approved restraint device in the following situations in accordance with § 46.2-1096 of the Code of Virginia.

D. Child protective services reporting.

1. Responsibility to report. Any person employed as a social worker who suspects a child has been abused or

neglected in foster care placement shall report the matter immediately to the local department or the child protective services hotline.

2. Investigating the CPS report. The foster care worker shall cooperate with the CPS investigation and be kept informed and involved in any decision to remove the child. The local department holding custody or having placed the child, if different than the local department of the child's residence, shall be notified of the report of abuse/neglect.

E. The child of a foster child.

1. The child of a foster child remains the responsibility of his parent, unless custody has been removed.

2. The child is not subject to requirements for service plans, reviews, or hearings. However, the needs and safety of the child shall be considered and documented when developing the service plan for the (foster child) parent.

3. The child is eligible for Medicaid, services, and child support services.

F. Procedures and responsibility for children in custody of the DJJ.

1. Child committed to the DJJ. From the time a child in the custody of a local department is committed to DJJ, the local department shall maintain contact with the child during commitment. Maintaining contact is necessary to begin aftercare planning to return the child to the community. Contact with the child shall include:

a. Participation in DJJ's Reception and Diagnostic Center staffing;

b. Participation in the juvenile correctional center (JCC) treatment team meeting and subsequent development of the comprehensive service plan; and

c. Visits, as often as needed, but at least once every three months with DJJ and the child in order to plan and carry out services to return the child to the community and/or provide services to the family so that the plan for the child can be achieved.

2. When a child is committed to DJJ, the service worker shall perform appropriate data entry into the department's approved case documentation system.

3. Payments for the cost of maintenance for the child and purchased services are not made by the local department and become the responsibility of the agency with custody of the child.

4. Child transferred to a JCC. If a child is committed to a JCC, the local department worker is responsible for attending any meetings at the JCC to provide additional input regarding the child's needs and to discuss the comprehensive service plan and the aftercare plan for the child.

a. The local department worker shall develop a draft comprehensive services plan that will address the continuum of services needed for the child from the date of transfer to the JCC through the date of release from aftercare supervision.

b. The local department worker should request that all treatment team members and the child sign the comprehensive service plan.

c. If the local department worker has reservations about the comprehensive service plan that cannot be resolved on-site at the JCC, the worker should not sign the plan but shall obtain a copy for the child's file.

d. Proposed changes in the comprehensive service plan shall be approved by the local department and the JCC. Documentation indicating agreement with any changes shall be filed in the child's case record when received by the local department worker.

5. When planned aftercare placement is not available.

a. If, at any point during the child's commitment, it becomes apparent that the proposed aftercare placement will not be available, the local department worker will notify the JCC counselor by letter within five working days of learning that the placement is not available.

b. The notification shall discuss placement alternatives previously explored. Information shall include actual placements or programs considered, whether the child was accepted/denied for placement/program, and the reason child was not accepted or resource not to be utilized. An action plan to locate placement shall also be presented.

6. Resolution of issues. The local department worker is responsible for cooperating with attempts made to resolve disputes over the service plan and documenting the steps taken to resolve the disputes in the department's approved case documentation system.

7. Postrelease supervision. Postrelease supervision is the period that begins after a child who has been committed to the DJJ returns to a community for supervision. In the event that the child was in the custody of the local department immediately prior to his commitment to DJJ, and has not attained the age of 18 years, the local department shall resume custody upon the child's release, unless an alternative arrangement for the custody has been made and communicated in writing to DJJ.

8. Children returned to the community and placed in an out-of-home placement. The local department worker is responsible for ensuring that all foster care requirements are met including those governing service plans, supervisory or panel reviews, court hearings and eligibility determinations.

Regulations

22 VAC 40-201-140. Independent living.

A. Service planning and service provision shall be provided to assist older youth in acquiring skills necessary for self-sufficiency.

B. When to select independent living as the permanency goal. This goal may be chosen for youth, ages 16 and over, who are preparing for independent living when all other permanency goals have been considered and are not feasible.

C. Service planning for older youth.

1. In developing service plans for older youth, the local department shall:

- a. Identify services that will transition the youth from foster care to independence and document these services in the service plan document; and
- b. Develop the service plan based on a formalized assessment.

2. Service plans shall be developed through a team process with the youth being a member of the team.

D. Service provision for youth.

1. The local department shall offer a program of education, vocational training, employment, financial support, daily living skills, and counseling for youth leaving foster care; and

2. Services shall continue up to the age of 21 for youth who have aged out of foster care if needed.

E. Independent living arrangements.

1. Youth may live in independent living arrangements provided the youth demonstrates the maturity and skills necessary to live without parental supervision;

2. The local department shall approve all independent living arrangements and supervise youth in such arrangements; and

3. The local department and youth shall enter into a contract identifying responsibilities for all parties for maintaining the independent living arrangement.

F. Educational training vouchers.

1. The Education and Training Vouchers (ETV) Program is available to all agencies to help foster youth with expenses associated with college and postsecondary vocational training programs.

2. Eligibility criteria for ETV funding and expenditures are determined by the department and shall comply with federal funding and expenditure criteria.

3. ETV funds are to be used for expenses as identified in departmental requirements and shall comply with federal expenditure criteria.

4. ETV funding should be expended for education and training specific expenses prior to using the independent living basic allocation and only for those eligible youth engaged in post-secondary education or training.

22 VAC 40-201-150. Adoption resource exchange of Virginia (AREVA).

A. The purpose of AREVA is to increase opportunities for children to be adopted by providing services to agencies having custody of these children.

B. Services provided by AREVA shall include:

1. Maintaining a registry of children awaiting adoption and a registry of approved families waiting for adoption;

2. Preparing and distributing a photo-listing of special needs children awaiting adoption and a photo-listing of families awaiting special needs children;

3. Providing information and referral services for children who have special needs to link agencies with other adoption resources;

4. Providing ongoing adoptive family recruitment for waiting children;

5. Providing consultation and technical assistance to agencies in finding adoptive families for waiting children; and

6. Monitoring local department compliance with legal requirements for adoption; and state board policy on registering children and families.

C. Registration requirements.

1. Registration of children.

a. All children shall be registered with AREVA within 60 days of termination of parental rights if:

- (1) The goal is adoption;
- (2) The child is legally free for adoption;
- (3) The local department has the authority to place for adoption; and
- (4) Adoptive placement has not occurred.

b. A copy of the court commitment or permanent entrustment agreements shall be submitted by the local department or child-placing agency with the child's registration forms.

2. Registration of families.

a. Approved families shall be registered within 60 days after the date of approval if they are expressing interest in adopting children who are:

- (1) Eight years of age and over;

(2) Members of sibling groups who are placed with the same family at the same time;

(3) Members of a minority or mixed racial heritage and at least three years of age or older; or

(4) Physically, mentally, or emotionally disabled.

b. Approved families expressing interest in adopting healthy white children up to the age of eight may be registered with AREVA upon request of the family.

D. Photo-listing procedures.

1. Local departments or child placing agencies may request a 60-day deferment from the photo-listing for children and families when a family has been identified, including foster parents, and placement is pending;

2. The child or family shall be featured in the photo-listing the month following expiration of the deferment period, unless an adoptive home placement agreement has been signed.

3. An additional 30-day deferment may be granted once at the discretion of AREVA staff.

4. AREVA staff shall make the determination about which children and families to feature in the photo-listing. The decision will be based on the needs of waiting children and on the types of families waiting for placement.

E. Local department and child-placing agency responsibilities.

1. The local department or child-placing agency shall be responsible for local recruitment of prospective adoptive families.

2. The local department or child-placing agency registering the child or family shall inform AREVA immediately of:

a. Changes in the status of the child or family;

b. Placements for adoptive purposes; and

c. Withdrawals of the child or family from AREVA.

3. The local department or child-placing agency shall provide families selected for a particular child with full factual information that the agency has on the child and the child's birth family, except that which would reveal the identity of the child's birth family. The information provided shall include complete medical and psychological reports.

4. The local department or child-placing agency shall explore with the family selected for a particular child the family's ability to fully or partially meet financial costs related to any special needs the child may have. If it is determined that the child has special needs and is eligible for subsidy, the agency shall inform the adoptive parent(s) of the child's eligibility for subsidy.

5. The local department or child-placing agency shall obtain the consent of the Commissioner of Social Services prior to placing a child out of state.

F. Resource utilization. When indicated, AREVA shall consult with the local agency or child-placing agency regarding the need to explore additional resources.

1. AREVA staff may recommend referral of a child to a specialized adoption agency.

2. AREVA staff shall routinely register a child with the national adoption exchange after the child has been in the photo-listing for 60 days, unless a placement is pending.

3. AREVA shall be responsible for statewide recruitment of prospective adoptive families.

4. AREVA will automatically feature children on the state's electronic exchange system. AREVA staff shall make the determination about which children and families to feature. The decision will be based on the needs of the waiting children and on the types of families waiting for placement.

22 VAC 40-201-160. Adoption subsidy.

A. An adoption assistance agreement shall be executed by the local department or child-placing agency for children who have been determined eligible for subsidy. Local departments shall use an adoption assistance agreement form developed and made available by the department.

1. Basic eligibility. The child shall be:

a. Under 18 years of age;

b. In the custody of a local department or licensed, private child-placing agency at the time the petition for adoption is filed; and

c. Placed by the local department or licensed, private child-placing agency with the prospective adoptive family for the purpose of adoption, except for those situations in which the child has resided for 18 months with foster parent(s) who file a petition for adoption under § 63.2-1229 of the Code of Virginia.

2. Determining that the child has special needs. The local department or child-placing agency shall determine that:

a. The child cannot be returned home because parental rights are terminated.

b. The child has individual characteristics that make the child hard to place for adoption due to one or more of the following:

(1) Physical, mental, or emotional condition(s) existing before legal adoption;

Regulations

(2) Hereditary tendency, congenital problem or birth injury that could lead to a future disability, verified by a medical/psychological statement;

(3) Prenatal exposure or suspected exposure to drugs and/or alcohol;

(4) Is eight years of age or older;

(5) Is a member of a minority or mixed racial heritage and at least three years of age;

(6) Is a member of a sibling group who are placed with the same family at the same time; and

(7) Has significant emotional ties with foster parent(s) with whom the child has resided for at least 12 months and adoption is in the best interest of the child.

c. Reasonable efforts have been made to place the child with appropriate adoptive parent(s) without subsidy. A reasonable effort:

(1) Shall be made except when it would be against the best interest of the child because of factors such as the existence of significant emotional ties with foster parents;

(2) Shall be considered made if the child has been registered with AREVA and featured in the photo-listing.

B. Determining the child's eligibility after legal adoption.

(i) The child shall have a physical, mental or emotional condition that was present at the time of adoptive placement; (ii) the need for subsidy results from a hereditary tendency, congenital problem, or birth injury; or (iii) the child was exposed perinatally to drugs and/or alcohol; and (iv) there is a medical or psychological diagnosis that is not more than 12 months old.

C. Determining the type of agreement for which the child is eligible. There are three types of subsidy agreements. The types of subsidy for which a child can be eligible are:

1. A federal subsidy. This type of subsidy is used for children whose foster care expenses are paid from federal and state funds. A federal subsidy agreement shall be executed for any special needs child who meets eligibility requirements for AFDC or SSI.

2. A state subsidy. This type of subsidy is used for children whose foster care expenses are paid from state pool funds. State subsidy funds shall be reimbursed by the department within the limitations of the appropriations to the department for that purpose in accordance with § 63.2-1302 D of the Code of Virginia.

3. A conditional subsidy:

a. Shall be provided for any child with special needs, whose foster care expenses are paid from state pool

funds, when payments and services are not needed at the time of placement but may be needed later. It is granted upon the request of the adoptive parent(s) when a child:

(1) Has a physical, mental or emotional disability at the time of placement;

(2) Has a hereditary tendency, congenital problem or birth injury;

(3) Has been perinatally exposed to drugs and/or alcohol;

(4) Could develop a clinically diagnosable mental health condition resulting from separation from birth parents, placement in foster care, or adoption;

(5) May need help later with daily living expenses.

b. Does not involve money payments or services. It is an agreement that allows the adoptive parent or parents to apply for a state subsidy after the final order of adoption;

c. Commits the local department to providing a state subsidy when the adoptive parent or parents apply, if it is determined that the need is related to one of the conditions described in subdivision 3 a of this subsection;

d. Does not require annual certification.

D. Determining the types of payment to be made. Adoption assistance payments shall be negotiated with the adoptive family taking into consideration the needs of the child and the circumstances of the family. In considering the family's circumstances, income shall not be the sole factor. Family and community resources shall be explored to help defray the costs of adoption assistance.

E. Before recommending any type of payment, all known resources must be explored to determine whether the costs of the child's special needs can be fully or partially defrayed. Some of these resources are:

1. Governmental benefits to which a child may be entitled;

2. Supplemental Security Income (SSI) payments;

3. Medicaid coverage;

4. Services provided by Children's Specialty Services, Virginia Department of Health;

5. Hospital and major medical insurance plans;

6. Education services; and

7. Virginia Birth-related Neurological Injury Compensation Program.

F. There are three types of payment that shall be made on behalf of a child who is eligible for subsidy. Payments for adoption assistance shall not begin until the final order of adoption has been entered. The amount of payments made and services provided shall not exceed what would have been

paid or provided had the child remained in foster care. The types of payment include:

1. Maintenance payments.

a. A maintenance payment shall be approved for all children who are eligible for subsidy, except those for whom a conditional subsidy will be provided, unless the adoptive parent or parents indicate that a payment is not needed or it is determined through negotiation that the payment is not needed.

b. The amount of the payment shall be negotiated with the adoptive parent(s) taking into consideration the needs of the child and circumstances of the adoptive parents.

c. Maintenance payments shall not be reduced lower than the amount specified in the initial subsidy agreement, unless requested by the adoptive parents.

d. Increases in the amount of payment shall be made when the child is receiving the maximum allowable basic maintenance payment, and:

(1) A child reaches a higher age grouping, as specified in foster care policy for maintenance payments;

(2) Statewide increases are approved for foster care maintenance payments.

e. Payments shall be made directly to the adoptive parent or parents on a monthly basis.

f. Child care may be purchased with a maintenance payment, if needed by the adoptive parents.

2. Special service payments.

a. A special service payment is used to help in meeting the child's physical, mental, emotional, or nonroutine dental needs. The special service payment shall be directly related to the child's individual characteristic that makes the child hard to place or a physical, mental or emotional condition that existed at the time of placement but was not identified before the final order of adoption. Special service payments may be time limited, based on the needs of the child.

b. Types of expenses that are appropriate to be paid include:

(1) Medical, surgical, or dental;

(2) Equipment such as prosthetics, braces, crutches, hearing aids, etc;

(3) Individual tutoring or remedial educational sessions, books or equipment;

(4) Psychological and psychiatric evaluations and treatment;

(5) Speech, physical, and occupational therapy;

(6) Premiums for a major medical insurance policy for a child, if the child is not covered by a family policy; and

(7) Specialized or therapeutic services provided directly to the child by the adoptive parents. The rate of payment for these services shall be established by the department and shall be based on difficulty of care rates. The parent(s) shall be qualified by experience or specific training to perform such services. This item may be paid in addition to a maintenance payment.

c. A special service payment may be used for children eligible for Title XIX and the Social Services Block Grant (SSBG) to supplement expenses not covered by Medicaid or when SSBG funds are not available or do not provide adequate coverage.

d. Payments for special services are negotiated with the adoptive parent(s) taking into consideration:

(1) The special needs of the child;

(2) Alternative resources available to fully or partially defray the cost of meeting the child's special needs; and

(3) The circumstances of the adoptive family. In considering the family's circumstances, income shall not be the sole factor.

e. Special service payments may be made directly to the providers of service or through the adoptive parents. A bill or receipt shall be submitted before payment. The local department shall not be responsible for bills or receipts submitted later than six months after the end of the month in which the service was rendered.

f. The rate of payment shall not exceed the prevailing community rate.

3. One time only payments. Adoptive parent(s) shall be reimbursed, upon request, for the nonrecurring expenses of adopting a child with special needs.

a. Nonrecurring expenses shall include:

(1) Attorney fees directly related to the finalization of the adoption.

(2) Transportation and other expenses incurred by adoptive parent(s) related to placement of the child. Expenses may be paid for more than one visit;

(3) Court costs related to filing an adoption petition; and

(4) Reasonable and necessary fees of adoption child-placing agencies.

b. The total amount of reimbursement for nonrecurring expenses is based on actual costs and shall not exceed \$2,000 per child per placement.

Regulations

c. An adoption assistance agreement shall be signed and shall specify the services to be provided under this section.

d. Payment of nonrecurring expenses may begin as soon as the adoption assistance agreement has been signed and the child is placed in the adoptive home. Payment may be made directly to providers of services or to the adoptive parent(s) for expenses they have incurred.

e. A bill or receipt shall be submitted before payment can be made. The local department shall not be responsible for bills or receipts submitted later than six months after the end of the month in which the expense was incurred.

G. Applying for subsidy.

1. Procedures for the child whose eligibility is established before legal adoption.

The adoption assistance agreement:

(1) Shall be executed within 90 days of receipt of the application for adoption assistance;

(2) Shall be signed before entry of the final order of adoption;

(3) Shall specify the amount of payment and the services to be provided, including Title XIX and SSBG services;

(4) May be adjusted with the concurrence of the adoptive parents, in the event of changes in the needs of the child; and

(5) Shall remain in effect regardless of the state of which the adoptive parent(s) are residents at any given time.

The interests of the child shall be protected through the Interstate Compact on Adoption and Medical Assistance should the adoptive parent(s) and child move to another state while the agreement is effective.

2. Procedures for the child whose eligibility is established after legal adoption. The application procedures are the same as for the child whose eligibility is established before adoption except:

a. The application shall be submitted within one year of a diagnosis;

b. The application shall be for a state subsidy.

H. Maintaining responsibility.

1. The adoptive parent or parents shall:

a. Submit annually to the local department or child-placing agency an affidavit that certifies that:

(1) The child for whom they are receiving subsidy remains in their care;

(2) They are legally responsible for supporting the child; and

(3) If applicable, the child's condition requiring subsidy continues to exist.

b. Submit copies of all bills or receipts for special service payments made directly to the adoptive parents.

