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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 of 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 SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

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
23:6	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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
1 VAC 50-20-601	Added	22:26 VA.R. 4098	10/4/06
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 25-130-816.64	Amended	22:24 VA.R. 3588	9/6/06
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 5-20-21	Erratum	23:5 VA.R. 791	--
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
9 VAC 5-20-206	Amended	22:26 VA.R. 4114	10/4/06
9 VAC 5-40-250	Amended	23:5 VA.R. 737	12/15/06
9 VAC 5-40-300	Amended	22:26 VA.R. 4115	10/4/06
9 VAC 5-40-300	Repealed	23:5 VA.R. 737	12/15/06
9 VAC 5-40-310	Repealed	23:5 VA.R. 738	12/15/06
9 VAC 5-40-311	Repealed	23:5 VA.R. 739	12/15/06
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 5-40-5641	Erratum	23:5 VA.R. 791	--
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 5-40-7140	Erratum	23:5 VA.R. 791	--
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 5-40-7260	Erratum	23:5 VA.R. 791	--
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 5-40-7370 through 9 VAC 5-40-7540	Added	23:5 VA.R. 740-745	12/15/06
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

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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

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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
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

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

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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
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 5-31-1610	Amended	23:5 VA.R. 745	12/13/06
12 VAC 5-60-10 through 12 VAC 5-60-260	Repealed	23:5 VA.R. 745	12/13/06
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

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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
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 13. Housing			
13 VAC 10-50-10 through 13 VAC 10-50-100	Repealed	23:5 VA.R. 746	11/1/06
13 VAC 10-120-10 through 13 VAC 10-120-80	Amended	23:5 VA.R. 746-748	11/1/06
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

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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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 15-20-33	Erratum	23:5 VA.R. 791	--
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
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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
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	--

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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	--
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Initial Agency Notice

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

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

Name of Petitioner: Dr. William Ward on behalf of the Virginia Chiropractic Association.

Nature of Petitioner's Request: Require applicants for licensure in chiropractic after July 1, 2010, to have a bachelor's degree from an accredited college or university prior to enrolling in chiropractic school.

Agency's Plan for Disposition of Request: The board will receive public comment on the petition for rulemaking until December 27, 2006, and will consider any public comment and the petition at its meeting on February 23, 2007.

Public comments may be submitted until December 27, 2006.

Agency Contact: William L. Harp, M.D., Executive Director, Virginia Board of Medicine, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-7423, FAX (804) 662-9943, or email william.harp@dhp.virginia.gov.

VA.R. Doc. No. R07-19; Filed October 31, 2006, 11:17 a.m.

BOARD OF PHARMACY

Initial Agency Notice

Title of Regulation: **18 VAC 110-20. Regulations Governing the Practice of Pharmacy.**

Statutory Authority: § 54.1-2400 and Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Name of Petitioner: Suthar Paresh on behalf of Cavalier Pharmacare.

Nature of Petitioner's Request: Amend regulations to permit telepharmacy - one pharmacist to support multiple remote facilities.

Agency's Plan for Disposition of Request: The board will receive public comment on the petition for rulemaking until December 27, 2006, and will review the petition and any comment at its meeting on March 29, 2007, to make decision on whether to initiate rulemaking.

Public comments may be submitted until December 27, 2006.

Agency Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, or email scotti.russell@dhp.virginia.gov.

VA.R. Doc. No. R07-20; Filed October 31, 2006, 11:17 a.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

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 25-193, General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Concrete Products Facilities**. The purpose of the proposed action is to amend, as necessary, and reissue the general VPDES permit covering point source discharges for concrete products facilities.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 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 28, 2006.

Contact: Michael B. Gregory, Department of Environmental Quality, P.O. Box 1105, 629 E. Main St., Richmond, VA 23218, telephone (804) 698-4065, FAX (804) 698-4032, or email mbgregory@deq.virginia.gov.

VA.R. Doc. No. R07-33; Filed November 7, 2006, 9:45 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 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

DEPARTMENT OF HEALTH PROFESSIONS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Department of Health Professions intends to consider 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*.

Notices of Intended Regulatory Action

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.

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.

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

DEPARTMENT OF CONSERVATION AND RECREATION

Final Regulation

REGISTRAR'S NOTICE: The Department of Conservation and Recreation is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 1 of the Code of Virginia, which excludes agency orders or regulations fixing rates or prices. The Department of Conservation and Recreation will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 4 VAC 5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs and Services (amending 4 VAC 5-36-50, 4 VAC 5-36-60, 4 VAC 5-36-70, 4 VAC 5-36-90 through 4 VAC 5-36-120, 4 VAC 5-36-150, 4 VAC 5-36-170, 4 VAC 5-36-200 and 4 VAC 5-36-210).

Statutory Authority: § 10.1-104 of the Code of Virginia.

Effective Date: January 1, 2007.

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Summary:

The amendments include changes to the parking and launch fees, admission fees, swimming fees, camping fees, cabin fees, picnic shelter fees, amphitheater and gazebo fees, interpretive and educational tours and program fees, hunting fees, miscellaneous rental fees, and conference center fees.

Increases to these rates and prices represent changes to maintain fair market value, the addition of new facilities and offerings, updates to ensure consistency with the private sector, and revisions to reflect private concessionaires' new seasonal prices.

4 VAC 5-36-50. Parking and launch fees.

PARKING FEES (NONTAXABLE)

	WEEKDAYS	WEEKENDS
Daily Parking for Passenger Vehicles: Applies to cars, trucks, vans (up to 15 passenger), and motorcycles.		
All parks unless listed below.	\$2.00	\$3.00
Parks under construction and having only limited facilities and services.	\$2.00	\$2.00
First Landing, Fairy Stone, Raymond R. "Andy" Guest Jr. Shenandoah River, Smith Mountain Lake, Claytor Lake, Lake Anna, Leesylvania , Pocahontas, Kiptopeke, Westmoreland, Mason Neck, Sky Meadows	\$3.00	\$4.00
<u>Leesylvania</u>	<u>\$3.00</u>	<u>\$5.00</u>
York River Croaker Landing/Pier Area (also requires boat launch fee for all vehicles)	\$3.00	\$3.00
Horse Trailer Parking Fee (also requires vehicle parking fee.) All parks unless listed below.	\$3.00 per trailer	\$3.00 per trailer
Lake Anna	\$4.00 per trailer	\$4.00 per trailer
Surcharge for additional horse in same trailer.	\$2.00 per horse	\$2.00 per horse
Other Trailer Parking Fee: Applies to other trailers not covered by camping, horse trailer and boat launch fee. (Add to daily parking fee.)	\$2.00 per trailer	\$2.00 per trailer
Daily Bus Parking: All Seasons. Applies to vehicles with 16 or more passenger capacity.		
All parks unless listed below.	\$10	\$10
Claytor Lake, Hungry Mother, Leesylvania, Mason Neck, New River Trail	\$12	\$12
First Landing, Kiptopeke, Lake Anna, Pocahontas, Westmoreland	\$15	\$15
Natural Area Preserve Parking Fees for any Vehicle: The department may charge these fees at any Natural Area Preserve.	\$2.00	\$2.00
Boat Launch Fees: Required to use park boat ramps on bodies of water where motorboats are permitted. Required for all vehicles using York River Croaker Landing/Pier Area. May not apply to small "car-top" launch facilities (facilities at which boats may only		

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be launched by hand carrying them to the water). The fee is normally added to the parking fee to create a combined park/launch payment.		
Daily Launch Fees: All Seasons		
All parks unless listed below.	\$3.00	\$3.00
Claytor Lake	\$2.00	\$2.00
First Landing, Kiptopeke (with Marine Fishing License), Lake Anna	\$4.00	\$4.00
Kiptopeke (without Marine Fishing License), <u>Leesylvania</u>	\$8.00	\$8.00
Leesylvania	\$7.00	\$6.00
Surcharge for second boat on same trailer: jet ski	\$2.00	\$2.00
Overnight parking at boat launch: where available	\$10	\$10
Camper's Boat Launch Fee Kiptopeke: Does not apply if camper parks trailer at campsite.	\$3.00	\$3.00

	FEE
Annual and Lifetime Parking Fees:	
Lifetime Naturally Yours Passport Plus: Lifetime admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$275
Naturally Yours Passport Plus: 12-month from date of purchase admission and parking pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$55
Naturally Yours Parking Passport: 12-month from date of purchase admission and parking pass to park of purchase.	\$33
Senior Lifetime Naturally Yours Passport Plus: See Lifetime Naturally Yours Passport Plus above.	\$100
Senior Naturally Yours Passport Plus: See Naturally Yours Passport Plus above.	\$30
Senior Naturally Yours Parking Passport: See Naturally Yours Parking Passport above.	\$20
Golden Disability Pass: Available to persons with disabilities as verified by U.S. Social Security Administration's (SSA) "Benefit Verification Letter." Pass remains in effect unless SSA withdraws eligibility.	No Charge
Annual Horse Trailer-Vehicle Pass: 12-months from date of purchase admission and park pass, including horse trailer, good at all parks.	\$72
Annual Horse Trailer-Vehicle Pass: Occoneechee and Staunton River Only	\$33
Annual and Lifetime Park/Launch Fees:	
Lifetime Naturally Yours Passport Plus for Boaters: Lifetime admission, parking, and launch pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	\$385
Naturally Yours Passport Plus for Boaters: 12-month from date of purchase admission, parking, and launch	\$138

pass to all state parks, plus 10% discount on camping, all state park merchandise, equipment rentals, and shelter rentals.	
Park/Launch Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$116
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$88
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$72
Senior Lifetime Naturally Yours Passport Plus for Boaters: Good at all parks.	\$285
Senior Naturally Yours Passport Plus for Boaters: Annual permit for all parks including Leesylvania.	\$110
Senior Park/Launch Passport:	
12-month from date of purchase admission, parking, and launch pass to all state parks including Leesylvania.	\$99
12-month from date of purchase admission, parking, and launch pass to First Landing, Kiptopeke, or Lake Anna. Good only at park of purchase.	\$72
12-month from date of purchase admission, parking, and launch pass to park of purchase other than Leesylvania, First Landing, Kiptopeke, or Lake Anna.	\$60
Buggs Island Lake Special Annual Pass: Good only at Occoneechee and Staunton River State Parks.	\$33
Leesylvania Annual Overnight Boating/Parking Pass.	\$61
Handicapped Visitor Annual Boat Launch Pass (in addition to handicapped tags).	\$40
Parks and Trails Passport:	
In conjunction with the purchase of an annual parking pass	\$10
Without the purchase of an annual parking pass	\$15

Special Event Fees:	EVENT FEE
Standard Special Event Parking Fee: Applies to all parks and events that utilize parking fees unless noted below.	\$10 per vehicle
Community Event Fee: May be used by any park as a condition of a Special Use Permit for a community event provided by a nonprofit group or organization or government agency or entity.	\$1.00 per vehicle
James River: James River Raft Race	\$5.00 per vehicle
Sky Meadows: Strawberry Festival.	
Advance payment	\$15 per vehicle
Day of Event	\$20 per vehicle
New River Trail: Wythe County Heritage Day. Grayson Highlands Fall Festival. Hungry Mother Arts and Crafts Festival.	\$6.00 per vehicle

Claytor Lake Arts and Crafts Festival: Free parking with canned food donation on designated day.	\$5.00 per vehicle \$9.00 per two-day pass \$12 per three-day pass
Kiptopeke: Eastern Shore Birding Festival.	Parking Fee waived to registered festival guests; otherwise standard fees apply
Chippokes Plantation Pork, Peanut, and Pine Festival.	\$6.00 per vehicle
Smith Mountain Lake: special park/launch rate for boaters participating in fishing tournaments if the tournament sponsor has also rented the Tournament Headquarters Building.	\$4.00 \$5.00 per vehicle/ boat combination
Standard Special Event Per Person Entrance Fee: Applies to all parks and events that utilize per person admission fees unless noted below.	\$4.00 per adult \$3.00 per child, 6 through 12 years Children under 6 free
Sailor's Creek Battlefield: Battle of Sailor's Creek Reenactment.	\$5.00 per person Children under 6 free \$10 maximum per vehicle \$50 per bus (16 passenger +)
Chippokes Plantation Steam and Gas Engine Show.	\$5.00 per person Children under 12 free
Chippokes Plantation Christmas.	\$5.00 per person
<u>Chippokes Gospel Explosion</u>	<u>\$10 per person</u> <u>\$7.00 for advance ticket purchase</u> <u>Children under 12 free</u>
Grayson Highlands Wayne C. Henderson Music Festival.	\$10 per person Children under 12 free
York River Estuaries Day.	\$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Natural Tunnel Special Event Parking Fee.	\$2.00 per person \$6.00 per vehicle
Occoneechee Pow Wow	\$5.00 per person Seniors (62 and over) free Children under 4 free
<u>Occoneechee Pow Wow School Groups</u>	\$3.00 \$4.00 per student Teachers and Chaperones free

Notes on parking fees:

1. Weekend rates apply on Memorial Day, Fourth of July, and Labor Day holidays.

2. No parking fee is required for up to two vehicles per campsite and per cabin. Vehicles in excess of two shall pay the prevailing daily parking fee for each day that the vehicle is parked in the park.

3. Except as otherwise noted, boat launching shall be free for up to one boat per vehicle per campsite or cabin.

4. Parking fees are waived for any vehicle displaying handicapped license plates or temporary handicapped parking identification issued by any state or the federal government.

5. Parking fees are waived for any vehicle occupied solely by students and/or teachers and/or assisting personnel participating in an official activity of a bona fide school or institution of higher learning. Parks may require that individuals in vehicles other than those marked as a school bus verify their official activity by letter from the school or approved field trip form.

6. Parking fees are waived for official vehicles of federal, state, and local governments while on official business; vehicles making deliveries to the park; contractor and business vehicles performing work in the park; and emergency vehicles while conducting official business, including training.

7. Parking fees are waived for park employees during time of employment, including family and household members of staff occupying staff residences; visitors to staff residences, and park volunteers entering the park to perform volunteer duties.

8. Parking fees may be waived for vehicles conducting research or collecting activities provided such waiver is included in the language of the Research and Collection Permit.

9. The period covered by a daily parking fee shall be midnight to midnight. Park guests utilizing overnight parking when and where available (e.g., backpackers, overnight fisherman, etc.) will be required to pay the applicable daily parking fee for each calendar day that their vehicle is in the parking lot (partial days included).