2. The local department or child-placing agency shall:

a. Maintain responsibility for any payment or services identified in the agreement, regardless of where the family resides;

b. Inform prospective adoptive parent(s) of the child's eligibility for subsidy. This shall include a full disclosure of the services and payments for which the child is or may be eligible;

c. Notify adoptive parent or parents who are receiving subsidy that the annual affidavit is due. The notification shall be sent to the adoptive parent or parents two months before the affidavit is due;

d. Inform adoptive parent or parents, in writing, that they have the right to appeal decisions relating to the child's eligibility for subsidy and decisions relating to payments and services to be provided.

I. Terminating the subsidy agreement. The adoption assistance agreement:

1. Shall be terminated when the child reaches the age of 18 unless the child has:

a. A physical or mental disability which warrants continuation of the agreement; or

b. An educational delay. This shall include educational delays resulting from a child's foster care circumstances. The maintenance payment may be continued for a child who is turning 18 during his senior year of school, if the child is expected to graduate by the end of school year in which he turns 18.

c. If a child has one of the conditions in subdivisions 1 a and b of this subsection, the agreement shall be continued until the child reaches the age of 21;

2. Shall not be terminated before the child's 18th birthday without the consent of the adoptive parent(s) unless:

a. It is determined that the child is no longer receiving financial support from the adoptive parents;

b. The adoptive parent or parents are no longer legally responsible for the child; or

c. The child's condition requiring subsidy no longer exists.

3. Shall not be terminated if the child's condition improves but could deteriorate again. In this case, the agreement shall be suspended without a payment, rather than terminated.

4. When a child receiving adoption subsidy enters foster care or physical custody becomes the responsibility of the state, the local department may renegotiate the adoption assistance agreement with the adoptive parent(s). Any renegotiated adoption assistance agreement shall receive concurrence from all parties to the agreement.

J. Appeals.

1. Adoptive applicants and adoptive parent(s) shall have the right to appeal adoption subsidy/assistance decisions related to:

a. The lack of or shortage of subsidy/adoption assistance because the local department failed to present to adoptive parent(s) relevant facts known by the agency regarding the child prior to adoption finalization;

b. Failure of the local department to inform the parent(s) of the child's eligibility for subsidy/adoption assistance; and

c. Local department decisions related to the child's eligibility for subsidy/adoption assistance, subsidy payments and services, and changing or terminating a subsidy agreement.

2. Appeals shall be processed in accordance with procedures established by the board.

22 VAC 40-201-170. Adoptive home study.

A. The manner in which a family receives a child for adoption shall have no bearing on how the family is assessed for purposes of adoptive placement. The criteria of capacity for parenthood are the same whether the child was placed by a local department, by a child-placing agency, by the birth parents, or by a legal guardian. The difference between completing a home study for a child placed by a local department or child-placing agency, and for a child placed by birth parent(s) is in the role of the agency, not in the assessment of the adoptive family. In an agency placement, the local department or child-placing agency approves or denies adoptive applicants based on the local department's assessment of the prospective family. In a parental placement, the local department or agency is to make a recommendation to the court regarding the suitability of the family to adopt. The recommendation is to be based on an assessment of whether the placement is contrary to the best interest of the child. The assessment is based on information gathered during the home study process.

B. The following criteria provide agencies with the minimum requirements for the completion of an adoptive home study. These criteria are based on the current Minimum Standards

for Licensed Child Placing Agencies and the department's Agency Approved Provider Standards.

1. Applicants for resource, foster or adoptive parents must complete an application to become an approved provider according to department requirements to be considered for approval and for a home study process to occur.

2. The home study shall be documented in a narrative format and shall be signed and dated by the individual completing the home study and the supervisor or his designee.

3. Local departments must ask if a prospective resource, foster or adoptive parent previously applied to, or was approved by another local department or licensed child-placing agency for approval. The local department shall have the applicant(s) sign a request to release information from the other agency in order to request information about any previous applications and shall use that information in considering approval of the provider.

4. Interviews, references, and employment history.

a. Local departments shall conduct a minimum of three face-to-face interviews with each provider, at least one of which must be in the provider's home. If the prospective provider is a couple, at least one interview must be with the couple together. At least one interview must be with all individuals who are residing in the home.

b. The local department shall obtain at least three references from persons who have knowledge of the provider's ability, skill, or experience in the provision of services and who shall not be related to the provider. The local department may request more than three references.

c. In a parental placement, the worker shall meet at least once with the birth parent(s) and prospective adoptive parent(s) simultaneously.

d. The local department shall obtain information on the provider's employment history.

e. A thorough assessment of the adoptive family is critical in evaluating whether the placement is contrary to the best interest of the child. The adoption home study and assessment should include an in-depth history of the adoptive applicants and should consider the characteristics that are presumed, on the basis of present knowledge, to provide the best indication of capacity for adoptive parenthood. The home study shall include, but not be limited to, an assessment of the following criteria:

(1) Provider's knowledgeable about providing the necessary care for children;

(2) The provider's physical and mental capability to provide the necessary care;

Regulations

(3) Provider's ability to sustain positive and constructive relationships with children in care, and to relate to children with respect, courtesy and understanding;

(4) Provider's ability to handle emergencies with dependability and good judgment;

(5) Provider's ability to communicate and follow instructions sufficiently to assure adequate care, safety and protection for children;

(6) Provider's demonstrated capacity to love and nurture a child born to someone else;

(7) Provider's ability to accept the child without expecting the child to resolve family problems or fulfill the provider's family ambitions; and

(8) Marital stability, if the providers are married.

f. Criminal and child protective services records.

(1) Adoptive applicants shall identify any criminal convictions and be willing to consent to a criminal records search;

(2) Adoptive applicants shall not have been convicted of a felony or misdemeanor that jeopardizes the safety or proper care of the child.

(3) Adoptive applicants shall be willing to consent to a search of the Child Protective Services Central Registry.

g. Medical examinations. Adoptive applicants shall provide a physician's statement that reflects their current health and that states that they are in satisfactory physical health to enable them to provide adequate care for the child.

h. Approval period. A home study conducted for purposes of parental placements shall be approved for a period of 12 months from the date of completion of the study.

22 VAC 40-201-180. Agency responsibilities for consent in nonagency adoptive placements.

A. In order for the juvenile court to make the legally required determinations before accepting consent, the local department or child-placing agency shall:

1. Conduct a home study of the prospective adoptive home in a format determined by the department; and

2. Provide the court with a report of the home study. Two copies of the home study report shall be sent with the original for the court, at its discretion, to provide to the birth and adoptive parents. The report shall include the following:

a. Information regarding whether the prospective adoptive parent(s) are financially able, morally suitable, and in satisfactory physical and mental health to enable them to care for the child;

b. The physical and mental condition of the child;

c. Information about both birth parents including:

(1) Full names and addresses;

(2) Why the parent(s) desire to be relieved of the responsibility for the child and what their attitude is toward the proposed adoption;

(3) Physical description, age, race, marital status, education, employment, and, if known, physical and mental health.

d. The circumstance under which the child came to live, or will be living, in the home of the prospective adoptive family;

e. Fees that have been paid by the prospective adoptive family or in their behalf in the placement and adoption of the child;

f. A statement as to whether the requirements of law related to execution of consent have been met;

g. A statement, if applicable, as to whether the requirements of law related to the ICPC have been met;

h. A statement that the birth parent(s) and the adoptive parent(s) have shared identifying information. The identifying information shall be written, signed and dated by the adoptive parent(s) and the birth parents, and a copy of the document shall be preserved as part of the agency's permanent adoption record. The local department or child-placing agency shall make available at any time to both parties a copy of this document. The document shall include but not be limited to full names, addresses, physical, mental, social and psychological information;

i. Any other matters specified by the court.

B. The local department or child-placing agency shall make a recommendation to the court regarding the suitability of the family to adopt. When the recommendation is that the placement appears to be contrary to the best interest of the child, the local department or child-placing agency shall provide its justification for the recommendation.

C. If the local department or child-placing agency suspects there has been an exchange of property, money, services, or any other thing of value in violation of law in the placement or adoption of the child, they shall report such findings to the commissioner for investigation. The following exceptions apply:

1. Reasonable and customary services provided by a licensed or duly authorized child-placing agency, and fees, based on prevailing community rates, paid for such services;

2. Payment or reimbursement for medical expenses directly related to the birth mother's pregnancy and hospitalization for the birth of the child who is the subject of the adoption proceedings, and for expenses incurred for medical care for the child;

3. Payment or reimbursement to birth parent(s) for transportation necessary to execute consent to the adoption;

4. Usual and customary fees, based on prevailing community rates, for legal services in adoption proceedings; and

5. Payment or reimbursement of reasonable expenses incurred by adoptive parent(s) for transportation in intercountry placements and as necessary for compliance with state and federal law in such placements.

D. If the local department or child-placing agency suspects that a person has engaged in any activities of a child-placing agency without legal authority or a license to do so, the local department or child-placing agency shall report the findings to the commissioner for investigation. These activities include:

1. Taking custody of a child for purposes of placing the child for adoption;

2. Studying and approving adoptive homes;

3. Selecting a particular adoptive home for a child;

4. Placing a child in an adoptive home; and

5. Providing supervision of the placement to meet legal requirements related to visitation of the child and family.

22 VAC 40-201-190. Fees for court services.

A. Services for which a fee is charged. The services for which the local department shall charge fees are court ordered custody investigations, adoption searches, nonagency placement adoptions, investigation and reports, and visitation and reports.

B. Fees for custody investigations are to be assessed in accordance with fee schedules established by the appropriate local board of social services.

C. Fees for adoption searches, nonagency placement adoptions, investigations and reports, and visitation and reports shall be determined as follows:

1. Current costs of services provided by agencies. The department shall determine the statewide average number of hours needed to provide each service. The statewide average hourly cost of service shall be calculated, considering both direct and indirect costs. The average time

required for each service multiplied by the average hourly costs shall be used to determine the total cost of each service. The statewide average cost of service and average number of hours needed to provide each service shall be periodically redetermined.

2. Income and fee schedule. A fee schedule, based upon family size and income, shall be developed annually using the median income level for Virginia. The fee schedule shall be as follows:

a. Families with 50% or less of median income shall not be charged a fee.

b. Families whose income falls between 50% and 100% of median income shall be charged an incremental percentage of the maximum fee.

c. Families whose income is above 100% median income shall be charged the maximum fee.

3. Local departments shall include in reports to the courts the amount of the fee assessed to the petitioners, if any. If a local department finds an unusual circumstance that would affect a petitioner's ability to pay, it shall include this in its report to the court.

D. Collection of fees.

1. In nonagency placement adoptions and adoption searches, the fee shall be collected by the circuit court prior to the entry of any final order and shall be disbursed to the local department that performed the service.

2. The local department shall report any fees collected as expenditures refunded on its financial report. The local department's reimbursement from state and federal funds shall be adjusted to reflect the state and federal share of income collected.

2 VAC 40-201-200. Suspected violations in the placement and adoption of a child.

When the commissioner receives a report of suspected violations of § 63.2-1218 of the Code of Virginia, the commissioner shall, in accordance with § 63.2-1219 of the Code of Virginia:

1. Investigate the suspected violation; and

2. Take appropriate action as follows:

a. When the investigation reveals that there may have been a violation of law; the commissioner shall report his findings to the appropriate attorney for the Commonwealth;

b. When the investigation reveals that the violation occurred in the course of the practice of a profession or occupation licensed or regulated pursuant to Title 54.1 of the Code of Virginia; the commissioner shall also report

Regulations

his findings to the appropriate regulatory authority for investigation and appropriate disciplinary action; or

c. Pursuant to § 63.2-1711 of the Code of Virginia, the commissioner may file suit with the court of record having chancery jurisdiction, when the investigation reveals that the violation involves engaging in the activities of a child-placing agency without a license.

22 VAC 40-201-210. Training.

A. Local departments shall provide training for all foster care and adoption workers as determined by the department.

B. Local department foster care and adoption workers and supervisory staff will complete an individual training needs assessment using a method prescribed by the department.

C. New local department foster care and adoption workers and supervisory staff will attend and complete new worker required training using a curriculum developed by the department.

D. Local department foster care and adoption workers and supervisory staff will attend and complete required annual in-service training using a curriculum developed by the department.

VA.R. Doc. No. R04-148; Filed October 24, 2006, 9:24 a.m.



FORMS

TITLE 4. CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF MINES, MINERALS AND ENERGY

EDITOR'S NOTICE: The following form has been filed by the Department of Mines, Minerals and Energy. The form is available for public inspection at the Department of Mines, Minerals and Energy, 202 North Ninth Street, Richmond, Virginia 23219, at the department's Big Stone Gap office, 3405 Mountain Empire Road, Big Stone Gap, VA 24219, or the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219. Copies of the form may be obtained from David B. Spears, Department of Mines, Minerals and Energy, 202 North Ninth Street, Richmond, Virginia 23219, telephone (804) 692-3200.

Title of Regulation: **4 VAC 25-170. Geothermal Energy Regulations.**

FORMS

FORMS IMPLEMENTING CHAPTERS 14.2 THROUGH 14.4 OF TITLE 45.1 OF THE CODE OF VIRGINIA REGARDING COAL MINE SAFETY.

Coalfield Employment Tax Credit Production/Labor Report, DM-TC-1 (eff. 10/06).



COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF MINES MINERALS AND ENERGY
 DIVISION OF MINES
 P.O. Drawer 900 * Big Stone Gap, VA 24219

COALFIELD EMPLOYMENT ENHANCEMENT TAX CREDIT
 PRODUCTION/LABOR REPORT

Report for Period Beginning _____ and Ending _____
 (month/day/year) (month/day/year)

SEPARATE REPORTS ARE REQUIRED FOR EACH MINE

MSHA ID NO. _____ MINE INDEX NO. _____

1. Company Name _____
2. Mine Name/Number _____
3. Address _____

SURFACE TONS SOLD	UNDERGROUND TONS SOLD	
	Above 36 inches	36 inches and under

Indicate total number of hours worked to be used for Coalfield Employment Enhancement Credit:
 Add the total number of hours worked for production workers and office workers.

General Instructions

This report will be filed by April 1st of each calendar year or within three months of the operating company's fiscal year. Taxpayers claiming a credit for coal mined 36 inches or less will submit coal thickness isopach maps with this report.

The reports of tonnage sold and employment shall be consistent with the requirements of the Department of Taxation's Tax Bulletin for the Coalfield Employment Enhancement Tax Credit.

Instructions for calculating the average number of employees per pay period during the year.

In accordance with the Department of Taxation's Tax Bulletin, a Virginia coal mining job will be considered to be any job required to be reported on the MSHA Form 7000-2 by 30 CFR Part 50 as of January 1, 1995, and for which wages are reported on Form VEC-FC-20 pursuant to the Virginia Unemployment Compensation Act (Code of Virginia Section 60.1-1 et seq.).

The average number of employees per pay period shall be calculated by adding the number of full and part-time employees working during each pay period and dividing by the number of pay periods.

EXAMPLE: The following example is based on a mine with 24 pay periods per year. The mine had 23 full-time and 2 part-time employees for 15 pay periods, 22 full time employees for 6 pay periods, and 3 full time employees for 3 pay periods.

- 1) Calculate the total number of employees in each pay period:
 $(25 \text{ employees} \times 15 \text{ pay periods}) + (22 \text{ employees} \times 6 \text{ pay periods}) + (3 \text{ employees} \times 3 \text{ pay periods}) =$
 $(25 \times 15) + (22 \times 6) + (3 \times 3) =$
 $(375) + (132) + (9) =$
 516
- 2) Calculate the average number of employees per pay period:
 516 total for all pay periods divided by 24 pay periods =
 $516 / 24 =$
 21.5 (always round up) = 22

Date _____ Signed _____
 Telephone _____ Title _____

DM-TC-1
 10/06

GENERAL NOTICES/ERRATA

BROWN V. BOARD OF EDUCATION SCHOLARSHIP AWARDS COMMITTEE

Informational Session Regarding Awards

Senator Benjamin J. Lambert, III, of Richmond, Chairman of the Brown v. Board of Education Scholarship Awards Committee, has announced that the committee will hold an information session concerning the scholarship program for applicants, recipients, institutions of higher education, and other interested persons. Other members of the committee are Senator Henry L. Marsh, III, of Richmond; Delegates Watkins M. Abbitt, Jr. of Appomattox, Rosalyn R. Dance of Petersburg, Clarke N. Hogan of South Boston, and Thomas C. Wright, Jr. of Victoria; and nonlegislative citizens Dr. Patricia Johnson Brown of Richmond, Andrew I. Heidelberg of Norfolk, Donald E. Martin of Charlottesville, Phyllistine Ward Mosley of Lynchburg, and Tameka Andrea Ferrell of Lawrenceville.

The Brown v. Board of Education Scholarship Program and Fund was one of several initiatives resulting from the Commonwealth's two-year long commemoration of the 50th anniversary of Brown v. Board of Education. The Virginia General Assembly has designed and enacted the scholarship program to assist persons who were enrolled or eligible to enroll in Virginia public schools in localities in which the public schools were closed to avoid desegregation during Massive Resistance between 1954 and 1964. Eligible persons may use the award to obtain (i) an adult high school diploma, (ii) the General Education Development (GED) certificate, (iii) College-Level Examination Program (CLEP) credit, (iv) career or technical education or training at an approved Virginia institution of higher education, or (v) an undergraduate degree from an accredited public or private two-year or four-year Virginia institution of higher education.

By law, the Brown v. Board of Education Scholarship Awards Committee is authorized to administer all aspects of the program and to award scholarships to persons who meet the statutory requirements. Therefore, to apprise all interested parties concerning the application and financial aid processes, state law, and committee policies governing the program, the committee invites all applicants, recipients, institutions of higher education, and other interested persons to attend the Brown Scholarship Information Session on Wednesday, November 8, 2006, at 6 p.m. at the Robert Russa Moton Museum, 900 Griffin Boulevard, Farmville, Virginia 23901.

For further information, please contact Mrs. Brenda H. Edwards, Division of Legislative Services, General Assembly Building, 2nd Floor, 910 Capitol Street, Richmond, VA 23219, (804) 786-3591.

BOARD OF EDUCATION

Revising English Language Proficiency Standards of Learning

The Board of Education intends to review and revise the English Language Proficiency Standards of Learning. Public comment and public hearings will be held in October and November 2006, with final adoption by the Board of Education expected in the spring of 2007. The dates, locations, and times of the public hearings will be announced in advance. The proposed revisions may be viewed at the following website:

www.doe.virginia.gov/VDOE/VA_Board/Meetings/2006/ItemK-sep.pdf

Comments will be received until January 12, 2007.

Contact Ms. Valarie Goose, Specialist for ESL Programs, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218, telephone (804) 786-1692, or email valarie.goose@doe.virginia.gov.