10. Annual permits shall be valid for 12 months from the date of purchase, unless otherwise noted.

11. Parking fees are waived for visitors entering the park for the sole purpose of dining at the park restaurant at Douthat and Hungry Mother State Parks.

12. Parking fees are waived at state parks for participants in Walk for Parks, Fall River Renaissance, Envirothons, March for Parks, Operation Spruce-Up Day, Stewardship Virginia, and National Trails Day and other park-sanctioned public service events as approved by the Director.

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13. Daily parking fees are reduced to \$1.00 for vehicles occupied by participants in fund-raising events sponsored by nonprofit organizations (Walk-A-Thons, etc.) provided the sponsor has obtained a special use permit from the park that contains provisions for the identification of participants in the event.

14. Parking fees shall be waived for persons using park roads to gain legal access to their private residence and guests to such residences; and for vehicles passing through, but not stopping in, a park on a public roadway.

15. Revenue collected from special event parking and/or admission fees may be divided between the park and the event sponsor if so designated and approved in the special event permit following a determination made by the director that the revenue split is in the benefit of the Commonwealth.

16. Annual Park/Launch pass also covers the park entrance or parking fee for horse trailers or other allowable trailers. Annual and Lifetime parking-only passes do not include trailers.

17. Parking fees are waived for service vehicles such as tow trucks when entering the park to service a visitor vehicle.

18. Parking fees are waived for visitors entering the park to attend a performance by a U.S. military band if this is a required condition for the band's performance.

19. Parking fees are included in the rental fees for meeting facilities, up to the capacity of the facility and provided that this waiver of fee is included in the rental agreement for the facility.

20. Parking fees are waived for a period of up to 15 minutes for persons entering the park to deposit materials in community recycling collection containers.

21. Parking fees are waived for vehicles occupied entirely by persons attending fee interpretive programs.

22. Annual parking passes that do not include boat launch require payment of daily launch fee if launching boat at any park or for all vehicles using Croaker Landing/Pier Area at York River State Park.

23. Annual parking pass holders are not guaranteed the parking privileges of the pass should parking places be unavailable.

4 VAC 5-36-60. Admission fees.

ADMISSION FEES (NONTAXABLE)

	DAILY ADMISSION PER PERSON (Weekdays and Weekends unless otherwise noted.)	ANNUAL PASS (Good for 12 months from date of purchase.)
Shot Tower	Free	NA

Southwest VA Museum	\$1.50 (Groups of 10 or more any age)	\$3.00 (age 6 through 12) per year
	\$2.00 (Ages 6 through 12)	\$5.00 (age 13 and over) per year
	\$3.00 (Age 13 and up)	\$15 (family: up to 2 adults and 2 children) per year
Chippokes Plantation: Chippokes Mansion	\$2.00 (Age 6 through 12) \$4.00 (Age 13 and over) \$2.00 group rate (10 or more)	NA
Chippokes Plantation: Farm and Forestry Museum	\$3.00 (Age 13 and over) \$2.00 (Age 6 through 12) \$2.00 group rate (10 or more)	NA
Chippokes Plantation: Combination Pass	\$6.00 (Age 13 and over) \$3.00 (Age 6 through 12)	NA
Kiptopeke Fishing Pier Fishing Fee	\$1.00 (Age 6 through 12) \$3.00 (Age 13 and over)	NA
Kiptopeke Fishing Pier Fishing Fee: Coupon book good for 10 visits	\$20 per 10 Passes	NA
Annual Night Fishing: All parks where available (also requires parking fee)	\$15 per person per year	
Late Night Fishing: All parks where available (also requires parking fee)	\$3.00 per person per night	

ADMISSION	
Natural Tunnel Chairlift:	
Children under age 6	Free
Round trip per person	\$3.00
One-way per person	\$2.00
Group Rate Round Trip per person (10 or more)	\$2.00
Season Pass	\$20
Daily Pass (Good for unlimited trips on date of issue, good for one person only)	\$6.00
Archery Range: All parks where available; per person user fee	\$2.00 per day (over 15) \$1.00 per day (under 15) \$15 per year (any age)
New River Challenge Registration Fees	
Early Registration Fee:	\$35 per person \$90 per team
Late Registration Fee:	\$45 per person \$110 per team
James River: River Raft Race Registration	\$15 per person
Park Sponsored Special Event Vendor Fees. All parks where available unless otherwise noted.	\$400 \$125 per merchandise vendor \$125 \$150 per food vendor \$50 late fee
Mason Neck Harvest Festival Event.	\$50 per vendor

Notes on admission/entrance fees:

1. Fees are waived at Natural Tunnel for use of the chairlift on one designated "Customer Appreciation Day" per year.

2. Museum entrance fees are waived at the Southwest Virginia Museum during the “Festival of Trees” event for members of groups who submitted trees for the display.

3. For park museums and historic features that charge an entrance fee, visitors participating in the Time Travelers program of the Virginia Association of Museums shall be charged the existing per person group rate for that facility.

4 VAC 5-36-70. Swimming fees.

SWIMMING (NONTAXABLE)

Daily Swimming Fees	WEEKDAYS	WEEKENDS
All parks with fee swimming areas unless noted.	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$2.00 \$3.00 (Age 3 through 12) \$3.00 \$4.00 (Age 13 and over)
Staunton River, Lake Anna, Westmoreland	Under age 3 Free \$2.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$4.00 (Age 13 and over)
Hungry Mother, Claytor Lake	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)	Under age 3 Free \$3.00 (Age 3 through 12) \$3.00 (Age 13 and over)
Pocahontas	Under age 3 Free \$5.00 (Age 3 through 12) \$6.00 (Age 13 and over)	Under age 3 Free \$7.00 (Age 3 through 12) \$8.00 (Age 13 and over)
Group campers utilizing primitive group camps. All parks where available unless otherwise noted.	\$1.00 (all ages)	\$1.00 (all ages)
Pocahontas (Group Cabin Guests)	\$3.00 (all ages)	\$3.00 (all ages)
Chippokes Plantation: Recreation/Education Fun Package: Swimming, Mansion, and Farm & Forestry Museum (Memorial Day – Labor Day: Wed. – Sun.)	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)	\$3.50 (Age 3 through 12) \$6.00 (Age 13 and over)
Deposit on all locker keys: Refunded when key is returned.	\$2.00 each	
Swimming Coupon Book: (Age 3 and over). All parks where available unless otherwise noted.	\$18 per 10 coupons \$35 per 20 coupons	
Pocahontas	\$35 per 10 coupons \$68 per 20 coupons	

Group Swimming: per person (10 persons or more). All parks where available unless otherwise noted, except Pocahontas.	\$1.50 (Age 3 through 12) \$2.50 (Age 13 and over)
Pocahontas Group Swimming (20 persons or more). Five-day advanced registration required.	\$3.00 (all ages)
Season Swimming Permit: All parks where available unless otherwise noted.	\$40 (Age 3 through 12) \$50 (Age 13 and over)
Pocahontas	\$60 (Age 3 through 12) \$70 (Age 13 and over)
After-Hours Exclusive Use of Pool or Swimming Area: All parks where available. Requires prior reservation. Rental period of approximately 1-2 hours, depending upon operating schedule and amount of available daylight. Cancellation fee charged if reservation is cancelled less than 3 days before the date of event unless cancellation is for inclement weather or cancelled by the park.	\$100 (up to 25 persons) \$125 (26 to 50 persons) \$175 (51 to 75 persons) \$200 (76 to 100 persons) \$35 to open food concessions with rental \$50 cancellation fee
Swimming lessons. All parks where available unless otherwise noted. Package of eight 45-minute lessons (includes parking)	\$30 per person \$25 per person if two or more from same family

Notes on swimming fees:

1. Nonswimming adults in street clothes admitted to swimming areas free when supervising children age 12 and under.
2. ~~Raincheck~~ Rain check Policy for Swimming: All state parks will issue a ~~raincheck~~ rain check, good for a period of 12 months from the date of issue, to any paying customer (does not apply to free swimming vouchers) if the swimming area is forced to close for 40 minutes or more due to inclement weather. ~~Rainchecks~~ Rain checks may be issued only to patrons present at the swimming area at the time of closure.
3. A full refund is available for a group reservation only if the park or swimming area contractor is notified three days in advance of the time of the reservation. In the event that the group is unable to complete their reservation due to inclement weather, ~~rainchecks~~ rain checks will be issued to the individual members of the group in the same manner as other park patrons.
4. All Season Swimming Permits include parking during the swimming season only.

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4 VAC 5-36-90. Camping fees.

CAMPING FEES (TAXABLE, Price here does not include tax)

Camping fees include free use of dump station and free swimming and boat launching for members of the camping party during their stay at the property, when and where available, except that at Kiptopeke State Park guest is subject to applicable launch fee unless the trailer is returned to the campsite immediately after launching. The number of campers per campsite is limited to six individuals except when all campers are members of the same household.		ALL SEASONS (Per site fees)
Standard Sites: No hookup; access to bathhouse and restrooms.		
All parks with standard sites unless noted below.	\$15 per night	
Chippokes Plantation, Hungry Mother, Grayson Highlands, Staunton River, Westmoreland, Occoneechee (nonwaterfront), Claytor Lake, Raymond R. "Andy" Guest, Jr. Shenandoah River, Smith Mountain Lake.	\$19 per night	
Occoneechee Waterfront Sites	\$22 per night	
Douthat, Kiptopeke, First Landing, Lake Anna.	\$23 per night	
Water and Electric Sites: Access to water and electric hookups; access to bathhouse and restrooms.		
All parks where available unless noted below.	\$21 per night	
Chippokes Plantation, Claytor Lake, Douthat, Fairy Stone, Grayson Highlands, Hungry Mother, Occoneechee (nonwaterfront), Staunton River, Westmoreland, Pocahontas, Smith Mountain Lake, Belle Isle, James River.	\$24 per night	
Occoneechee Waterfront Sites	\$27 per night	
Kiptopeke, First Landing, Lake Anna.	\$29 per night	
Water, Electric, and Sewage Sites: Access to water, electric, and sewage hookups; access to bathhouse and restrooms.		
Kiptopeke	\$33 per night	
Hungry Mother	\$27 per night	
Primitive Camping Sites: primitive restrooms; no showers.		
All parks where available unless noted below.	\$10 per night	
Grayson Highlands (November, March, and April when bathhouses are closed), James River, Sky Meadows.	\$12 per night	
Grayson Highlands: Sites with electricity (November, March and April when bathhouses are closed)	\$14 per night	
New River Trail Primitive camping sites at Foster Falls and Cliffview	\$14 per night	
New River Trail Water Trail Camping (no potable water)	\$11 per night	
Horse Camping		
Horse Stall Fee: All horses must be in stalls.	\$7.00 per night (Outside Stalls) \$9.00 per	

	night (Inside Stall)
Standard Group Camping: Unless otherwise noted, groups camping in the regular park campground pay the existing rate for sites in that campground.	Standard Rates
Primitive Group Camp Rental (camping in special primitive group areas) All parks where available.	
Up to 20 campers.	\$58 for entire area per night
Up to 30 campers.	\$87 for entire area per night
31 or more campers, up to maximum capacity of group camp area.	\$116 for entire area per night
Grayson Highlands: Primitive camping is available in the stable area November, March, and April.	\$14 per site per night
Special Group Camping Areas:	
Fairy Stone Group Campsites.	\$19 per site per night
Twin Lakes, Cedar Crest Group Camping Area.	\$200 for entire area per night
Chippokes Plantation: All 4 Sites; Group Rate; 24 persons maximum. Natural Tunnel Group Area. Grayson Highlands Group Area. James River Group Area. Shenandoah Group Area.	\$64 per night (only available as entire group area)
Westmoreland Group Area.	\$116 per night
Standard Buddy Sites: All parks where available unless noted below.	\$74 per night
Douthat Buddy Sites.	\$92 per night
James River Equestrian Group Area.	\$87 per night
Camping – Other Fees	
<u>Pop-up Camper Rentals (this fee is in addition to the camping site fee).</u>	<u>\$50 per night</u>
Pet Fees	\$3.00 per pet per night
Dump Station Fee: Free to state park campers during stay.	\$5.00 per use
Camping Reservation Cancellation Fee Individual Site.	\$10 per reservation
Camping Reservation Cancellation Fee Group Sites Sites.	\$30 per reservation
Hiker or noncamper Shower Fee at Virginia State Parks.	\$5.00 per person

Notes on camping:

1. Check-out time is 3 p.m. and check-in time is 4 p.m.
2. Camping Transfer/Cancellation/Early Departure Policy.
 - a. Any fees to be refunded are calculated less the applicable cancellation fee(s).

b. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.

c. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.

d. A customer may move a camping reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to 4 p.m. on the scheduled date of arrival. If the reservation center will not be open again prior to the start date of the reservation, transferring is not an option. There is no fee to transfer.

e. A camping reservation may be canceled until 4 p.m. on the scheduled date of arrival but campers will be charged the cancellation fee. This cancellation fee applies to each separate reservation made.

f. Once the 4 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure.

g. After the check-in time is reached, the first night is considered used whether the site is occupied or not.

h. There is a one-night penalty, deducted from any amount available for refund, for early departure.

3. Campers are allowed two vehicles per campsite per day without charge of parking fee. Additional vehicles, beyond two, must pay the prevailing parking fee in effect at the park for each day that the vehicle(s) is parked in the park. The number of vehicles allowed to park on the campsite varies according to site design and size of other camping equipment. No vehicles shall park on a campsite in other than the designated area for this purpose. Camper vehicles that do not fit on the site, whether or not they require the special camper vehicle fee, must park in the designated overflow parking area.

4. Each member of the camping party, except in primitive group areas, up to the maximum allowable per site, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of camping. Passes only issued during days and seasons of operation of the swimming facility and only good during the members registered stay.

5. Damage to campsites, not considered normal wear and tear, will be billed to the person registered for the campsite on an itemized cost basis.

6. At honor collection sites, the stated camping fees on this list shall be considered as having tax included. Honor collection is defined as the payment of the camping fee on-site at the park at a nonelectronic collection point at which the payment is placed in a box or safe provided for that purpose.