Revising Foreign Language Standards of Learning

The Board of Education intends to revise the Foreign Language Standards of Learning. The proposed revisions may be viewed at the following website:

http://www.doe.virginia.gov/VDOE/VA_Board/home.shtml

Click on the link to the October 25th meeting. Then click the link to the Foreign Language SOLs.

Public hearings will be announced on the Commonwealth Calendar.

Send comments by January 3, 2007, to Margaret N. Roberts, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218, margaret.roberts@doe.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Restore Water Quality in Occupacia Creek

Announcement of an effort to restore water quality in Occupacia Creek in Essex County, Virginia.

Public meeting: Essex Public Library, 117 North Church Lane, Tappahannock, Virginia on November 30, 2006, from 7 p.m. to 9 p.m. In case of inclement weather, check the DEQ website for a rescheduled date. A Technical Advisory Meeting will be held on November 15, 2006, in the Essex Public Library meeting room from 2 p.m. until 4 p.m.

Purpose of notice: The Virginia Department of Environmental Quality and the Department of Conservation and Recreation are announcing the start of a study to restore water quality, a public comment opportunity, and public meeting.

General Notices/Errata

Meeting description: Final public meeting and technical advisory committee meeting on a study to restore water quality.

Description of study: Virginia agencies are working to identify sources of the bacterial contamination in the waters of Occupacia Creek and its tributaries in Essex County. This stream is impaired for failure to meet the Primary Contact (recreational) designated use because of bacterial standard violations.

The study reports the sources of bacterial contamination and recommends total maximum daily loads, or TMDLs, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, bacterial levels have to be reduced to the TMDL amount.

How a decision is made: The development of a TMDL includes a public comment period, including public meetings. After public comments have been considered and addressed, DEQ will submit the TMDL report to the U.S. Environmental Protection Agency for approval.

How to comment: DEQ accepts written comments by email, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting and be received by DEQ during the comment period, November 30, 2006, to December 30, 2006. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Chris French, TMDL Coordinator, Virginia Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804)-527-5106, or email rcfrench@deq.virginia.gov.

Total Maximum Daily Load (TMDL) - Hardware and North Fork Hardware Rivers

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 total maximum daily loads (TMDLs) for the Hardware and North Fork Hardware Rivers in Albemarle and Fluvanna counties. The Hardware River was listed on the 2002 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria. This impairment extends for 23.11 miles from the headwaters to the confluence with the James River. The North Fork Hardware River was listed on the 2004 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria. This impairment extends for 10.39 miles from the headwaters to the confluence with the Hardware River.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for

pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

The first public meeting on the development of these TMDLs will be held on Thursday, November 30, 2006, 7 p.m. at the Scottsville Town Council Chambers, 401 Valley Street, Scottsville, Virginia.

The public comment period for the first public meeting will end on December 30, 2006. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or email rbrent@deq.virginia.gov.

Total Maximum Daily Load (TMDL) - Westmoreland County

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 Westmoreland County, Virginia.

The impaired segments are located in VDH Growing Area 4 containing:

Growing Area 4 -82A	Pierce Creek
Growing Area 4-82B	Upper Nomini Creek
Growing Area 4-82C	Barnes Creek
Growing Area 4 -82D	Buckner Creek
Growing Area 4-82E	North Prong
Growing Area 4-184A	Cold Harbor Creek
Growing Area 4-184B	Currioman Creek

All waters are tributaries to the Potomac River and 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. The meeting will be held on November 15, 2006, from 7 p.m. to 9 p.m. at the Johnson Recreation Center, 18849 Kings Highway, Montross, Virginia. Directions can be obtained by calling Chester Bigelow at (804) 698-4554.

The public comment period will begin on November 15, 2006, and end on December 15, 2006. Questions or information requests should be addressed to Chester Bigelow, Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or email cbigelow@deq.virginia.gov, and should include the name, address, and telephone number of the person submitting the comments.

DEPARTMENT OF LABOR AND INDUSTRY

Notice of Periodic Review

Pursuant to Executive Order 36 (2006), the Department of Labor and Industry (DOLI) will review its regulation entitled Public Participation Guidelines (16 VAC 20-10-10 et seq.). The purpose of the review is to determine whether the regulation should be amended, or retained in its current form. The review of the regulation will be guided by the principles listed in Executive Order 36 (2006).

The purpose of this regulation is to provide information on the process that the Virginia Apprenticeship Council (council) will use to gather information and provide opportunities for the public to participate at every stage in the regulatory process.

DOLI and the council seek public comment on the review of issues related to these regulations, especially the following:

1. Does the regulation meet the following goals?
 - Provide maximum opportunity for the public to participate in the regulatory process.
 - Ensure that the public is informed of new regulations.
 - Ensure that the public has the opportunity to provide comments on regulatory changes.
 - Protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

2. Is the regulation clearly written and easy to understand?

Comments on this regulation are welcome and will be accepted until December 4, 2006. Comments may be mailed to Reba O'Connor, Virginia Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219 or email to reba.oconnor@doli.virginia.gov. Please include your full name and mailing address.

Notice of Periodic Review

Pursuant to Executive Order 36 (2006), the Virginia Department of Labor and Industry (DOLI) and the Virginia Apprenticeship Council (council) will review the regulations entitled, Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia,

(16 VAC 20-20-10 et seq.). The purpose of the review is to determine whether these regulations should be amended, or retained in their current form. The review of these regulations will be guided by the principles listed in Executive Order 36 (2006).

The purpose of these regulations is to establish procedures and standards for the approval and registration of apprenticeship programs and agreements in accordance with the Voluntary Apprenticeship Act, Chapter 6 (§ 40.1-117 et seq.) of Title 40.1 of the Code of Virginia.

DOLI and the council seek public comment on the review of issues related to these regulations, especially the following:

1. Does the regulation meet the following goals?
 - Maintain a highly skilled workforce to compete globally in a changing economy.
 - Provide a method of transition from school to work for high school graduates.
 - Protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. Is the regulation clearly written and easy to understand?

Comments on this regulation are welcome and will be accepted until December 4, 2006. Comments may be mailed to Reba O'Connor, Virginia Department of Labor and Industry, Powers-Taylor Building, 13 South 13th Street, Richmond, VA 23219 or email to reba.oconnor@doli.virginia.gov. Please include your full name and mailing address.

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 October 16, 2006, and October 19, 2006. 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-Five (06)

Virginia's Instant Game Lottery 331; "Bingo Magic" (effective 10/06/06)

Director's Order Number Fifty-Six (06)

Virginia's Instant Game Lottery 756; "The Big Cheese" (effective 10/06/06)

General Notices/Errata

Director's Order Number Fifty-Seven (06)

Virginia's Instant Game Lottery 758; "Double Dollars" (effective 10/06/06)

Director's Order Number Fifty-Eight (06)

Virginia's Instant Game Lottery 759; "\$75,000 Pinball" (effective 10/06/06)

Director's Order Number Sixty (06)

Virginia's Instant Game Lottery 757; "Jack In The Box" (effective 10/16/06)

Director's Order Number Sixty-One (06)

Virginia's Instant Game Lottery 760; "King of Cash" (effective 10/16/06)

Director's Order Number Sixty-Two (06)

Virginia's Instant Game Lottery 761; "Aces Wild" (effective 10/16/06)

Director's Order Number Sixty-Three (06)

Virginia's Instant Game Lottery 763; "Queen of Hearts" (effective 10/16/06)

* * *

Director's Order Number Fifty-Nine (06)

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 October 27, 2006:

Game 292	Aces & 8's
Game 295	\$1,000 Payday Tripler
Game 296	Bonus 7's
Game 647	\$500,000 Bonus Bucks
Game 676	Slots of 999's
Game 699	Wild 7's Doubler
Game 708	20K
Game 714	Ace in the Hole
Game 716	Sizzlin' 7's

The last day for lottery retailers to return for credit unsold tickets from any of these games will be December 1, 2006. The last day to redeem winning tickets for any of these games will be April 25, 2007, 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 April 25, 2007, or earlier, 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/ Shelia Hill-Christian
Executive Director
October 16, 2006

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

Revised Commonwealth of Virginia (2007) Policies and Procedures for the Implementation of Part C of the Individuals with Disabilities Education Act

The Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services announces Public Hearings and is accepting public comment on the revised Commonwealth of Virginia (2007) Policies and Procedures for the Implementation of Part C of the Individuals with Disabilities Education Act.

Public hearings will be held at two locations:

- Richmond Area, January 11, 2007, from 1 p.m. to 3 p.m. at the Henrico Area DMHMRSAS East Center (Room 23), 4825 South Laburnum Avenue, Richmond, Virginia; and
- Southwest Virginia, January 18, 2007, from 1 p.m. to 3 p.m. at New River Valley Community Services (New River Room), 700 University City Boulevard, Blacksburg, Virginia.

Written public comments will be received beginning December 1, 2006, and concluding January 29, 2007. Copies of the revised policies and procedures will be available on the Infant & Toddler Connection of Virginia website at www.infantva.org. Please submit written comments to Mary Ann Discenza, State Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, Part C Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797.

Public comments can also be sent electronically to maryann.discenza@co.dmhmrzas.virginia.gov.

For a printed copy of the revised policies and procedures, please contact Keisha White, Department of Mental Health, Mental Retardation and Substance Abuse Services, Part C Early Intervention, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710, FAX (804) 371-

7959, or email keisha.white@co.dmhmrsva.gov. If interpreters are needed for the public hearings for individuals with hearing impairments, please contact Keisha White by December 26, 2006.

STATE WATER CONTROL BOARD

Proposed Consent Special Order - Mr. R.L. Bowman

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Isle of Wight County, Virginia.

Public comment period: November 14, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Mr. R.L. Bowman to address alleged violations of the Virginia Water Protection Permit Regulations. The location of the property where the alleged violations occurred is adjacent to Strawberry Plains Road in Isle of Wight County. The consent order describes a settlement to resolve unauthorized clearing and filling of approximately 1.4 acres of forested wetlands. The consent order requires development and implementation of a restoration plan and requires Mr. Bowman to pay a civil charge.

How to comment: DEQ accepts comments from the public by email, fax, or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests, and additional information Matthew J. Strickler, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2185, FAX (757) 518-2003, or email mjstrickler@deq.virginia.gov.

Proposed Consent Special Order - BR-1998, L.L.C.

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Henrico County, Virginia.

Public comment period: November 13, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to BR-1998, L.L.C., to address violations of § 62.1-44.5 A & B of the Code of Virginia. The consent order describes a settlement to resolve an unauthorized discharge that occurred at Brook Ridge Apartment Complex, 5613 Crenshaw Road, Richmond,

Virginia. The order requires payment of a \$15,500 civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email felupini@deq.virginia.gov.

Proposed Consent Special Order - Colonna's Ship Yard, Incorporated

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Norfolk, Virginia.

Public comment period: November 14, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Colonna's Ship Yard, Incorporated, to address alleged violations of Virginia State Water Control Law. The location of the facility where the alleged violations occurred is 400 East Indian River Rd, Norfolk. The consent order describes a settlement to resolve alleged violations of the facility Virginia Pollutant Discharge Elimination System Permit.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information John M. Brandt, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA 23462, telephone (757) 518-2010, FAX (757) 518-2003, or email jmbrandt@deq.virginia.gov.

Proposed Consent Special Order - City of Fredericksburg

Purpose of notice: To invite citizens to comment on a proposed consent order for a facility in the City of Fredericksburg.

Public comment period: November 13, 2006, to December 13, 2006.

General Notices/Errata

Consent order description: The State Water Control Board proposes to issue a consent order to the City of Fredericksburg to address alleged violations of the Virginia Pollutant Discharge Elimination System Permit No. VA0025127. The location of the facility where the alleged violations occurred is 700 Beulah-Salisbury Road. The consent order describes a settlement to resolve permit effluent limit violations and failure to meet Reliability Class I requirements.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information Carl Ciccarella, Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3862, FAX (703) 583-3841, or email cjccarella@deq.virginia.gov.

Proposed Consent Special Order - Grayco, Inc.

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Isle of Wight County, Virginia.

Public comment period: November 14, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Grayco, Inc., to address alleged violations of the Virginia Water Protection Permit Regulations. The location of the property where the alleged violation occurred is the Founder's Pointe subdivision in Isle of Wight County. The consent order describes a settlement to resolve the unauthorized clearing of approximately 1.3 acres of forested buffer that Grayco had offered as compensation for impacts to wetlands authorized under its permit. The consent order requires development and implementation of a restoration plan and requires Grayco to pay a civil charge.

How to comment: DEQ accepts comments from the public by email, fax, or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests, and additional information Matthew J. Strickler, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone

(757) 518-2185, FAX (757) 518-2003, or email mjstrickler@deq.virginia.gov.

Proposed Consent Special Order - Hearndon Construction Corp.

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Chesapeake, Virginia.

Public comment period: November 14, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Hearndon Construction Corp. to address alleged violations of the Virginia Water Protection Permit Regulations. The location of the property where the alleged violation occurred is the Ship's Landing subdivision in Chesapeake. The consent order describes a settlement to resolve the unauthorized clearing of approximately 0.6 acres of forested wetlands and approximately one acre of forested buffer that Grayco had offered as compensation for impacts to wetlands authorized under its permit. The consent order requires development and implementation of a restoration plan and requires Hearndon to pay a civil charge.

How to comment: DEQ accepts comments from the public by email, fax, or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests, and additional information Matthew J. Strickler, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2185, FAX (757) 518-2003, or email mjstrickler@deq.virginia.gov.

Proposed Consent Special Order - Lee's Mobil, Inc.

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Ashland, Virginia.

Public comment period: November 13, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Lee's Mobil, Inc., to address violations of its VPDES Permit No. VAG404066. The location of the facility where the violation occurred is 10292 East Patrick Henry Road, Ashland, Virginia. The consent order describes a settlement to resolve wastewater permit discharge violations that occurred at the facility. The order requires corrective action and payment of a civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email felupini@deq.virginia.gov.

Proposed Consent Special Order - Powhatan County

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for the Fighting Creek Wastewater Treatment Plant (WWTP), owned by Powhatan County, Virginia.

Public comment period: November 13, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Powhatan County to address alleged violations of VPDES regulations. The location of the facility where the violations occurred is at 3900 Old Plantation Rd., Powhatan County, Virginia. The consent order settles noncompliance with the VPDES regulations and includes the payment of a civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information Cynthia Akers, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5079, FAX (804) 527-5106, or email ecakers@deq.virginia.gov.

Proposed Consent Special Order - Sims Group USA Corporation

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Chesapeake, Virginia.

Public comment period: November 14, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Sims Group USA Corporation to address alleged violations of the Virginia

Pollutant Discharge Elimination System Permit Regulations and the State Water Control Law. The location of the property where the alleged violation occurred is the Sims Hugo Neu facility, 4300 Buell St., Chesapeake, Virginia. The consent order describes a settlement to address an unauthorized discharge of approximately 1,500 gallons of diesel fuel to the Elizabeth River, and unpermitted ship breaking activities. The consent order requires Sims to pay a civil charge.

How to comment: DEQ accepts comments from the public by email, fax, or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests, and additional information Matthew J. Strickler, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2185, FAX (757) 518-2003, or email mjstrickler@deq.virginia.gov.

Proposed Consent Special Order - Town of Stuart

Citizens may comment on a proposed consent order for a facility located in Stuart, Virginia.

Public comment period: November 13, 2006, to December 13, 2006.

Purpose of notice: To invite the public to comment on a proposed consent order.

A consent order is issued to a business owner or other responsible party to perform specific actions that will bring the entity into compliance with the relevant law and regulations. It is developed cooperatively with the facility and entered into by mutual agreement.

Consent order description: The State Water Control Board proposes to issue a consent order to the Town of Stuart to address alleged violations of the town's VPDES Permit. The location of the facility where the alleged violations occurred is Stuart, Virginia. The consent order describes a settlement to resolve violations in the operations and maintenance of the town's wastewater treatment plant. It requires the signatories to pay a civil penalty and comply with the VPDES Permit.

How a decision is made: After public comments have been considered, the DEQ director will make a final decision.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. Department of Environmental Quality, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4554, FAX (804) 698-4116, or email ccbigelow@deq.virginia.gov.

General Notices/Errata

To review the consent order: The public may review the proposed consent order at the DEQ West Central Regional Office in Roanoke, Virginia, every work day by appointment or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information Jerry Ford, Jr., Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia 24019, telephone (540) 562-6700, FAX (540) 562-6725, or email jrford@deq.virginia.gov.

Proposed Consent Special Order - Whispering Pines, Inc.

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Accomack County, Virginia.

Public comment period: November 14, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Whispering Pines, Inc., to address alleged violations of the Virginia Pollutant Discharge Elimination System Permit Regulations. The location of the property where the alleged violation occurred is the Whispering Pines Motel, 23388 Tasley Rd., Tasley, Virginia. The consent order describes a settlement to address the failure of Whispering Pines, Inc., to comply with permit requirements, including a corrective action schedule for treatment plant upgrades and timely submittal of Discharge Monitoring Reports (DMRs). The consent order includes a revised corrective action schedule and requires Whispering Pines, Inc., to pay a civil charge.

How to comment: DEQ accepts comments from the public by email, fax, or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests, and additional information Matthew J. Strickler, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (757) 518-2185, FAX (757) 518-2003, or email mjstrickler@deq.virginia.gov.

Proposed Consent Special Order - Woodbridge MHP, LLC

Purpose of notice: To invite citizens to comment on a proposed consent order for a facility in Woodbridge, Virginia (Prince William County).

Public comment period: November 13, 2006, to December 13, 2006.

Consent order description: The State Water Control Board proposes to issue a consent order to Woodbridge MHP, L.L.C., to address alleged violations of the Virginia Pollutant Discharge Elimination System Permit No. VA0027855. The location of the facility where the alleged violations occurred is 13145 Minnieville Road. The consent order describes a settlement to resolve permit effluent limit violations and late submittal of financial assurance documents.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information Carl Ciccarelli, Department of Environmental Quality, Northern Virginia Regional Office, 13901 Crown Court, Woodbridge, VA 22193, telephone (703) 583-3862, FAX (703) 583-3841, or email cjccicarelli@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in the Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01
NOTICE of COMMENT PERIOD-RR02
PROPOSED (Transmittal Sheet)-RR03
FINAL (Transmittal Sheet)-RR04
EMERGENCY (Transmittal Sheet)-RR05
NOTICE of MEETING-RR06
AGENCY RESPONSE TO LEGISLATIVE
OBJECTIONS-RR08
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

ERRATA

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

STATE AIR POLLUTION CONTROL BOARD

Title of Regulation: **9 VAC 5-20. General Provisions (Rev. D04).**

9 VAC 5-40. Existing Stationary Sources (Rev. D04).

Publication: 22:26 VA.R. 4110-4141 September 4, 2006.