4 VAC 5-36-100. Cabin fees.

CABIN RENTALS (TAXABLE, Price here does not include tax)

	BASE RATE		VIRGINIA RESIDENTS	
	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
PRIME SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type				
Efficiency	\$80	\$478	\$71	\$429
One Bedroom, Standard	\$93	\$561	\$84	\$504
One Bedroom, Waterfront or Water View	\$103	\$621	\$92	\$554
One Bedroom, Chippokes Plantation	\$108	\$653	\$99	\$588
Two Bedroom, Standard, all parks where available unless noted below	\$107	\$648	\$97	\$584
Two Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna	\$112	\$679	\$101	\$612
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$119	\$713	\$107	\$642
Two Bedroom, Waterfront or Water View, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna	\$124	\$747	\$112	\$672
Two Bedroom, First Landing, Chippokes Plantation	\$126	\$753	\$113	\$678
Three Bedroom, Standard, all parks where available unless noted below	\$123	\$734	\$110	\$659
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$142	\$855	\$128	\$770
Three Bedroom, Waterfront or Water View, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage	\$142	\$846	\$124	\$760
Hill Lodge (Twin Lakes)	\$159	\$954	\$143	\$859
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$287	\$1,716	\$257	\$1,545

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Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$337	\$2,023	\$303	\$1,822
6-Bedroom Lodge, Water View: Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Lake Anna.	\$353	\$2,120	\$318	\$1,909
MID-SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$70	\$425	\$64	\$382
One Bedroom, Standard	\$83	\$498	\$76	\$448
One Bedroom, Waterfront or Water View	\$91	\$547	\$82	\$494
One Bedroom, Chippokes Plantation	\$87	\$522	\$79	\$470
Two Bedroom, Standard, all parks where available unless noted below	\$96	\$576	\$87	\$519
Two Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna	\$100	\$604	\$91	\$543
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$106	\$634	\$95	\$570
Two Bedroom, Waterfront or Water View, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna	\$111	\$664	\$99	\$597
Two Bedroom, First Landing, Chippokes Plantation	\$101	\$603	\$90	\$542
Three Bedroom, Standard, all parks where available unless noted below	\$108	\$653	\$99	\$588
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$114	\$684	\$103	\$615
Three Bedroom, Waterfront or Water View, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage	\$120	\$716	\$108	\$645
Hill Lodge (Twin Lakes)	\$142	\$849	\$127	\$764

Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$254	\$1,527	\$229	\$1,373
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland)	\$300	\$1,802	\$270	\$1,621
6-Bedroom Lodge, Water View: Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Lake Anna	\$315	\$1,888	\$283	\$1,698
OFF-SEASON CABIN AND LODGE RATES				
Cabin/Lodge Type	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Efficiency	\$59	\$354	\$54	\$319
One Bedroom, Standard	\$69	\$415	\$62	\$373
One Bedroom, Waterfront or Water View	\$77	\$455	\$68	\$411
One Bedroom, Chippokes Plantation	\$66	\$392	\$59	\$353
Two Bedroom, Standard, all parks where available unless noted below	\$80	\$480	\$71	\$432
Two Bedroom, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna	\$84	\$503	\$75	\$452
Two Bedroom, Waterfront or Water View, all parks where available unless noted below	\$88	\$528	\$79	\$475
Two Bedroom, Waterfront or Water View, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna	\$92	\$553	\$83	\$497
Two Bedroom, First Landing, Chippokes Plantation	\$76	\$452	\$68	\$406
Three Bedroom, Standard, all parks where available unless noted below	\$90	\$543	\$81	\$488
Three Bedroom, Chippokes Plantation, Bel Air Guest House	\$85	\$512	\$78	\$462

Regulations

Three Bedroom, Waterfront or Water View, Claytor Lake, Bear Creek Lake, James River, Occoneechee, Lake Anna, Southwest Virginia Museum Poplar Hill Cottage	\$89	\$537	\$81	\$484
Hill Lodge (Twin Lakes)	\$118	\$706	\$106	\$635
Fairy Stone Lodge (Fairy Stone), Creasy Lodge (Douthat), Bel Air Mansion (Belle Isle)	\$211	\$1,269	\$191	\$1,142
Douthat Lodge (Douthat), Hungry Mother Lodge (Hungry Mother), Potomac River Retreat (Westmoreland))	\$250	\$1,498	\$226	\$1,348
6-Bedroom Lodge, Water View: Kiptopeke, James River, Claytor Lake, Occoneechee, Bear Creek Lake, Lake Anna	\$262	\$1,570	\$237	\$1,412
CAMPING CABINS, CAMPING LODGES, YURTS, AND TRAVEL TRAILERS (camping cabins, camping lodges, yurts, and travel trailers located in campgrounds and operated in conjunction with the campground)	Per-Night Rental Fee	Per-Week Rental Fee	Per-Night Rental Fee	Per-Week Rental Fee
Camping Cabin rental rate: (2-night minimum rental required)	\$53	NA	\$46	NA
Yurt rental: Standard fee	\$93	\$561	\$84	\$504
Travel Trailers: 25-30' Standard fee	\$93	\$561	\$84	\$504
Camping Lodges: Standard fee	\$93	\$561	\$84	\$504
Additional Cabin Fees:				
Additional Bed Rentals	\$3.00 per rental night			
Additional linens	\$6.00 per bed set			
Cabin Cancellation Fee	\$20 per cancellation period: See note 6 and 7 in the Cabin Transfer/Cancellation/Early Departure Policy Note.			
Pet Fee	\$5.00 <u>per pet</u> per night			
Pocahontas Group Cabins	DAY		WEEK	
Dining Hall: When rented alone; 8 a.m. to 10 p.m.	\$225		\$1,125	
Dining Hall: When rented with a minimum of two cabins.	\$100		\$500	
Cabin Units: per night – two units minimum in ecology camp.				

One Unit – Capacity: 28	\$92	\$462
Two Units – Capacity: 56	\$150	\$751
Three Units – Capacity: 84	\$196	\$982
Four Units – Capacity: 112	\$231	<u>\$1,155</u>
Complete Camp (Ecology Camp)	\$347	\$1,733
Complete Camp (Group Camp #3)	\$266	\$1,328
Refundable security deposit charged for all reservations	\$100 per reservation	

Notes on Pocahontas Group Cabins:

Pocahontas Group Cabins: Reservations of more than \$200 require a 25% prepayment, due within 14 days of making the reservation, to hold a reservation. Balance of fees is due 60 days prior to the reservation start date. Reservations of less than \$200 require payment in full to confirm the reservation.

Notes on cabins:

1. Seasonal cabin rates shall be in effect according to the following schedule, except for camping cabins, camping lodges, yurts, and travel trailers, which operate on the same schedule and season as the campground at that particular park. In the event that a weekly rental period includes two seasonal rates, the higher rate will apply for the entire weekly rental period.

PARK	PRIME SEASON	MID-SEASON	OFF-SEASON
Bear Creek Lake*** Belle Isle Chippokes Plantation First Landing Kiptopeke*** Lake Anna*** Occoneechee*** Southwest Virginia Museum Staunton River Twin Lakes Westmoreland	Friday night prior to Memorial Day through the Sunday night prior to Labor Day	April 1 through the Thursday night prior to Memorial Day, and Labor Day through November 30	December 1 through March 31
Claytor Lake Douthat Fairy Stone Hungry Mother James River*** Smith Mountain Lake	Friday night prior to Memorial Day through the Sunday night prior to Labor Day, and October 1 through October 31	April 1 through the Thursday night prior to Memorial Day, and Labor Day through September 30, and November 1 through November 30	December 1 through March 31

Regulations

***Cabin or lodge facilities will be added; exact dates of completion unknown.

2. All dates refer to the night of the stay; checkout time is 10 a.m. and check-in time is 3 p.m.

3. The following holiday periods are charged prime season weekend rates: the Wednesday, Thursday, Friday, and Saturday period that includes Thanksgiving Day; and Christmas Eve and Christmas Day; and New Year's Eve and New Year's Day.