Corrections to Final Regulation:

Page 4113, 9 VAC 5-20-21 E 4 a (21), line 3, change "Plant" to "Plants"

Page 4123, 9 VAC 5-40-7140, Table 4-49A, 1st column, row 4, in second column opposite "Specialty Coatings [:]" delete "530"

Page 4123, 9 VAC 5-40-7140, Table 4-49A, 2nd column, line 34, in first column, delete hyphen between "Sealers" and "and"

Page 4125, 9 VAC 5-40-7260, second column, in definition of "ACP emissions," in first equation, change "K" to "..."

Page 4126, 9 VAC 5-40-7260, first column, in definition of "ACP emissions," after "1. For all products except for charcoal lighter material products:" and before the equation, delete "where"

Page 4126, 9 VAC 5-40-7260, first column, in definition of "ACP limit," in first equation, change "K" to "..."

Page 4135, 9 VAC 5-40-7260, first column, in definition of "Total maximum historical emissions," in first equation, change "K" to "..."

Page 4135, 9 VAC 5-40-7260, second column, in definition of "Type A propellant," lines 1 and 2, change "CO sub2, N sub2, N sub2 O" to "CO₂, N₂, N₂O"

VA.R. Doc. No. R05-66; Filed October 10, 2006, 3:40 p.m.

Title of Regulation: **9 VAC 5-40. Existing Stationary Sources (Rev. H03).**

Publication: 23:1 VA.R. 28-38 September 18, 2006.

Correction to Final Regulation:

Page 37, 9 VAC 5-40-5641 C, "Model Ordinance," in subsection B of Section (000-6), first column, line 1, after "permitted," insert "[on-site]" and change "disposal" to "[disposal destruction]"

VA.R. Doc. No. R05-24; Filed October 26, 2006, 11:32 a.m.

Title of Regulation: 18 VAC 15-20. Virginia Asbestos Licensing Regulations.

Publication: 23:3 VA.R. 450-470 October 16, 2006.

Correction to Final Regulation:

Page 457, 18 VAC 15-20-33 E 2 b (2), line 6, change "analysis" to "analyst"

VA.R. Doc. No. R04-241; Filed October 25, 2006, 12:02 p.m.

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.virginia.gov 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 website's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† **November 21, 2006 - 9 a.m.** -- Open Meeting
Division of Legislative Services, General Assembly Building,
910 Capitol Street, 2nd Floor, Richmond, Virginia.♿
(Interpreter for the deaf provided upon request)

A meeting to discuss general matters about statutory review. Public comment will not be taken at the meeting. The public may observe and submit comments in writing within 10 days following the meeting. All meetings are subject to change. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board office at 804-367-8505 or 804-367-9753/TTY as soon as possible so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230, telephone (804) 367-8505, FAX (804) 367-2174, email boa@boa.virginia.gov.

BOARD OF AGRICULTURE AND CONSUMER SERVICES

December 7, 2006 - 9 a.m. -- Open Meeting
Oliver Hill Building, 102 Governor Street, 220 Board Room, 2nd Floor, Richmond, Virginia.♿

A meeting to discuss issues related to Virginia agriculture and consumer services. Two regulations will be discussed: 2 VAC 5-585, Retail Food Establishment Regulations, and 2 VAC 5-490, Regulations Governing Grade "A" Milk. 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, Oliver Hill Bldg., 102 Governor St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3538, FAX (804) 371-2945, email roy.seward@vdacs.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

† **November 13, 2006 - 10 a.m.** -- Open Meeting
Dominion Resources Offices, Innsbrook Technical Center, Dominion Boulevard, Glen Allen, Virginia.♿

A regular meeting of the advisory board.


Contact: Janet Wynne, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4140, email jtwynne@deq.virginia.gov.

† **December 6, 2006 - 9 a.m.** -- Open Meeting
Sheraton Richmond West, 6624 West Broad Street, Richmond, Virginia.♿


A regular meeting of the board and the annual meeting with the advisory board.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4378, FAX (804) 698-4346, email cmberndt@deq.virginia.gov.


ALCOHOLIC BEVERAGE CONTROL BOARD

November 20, 2006 - 9 a.m. -- Open Meeting
December 4, 2006 - 9 a.m. -- Open Meeting
December 18, 2006 - 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 , email curtis.coleburn@abc.virginia.gov.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

† **January 31, 2007 - 9 a.m.** -- Open Meeting
 Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Architects Section to conduct board business. 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: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

† **February 6, 2007 - 9 a.m.** -- Open Meeting
 Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Interior Designers Section to conduct board business. 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: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad

St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

† **February 8, 2007 - 9 a.m.** -- Open Meeting
 Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Professional Engineers Section to conduct board business. 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: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

† **February 13, 2007 - 9 a.m.** -- Open Meeting
 Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Landscape Architects Section to conduct board business. 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: Mark N. Courtney, Executive Director, Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8514, FAX (804) 367-2475 or email apelscidla@dpor.virginia.gov.

ART AND ARCHITECTURAL REVIEW BOARD

December 1, 2006 - 10 a.m. -- Open Meeting
 Science Museum of Virginia, 2500 West Broad Street, Forum Room, 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.virginia.gov. 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: Brian Ohlinger, AIA, Chairman, Art and Architectural Review Board, 700 West Grace Street, Suite


Calendar of Events

2200, Richmond, VA 23284, telephone (804) 828-9647, FAX (804) 828-1288, (804) 786-6152/TTY, or email bjohling@vcu.edu.


VIRGINIA COMMISSION FOR THE ARTS

December 7, 2006 - 8:30 a.m. -- Open Meeting
Richmond, Virginia; location to be announced.  (Interpreter for the deaf provided upon request)


A quarterly meeting of the commissioners to review grant award recommendations by the Arts in Education Teacher Incentive Grant Panel, as well as grant award recommendations by the Technology Enhancement Grant Panel.


Contact: Peggy Baggett, Executive Director, Virginia Commission for the Arts, 223 Governor St., Richmond, VA 23219, telephone (804) 225-3132, FAX (804) 225-4327, (804) 225-3132/TTY , email peggy.baggett@arts.virginia.gov.

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS


December 15, 2006 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, Richmond, Virginia. 

A licensing informal fact-finding conference.


Contact: David Dick, Assistant Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , email asbestos@dpor.virginia.gov.

† February 1, 2007 - 9 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. A portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or 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 Dick, Executive Director, Virginia Board for Asbestos, Lead, and Home Inspectors, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, FAX (804) 367-2475, (804) 367-9753/TTY , email alhi@dpor.virginia.gov.


AUCTIONEERS BOARD

† January 18, 2007 - 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. A portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Persons desiring to participate in the meeting and requiring special accommodations or 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: Marian H. Brooks, Regulatory Board Administrator, Auctioneers Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-0795, (804) 367-9753/TTY , email auctioneers@dpor.virginia.gov.

BOARD FOR BARBERS AND COSMETOLOGY

November 17, 2006 - 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) 367-8590, FAX (804) 367-2474, (804) 367-9753/TTY , email barbercosmo@dpor.virginia.gov.

December 11, 2006 - 9:30 a.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

December 29, 2006 - Public comments may be submitted until 5 p.m. on 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 41-70, Esthetics Regulations**. The purpose of the proposed action is to promulgate regulations governing the licensure and practice of esthetics as directed by Chapter 829 of the 2005 Acts of Assembly. In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping and other administrative costs, (ii) probable effect of the regulation on affected

small businesses, and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation. Anyone wishing to submit written comments may do so by mail, email or fax to William H. Ferguson II, Executive Director, Board for Barbers and Cosmetology, 3600 West Broad St., Richmond, VA 23230, telephone (804) 367-8590, FAX (804) 367-6295, barbercosmo@dpor.virginia.gov. In order to be considered, comments must be received by the last date of the public comment period.

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) 367-2474, (804) 367-9753/TTY ☎, email barbercosmo@dpor.virginia.gov.

BOARD FOR BRANCH PILOTS

December 4, 2006 - 9 a.m. -- Open Meeting

December 5, 2006 - 9 a.m. -- Open Meeting

Virginia Pilot Association, 3329 Shore Drive, Virginia Beach, Virginia. ♿

A meeting to conduct examinations for renewal of licenses.

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 ☎, email branchpilots@dpor.virginia.gov.

December 11, 2006 - 10 a.m. -- Open Meeting

† **February 2, 2007 - 9:30 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. All meetings are subject to cancellation. Any person desiring to attend the meeting and requiring special accommodations or interpreter services should contact the board at least 10 days prior to the meeting so suitable arrangements can be made. The board fully complies with the Americans with Disabilities Act.

Contact: Mark N. Courtney, Executive Director, Board for Branch Pilots, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, (804) 367-9753/TTY ☎, email branchpilots@dpor.virginia.gov.

† **February 1, 2007 - 8:30 a.m.** -- Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting to conduct examinations.

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 ☎, email branchpilots@dpor.virginia.gov.

DEPARTMENT OF BUSINESS ASSISTANCE

Small Business Advisory Board

† **November 13, 2006 - 10 a.m.** -- Open Meeting

707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. ♿

A regular bimonthly meeting.

Contact: Barbara E. Anderson, Administrative Assistant, Department of Business Assistance, 707 E. Main St., Suite 300, Richmond, VA 23219, telephone (804) 371-6280, FAX (804) 371-8111, toll-free (866) 248-8814, email barbara.anderson@dba.virginia.gov.

CHARITABLE GAMING BOARD

December 5, 2006 - 10 a.m. -- Open Meeting

Science Museum of Virginia, 2500 West Broad Street, Richmond, Virginia. ♿

A regular board 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, email clyde.cristman@dgc.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

December 11, 2006 - 10 a.m. -- Open Meeting

Location to be announced.

A regular meeting to review 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, email david.dowling@dcr.virginia.gov.

STATE CHILD FATALITY REVIEW TEAM

November 17, 2006 - 10 a.m. -- Open Meeting

Office of the Chief Medical Examiner, 400 East Jackson Street, Richmond, Virginia. ♿


The business portion of the State Child Fatality Review Team meeting, from 10 a.m. to 10:30 a.m., is open to the public. At the conclusion of the open meeting, the team will go into closed session for confidential case review.

Calendar of Events

Contact: Rae Hunter-Havens, Coordinator, State Child Fatality Review, 400 E. Jackson St., Richmond, VA 23219, telephone (804) 786-1047, FAX (804) 371-8595, toll-free (800) 447-1708, email rae.hunter-havens@vdh.virginia.gov.

OFFICE OF COMMONWEALTH PREPAREDNESS


Secure Commonwealth Panel

† **November 29, 2006 - 9 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 


A regular meeting.


Contact: Wendy Hoffman, Special Assistant, Office of Governor, Patrick Henry Building, 3rd Floor, Richmond, VA 23219, telephone (804) 692-2595, email wendy.hoffman@governor.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES


November 14, 2006 - 11:45 a.m. -- Open Meeting
The Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)


The 2006 annual meeting. A registration fee is required.


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 

November 15, 2006 - 1:30 p.m. -- Open Meeting
The Boar's Head Inn, 200 Ednam Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)


Meetings of the Budget and Finance, Academic, Student Affairs and Workforce Development, Audit, Facilities, and the Personnel committees.


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 

November 16, 2006 - 9:15 a.m. -- Open Meeting
Goochland Campus, J. Sargeant Reynolds Community College, 1851 Dickenson Road, Goochland, Virginia.  (Interpreter for the deaf provided upon request)


January 17, 2007 - 1:30 p.m. -- Open Meeting
Virginia Community College System, James Monroe Building, 101 North 14th Street, 15th Floor, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

Meetings of the Academic Committee, Student Affairs and Workforce Development Committee, Budget and Finance Committee, Facilities Committee, Audit Committee, and Personnel Committee.


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 

January 18, 2007 - 9 a.m. -- Open Meeting
Godwin-Hamel Board Room, James Monroe Building, 101 North 14th Street, 15th Floor, James Monroe Building, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the full board. Public comment may be received upon written 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

November 15, 2006 - 11 a.m. -- Open Meeting
† **December 20, 2006 - 11 a.m.** -- Open Meeting
102 Governor Street, Lower Level, Room LL22, Richmond, Virginia. 

A monthly board meeting.

Contact: Cindy Waddell, Compensation Board, P.O. Box 710, Richmond, VA 23218, telephone (804) 225-3308, FAX (804) 371-0235, email cindy.waddell@scb.virginia.gov.


COMMONWEALTH COMPETITION COUNCIL

† **November 14, 2006 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 3 East Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting.

Contact: Peggy Robertson, Staff, Commonwealth Competition Council, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-3812, FAX (804) 225-3291, email peggy.robertson@dpb.virginia.gov.


DEPARTMENT OF CONSERVATION AND RECREATION


November 13, 2006 - 3 p.m. -- Open Meeting
November 13, 2006 - 7 p.m. -- Open Meeting
Middle Peninsula Planning District Commission (Planning District 9), 125 Bowdeb Street, Saluda, Virginia. 


November 15, 2006 - 3 p.m. -- Open Meeting
November 15, 2006 - 7 p.m. -- Open Meeting
Crater Planning District Commission Office, 1964 Wakefield Street, Petersburg, Virginia. 


November 15, 2006 - 3 p.m. -- Open Meeting
November 15, 2006 - 7 p.m. -- Open Meeting
 Northern Virginia Regional Commission Office (Planning District 8), 3060 Williams Drive, Suite 510, Fairfax, Virginia. 


November 16, 2006 - 3 p.m. -- Open Meeting
November 16, 2006 - 7 p.m. -- Open Meeting
 Richmond Regional Planning District Commission Office (Planning District 15), 2104 West Laburnum Avenue, Suite 101, Richmond, Virginia.


November 27, 2006 - 3 p.m. -- Open Meeting
November 27, 2006 - 7 p.m. -- Open Meeting
 Hampton Roads Planning District Commission Office 723 Woodlake Drive, Chesapeake, Virginia. 


† **November 27, 2006 - 3 p.m.** -- Open Meeting
 † **November 27, 2006 - 7 p.m.** -- Open Meeting
 Mount Rogers Planning District Commission Office, 1021 Terrace Drive Marion, Virginia. 


November 27, 2006 - 3 p.m. -- Open Meeting
November 27, 2006 - 7 p.m. -- Open Meeting
 Region 2000 Local Government Council area (Planning District 11), Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, Virginia. 


November 28, 2006 - 3 p.m. -- Open Meeting
November 28, 2006 - 7 p.m. -- Open Meeting
 Thomas Jefferson Planning District Commission Office (Planning District 10), 401 East Water Street, Charlottesville, Virginia. 


November 28, 2006 - 3 p.m. -- Open Meeting
November 28, 2006 - 7 p.m. -- Open Meeting
 Roanoke Valley-Alleghany Regional Commission Office (Planning District 5), 313 Luck Avenue, S.W., Roanoke, Virginia. 


November 29, 2006 - 3 p.m. -- Open Meeting
November 29, 2006 - 7 p.m. -- Open Meeting
 Central Shenandoah Planning District Commission Office (Planning District 6), 1112 MacTanly Place, Staunton, Virginia. 


† **November 29, 2006 - 3 p.m.** -- Open Meeting
 † **November 29, 2006 - 7 pm.** -- Open Meeting
 LENOWISCO Planning District Commission Office, 6913 Duff-Patt Road, Duffield, Virginia. 


November 30, 2006 - 3 p.m. -- Open Meeting
November 30, 2006 - 7 p.m. -- Open Meeting
 Rappahannock-Rapidan Regional Council (Planning District 9), Culpeper County Library, 271 Southgate Shopping Center, Culpeper, Virginia. 

November 30, 2006 - 3 p.m. -- Open Meeting
November 30, 2006 - 7 p.m. -- Open Meeting
 Warren County Government Center (Northern Shenandoah Valley Regional Commission (Planning District 7)), 200 North Commerce Avenue, Community Room, Front Royal, Virginia. 

† **November 30, 2006 - 3 p.m.** -- Open Meeting
 † **November 30, 2006 - 7 p.m.** -- Open Meeting
 Cumberland Plateau Planning District Commission Office, 950 Clydesway Road, Lebanon, Virginia. 

† **December 4, 2006 - 3 p.m.** -- Open Meeting
 † **December 4, 2006 - 7 p.m.** -- Open Meeting
 New River Valley Planning District Commission Office, 6580 Valley Center Drive, Radford, Virginia. 


† **December 5, 2006 - 3 p.m.** -- Open Meeting
 † **December 5, 2006 - 7 p.m.** -- Open Meeting
 West Piedmont Planning District Commission Office, 1100 Madison Street, Martinsville, Virginia. 

† **December 6, 2006 - 3 p.m.** -- Open Meeting
 † **December 6, 2006 - 7 p.m.** -- Open Meeting
 Southside Planning District Commission Office, 200 South Mecklenburg Avenue, South Hill, Virginia. 

The Virginia Outdoors Plan is the Commonwealth's official conservation, outdoor recreation, and open space plan, and it is intended to serve as a guide to all levels of government and the private sector in meeting the land conservation, outdoor recreation, and open space needs of the state. The 2007 edition of the Virginia Outdoors Plan (VOP) will be the 9th produced in Virginia in accordance with § 10.1-200 of the Code of Virginia. In addition, the plan serves as a guidance document for the protection of lands through actions of the Virginia Land Conservation Foundation (VLCF). Its development is also necessary in order to meet requirements for Virginia's participation in the federal Land and Water Conservation Fund (LWCF) program. Preparation of the 2007 VOP has been under development this past year, and now the Department of Conservation and Recreation has scheduled public meetings to introduce this coming year's plan and specifically, regional sections. Areas discussed in the plan follow boundaries of Planning Districts (Regional Commissions). With this series of meetings, it is DCR's intent to provide the public with an overview of the VOP, outline draft recommendations for local areas, receive comments on these recommendations, obtain additional ideas, and solicit any comments or recommendations for land conservation efforts in the region. DCR will also be accepting comments in writing at the address on this announcement (please put Attn: John Davy, Division Director, on the envelope), or email the office at the following address, vop@dcr.virginia.gov. To keep abreast of the latest developments, please visit www.dcr.virginia.gov.

Calendar of Events

Contact: Janit Llewellyn, Environmental Program Planner, Department of Conservation and Recreation, 203 Governor Street, Suite 326 Richmond, VA 23219, telephone (804) 786-0887, FAX (804) 371-7899, email janit.llwellyn@dcr.virginia.gov.

† **November 15, 2006 - 1 p.m.** -- Open Meeting
Loudoun County Government Center, Lovettsville Room, Leesburg, Virginia. 

A regular meeting of the Goose Creek Scenic River Advisory Committee.

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, email david.dowling@dcr.virginia.gov.

November 21, 2006 - 10 a.m. -- Open Meeting
Location to be announced.

A meeting of the Virginia Land Conservation Foundation to review grant manual criteria.


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, email david.dowling@dcr.virginia.gov.

December 14, 2006 - Noon -- Open Meeting
Richmond City Hall, 900 East Broad Street, 5th Floor, Planning Commission Conference Room, Richmond, Virginia.

A regular meeting of the Falls of the James Scenic River 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, email david.dowling@dcr.virginia.gov.

Board of Conservation and Recreation

† **November 30, 2006 - 10 a.m.** -- Open Meeting
Bear Creek Lake State Park, 929 Oak Hill Road, Cumberland, Virginia. 

A regular business meeting.

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, email david.dowling@dcr.virginia.gov.


Virginia Soil and Water Conservation Board

NOTE: CHANGE IN MEETING DATE AND LOCATION
† **November 15, 2006 - 9:30 a.m.** -- Open Meeting
Association of Electric Companies, 4201 Dominion Boulevard, Conference Room, Glen Allen, Virginia.


A regular board meeting and a presentation, discussion and possible approval of the draft of the proposed impounding structure (dam safety) regulations.


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, email david.dowling@dcr.virginia.gov.

BOARD FOR CONTRACTORS


November 14, 2006 - 9 a.m. -- Open Meeting
† **November 28, 2006 - 1:30 p.m.** -- Open Meeting
† **December 5, 2006 - 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: 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 , email contractors@dpor.virginia.gov.


November 28, 2006 - 9 a.m. -- Open Meeting
December 19, 2006 - 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 , email contractors@dpor.virginia.gov.

November 28, 2006 - 1 p.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, Richmond, Virginia. 

A quarterly meeting of the Board for Contractors Committee. The meeting starts after the Board for Contractors meeting.


Contact: Kevin Hoefl, 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 , email contractors@dpor.virginia.gov.

BOARD OF CORRECTIONS

November 14, 2006 - 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, email barbara.woodhouse@vadoc.virginia.gov.

November 14, 2006 - 1 p.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor, Board Room, 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, email barbara.woodhouse@vadoc.virginia.gov.

November 15, 2006 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor, Room 3054, 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, email barbara.woodhouse@vadoc.virginia.gov.

November 15, 2006 - 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 presentation to and 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, email barbara.woodhouse@vadoc.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

† **March 8, 2007 - 9 a.m.** -- Public Hearing
General Assembly Building, 9th and Broad Street, House Room D, Richmond, Virginia. 

January 12, 2007 - Public comments may be submitted until 5 p.m. on 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 20-250, Regulations Relating to Property and Surety Bail Bondsmen**. The purpose of the proposed action is promulgate regulations for property and surety bail bondsmen. The regulation establishes a licensure process, training standards, fee schedule, and the administration of the regulatory system.

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


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, or email lbaker@dcjs.virginia.gov.

BOARD OF DENTISTRY

November 17, 2006 - 9 a.m. -- Open Meeting

December 15, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Special Conference Committee to hold informal conferences. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY , email cheri.emma-leigh@dhp.virginia.gov.

December 1, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Credentials Committee to hold informal conferences. There will not be a public comment period.

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

Calendar of Events

(804) 662-7246, (804) 662-7197/TTY ☎, email sandra.reen@dhp.virginia.gov.

December 7, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ♿

Informal conferences. There will not be a public comment period.

Contact: Cheri Emma-Leigh, Operations Manager, Board of Dentistry, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9906, FAX (804) 662-7246, (804) 662-7197/TTY ☎, email cheri.emma-leigh@dhp.virginia.gov.

December 8, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ♿

A meeting to discuss board business. There will be a 15-minute 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) 662-7246, (804) 662-7197/TTY ☎, email sandra.reen@dhp.virginia.gov.

DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD

November 16, 2006 - 11 a.m. -- Open Meeting

December 21, 2006 - 11 a.m. -- Open Meeting
Department of General Services, 202 North Ninth Street,
Room 412, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A monthly meeting to review requests submitted by localities to use the design build or construction management type contracts. Contact the Division of Engineering and Buildings to confirm this meeting. Board rules and regulations can be obtained on-line at www.dgs.virginia.gov under DGS Forms, Form #DGS-30-904.

Contact: Rhonda M. Bishton, Administrative Assistant, Division of Engineering and Buildings, Department of General Services, 202 N. Ninth St., Richmond, VA 23219, telephone (804) 786-3263, FAX (804) 371-7934, (804) 786-6152/TTY ☎, email rhonda.bishton@dgs.virginia.gov.

BOARD OF EDUCATION

† **November 20, 2006 - 9 a.m.** -- Open Meeting
Richmond Marriott West Hotel, 4240 Dominion Boulevard,
Glen Allen, Virginia.

† **January 22, 2007 - 9 a.m.** -- Open Meeting
Location to be announced.

A meeting of the Advisory Board on Teacher Education and Licensure. For additional information, contact Patty Pitts, Director of Teacher Licensure at the Department of Education, (804) 371-2471, email patty.pitts@doe.virginia.gov.

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, email margaret.roberts@doe.virginia.gov.

November 29, 2006 - 9 a.m. -- Open Meeting

January 10, 2007 - 9 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, Main Lobby Level, Conference Rooms C and D, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment will be received. 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, email margaret.roberts@doe.virginia.gov.

† **November 29, 2006 - 11 a.m.** -- Public Hearing
James Monroe Building, 101 North 14th Street, 22nd Floor,
Richmond, Virginia.

A public hearing on Revised English Language Proficiency. Speakers will have three minutes to speak and should bring copies of their comments for the board. Additionally, comments may be sent via mail, fax, or email until December 22, 2006, to Val Gooss, ESL coordinator, Office of Program Administration and Accountability, Virginia Department of Education, P.O. Box 2120, Richmond, VA 23218-2120; fax (804) 371-7347; or email elpstandards@doe.virginia.gov. If you need additional information relating to the proposed revisions to the ELP standards, please contact Val Gooss at valerie.gooss@doe.virginia.gov or (804) 786-1692.

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, email margaret.roberts@doe.virginia.gov.

November 29, 2006 - 11 a.m. -- Public Hearing
Department of Education, James Monroe Building, 101 North 14th Street, 22nd Floor, Richmond, Virginia.

December 15, 2006 - Public comments may be submitted until 5 p.m. on 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 repeal regulations entitled **8 VAC 20-21, Licensure Regulations for School Personnel** and adopt regulations entitled **8 VAC 20-22, Licensure Regulations for School Personnel**. The purpose of the proposed action is to propose substantive changes in the requirements for licensure of school personnel. In a concurrent action, the Board of Education proposes to repeal the text of the current regulations (8 VAC 20-21) and promulgate new regulations (8 VAC 20-22). Substantive new requirements are proposed for the following areas: (i) conditions for licensure; (ii) types of licenses; (iii) designations of career paths to teaching; (iv) added endorsements by examination; (v) conditions for licensure by reciprocity; (vi) names of a few endorsements and requirements for some teaching areas; (vii) endorsement areas by adding the mathematics specialist, school manager, and speech language assistants; and (viii) the administration and supervision endorsement.

Statutory Authority: §§ 22.1-298.1 and 22.1-299 of the Code of Virginia.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email margaret.roberts@doe.virginia.gov.

November 29, 2006 - 11 a.m. -- Public Hearing
Department of Education, James Monroe Building, 101 North 14th Street, 22nd Floor, Richmond, Virginia.

December 15, 2006 - Public comments may be submitted until 5 p.m. on 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 repeal regulations entitled **8 VAC 20-541, Regulations Governing Approved Programs for Virginia Institutions of Higher Education** and adopt regulations entitled **8 VAC 20-542, Regulations Governing the**

Review and Approval of Education Programs in Virginia. During recent years, national, state, and local educators as well as members of the general public have placed increased emphasis on the need to ensure in our nation's schools the provision of highly qualified teachers who in turn make a positive impact on preK-12 student achievement. Federal legislation such as the 2001 No Child Left Behind Act (NCLB) and the 1998 Reauthorization of the Title II Higher Education Act (Title II HEA) clearly express the need for increased accountability from states and institutions of higher education in the preparation, certification, and licensure of teachers and other school personnel.

Statutory Authority: §§ 22.1-16 and 22.1-298.1 of the Code of Virginia.

Contact: Dr. Margaret N. Roberts, Office of Policy and Public Affairs, Department of Education, P.O. Box 2120, James Monroe Bldg., 101 N. 14th St., 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, FAX (804) 225-2524, email margaret.roberts@doe.virginia.gov.


SECRETARY OF EDUCATION

November 15, 2006 - 10 a.m. -- Open Meeting
† **December 6, 2006 - 10 a.m.** -- Open Meeting
Capital One West Creek Campus, Town Center Building, Richmond, Virginia.

A full council meeting of the Start Strong Pre-K Council.

Contact: Kendall Tyree, Special Assistant to the Secretary of Education, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 692-2550, email kendall.tyree@governor.virginia.gov.


DEPARTMENT OF ENVIRONMENTAL QUALITY

November 14, 2006 - 7 p.m. -- Open Meeting
Page County Courthouse, South Court Street, Luray, Virginia. 

The first public meeting on the development of the implementation plan for fecal coliform bacterial TMDLs on Mill and Hawksbill Creeks located in Page County. The public notice appeared in the Virginia Register of Regulations on October 30, 2006.


Contact: Nesha Mizel, Virginia Department of Conservation and Recreation, 44 Sangers Lane, Suite 102, Staunton, VA 24401, telephone (540) 332-9238, email mesha.mizel@dcr.virginia.gov.

Calendar of Events

† **November 15, 2006 - 7 p.m.** -- Open Meeting
Johnson Recreation Center, 18849 Kings Highway, Montross,
Virginia. 


The first public meeting on the development of fecal coliform TMDLs for shellfish propagation waters in Westmoreland County. The public notice appears in the Virginia Register of Regulations on November 13, 2006. The public comment period begins on November 15, 2006, and ends on December 15, 2006

Contact: Chester Bigelow, Department of Environmental Quality, 629 E. Main St., P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4554, FAX (804) 698-4116, email cbigelow@deq.virginia.gov.

† **November 30, 2006 - 7 p.m.** -- Open Meeting
Scottsville Town Council Chambers, 401 Valley Street,
Scottsville, Virginia. 

The first public meeting on the development of bacteria TMDLs for the Hardware and North Fork Hardware Rivers in Albemarle and Fluvanna Counties. The public notice appears in the Virginia Register of Regulations on November 13, 2006. The public comment period begins on November 30, 2006, and ends on January 2, 2007.


Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., PO Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, email mbrent@deq.virginia.gov.

† **November 30, 2006 - 7 p.m.** -- Open Meeting
Essex Public Library, 117 North Church Lane,
Tappahannock, Virginia. 

The final public meeting and technical advisory committee meeting on a study to restore water quality in the waters of Occupacia Creek and its tributaries in Essex County. This stream is impaired for failure to meet the primary contact (recreational) designated use because of bacterial standard violations. The public notice appears in the Virginia Register on November 13, 2006. The public comment period begins on November 30, 2006, and ends on January 2, 2007.


Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, email rcfrench@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

November 16, 2006 - 9:30 a.m. -- Open Meeting
Department of Fire Programs Headquarters, Glen Allen,
Virginia. 


9:30 a.m. to 11 a.m. - Burn Building Subcommittee
11 a.m. to 5 p.m. - Training Mini-Grant Application
review/awards

Contact: Brook M. Pittinger, Quality Assurance Chief,
Virginia Fire Services Board, 1005 Technology Park Dr.,
Glen Allen, VA 23059, telephone (804) 249-1907, toll-free
(866) 482-3473, email brook.pittinger@vdfp.virginia.gov.

† **December 13, 2006 - 11 a.m.** -- Open Meeting
Henry County Emergency Training Center, 1024 Dupont
Road, Martinsville, Virginia.  (Interpreter for the deaf
provided upon request)


Orientation for new board members.

Contact: Brook M. Pittinger, Quality Assurance Chief,
Virginia Fire Services Board, 1005 Technology Park Dr.,
Glen Allen, VA 23059, telephone (804) 249-1970, toll-free
(866) 482-3473, email brook.pittinger@vdfp.virginia.gov.

† **December 13, 2006 - 3 p.m.** -- Open Meeting
Henry County Emergency Training Center, 1024 Dupont
Road, Martinsville, Virginia.  (Interpreter for the deaf
provided upon request)

A meeting of the Executive Committee.

Contact: Brook M. Pittinger, Quality Assurance Chief,
Virginia Fire Services Board, 1005 Technology Park Dr.,
Glen Allen, VA 23059, telephone (804) 249-1970, toll-free
(866) 482-3473, email brook.pittinger@vdfp.virginia.gov.

† **December 14, 2006 - 10 a.m.** -- Open Meeting
Henry County Emergency Training Center, 1024 Dupont
Road, Martinsville, Virginia.  (Interpreter for the deaf
provided upon request)


Committee meetings will be held as follows:

Education and Training - 10 a.m.

Fire Prevention and Control - 2 p.m.

Administration, Policy and Finance - 3 p.m.


Contact: Brook M. Pittinger, Quality Assurance Chief,
Virginia Fire Services Board, 1005 Technology Park Dr.,
Glen Allen, VA 23059, telephone (804) 249-1970, toll-free
(866) 482-3473, email brook.pittinger@vdfp.virginia.gov.

† **December 15, 2006 - 9 a.m.** -- Open Meeting
Henry County Emergency Training Center, 1024 Dupont
Road, Martinsville, Virginia.  (Interpreter for the deaf
provided upon request)

A full board meeting.

Contact: Brook M. Pittinger, Quality Assurance Chief,
Virginia Fire Services Board, 1005 Technology Park Dr.,
Glen Allen, VA 23059, telephone (804) 249-1970, toll-free
(866) 482-3473, email brook.pittinger@vdfp.virginia.gov.


BOARD OF FORESTRY

November 13, 2006 - 10 a.m. -- Open Meeting
Department of Forestry, Central Office, 900 Natural Resources Drive, Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)


A regular business meeting.

Contact: Donna S. Hoy, Administrative Staff Specialist, Department of Forestry, 900 Natural Resources Dr., Charlottesville, VA 22903, telephone (434) 977-6555, FAX (434) 977-7749, email donna.hoy@dof.virginia.gov.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

November 16, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 1, Richmond, Virginia. 

A meeting of the Task Force on Cremation Laws and Regulations to discuss matters as they pertain to the cremation laws and regulations.

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 , email elizabeth.young@dhp.virginia.gov.


COUNCIL ON VIRGINIA'S FUTURE

December 15, 2006 - Noon -- Open Meeting
General Assembly Building, 9th and Broad Street, Senate Room A, Richmond, Virginia. 

A meeting of the members of the Council on Virginia's Future, related staff, members of the press, and the general public.


Contact: Gilbert M. An (Gigi), Executive Assistant to the Director, Virginia Research and Technology Advisory Commission, 1001 E. Broad St., Suite 430, Richmond, VA 23219, telephone (804) 371-2346, FAX (804) 371-2347, email gma2n@virginia.edu.

BOARD FOR GEOLOGY


† January 3, 2007 - 9 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 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: David E. Dick, Executive Director, Board for Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, (804) 367-9753/TTY , email geology@dpor.virginia.gov.

GEORGE MASON UNIVERSITY

December 6, 2006 - 9 a.m. -- Open Meeting
† January 31, 2007 - 9 a.m. -- Open Meeting
Fairfax Campus, Mason Hall, Fairfax, Virginia. 

A meeting of the Board of Visitors. Agenda items will be posted 10 days prior to the meeting.

Contact: Mary Roper, Secretary Pro Tem, George Mason University, 4400 University Dr., Fairfax, VA 22030, telephone (703) 993-8703, toll-free (703) 993-8707, email mroper@gmu.edu.

STATE BOARD OF HEALTH

November 18, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to repeal regulations entitled **12 VAC 5-40, Regulations Governing Financial Assistance for Emergency Medical Services**, and amend regulations entitled **12 VAC 5-31, Virginia Emergency Medical Services Regulations**. The purpose of the proposed action is to adopt regulations for designation of regional EMS councils and revise regulations regarding the Rescue Squad Assistance Fund (RSAF) combining them with all regulations governing EMS in Virginia.

Statutory Authority: §§ 32.1-12, 32.1-111.4 and 32.1-111.11 of the Code of Virginia.

Contact: Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St, UB-55, Richmond, VA 23219, telephone (804) 864-7615, FAX (804) 864-7580, toll-free 1-800-523-6019 or email michael.berg@vdh.virginia.gov.

December 18, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Health intends to amend regulations entitled **12 VAC 5-585, Biosolids Use Regulations**. The purpose of the proposed action is to provide regulations and standards for site specific

Calendar of Events

management practices, including nutrient management plans for land applying Class B sewage sludge in the Commonwealth, and to provide for resolving disputes concerning permit compliance that may arise between land appliers and local governments.

Statutory Authority: § 32.1-164.5 of the Code of Virginia.

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

DEPARTMENT OF HEALTH

November 16, 2006 - 9 a.m. -- Open Meeting
Department of Health, 109 Governor Street, 5th Floor, Conference Room, Richmond, Virginia.
Will also be scheduled in remote locations via video conference.

A meeting of the Authorized Onsite Soil Evaluator Regulations Advisory Committee to make recommendations to the commissioner regarding AOSE/PE policies and programs.

Contact: Dwayne Roadcap, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7462, FAX (804) 864-7476, email dwayne.roadcap@vdh.virginia.gov.

† **November 17, 2006 - 10 a.m.** -- Open Meeting
December 15, 2006 - 10 a.m. -- Open Meeting
Department of Health, 109 Governor Street, 5th Floor, Conference Room, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Regulations Advisory Committee to make recommendations to the commissioner regarding sewage handling and disposal policies, procedures and programs of the department.


Contact: Donald Alexander, Division Director, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7476, email don.alexander@vdh.virginia.gov.

December 8, 2006 - 10 a.m. -- Open Meeting
Virginia Hospital and Healthcare Association, 4200 Innslake Drive, Glen Allen, Virginia. 