4. Cabin guests are allowed two vehicles per cabin per day without charge of parking fee. Additional vehicles must pay the prevailing parking fee for each day that the vehicle is parked in the park. The number of vehicles allowed to park at the cabin varies according to site design and other factors. All vehicles must park in designated parking areas, either at the cabin or in the designated overflow parking area.

5. Lodge guests are allowed six vehicles per lodge per day without charge of parking fee. Additional vehicles must pay the prevailing vehicle parking fee for each day the vehicle is parked in the park. The number of vehicles allowed to park at the lodge varies according to site design and other factors. All vehicles must park in designated parking areas, either at the lodge or in the designated overflow parking area.

6. Damage to cabins, not considered normal wear and tear, may be billed to the person registered for the cabin on an itemized cost basis.

7. Each member of the cabin rental party, up to the maximum allowable for the rented unit, may receive an entrance pass to the park's swimming facility on the basis of one pass per night of rental. Passes are only issued during days and seasons of operation of the swimming facility and are only good during the member's registered stay.

Notes on cabin transfer/cancellation/early departure policy:

1. Any fees to be refunded are calculated less the applicable cancellation fees listed below.

2. Fees paid to the reservation center by credit card will be refunded to the original credit card charged.

3. Fees paid by check or money order to the reservation center, or by any method at the park, will be refunded by state check.

4. A customer may move a cabin reservation to another date or park, referred to as a transfer, through the reservation center only, and prior to the official check-in time on the scheduled date of arrival.

5. If the reservation center will not be open again prior to the start of the reservation, transferring is not an option. If

the transfer is not for the same number of nights, the cancellation policy may apply. Otherwise, there is no fee to transfer.

6. Once the reservation is paid for, a customer may cancel in full with payment of the required \$20 cancellation fee if there are more than 30 days before the scheduled arrival date. As long as the reservation is not during the one-week minimum stay requirement period, the length of stay may be reduced without a fee as long as there are more than 30 days before the scheduled arrival. However, the length of stay cannot be less than two nights. During the 30 days prior to the scheduled arrival date, the \$20 cancellation fee is charged for each night cancelled or reduced from the stay. Once the official check-in time on the scheduled arrival date is reached, the cancellation policy is no longer in effect and the early departure policy applies.

7. Once the 3 p.m. check-in time is reached on the scheduled day of arrival, any adjustment to a reservation is considered an early departure. There is a two night minimum charge associated with all cabin stays. Reducing the total nights stayed will incur a \$20 per night fee. If the original reservation was for a week, the weekly discount will no longer be valid and the fee will be adjusted to the nightly rate before any refunds are calculated.

4 VAC 5-36-110. Picnic shelters fees.

PICNIC SHELTERS (TAXABLE)

Two reservation periods are available per day, per shelter.	HALF-DAY	FULL-DAY
Standard Small Picnic Shelter Rental Fee: Bear Creek Lake, Belle Isle, Caledon, Chippokes Plantation, Claytor Lake (including gazebo), Douthat, Holliday Lake, Hungry Mother (half shelter), Lake Anna, Natural Tunnel, New River Trail, Occoneechee, Pocahontas, Smith Mountain Lake, Twin Lakes, Westmoreland, York River, and all other small park picnic shelters.	\$30	\$50
Standard Large Picnic Shelter Rental Fee: Belle Isle, Chippokes Plantation, Claytor Lake, Douthat Fairy Stone, First Landing, Grayson Highlands, Hungry Mother (full shelter), James River, Kiptopeke, Lake Anna, Natural Tunnel, Occoneechee, Pocahontas, Shenandoah, Smith Mountain Lake (Pavilion), Staunton River, Staunton River Battlefield, Twin Lakes, <u>Westmoreland</u> , York River, and all other large park picnic shelters.	\$45	\$80
Shenandoah Large Group Shelter	\$50	\$90
York River: Plus Package: Fee for use of concession rental equipment and picnic shelter.		
Small Shelter: Up to 25 people	\$90	\$105
Large Shelter: Up to 40 people	\$135	\$160

Regulations

Each additional person over 25 people for the small shelter and over 40 people for the large shelter.	\$3.25	\$3.25
Leesylvania Shelter Rental	\$60	\$120
Leesylvania: Lee's Landing Picnic Area Rental	\$30	\$55
Leesylvania: Lee's Landing Picnic Shelter	\$200	\$300
With 15 tables and 100 chairs	\$600	\$700
Mason Neck Picnic Area Rental		
Without tent shelter	\$30	\$55
With tent shelter (seasonably available)	\$60	\$120
Chippokes Plantation Conference Shelter (with kitchen)	\$100 per function	\$100 per function
Chippokes Plantation Conference Shelter (without kitchen)	\$60 per function	\$60 per function
<u>Mini-Shelter: All parks where available unless otherwise noted.</u>	<u>N/A</u>	<u>\$20</u>
Event Tent Rental: Full day in-park rental only. Price includes set up and take down.		
Standard fee: All parks where available unless otherwise noted.	NA	\$0.38 per square foot
Chippokes Plantation, Douthat, Kiptopeke, Lake Anna, Pocahontas, Shenandoah River, Sky Meadows, Smith Mountain Lake, York River.	NA	\$0.45 per square foot
False Cape, First Landing, Leesylvania, Mason Neck.	NA	\$0.50 per square foot
White String Lights for Tent	NA	\$0.80 per foot
Side Panels for Tent	NA	\$1.50 per foot
Standard Shelter Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within 14 days prior to date. Shelter reservation may be transferred without penalty if the change is made through the reservations center prior to scheduled use.	\$10	\$10

Notes on shelters:

1. Full-day shelter rental period shall be from park opening until park closing, for day use, unless otherwise specified.
2. Morning half-day shelter rental period shall be from park opening until 2 p.m., unless otherwise specified.
3. Afternoon half-day shelter rental period shall be from 3 p.m. until park closing unless otherwise specified.

4 VAC 5-36-120. Amphitheater and gazebo fees.

AMPHITHEATERS AND GAZEBOS (TAXABLE, Price here does not include tax)

Amphitheater or Gazebo Rental Fee:	HALF-DAY	FULL-DAY
Leesylvania, Fairy Stone, Staunton River, Kiptopeke and all other amphitheaters and gazebos unless noted below.	\$15	\$30
Claytor Lake (gazebo), Hungry Mother, Occoneechee, Westmoreland, New River Trail, Shenandoah River (overlook).	\$30	\$50
Smith Mountain Lake, Natural Tunnel (gazebo at Cove Ridge), James River, First Landing (gazebo at Chesapeake Bay Center).	\$40	\$70
York River and Douthat	N/A	\$100
Natural Tunnel and First Landing Amphitheaters: Private group or company rate:	\$150	\$300
Natural Tunnel and First Landing Amphitheaters: Educational group.	\$75	\$150
<u>Natural Tunnel Amphitheater Wedding Package: Three consecutive half-day rental periods.</u>	<u>N/A</u>	<u>\$400 per package</u>
First Landing: Courtyard at Chesapeake Bay Center; includes amphitheater and gazebo.	\$400	\$750
First Landing: Additional hourly charge for hours beyond 10 p.m. for gazebo.	\$10 per hour	\$10 per hour
First Landing: Additional hourly charge for hours beyond 10 p.m. for Courtyard.	\$50 per hour	\$50 per hour
Fishing Tournament Staging. All parks where available.	\$25	\$25
Pocahontas Amphitheater Area: Without Heritage Center. Includes Amphitheater, Exhibit Area, Restrooms and use of sound system.	NA	\$600
Pocahontas Amphitheater Area Plus Heritage Center	NA	\$800
Parking Attendant (per attendant).	NA	\$10 per hour
Law Enforcement Officer (per officer).	NA	\$25 per hour
Natural Tunnel: Rental of Observation Deck at mouth of tunnel for dinner parties. Includes use of chairlift for transportation of guests and supplies and set-up/take-down of tables and chairs.	\$300 per 4 hours	
<u>Natural Tunnel Amphitheater Concession Building</u>	<u>N/A</u>	<u>\$40</u>
<u>Natural Tunnel: Sound System Rental</u>	<u>N/A</u>	<u>\$30</u>
Stage Cover Rental:		
Occoneechee	\$25	\$25

Regulations

Standard Amphitheater/Gazebo Cancellation Fee: Cancellation fee deducted from refund if refund is made more than 14 days prior to the reservation date. No refunds if cancellation made within fourteen days prior to date.	\$10	\$10
All parks unless listed below.	\$10	\$10
Pocahontas Amphitheater or First Landing Courtyard	\$100	\$100

4 VAC 5-36-150. Interpretive and educational tours and program fees.

INTERPRETIVE AND EDUCATIONAL TOURS AND PROGRAMS (NONTAXABLE)

Interpretive and Educational Tours and Programs		
PARK	PROGRAM	FEE
All parks unless otherwise noted:	Standard Interpretive Program: (Fee does not apply to informational programs such as campfire programs or roving interpretation).	\$2.00 per person \$6.00 per family
	Standard Night Hike or Evening Program	\$3.00 per person \$8.00 per family
	Standard Wagon Ride Program	\$3.00 per person \$8.00 per family \$25 exclusive group
	Extended or Special Event Wagon Ride Program	\$4.00 per person \$10 per family
	Park Outreach Program; <u>Price per park staff member conducting program</u>	\$10 for under 2 hours \$25 for 2 to 3 hours \$50 for 4 hours plus
	Standard Junior Ranger Program: 4-day program. All parks unless noted below.	\$10 full program \$3.00 per day
	Haunted Hike	\$1.00 (Age 3 through 12) \$3.00 (Age 13 and over)
	Pocahontas	Nature Camps
Curious Kids		\$3.00 per program

	Nature and Discovery Programs (School/Groups Outreach)	\$40 per hour at park \$60 per 1 and one-half hours at park \$80 per 2 hours at park \$50 per hour at school \$70 per 1 and one-half hours at school \$90 per 2 hours at school \$15 additional if over 30 miles from park
Sky Meadows	Music Program	\$5.00 per person
	A Day in Wildflower Woods	\$8.00 per person
Southwest Virginia Museum	How Our Ancestors Lived (9-Week Children's Series)	\$10 per person for entire series \$2.00 per person for individual program
	Workshop (Adult)	\$10 per person
	Workshop (Children)	\$5.00 per person
Caledon	Caledon Eagle Tours	\$6.00 per person \$50 Flat Rate (minimum: 10; maximum: 20)
	All Group Programs up to 2 hours long	\$5.00 per person
	Haunted Hay Ride	\$12 per person
	Caledon Junior Ranger Program	\$15 per person
	Special Program Bus Fee: Programs involving transportation within the natural area.	\$3.00 per person
Natural Tunnel: Cove Ridge	Guided Programs	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)
	Environmental Education (Children's Activities)	\$25 per program (Maximum 30 participants) \$25 facility fee (If applicable)
	3 or More Activities	\$15 per program \$25 facility fee (If applicable)
	Environmental Education (Adult Facilitation)	\$15 per person
	Field Trips	Per program charge with use of center; chairlift passes, if required for program, included in cost

Regulations

Hungry Mother/ Hemlock Haven	Junior Naturalist Program	\$4.00 per person per week \$12 unlimited participation in interpretive season	First Landing	Fall Friends	\$5.00 per person per class \$25 per person for all classes
				Junior Ranger Program	\$25 per person
Kiptopeke	Birding Program (Hawk observatory/bird banding station)	\$4.00 per person		Kritter Kids	\$25 per person
	Birding Program (Group Rates)	\$35 (Corporate) \$25 (Nonprofit)	Bear Creek Lake	Interpretive bike tours	\$3.00 per person
York River	Guided Adventure Programs	\$4.00 per person \$40 per group (Minimum 12 persons)	Leesylvania	Junior Ranger Program	\$25 \$35 per person
	York River Children's Programs	\$2.00 per person, single program \$10 unlimited participation throughout Interpretive Season		Halloween Haunted Hike	\$2.00 per person \$5.00 \$6.00 per group (4 person maximum)
	"Nature Party": Nature Themed Birthday Party for Children	\$10 per person		Interpretive Programs	\$2.00 per person
				Kids Fishing Tournament	\$2.00 per child
Westmoreland	Guided Program Fee	\$25 per person	Natural Tunnel	Pannel Cave Tour	\$10 per person \$7.00 per person (Family-Group; 8-person minimum)
				Bolling Cave Tours	\$15 per person \$12 per person (Family-Group; 8-person minimum)
Mason Neck, Natural Tunnel	Junior Ranger Program (Includes T-Shirt)	\$35 per person	Westmoreland	Stock Creek Tunnel Tour	\$5.00 per person
	Standard Wagon Ride Program	\$50 Exclusive Group Reservation		Orienteering Program	\$3.00 per person \$25 per group (20 maximum)
	Ranger Led Programs – Groups	\$3.00 per person	New River Trail	New River Trail Seniors Van Tour Full Day	\$25 per person
	Hay Wagon and Hot Dog Roast	\$10 per person		New River Trail Seniors Van Tour Half Day	\$15 per person
	Bike Tours - 2 hours	\$10 per person	James River	Haunted Wagon Ride	\$5.00 per person (Age 7 and over) Children 6 and under free
	Extended Bike Tours - 4 hours	\$15 per person			
	Canoe and Bike Tour - 4 hours	\$20 per person			
	Halloween Haunted House/Hay Wagon Ride	\$5.00 per person			
	Canoe/Hay Wagon Ride	\$12 (Age 3 through 12) \$15 (Age 13 and over)			
Holliday Lake	Field Archaeology Workshop	\$25 per person	Hunting: All parks where available unless otherwise noted. (Does not apply to open hunting areas at Fairy Stone, Hungry Mother, Grayson Highlands, Occoneechee, and Pocahontas)		FEE
	Junior Ranger Program (3 half-day workshop) (Ages 6 to 13)	\$25 per child			
False Cape	Wildlife Watch Tour – Per Person	\$6.00 per person	Standard Daily Hunting Fee for reservation-type managed hunts (No separate application fee required).		\$15 per hunter per day
Staunton River	Junior Ranger Program	\$4.00 per session	Standard Daily Hunting Fee for lottery-type managed hunts (Paid in addition to any applicable application fee).		\$10 per hunter per day
	Interpretive Craft	\$2.00 per person			
	Down A Lazy River Guided Canoe Trip	\$6.00 per child \$8.00 per adult			
	Hayride	\$1.00 per person			

Notes on interpretive and educational tours and programs:
Additional costs for supplies and materials may apply.