A meeting of the Virginia Early Hearing Detection and Intervention Program Advisory Committee to assist the Department of Health in the implementation of the Virginia Early Hearing Detection and Intervention Program. Public comment will not be received.


Contact: Pat Dewey, M.Ed., Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219,

telephone (804) 864-7713, email pat.dewey@vdh.virginia.gov.

December 10, 2006 - Canceled
Holiday Inn Tanglewood, 4468 Starkey Road SW, Roanoke, Virginia. 

A meeting to solicit public comment for the Virginia Department of Health use of Ryan White CARE Act Title II funds is canceled.


Contact: Ben Alonso, Health Care Planner, Department of Health, 109 Governor St., Room 326, Richmond, VA 23219, telephone (804) 864-8022, FAX (804) 864-8050, email ben.alonso@vdh.virginia.gov.

December 14, 2006 - 10 a.m. -- Open Meeting
Virginia Association of Volunteer Rescue Squads, 2535 Turkey Creek Road, Oilville, Virginia. 


A regular meeting for the Regulation and Policy Committee for the EMS Advisory Board.

Contact: Michael D. Berg, Manager, Regulation and Compliance, Department of Health, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email michael.berg@vdh.virginia.gov.

BOARD FOR HEARING AID SPECIALISTS

November 15, 2006 - 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 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 Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email hearingaidspec@dpor.virginia.gov.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

November 13, 2006 - 9:30 a.m. -- Open Meeting
Richmond Omni, 100 South 12th Street, 2nd Floor,
Richmond, Virginia.

A special meeting to review and approve the institutional performance standards.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N. 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leeannrung@schev.edu.

BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

November 16, 2006 - 9:30 a.m. -- Open Meeting
Department of Housing and Community Development, 501
North 2nd Street, Richmond, Virginia.

A meeting of the Community Development Codes and Standards Committee to discuss building and fire code updates and national model codes.

Contact: Stephen W. Calhoun, Regulatory Coordinator, Department of Housing and Community Development, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7000, FAX (804) 371-7090, (804) 371-7089/TTY ☎, email steve.calhoun@dhcd.virginia.gov.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

State Building Code Technical Review Board

November 17, 2006 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501
North 2nd Street, Richmond, Virginia. ☎

The State Building Code Technical Review Board hears appeals from application of the department's building and fire regulations, typically after an appeal has been heard by a local government appeals board. The board also makes recommendations to the Board of Housing and Community Development for amendments to the regulations.

Contact: Vernon Hodge, Secretary, Department of Housing and Community Development, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7150.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **November 29, 2006 - 1 p.m.** -- Open Meeting
TowneBank, Community Room, 109 E. Main Street, Norfolk,
Virginia. ☎

A regular meeting of the Board of Commissioners of the Virginia Housing Development Authority. The Board of Commissioners will review and, if appropriate, approve the minutes from the prior meeting; may consider for approval and ratification mortgage loan commitments under its various programs; will review the Authority's operations for the prior months; and will 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 Committee, the Operations Committee, the Executive Committee, and the Committee of the Whole may also meet before and after the meeting and may consider matters within their purview. The committees and the board may also meet during meals on the day of the meeting. The planned agenda of the meeting will be available at the offices of the Authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, telephone (804) 343-5540, FAX (804) 783-6701, toll-free (800) 968-7837, (804) 783-6705/TTY ☎, email judson.mckellar@vhda.com.

DEPARTMENT OF HUMAN RESOURCE MANAGEMENT

December 16, 2006 - 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 Human Resource Management intends to adopt regulations entitled **1 VAC 55-30, Long-Term Care Program**. The purpose of the proposed action is to establish regulations used by the Department of Human Resource Management in the administration of the long-term care plan for state employees, retirees and terminated vested participants of the Virginia Retirement System, as well as employees of local governments that have chosen to offer the plan. The regulations define eligibility and underwriting provisions, as well as establish distinct insurance classifications for participants.

Statutory Authority: §§ 2.2-1207 and 2.2-1208 of the Code of Virginia.

Contact: Charles Reed, Associate Director, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 786-3124, FAX (804) 371-2505, email charles.reed@dhrm.virginia.gov.

Calendar of Events

VIRGINIA COUNCIL ON HUMAN RESOURCES

December 14, 2006 - 9:30 a.m. -- Open Meeting
James Monroe Building, 101 North 14th Street, PDS 4,
Richmond, Virginia.

A quarterly meeting.

Contact: Charles Reed, Associate Director, Department of
Human Resource Management, James Monroe Bldg., 101 N.
14th St., 13th Floor, Richmond, VA 23219, telephone (804)
786-3124, FAX (804) 371-2505, email
charles.reed@dhrm.virginia.gov.

VIRGINIA INFORMATION TECHNOLOGIES AGENCY

November 15, 2006 - 9 a.m. -- Open Meeting
December 6, 2006 - 9 a.m. -- Open Meeting
December 20, 2006 - 9 a.m. -- Open Meeting
VRS Headquarters, 1200 East Main Street, Richmond,
Virginia. (Interpreter for the deaf provided upon request)

A meeting of the Council on Technology Services Mobile
Workforce Workgroup.

Contact: Mike Hammel, Enterprise Architect, Virginia
Information Technologies Agency, 110 S. 7th St., Richmond,
VA 23219, telephone (804) 225-4016, email
mike.hammel@vita.virginia.gov.

JAMESTOWN-YORKTOWN FOUNDATION

November 20, 2006 - 10 a.m. -- Open Meeting
November 21, 2006 - 8 a.m. -- Open Meeting
Crowne Plaza Fort Magruder, 6945 Pocahontas Trail,
Williamsburg, Virginia. (Interpreter for the deaf provided
upon request)

The semiannual two-day Board of Trustees meeting. Public
comment will be received on the second day of the
meeting. Contact the Foundation for a schedule.

Contact: Laura W. Bailey, Executive Assistant to the
Boards, Jamestown-Yorktown Foundation, P.O. Box 1607,
Williamsburg, VA 23187, telephone (757) 253-4840, FAX
(757) 253-5299, toll-free (888) 593-4682, (757) 253-
7236/TTY, email laura.bailey@jyf.virginia.gov.

December 6, 2006 - 2 p.m. -- Open Meeting
Richmond, Virginia. (call for specific location). (Interpreter
for the deaf provided upon request)

A regular meeting of the Executive Committee of the
Jamestown 2007 Steering Committee.

Contact: Judith Leonard, Administrative Office Manager,
Jamestown-Yorktown Foundation, 410 W. Francis St.,
Williamsburg, VA 23185, telephone (757) 253-4253, FAX
(757) 253-4950, email judith.leonard@jyf.virginia.gov.

BOARD OF JUVENILE JUSTICE

† **January 29, 2007** - Public comments may be submitted
until 5 p.m. on 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 adopt regulations entitled **6 VAC 35-180, Regulations
Governing Mental Health Services Transition Plans for
Incarcerated Juveniles**. The purpose of the proposed
action is to ensure continuity of necessary treatment and
services for juveniles being released from incarceration.

Statutory Authority: §§ 16.1-293.1 and 66-10 of the Code of
Virginia

Contact: Deron M. Phipps, Regulatory Coordinator,
Department of Juvenile Justice, 700 E. Franklin St., P. O. Box
1110, Richmond, VA 23218-1110, telephone (804) 786-6407,
FAX (804) 371-0773, or
email deron.phipps@djj.virginia.gov.

† **January 29, 2007** - Public comments may be submitted
until 5 p.m. on 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 adopt regulations entitled **6 VAC 35-190, Regulations
Governing Juvenile Work Release Programs**. The
purpose of the proposed action is to set forth the rules and
criteria by which the Department may operate work release
programs whereby committed juveniles (i) may be
employed by private individuals, corporations, or state
agencies at places of business; or (ii) may attend
educational or other related community activity programs
outside of a juvenile correctional facility. Chapter 648
requires the Department to provide juveniles committed to
the Department with opportunities to work and participate
in career training or technical education programs as
operated by DJJ or by the Department of Correctional
Education (DCE) and sets forth requirements to be
included in the regulation, including eligibility for work
release, compensation, custody, and penalties for violating
the terms of work release.

Statutory Authority: §§ 66-10 and 66-25.1:3 of the Code of
Virginia


Contact: Deron M. Phipps, Regulatory Coordinator,
Department of Juvenile Justice, 700 E. Franklin St., P. O. Box
1110, Richmond, VA 23218-1110, telephone (804) 786-6407,
FAX (804) 371-0773, or
email deron.phipps@djj.virginia.gov.

DEPARTMENT OF LABOR AND INDUSTRY


Virginia Apprenticeship Council

December 14, 2006 - 10 a.m. -- Open Meeting
Confederate Hills Recreation Building, 302 Lee Avenue,
Highland Springs, Virginia. 


A regular business meeting.


Contact: Beverley Donati, Program Director, Department of Labor and Industry, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-2382, FAX (804) 786-8418, (804) 786-2376/TTY , email bgd@doli.state.va.us.

LIBRARY BOARD


November 13, 2006 - 10:30 a.m. -- Open Meeting
January 19, 2007 - 10:30 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

A meeting to discuss matters pertaining to the Library of Virginia and the Library Board.


Contact: Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3525, FAX (804) 692-3594, (804) 692-3976/TTY , email jtaylor@lva.lib.va.us.

† November 14, 2006 - 10 a.m. -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. 

A meeting of the Virginia Circuit Court Records Preservation Grant Review Board to review, evaluate, and appropriately award grant applications submitted by circuit court clerks to undertake records preservation projects in their offices.

Contact: Jean H. Taylor, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 692-3594, (804) 692-3976/TTY , email jtaylor@lva.lib.va.us.


COMMISSION ON LOCAL GOVERNMENT

November 14, 2006 - 10 a.m. -- Open Meeting
The Homestead, Chesapeake Room, Bath County, Virginia. 


A regular business meeting held in conjunction with the annual conference of the Virginia Association of Counties.

Contact: Barbara Johnson, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219, telephone (804) 371-7024, FAX (804) 371-7090, email barbara.johnson@dhcd.virginia.gov.


MARINE RESOURCES COMMISSION

November 28, 2006 - 9:30 a.m. -- Open Meeting
December 19, 2006 - 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 Ave., 3rd Floor, Newport News, VA 23607, telephone (757) 247-2215, FAX (757) 247-8101, toll-free (800) 541-4646, (757) 247-2292/TTY , email jane.mccroskey@mrc.virginia.gov.

BOARD OF MEDICAL ASSISTANCE SERVICES


December 12, 2006 - 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 , email nancy.malczewski@dmas.virginia.gov.

BOARD OF MEDICINE

November 15, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

November 29, 2006 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

A special conference committee will convene informal conferences to inquire into allegations that certain practitioners of medicine or 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 sessions 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 , email renee.dixon@dhp.virginia.gov.

Calendar of Events

December 8, 2006 - 8 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A meeting of the Executive Committee to consider regulatory and disciplinary matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

December 8, 2006 - 1 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting of the Ad Hoc Committee on Competency to discuss the elements involved in initial competency. Public comment will be received on agenda items 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 ☎, email william.harp@dhp.virginia.gov.

† January 26, 2007 - 8:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The Legislative Committee will consider regulatory matters as may be presented on the agenda. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email william.harp@dhp.virginia.gov.

† January 26, 2007 - 1:30 p.m. -- Open Meeting

† February 22, 2007 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

The Credentials Committee will meet to consider applicants for licensure and other matters of the board. 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 ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Midwifery**† January 19, 2007 - 10 a.m. -- Open Meeting**

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎

The advisory board will consider issues related to the regulations of midwifery. 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 ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Physician Assistants**† February 8, 2007 - 1 p.m. -- Open Meeting**

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎

The advisory board will consider issues related to the regulations of physician assistants. 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 ☎, email william.harp@dhp.virginia.gov.

Advisory Board on Radiologic Technology**† February 7, 2007 - 9 a.m. -- Open Meeting**

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ☎

The advisory board will consider issues related to the regulations of radiologic technologists and radiologic technologist-limited. 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 ☎, email william.harp@dhp.virginia.gov.

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES


November 17, 2006 - 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 Mental Health, Mental Retardation and Substance Abuse Services intends


to amend regulations entitled **12 VAC 35-115, Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services**. The purpose of the proposed action is to clarify terminology and procedures and align outdated provisions with applicable federal and state laws.

Statutory Authority: §§ 32.2-203 and 37.2-400 of the Code of Virginia.


Contact: Margaret Walsh, Director of the Office of Human Rights, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3988, FAX (804) 371-2308, email margaret.walsh@co.dmhmrzas.virginia.gov.

† **December 14, 2006 - 10 a.m.** -- Public Hearing
Jefferson Building, 1220 Bank St., 8th Floor Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A public hearing to receive comments on the Synar Annual Report for the Virginia Substance Abuse Prevention and Treatment Block Grant Application for federal fiscal year 2006. Copies of the report are available for review at the Office of Substance Abuse Services, Room 818, Jefferson Building and at each community services board office. Comments may be made at the hearing or in writing by no later than December 14, 2006, to the Office of the Commissioner, Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS), P.O. Box 1797, Richmond, VA 23218. Any person wishing to make a presentation at the hearing should contact Sterling Deal, Ph.D. Copies of oral presentations should be filed at the time of the hearing.

Contact: Sterling Deal, Ph.D., Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-2148, FAX (804) 786-9248, (804) 371-8977/TTY , email sterling.deal@co.dmhmrzas.virginia.gov.


Interagency Civil Admissions Advisory Council

† **November 15, 2006 - 1:30 p.m.** -- Open Meeting
VACSB, 10128-B West Broad Street, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

The Council will discuss its scope and goals and agenda for FY 2007.

Contact: Jane McDonald, Community Support Specialist, Office of Mental Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank St., P.O. Box 1797, Richmond, VA 23218, telephone (804) 371-8950, FAX (804) 786-1587, email jamcdonald@co.dmhmrzas.virginia.gov.


Virginia Mental Health Planning Council

December 6, 2006 - 10 a.m. -- Open Meeting
Henrico CSB, 10299 Woodman Road, Conference Room C, Glen Allen, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review MHBG plan, review MHBG Implementation Report, develop plan for 2006 issues, and monitor and evaluate mental health programs.

Contact: Will Ferriss, LCSW, Director, Planning and Evaluation, Office of Mental Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, 1220 Bank St., Richmond, VA 23218, telephone (804) 371-0363, FAX (804) 371-0091, email will.ferriss@co.dmhmrzas.virginia.gov.


STATE MILK COMMISSION

December 13, 2006 - 10:45 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Room 2054, Charlottesville, Virginia. 

A regular meeting to consider industry issues, distributor licensing, base transfers, and reports from staff. The commission offers anyone in attendance an opportunity to speak at the conclusion of the agenda. Those persons requiring special accommodations should notify the agency meeting contact at least five working days prior to the meeting date so that suitable arrangements can be made.

Contact: Rodney Phillips, Administrator, State Milk Commission, 102 Governor St., Room 205, Richmond, VA 23219, telephone (804) 786-2013, FAX (804) 786-3779, email rodney.phillips@vdacs.virginia.gov.

DEPARTMENT OF MINES, MINERALS AND ENERGY

† **December 11, 2006 - 9 a.m.** -- Open Meeting
Oxbow Center, 16620 East Riverside Drive, St. Paul, Virginia.  (Interpreter for the deaf provided upon request)

Permit Enhancement Work Group will meet first, followed with Regulatory Work Group. To discuss potential enhancement to the DMLR permitting process. The regulatory work group will discuss draft language to amend the DMLR regulations. Public comments will be received as the last item of the meeting. Special accommodations for the disabled will be made available at the public meeting on request. Anyone needing special accommodations should contact the DMME DMLR or Virginia Relay Center at least seven days prior to the meeting date.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, 3405 Mountain Empire Rd., Big Stone Gap, VA 23219-3402, telephone (276) 523-8156, FAX

Calendar of Events

(275) 523-8163, (800) 828-1120/TTY ☎, email
les.vincent@dmme.virginia.gov.

MOTOR VEHICLE DEALER BOARD

November 13, 2006 - 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, email
dboard@mvdv.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

November 14, 2006 - 10 a.m. -- Open Meeting
Virginia Museum of Fine Arts, The Pauley Center, 200 North
Boulevard, Library, Richmond, Virginia. ♿

A meeting of the Art Acquisitions Subcommittee for staff
to update the committee 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 ☎, email
suzanne.broyles@vmfa.museum.

November 15, 2006 - 8:45 a.m. -- Open Meeting
Virginia Museum of Fine Arts, The Pauley Center, 200 North
Boulevard, Richmond, Virginia. ♿

The following committees will meet for staff updates:

8:45 a.m. - Museum Expansion - Parlor
11 a.m. - Artistic Oversight - Parlor
1:15 p.m. - Government Affairs - Dining 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 ☎, email
suzanne.broyles@vmfa.museum.

November 16, 2006 - 9:30 a.m. -- Open Meeting
University of Mary Washington, Hanover Street, Alumni
Center Board Room, Fredericksburg, 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 ☎, email
suzanne.broyles@vmfa.museum.

November 16, 2006 - 11 a.m. -- Open Meeting
University of Mary Washington, Hanover Street, Alumni
Center Board Room, Fredericksburg, 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 ☎, email
suzanne.broyles@vmfa.museum.

December 5, 2006 - 8 a.m. -- Open Meeting

January 2, 2007 - 8 a.m. -- Open Meeting

† **February 6, 2007 - 8 a.m.** -- Open Meeting

Virginia Museum of Fine Arts, The Pauley Center, 200 North
Boulevard, Dining 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 ☎, email
suzanne.broyles@vmfa.museum.

† **December 13, 2006 - 11 a.m.** -- Open Meeting

Virginia Museum of Fine Arts, The Pauley Center, 200 North
Boulevard, Richmond, Virginia. ♿

A meeting of the Statewide Task Force for staff to update
the task force. 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, email
suzanne.broyles@vmfa.museum.

BOARD OF NURSING


November 13, 2006 - 9 a.m. -- Open Meeting

November 15, 2006 - 9 a.m. -- Open Meeting


November 16, 2006 - 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 , email nursebd@dhp.virginia.gov.


November 14, 2006 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

A meeting to conduct general business including receipt of committee reports and 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 , email jay.douglas@dhp.virginia.gov.

November 14, 2006 - 11:30 a.m. -- Public Hearing

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. 

December 15, 2006 - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Board of Nursing intends to amend regulations entitled **18 VAC 90-25, Regulations Governing Certified Nurse Aides**. The purpose of the proposed action is to clarify the intent and/or language in the regulation relating to nurse aide education and to add to the grounds for unprofessional conduct to include providing false information to staff or board members in the course of an investigation or proceeding. There is also a proposed new rule that a certificate holder can only petition the board one time for removal of a finding of abuse.

Statutory Authority: §§ 54.1-2400 and 54.1-3005 of the Code of Virginia.

Public comments may be submitted until December 15, 2006, to Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712.

Contact: Elaine J. Yeatts, Regulatory Coordinator, Department of Health Professions, 6603 W. Broad St., Richmond, VA 23230, telephone (804) 662-9918, FAX (804) 662-9114 or email elaine.yeatts@dhp.virginia.gov.

November 30, 2006 - 9 a.m. -- Open Meeting

December 1, 2006 - 9 a.m. -- Open Meeting


December 4, 2006 - 9 a.m. -- Open Meeting

December 5, 2006 - 9 a.m. -- Open Meeting


December 7, 2006 - 9 a.m. -- Open Meeting

December 12, 2006 - 9 a.m. -- Open Meeting

December 13, 2006 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 3, 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 , email nursebd@dhp.virginia.gov.

JOINT BOARDS OF NURSING AND MEDICINE

December 6, 2006 - 9 a.m. -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A regular meeting.

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 , email jay.douglas@dhp.virginia.gov.

OLD DOMINION UNIVERSITY

November 20, 2006 - Noon -- Open Meeting

Old Dominion University, Webb University Center, Old 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, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email dmeeks@odu.edu.

Calendar of Events

December 8, 2006 - 1:30 p.m. -- Open Meeting
Old Dominion University, Webb University Center, 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, email dmeeks@odu.edu.

OLMSTEAD COMMUNITY INTEGRATION IMPLEMENTATION TEAM

December 19, 2006 - Canceled
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The regular meeting is canceled.

Contact: Julie A. Stanley, Director, Community Integration for People with Disabilities, Office of Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 371-0828, FAX (804) 786-6984, email julie.stanley@governor.virginia.gov.

BOARD FOR OPTICIANS

December 8, 2006 - 9:30 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 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 ♿, email opticians@dpor.virginia.gov.

VIRGINIA OUTDOORS FOUNDATION

November 15, 2006 - 1 p.m. -- Open Meeting
November 16, 2006 - 9 a.m. -- Open Meeting
Location to be announced; Charlottesville, Virginia area.

A meeting for policy and easement consideration. Public comment will be received.

Contact: Trisha Cleary, Administrative Assistant, Department of Conservation and Recreation, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, email tcleary@vofonline.org.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

† **December 7, 2006 - 11 a.m.** -- Open Meeting
Wyndham Richmond Airport Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

An Executive Committee meeting.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ♿, email Sandra.Smalls@vbpd.virginia.gov.

† **December 8, 2006 - 8:30 a.m.** -- Open Meeting
Wyndham Richmond Airport Hotel, 4700 S Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Community Integration is a submeeting of the VBPD quarterly board meeting.

Contact: Katherine Lawson, Outreach and Program Manager, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9376, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ♿, email katherine.lawson@vbpd.virginia.gov.

† **December 8, 2006 - 8:30 a.m.** -- Open Meeting
Wyndham Richmond Airport Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly board meeting.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th St., 9th Floor, Richmond, VA 23219, telephone (804) 786-9368, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ♿, email sandra.smalls@vbpd.virginia.gov.

† **December 8, 2006 - 8:30 a.m.** -- Open Meeting
Wyndham Richmond Airport Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

Community Living/Transportation is submeeting of the Quarterly Board Meeting.

Contact: Teri Barker-Morgan, Programs Manager, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9371, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, email teri.barker@vbpd.virginia.gov.

† **December 8, 2006 - 8:30 a.m.** -- Open Meeting
Wyndham Richmond Airport Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Education Committee is a submeeting of the VBPD quarterly board meeting.

Contact: Linda Redmond, Research, Evaluation and Program Manager, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-7333, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, email linda.redmond@vbpd.virginia.gov.

† **December 8, 2006 - 8:30 a.m.** -- Open Meeting
Wyndham Richmond Airport Hotel, 4700 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The Employment Committee is a submeeting of the VBPD quarterly board meeting.

Contact: Lynne Talley, Grants Administrative Manager, Virginia Board for People with Disabilities, 202 N. 9th St., Richmond, VA 23219, telephone (804) 786-9375, FAX (804) 786-1118, toll-free (800) 846-4464, (804) 786-0016/TTY ☎, email lynne.talley@vbpd.virginia.gov.

BOARD OF PHARMACY

† **November 30, 2006 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A panel will discuss disciplinary matters. No public comments will be received.

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 ☎, email scotti.russell@dhp.virginia.gov.

December 13, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. ♿

A meeting to consider such 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 ☎, email scotti.russell@dhp.virginia.gov.

POLYGRAPH EXAMINERS ADVISORY BOARD

December 7, 2006 - 11 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. 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: Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY ☎, email kevin.hoeft@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

November 13, 2006 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor Conference Room, Richmond, Virginia. ♿

A quarterly meeting.

Contact: Mark Courtney, Executive Director, Board for Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, email mark.courtney@dpor.virginia.gov.

DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION

December 11, 2006 - 1 p.m. -- Public Hearing
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor Conference Room, Richmond, Virginia. ♿

December 15, 2006 - 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 Professional and Occupational Regulations intends to amend regulations entitled **18 VAC 120-30, Regulations Governing Polygraph Examiners**. The purpose of the proposed action

Calendar of Events

is to amend current regulations to increase fees. In addition to any other comments, the agency is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: (i) projected reporting, recordkeeping and other administrative costs; (ii) probable effect of the regulation on affected small businesses; and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Statutory Authority: §§ 54.1-201 and 54.1-1802 of the Code of Virginia.

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) 367-0674, (804) 367-9753/TTY ☎, email kevin.hoeft@dpor.virginia.gov.

VIRGINIA PUBLIC GUARDIAN AND CONSERVATOR ADVISORY BOARD

December 7, 2006 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

A quarterly 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 ☎, email janet.brown@vda.virginia.gov.

† January 25, 2007 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia. ♿

Legislative meeting of VPGCAB Executive Committee and the Legislative Committee to view pending legislation, if any, affecting Virginia Public Guardians and/or Conservators during the 2007 General Assembly Session.

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 ☎, email janet.brown@vda.virginia.gov.

REAL ESTATE APPRAISER BOARD

† December 13, 2006 - 10:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, 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 ☎, email reboard@dpor.virginia.gov.

REAL ESTATE BOARD

† December 4, 2006 - 1 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

An informal fact-finding conference.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

December 4, 2006 - 3 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Education Committee.

Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

December 5, 2006 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting to discuss fair housing cases.


Contact: Christine Martine, Executive Director, Real Estate Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email reboard@dpor.virginia.gov.

December 5, 2006 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿


A meeting to discuss board business.


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 ☎, email reappraisers@dpor.virginia.gov.

DEPARTMENT OF REHABILITATIVE SERVICES


† **November 20, 2006 - 8 a.m.** -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting. Prior to the meeting, a retreat will be held on Sunday, 11/19, from noon until 6 p.m. Materials in alternate format will be provided upon prior request. Public comments will begin at approximately 8:15 a.m.

Contact: Barbara Tyson, Staff Support, Department of Rehabilitative Services, 8004 Franklin Farms Dr., Richmond, VA 23229, telephone (804) 662-7010, FAX (804) 662-7644, toll-free (800) 552-5019, (804) 662-9040/TTY , email barbara.tyson@dors.virginia.gov.

January 26, 2007 - 1 p.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Rooms 103/105, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Virginia Brain Injury Council. Materials can be provided in alternate format upon request. Public comments will begin at approximately 1:15 p.m.

Contact: Kristie Chamberlain, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7154, FAX (804) 662-7663, toll-free (800) 552-5019, (800) 464-9950/TTY , email kristie.chamberlain@dors.virginia.gov.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

NOTE: CHANGE IN MEETING TIME

November 14, 2006 - 1 p.m. -- Open Meeting
Williamsburg, Virginia.

A regular meeting.

Contact: Nancy Vorona, VP Research Investment, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, email nvorona@cit.org.

SAFETY AND HEALTH CODES BOARD


November 18, 2006 - 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 Safety and Health Codes Board intends to adopt regulations entitled **16 VAC 25-75, General Industry Standard for Telecommunications, General, Approach Distances**, and amend regulations entitled **16 VAC 25-90-1910.268, Federal Identical General Industry Standards**. The purpose of the proposed action is to provide telecommunications


employees with protection from any live electrical part in the area where such employees are working.

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


Contact: John Crisanti, Policy Analyst Senior, Powers-Taylor Bldg., 13 S. 13th St., Richmond, VA 23219, telephone (804) 786-4300, FAX (804) 786-8418 or email john.crisanti@doli.virginia.gov.

December 6, 2006 - 10 a.m. -- Open Meeting
State Corporation Commission, Tyler Building, 1300 East Main Street, Courtroom A, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to discuss selected chapters of regulations.

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 , email regina.cobb@doli.virginia.gov.

VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

November 15, 2006 - Noon -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and general business of the board. The meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Virginia Small Business Financing Authority, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, email scott.parsons@dba.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

† **January 12, 2007** - Public comments may be submitted until this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the State Board of Social Services intends to repeal regulations entitled:

22 VAC 40-200, Foster - Care Guiding Principles

22 VAC 40-210, Foster Care- Assessing the Client's Service Needs

22 VAC 40-240, Nonagency Placement for Adoption - Consent

22 VAC 40-250, Agency Placement Adoptions - AREVA

22 VAC 40-260, Agency Placement Adoptions - Subsidy

Calendar of Events

22 VAC 40-280, Nonagency Placements for Adoption - Adoptive Home Study

22 VAC 40-800, Family Based Social Services


and adopt regulations entitled **8 VAC 22 VAC 40-201, Permanency Services - Prevention, Foster Care, Adoption and Independent Living**. The purpose of the proposed action is to repeal seven existing regulations and replace them with one new comprehensive regulation. The new regulation will incorporate all aspects of permanency - Foster Care Prevention, Foster Care, Independent Living, Agency Placement Adoptions - AREVA, Agency Placement Adoptions - Subsidy, and Nonagency Adoption Placement. It will also mandate new procedures integral to Virginia's compliance with federal regulations and in keeping with the federal Child and Family Services program outcome goals.

Statutory Authority: §§ 63.2-217 and 63.2-319 of the Code of Virginia.


Contact: Lynette Isbell, Acting Director, Division of Family Services, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7082, FAX (804) 726-7895 or email lynette.idbell@dss.virginia.gov.

DEPARTMENT OF SOCIAL SERVICES


Governor's Commission on Community and National Service

† **November 18, 2006 - 9 a.m.** -- Open Meeting
Embassy Suites Hotel, Richmond, Virginia. 


A regular business meeting.

Contact: Susan Patton, Executive Assistant, Department of Social Services, 7 N. 8th St., Richmond, VA 23219, telephone (804) 726-7065, FAX (804) 726-7024, toll-free (800) 638-3839, (804) 828-1120/TTY , email susan.c.patton@dss.virginia.gov.

BOARD FOR PROFESSIONAL SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† **January 30, 2007 - 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. 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: 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) 367-0795, (804) 367-9753/TTY , email soilscientist@dpor.virginia.gov.

DEPARTMENT OF TAXATION


Governor's Advisory Council on Revenue Estimates

November 20, 2006 - 9:30 a.m. -- Open Meeting
Department of Taxation, 1111 East Broad Street, Richmond, Virginia.

A closed meeting of the Governor's Advisory Council on Revenue Estimates.

Contact: Carolyn Johnson, Office Manager, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-4371, FAX (804) 371-4379, email carolyn.johnson@tax.virginia.gov.

TREASURY BOARD

November 15, 2006 - 9 a.m. -- Open Meeting
101 North 14th Street, 3rd Floor, Richmond, Virginia. 

A regular meeting.

Contact: J. Braxton Powell, Treasurer, Department of the Treasury, 101 N. 14th St., 3rd Floor, Richmond, VA 23218, telephone (225) 225-2142, FAX (225) 225-3187, email braxton.powell@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Board of Veterans Services

January 8, 2007 - 1 p.m. -- Open Meeting
American Legion Department of Virginia, 1708 Commonwealth Avenue, Richmond, Virginia.

A regular meeting.

Contact: Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, email rhonda.earman@dvs.virginia.gov.

BOARD OF VETERINARY MEDICINE

November 15, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Classroom Level, Classroom A, Richmond, Virginia. ♿

A meeting to adopt a NOIRA for public participation guidelines regulatory review, and conduct formal hearings and other board business as needed

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

November 16, 2006 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ♿

Informal hearings (disciplinary hearings). Public comment will not be received.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

VIRGINIA MILITARY INSTITUTE

† **November 30, 2006 - 4 p.m.** -- Open Meeting
† **December 1, 2006 - 8 a.m.** -- Open Meeting
Virginia Military Institute, Meeting Rooms, Lexington,
Virginia. ♿

Committee meetings of the whole and standing committees: Academic Affairs; Audit; Finance and Planning; Athletics; External Relations; Cadet/Military Affairs; Nominating and Governance; Executive.

Contact: Colonel Michael M. Strickler, Superintendent's Office, Virginia Military Institute, Lexington, VA 24450, telephone (540) 464-7206.

VIRGINIA WASTE MANAGEMENT BOARD

December 11, 2006 - 1 p.m. -- Public Hearing
Department of Environmental Quality, 4949-A Cox Road,
Glen Allen, Virginia.

January 9, 2007 - Public comments may be submitted until 5 p.m. on this date.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Virginia Waste Management Board intends to amend regulations entitled **9 VAC 20-130, Solid Waste Planning and Recycling Regulations**. The purpose of the proposed action is to revise the calculation of the mandatory recycling rate for localities and region

revise the procedures for formation and dissolution of planning regions, clearly specify qualifications for variances, revise the requirements for plan approval, and eliminate duplicative language on the waste information and assessment program.

The board is seeking comments from the general public about whether to retain a provision for converting volumes to weight in tons as a method for expressing amounts in the recycling rate formula (proposed 9 VAC 20-130-125 B 2). This provision has been used in the past by small businesses that do not maintain weight scales at the solid waste management facility. Also, the board is seeking comments from the general public about whether to retain a provision allowing estimation of tonnage of recycling rate amounts on the basis of survey data on a case-by-case basis (existing 9 VAC 20-130-120 C 1 c).

In addition to any other comments, the board is seeking comments on the costs and benefits of the proposal and on any impacts of the regulation on farm and forest land preservation. Also, the board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include (i) projected reporting, recordkeeping and other administrative costs, (ii) probable effect of the regulation on affected small businesses, and (iii) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so at the public hearing or by mail, email or fax to Allen R. Brockman, P.O. Box 10009, Richmond, Virginia 23240-0009, telephone (804) 698-4468, FAX (804) 698-4327 and arbrockman@deq.virginia.gov; comments must include the name and address of the commenter. In order to be considered comments must be received by 5 p.m. on the date established as the close of the comment period. Both oral and written comments may be submitted at the public hearing.

Statutory Authority: § 10.1-1411 of the Code of Virginia

Contact: Allen Brockman, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4468, FAX (804) 698-4327, or email arbrockman@deq.virginia.gov.

STATE WATER CONTROL BOARD


† **November 29, 2006 - 9:30 a.m.** -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. ♿

A meeting of a workgroup assisting in the development of implementation guidance for non-point source nutrient reductions, which are intended to offset new and expanded

Calendar of Events


point source discharges of total nitrogen and total phosphorus in the Chesapeake Bay Watershed.

Contact: Kyle I. Winter, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4182, FAX (804) 698-4032, email kiwinter@deq.virginia.gov.

December 1, 2006 - 10 a.m. -- Open Meeting
Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia. 


A meeting of the advisory committee to be established to assist in the development of amendments to the water quality standards. The notice of intent appears in the Virginia Register of Regulations on September 18, 2006.

Contact: Eleanore M. Daub, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, telephone (804) 698-4111, FAX (804) 698-4116, email emdaub@deq.virginia.gov.

December 5, 2006 - 9:30 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, Richmond, Virginia. 

A meeting of the advisory committee assisting in the development of a proposed regulation for water reclamation and reuse.


Contact: Valerie Rourke, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4158, FAX (804) 698-4116, email varourke@deq.virginia.gov.

† December 14, 2006 - 9:30 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 


A regular meeting of the board.

Contact: Cindy Berndt, Regulatory Coordinator, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4378, FAX (804) 698-4346, email cmberndt@deq.virginia.gov.


BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS

December 6, 2006 - 8:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Board 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) 367-8595, FAX (804) 367-2475, (804) 367-9753/TTY , email waterwasteoper@dpor.virginia.gov.

THE COLLEGE OF WILLIAM AND MARY

† November 16, 2006 - 9:15 a.m. -- Open Meeting
Richard Bland College, 11301 Johnson Road, Petersburg, Virginia.  (Interpreter for the deaf provided upon request)


A meeting of the Richard Bland College Committee of the Board of Visitors to receive reports from the administration, faculty and students. There will be no opportunity for public comment.

Contact: Brian W. Whitson, Director of News Services, The College of William and Mary, 312 Jamestown Rd., Williamsburg, VA 23185, telephone (757) 221-7876, FAX (757) 221-1021, email bwwhit@wm.edu.

† November 16, 2006 - 2:15 p.m. -- Open Meeting
Blow Hall Board Room, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The Board of Visitors will meet in committee from 2:15 to 5:30 p.m. to receive reports from the administration, faculty and students of William and Mary. The meetings are open to the public, but there will be no opportunity for public comment.

Contact: Brian W. Whitson, Director of News Services, The College of William and Mary, 312 Jamestown Road, Williamsburg, VA 23185, telephone (757) 221-7876, FAX (757) 221-1021, email bwwhit@wm.edu.

† November 17, 2006 - 8 a.m. -- Open Meeting
Blow Hall Board Room, 262 Richmond Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

The Board of Visitors of the College of William and Mary will meet in committee from 8 to 11:30 a.m. to receive reports from the administration of William and Mary. The full board will meet from 11:30 a.m. to 1 p.m. to receive reports from the committees of the Board, the administrations of Richard Bland College and the College of William and Mary, and to act on those resolutions presented by the administrations of both institutions. The meetings are open to the public, but there will be no opportunity for public comment.

Contact: Brian W. Whitson, Director of News Services, The College of William and Mary, 312 Jamestown Road, Williamsburg, VA 23185, telephone (757) 221-7876, FAX (757) 221-1021, email bwwhit@wm.edu.

COUNCIL ON THE STATUS OF WOMEN

† **November 13, 2006 - 10 a.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, 6th Floor,
Richmond, Virginia. ♿

A regular business meeting.

Contact: Jane Brown, Department of Social Services, 7 N.
8th St., Richmond, VA 23219, telephone (804) 726-7912,
email jane.brown@dss.virginia.gov.

INDEPENDENT

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

† **November 16, 2006 - 10 a.m.** -- Open Meeting
NAMI National Office, Arlington, Virginia. ♿ (Interpreter
for the deaf provided upon request)

A meeting of the PAIMI Advisory Council of the Virginia
Office for Protection and Advocacy. Public comment is
welcomed by the council and will be received beginning
shortly after 10 a.m. Public comment will also be accepted
by telephone. If you wish to provide public comment via
telephone, you must call Tracy Manley, Administrative
Assistant at 1-800-552-3962 (Voice/TTY) or via email at
tracy.manley@vopa.virginia.gov no later than November 2,
2006. Ms. Manley will take your name and phone number
and you will be telephoned during the public comment
period. For further information, please contact Ms. Manley.
If interpreter services or other accommodations are
required, please contact Ms. Manley, no later than
November 2, 2006.

Contact: Tracy Manley, 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 ♿,
email tracy.manley@vopa.virginia.gov.

December 11, 2006 - 11 a.m. -- Open Meeting
VOPA Office, 1910 Byrd Avenue, Suite 5, Richmond,
Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Finance and Resource Development
Committee. Public comment is welcomed by the Finance
and Resource Development Committee and will be
received beginning at 11 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 email at lisa.shehi@vopa.virginia.gov no later than
Monday, November 27, 2006. Ms. Shehi will take your
name and phone number and you will be telephoned during
the public comment period. If interpreter services or other

accommodations are required, please contact Ms. Shehi no
later than Monday, November 27, 2006.

Contact: Lisa Shehi, Executive Assistant, Virginia Office
for Protection and Advocacy, 1910 Byrd Ave., Suite 5,
Richmond 23230, telephone (804) 225-2042, FAX (804) 662-
7431, toll-free (800) 552-3962, (804) 225-2042/TTY ♿,
email lisa.shehi@vopa.virginia.gov.

December 13, 2006 - 10 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)

A regular meeting of the Disabilities Advisory Council.
Public comment is welcomed by the council and will be
received beginning at 10 a.m. Public comment will also be
accepted by telephone. If you wish to provide public
comment via telephone, call Tracy Manley, Administrative
Assistant at 1-800-552-3962 (Voice/TTY) or via email at
tracy.manley@vopa.virginia.gov no later than November
29, 2006. Ms. Manley will take your name and phone
number and you will be telephoned during the public
comment period. If interpreter services or other
accommodations are required, please contact Ms. Manley
no later than November 29, 2006.

Contact: Tracy Manley, Administrative Assistant, Virginia
Office for Protection and Advocacy, 1910 Byrd Ave.,
Richmond, VA 23230, telephone (804) 225-2042, FAX (804)
662-7431, toll-free (800) 552-3962, (804) 225-2042/TTY ♿,
email tracy.manley@vopa.virginia.gov.


January 30, 2007 - 9 a.m. -- Open Meeting
VOPA Office, 1910 Byrd Avenue, Suite 5, Richmond,
Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting of the Governing Board. Public comment is
welcomed by the board and will be received beginning at 9
a.m. on January 30, 2007. 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 email at lisa.shehi@vopa.virginia.gov no later than
January 16, 2007. Ms. Shehi will take your name and
phone number and you will be telephoned during the public
comment period. For further information, please contact
Ms. Shehi. If interpreter services or other accommodations
are required, please contact Ms. Shehi no later than January
16, 2007.


Contact: Lisa Shehi, Executive 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 ♿,
email lisa.shehi@vopa.virginia.gov.

Calendar of Events


PAIMI Advisory Council

November 16, 2006 - 10 a.m. -- Open Meeting
Charlottesville, Virginia.  (Interpreter for the deaf provided upon request)


Public comment is welcome and will be received at the beginning of the meeting. If interpreter services or other accommodations are required, please contact Ms. Shehi no later than November 2, 2006.


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 , email lisa.shehi@vopa.virginia.gov.

VIRGINIA RETIREMENT SYSTEM


December 12, 2006 - Noon -- Open Meeting
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia. 


A regular meeting of the Optional Retirement Plan for Higher Education Committee. No public comment will be received at the meeting.

Contact: Patty Atkins-Smith, Legislative Liaison and Policy Analyst, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3123, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , email psmith@varetire.org.


December 13, 2006 - 1:30 p.m. -- Open Meeting
Virginia Retirement System, 1200 East Main Street, Richmond, Virginia. 


A meeting of the Benefits and Actuarial Committee. No public comment will be received at the meeting.

Contact: LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , email lking@varetire.org.


December 14, 2006 - 9 a.m. -- Open Meeting
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. 

A regular meeting of the Investment Advisory Committee. No public comment will be received at the meeting.

Contact: Linda Ritchey, Executive Assistant, Virginia Retirement System, 1111 E. Main St., Richmond, VA 23219, telephone (804) 697-6673, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , email lritchey@varetire.org.


December 14, 2006 - 1 p.m. -- Open Meeting
Virginia Retirement System, 1111 East Main Street, 3rd Floor Conference Room, Richmond, Virginia. 

A regular meeting of the Board of Trustees. No public comment will be received at the meeting.

Contact: LaShaunda King, Executive Assistant, Virginia Retirement System, 1200 E. Main St., Richmond, VA 23219, telephone (804) 344-3124, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , email lking@varetire.org.

LEGISLATIVE


JOINT COMMISSION ON ADMINISTRATIVE RULES

† **December 6, 2006 - 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, please contact Elizabeth Palen, Division of Legislative Services at (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: Rich Fiorella, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.


HOUSE APPROPRIATIONS COMMITTEE

November 13, 2006 - TBA - Open Meeting
November 14, 2006 - TBA - Open Meeting
General Assembly Building, 9th and Broad Streets, 9th Floor, Richmond, Virginia. 

A regular meeting.


Contact: Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION

† **November 13, 2006 - 9:30 a.m.** -- Open Meeting
General Assembly Building, Senate Room A, Richmond, Virginia. 

Drinking Water Systems Underground Transmission Lines General Assembly audit results.


Contact: Patricia Bishop, Principal Legislative Analyst, Joint Legislative Audit and Review Commission, General Assembly Bldg., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, email tbishop@leg.state.va.us.

† November 20, 2006 - 1:30 p.m. -- Open Meeting
General Assembly Building, Senate Room A, Richmond, Virginia. 

JLARC staff briefing on the Review of the Revenue Forecasting Process in Virginia.

Contact: Patricia Bishop, Principal Legislative Analyst, Joint Legislative Audit and Review Commission, General Assembly Bldg., Suite 1100, Richmond, VA 23219, telephone (804) 786-1258, FAX (804) 371-0101, email tbishop@leg.state.va.us.


VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

December 15, 2006 - 1 p.m. -- Open Meeting
General Assembly Building, 910 Capitol Street, House Room C, Richmond, Virginia. 

The final meeting of the Freedom of Information Advisory Council in 2006. The meeting will include the annual legislative preview.

Contact: Maria J.K. Everett, Executive Director, Virginia Freedom of Information Advisory Council, General Assembly Bldg., 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-8705, toll-free (866) 448-4100, email foiacouncil@leg.state.va.us.


OPEN SPACE AND FARMLAND PRESERVATION

† November 28, 2006 - 1 p.m. - Open Meeting
Graves Mountain Lodge, Syria, Virginia. 

A regular meeting. For questions regarding the meeting agency please contact Mark Vucci, Division of Legislative Services at (804) 786-3591.

Contact: Barbara L. Teague, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT SUBCOMMITTEE STUDYING THE COMMONWEALTH'S PROGRAM FOR PRISONER REENTRY TO SOCIETY

November 14, 2006 - 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, please contact Ellen Weston, Division of

Legislative Services at (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: Rich Fiorella, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

JOINT SUBCOMMITTEE STUDYING MEDICAL, ETHICAL AND SCIENTIFIC ISSUES RELATING TO STEM CELL RESEARCH

† November 13, 2006 - 10 a.m. -- Open Meeting


† November 30, 2006 - 10 a.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agency please contact Jessica Eades or Nikki Seeds, Division of Legislative Services at (804) 786-3591.

Contact: Pam Burnham, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE


† November 16, 2006 - 1 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, Richmond, Virginia. 

A meeting of the Nanotechnology Advisory Committee.

Contact: Patrick Cushing, Staff Attorney, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

† November 28, 2006 - 1:30 p.m. -- Open Meeting

General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, Richmond, Virginia. 

A meeting of JCOTS Electronic Medical Records Advisory Committee. (Teleconference Site: 510 Cumberland Street, Suite 308, Bristol, VA 24201. In case of technical difficulties during the meeting, contact Lisa Wallmeyer at 804-786-3591.)

Contact: Lisa Wallmeyer, Executive Director, Joint Commission on Technology and Science, General Assembly Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Calendar of Events

† **November 29, 2006 - 1:30 p.m.** -- Open Meeting
Patrick Henry Building, House Room 1, Richmond,
Virginia. ♿

A meeting of JCOTS Electronic Balloting Advisory
Committee.

Contact: Lisa Wallmeyer, Executive Director, Joint
Commission on Technology and Science, 910 Capitol St.,
General Assembly Bldg., 2nd Floor, Richmond, VA 23219,
telephone (804) 786-3591.

November 30, 2006 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia. ♿

A regular meeting. Teleconferenced site: 510 Cumberland
Street, Suite 308, Bristol, Virginia. In case of technical
difficulties during the meeting, contact Lisa Wallmeyer at
(804) 786-3591.

Contact: Lisa Wallmeyer, Executive Director, Joint
Commission on Technology and Science, General Assembly
Bldg., 910 Capitol St., 2nd Floor, Richmond, VA 23219,
telephone (804) 786-3591.

JOINT SUBCOMMITTEE STUDYING TELEWORK OPPORTUNITIES FOR STATE AND PRIVATE SECTOR EMPLOYEES

November 15, 2006 - 1 p.m. - Open Meeting
General Assembly Building, 9th and Broad Streets, House
Room D, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting
agency please contact Lisa Wallmeyer, Division of
Legislative Services at (804) 786-3591.

Contact: Lori L. Maynard, House Committee Operations,
910 Capitol St., Richmond, VA 23219, telephone (804) 698-
1540.

VIRGINIA UNEMPLOYMENT COMPENSATION COMMISSION

November 14, 2006 - 2 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate
Room A, Richmond, Virginia. ♿

A regular meeting. For questions regarding the meeting
agenda, please contact Frank Munyan, Division of
Legislative Services at (804) 786-3591.

Contact: Hobie Lehman, Senate Committee Operations,
General Assembly Bldg., 910 Capitol St., Richmond, VA
23219, telephone (804) 698-7410.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 13

† Air Pollution Control Board, State
Appropriations Committee, House
† Audit and Review Commission, Joint Legislative
† Business Assistance, Department of
- Small Business Advisory Board
Conservation and Recreation, Department of
Forestry, Board of
Higher Education for Virginia, State Council of
Library Board
Motor Vehicle Dealer Board
Nursing, Board of
Professional and Occupational Regulation, Board for
† Stem Cell Research, Joint Subcommittee Studying
Medical, Ethical and Scientific Issues Relating to
† Women, Council on the Status of

November 14

Appropriations Committee, House
Community Colleges, State Board for
† Competition Council, Commonwealth
Contractors, Board for
Corrections, Board of
Environmental Quality, Department of
† Library of Virginia
- Virginia Circuit Court Records Preservation Grant
Review Board
Local Government, Commission on
Museum of Fine Arts, Virginia
Nursing, Board of
Prisoner Reentry to Society, Joint Subcommittee the
Commonwealth's Program for
Research and Technology Advisory Commission, Virginia
Unemployment Compensation Commission, Virginia

November 15

Community Colleges, State Board for
Compensation Board
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Corrections, Board of
Education, Secretary of
† Environmental Quality, Department of
Hearing Aid Specialists, Board for
Information Technologies Agency, Virginia
Medicine, Board of
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Museum of Fine Arts, Virginia
Nursing, Board of
Outdoors Foundation, Virginia
Small Business Financing Authority, Virginia

Telework Opportunities for State and Private Sector Employees, Joint Subcommittee Studying
 Treasury Board
 Veterinary Medicine, Board of

November 16

Community Colleges, State Board for
 † Conservation and Recreation, Department of
 Design-Build/Construction Management Review Board
 Fire Services Board, Virginia
 Funeral Directors and Embalmers, Board of
 Health, Department of
 Housing and Community Development, Board of
 Museum of Fine Arts, Virginia
 Nursing, Board of
 Outdoors Foundation, Virginia
 Protection and Advocacy, Virginia Office for
 - PAIMI Advisory Council
 † Technology and Science, Joint Commission on
 Veterinary Medicine, Board of
 † William and Mary, The College of

November 17

Barbers and Cosmetology, Board for
 Child Fatality Review Team, State
 Dentistry, Board of
 Health, Department of
 Housing and Community Development, Department of
 - State Building Code Technical Review Board
 † William and Mary, The College of

November 18

† Social Services, Department of

November 20

Alcoholic Beverage Control Board
 † Audit and Review Commission, Joint Legislative
 † Education, Board of
 Jamestown-Yorktown Foundation
 Old Dominion University
 † Rehabilitative Services, Department of
 Taxation, Department of
 - Governor's Advisory Council on Revenue Estimates

November 21

† Accountancy, Board of
 Conservation and Recreation, Department of
 Jamestown-Yorktown Foundation

November 27

Conservation and Recreation, Department of

November 28

Conservation and Recreation, Department of
 Contractors, Board for
 Marine Resources Commission
 † Open Space and Farmland Preservation
 † Technology and Science, Joint Commission on

November 29

† Commonwealth Preparedness, Office of
 Conservation and Recreation, Department of
 Education, Board of

† Housing Development Authority, Virginia
 Medicine, Board of
 † Technology and Science, Joint Commission on
 † Water Control Board, State

November 30

Conservation and Recreation, Department of
 † Environmental Quality, Department of
 Nursing, Board of
 † Pharmacy, Board of
 † Stem Cell Research, Joint Subcommittee Studying
 Medical, Ethical and Scientific Issues Relating to
 Technology and Science, Joint Commission on
 † Virginia Military Institute

December 1

Art and Architectural Review Board
 Dentistry, Board of
 Nursing, Board of
 † Virginia Military Institute
 Water Control Board, State

December 4

Alcoholic Beverage Control Board
 Branch Pilots, Board for
 † Conservation and Recreation, Department of
 Nursing, Board of
 Real Estate Board

December 5

Branch Pilots, Board for
 Charitable Gaming Board
 † Conservation and Recreation, Department of
 † Contractors, Board for
 Museum of Fine Arts, Virginia
 Nursing, Board of
 Real Estate Board
 Water Control Board, State

December 6

† Administrative Rules, Joint Commission on
 † Air Pollution Control Board, State
 † Conservation and Recreation, Department of
 † Education, Secretary of
 George Mason University
 Information Technologies Agency, Virginia
 Jamestown-Yorktown Foundation
 Mental Health, Mental Retardation and Substance Abuse
 Services, Department of
 Nursing and Medicine, Joint Boards of
 Safety and Health Codes Board
 Waterworks and Wastewater Works Operators, Board for

December 7

Agriculture and Consumer Services, Board of
 Arts, Virginia Commission for the
 Dentistry, Board of
 Nursing, Board of
 † People with Disabilities, Virginia Board for
 Polygraph Examiners Advisory Board
 Public Guardian and Conservator Advisory Board

Calendar of Events

December 8

Dentistry, Board of
Health, Department of
Medicine, Board of
Old Dominion University
Opticians, Board for
† People with Disabilities, Virginia Board for

December 11

Branch Pilots, Board for
Chesapeake Bay Local Assistance Board
† Mines, Mineral and Energy, Department of
Protection and Advocacy, Virginia Office for

December 12

Medical Assistance Services, Board of
Nursing, Board of
Retirement System, Virginia

December 13

† Fire Services, Virginia
Milk Commission, State
† Museum of Fine Arts, Virginia
Nursing, Board of
Pharmacy, Board of
Protection and Advocacy, Virginia Office for
† Real Estate Appraiser Board
Retirement System, Virginia

December 14

Conservation and Recreation, Department of
† Fire Services Board, Virginia
Health, Department of
Human Resources, Virginia Council on
Labor and Industry, Department of
- Virginia Apprenticeship Council
Retirement System, Virginia
† Water Control Board, State

December 15

Asbestos, Lead, and Home Inspectors, Virginia Board for
Dentistry, Board of
† Fire Services Board, Virginia
Freedom of Information Advisory Council, Virginia
Future, Council on Virginia's
Health, Department of

December 18

Alcoholic Beverage Control Board

December 19

Contractors, Board for
Olmstead Community Integration Implementation Team
Marine Resources Commission

December 20

† Compensation Board
Information Technologies Agency, Virginia

December 21

Design-Build/Construction Management Review Board

January 2, 2007

Museum of Fine Arts, Virginia

January 3

† Geology, Board for

January 8

Department of Veterans Services
- Board of Veterans Services

January 10

Education, Board of

January 17

Community Colleges, State Board for

January 18

† Auctioneers Board
Community Colleges, State Board for

January 19

Library Board, State
† Medicine, Board of
- Advisory Board on Midwifery

January 22

† Education, Board of

January 25

† Public Guardian and Conservator Advisory Board

January 26

† Medicine, Board of
Rehabilitative Services, Department of

January 30

Protection and Advocacy, Virginia Office for
† Soil Scientists and Wetland Professionals, Board for

January 31

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† George Mason University

February 1

† Asbestos, Lead, and Home Inspectors, Board for
† Branch Pilots, Board for

February 2

† Branch Pilots, Board for

February 6

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Museum of Fine Arts, Virginia

February 7

† Medicine, Board of
- Advisory Board on Radiologic Technology

February 8

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Medicine, Board of
- Advisory Board on Physician Assistants

February 13

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

February 22

† Medicine, Board of

PUBLIC HEARINGS

November 14

Nursing, Board of

November 29

Education, Board of

December 11

Barbers and Cosmetology, Board for
Professional and Occupational Regulation, Department of
Waste Management Board, Virginia

December 14

† Mental Health, Mental Retardation and Substance Abuse
Services, Department of

March 8

† Criminal Justice Services Board

Calendar of Events