4 VAC 5-36-170. Hunting fees.

HUNTING (NONTAXABLE)

Regulations

Lottery Hunt Application Fee	\$5.00 per application
Chippokes Plantation: Southern Heritage Deer Hunt	\$325 per adult, or youth 16 through 17 with a separate stand \$200 per youth ages 12 through 17, requires shared stand with a paying adult \$50 per nonhunting companion

Notes on hunting fees:

At parks where there is a "standby" process, no additional daily fee for that hunting season shall be charged if the hunter has already paid at least one previous daily hunting fee for that park's hunting season.

4 VAC 5-36-200. Miscellaneous rental fees.

RENTALS (TAXABLE; Price here does not include tax)

Bike Rentals (includes helmet)	FEE
All parks where available unless otherwise noted	\$3.00 per hour \$8.00 per half-day \$15 per full-day
Claytor Lake	\$4.00 per hour \$25 per day
New River Trail, James River	\$5.00 per hour \$12 per half-day \$18 per day
First Landing	\$5.00 per hour \$16 per day
Bike Helmet without bike rental	\$1.00
Child Cart for bike	\$5.00
Boat Rentals	
Standard Paddle Boat Rental:	
All parks where available unless otherwise noted	\$4.00 per half-hour \$6.00 per hour
Smith Mountain Lake: Paddleboat	\$10 per half-hour \$15 per one hour \$60 for 24 hours \$30 additional for each day after first day
Standard Canoe Rental:	
All parks where available unless otherwise noted.	\$8.00 per hour \$15 per half-day \$25 per full-day \$40 for 24 hours \$100 per week
Smith Mountain Lake	\$8.00 per half-hour \$12 per one hour \$60 for 24 hours \$30 additional for each day after first day

<u>Claytor Lake</u>	\$8 per hour \$25 per half-day \$40 per day \$50 per 24 hours
Claytor Lake , Leesylvania, Mason Neck	\$12 per hour \$35 per half-day \$50 per day \$60 per 24 hours
James River	\$10 per hour (does not include shuttle) \$40 per day (does not include shuttle) \$120 per week (does not include shuttle) \$12 per half hour past return time
Standard Float Trips:	
Shenandoah River	\$5.00 per person
James River	
Bent Creek to Canoe Landing:	
Canoe	\$45 Max 3 people
Single Kayak	\$35 per kayak
Double Kayak	\$45 per kayak
Canoe Landing to Dixon Landing:	
Tubes	\$10 per tube
Group of four or more	\$8.00 per tube
Canoe	\$15 per canoe
Single Kayak	\$15 per kayak
Double Kayak	\$15 per kayak
Bent Creek to Dixon Landing:	
Canoe	\$50 per canoe
Single Kayak	\$40 per kayak
Double Kayak	\$50 per kayak
Shuttle Service Only:	
Bent Creek Shuttle	\$5.00 per boat (canoe/kayak) \$5.00 per person
Tubes	\$5.00 per person/Bent Creek Shuttle \$2.00 between landings in park
Late Fee	\$12 per half hour past return time
New River Trail	\$7.00 per hour \$20 per half-day \$30 per day \$35 per half-day, includes canoe rental and shuttle \$50 per full day, includes canoe rental and shuttle

Regulations

Canoe Rental (includes shuttle)	
Trip A: Austinville to Foster Falls	\$35 per canoe
Trip B: Ivanhoe to Austinville	\$45 per canoe
Trip C: Ivanhoe to Foster Falls	\$50 per canoe
Trip D: Foster Falls to Route 100	\$45 per canoe
Trip E: Route 100 to Allisonia	\$50 per canoe
Trip F: Foster Falls to Allisonia	\$55 per canoe
Kayak Rental (includes shuttle)	
Trip A: Austinville to Foster Falls	\$25 per kayak
Trip B: Ivanhoe to Austinville	\$35 per kayak
Trip C: Ivanhoe to Foster Falls	\$40 per kayak
Trip D: Foster Falls to Route 100	\$35 per kayak
Trip E: Route 100 to Allisonia	\$40 per kayak
Trip F: Foster Falls to Allisonia	\$45 per kayak
Standard Rowboat Rental, without motor:	
All parks where available unless otherwise noted	\$6.00 per hour \$12 per half-day \$22 per full-day \$36 per 24 hours \$80 per week
Hungry Mother: Rowboats	\$4.00 per hour \$15 per day \$40 per week
New River Trail: Rafts and flat-bottom boats	\$7.00 per hour \$20 per half-day \$30 per day
Standard Rowboat Rental with electric motor and battery: All parks where available unless otherwise noted	\$10 per hour \$20 per 4 hours \$36 per day \$100 per 4 days \$150 per week
Standard Motorboat Rental, 16-foot console steering, 25-45 horsepower outboard. All parks where available.	\$18 per hour \$90 per day
Standard Fishing Boat Rental with gasoline motor and one tank of fuel: All parks where available.	\$10 per hour (2-hour minimum) \$50 per day
Pedal Craft Rental: (Hydro-Bike, Surf-Bike, etc.) All parks where available unless otherwise noted.	
One person.	\$6.00 per hour
Two person.	\$8.00 per hour
Smith Mountain Lake: Hydro Bike	\$8.00 per half hour \$12 per hour \$4.00 additional per hour after first hour \$60 per 24 hours \$30 additional per day after first day
Barracuda Boat. All parks where available	\$10 per hour
Solo Kayak Rental:	

All parks where available unless otherwise noted	\$8.00 per hour \$15 per half-day \$25 per full-day \$40 for 24 hours \$100 per week
Smith Mountain Lake	\$8.00 per half hour \$12 per hour \$60 per 24 hours \$30 additional per day after first day
Claytor Lake , Mason Neck	\$10 per hour \$35 per half-day \$50 per day \$60 per 24 hours
New River Trail	\$7.00 per hour \$20 per half-day \$30 per day
James River	\$7.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$80 per week (does not include shuttle) \$12 per half hour past return time
Tandem Kayak Rental:	
All parks where available unless otherwise noted.	\$10 per hour \$20 per half-day \$30 per full-day \$45 for 24 hours \$120 per week
<u>James River</u>	<u>\$10 per hour (does not include shuttle)</u> <u>\$35 per day (does not include shuttle)</u> <u>\$120 per week (does not include shuttle)</u> <u>\$12 per half hour past return time</u>
Smith Mountain Lake: 14-foot fishing boat with 5 hp (3 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$50 for 3-hours \$10 additional per hour after first 3 hours \$150 for 24 hours \$30 additional per day after first day
Claytor Lake: 14-foot Jon boat with 8 hp motor Damage deposit of \$40 required	\$15 per hour \$45 per half-day \$65 per day \$78 per 24 hours

Regulations

Claytor Lake: 14.5-foot fishing boat with 9.9 hp motor Damage deposit of \$40 required	\$17 per hour \$50 per half-day \$75 per day \$90 per 24 hours	Smith Mountain Lake: 18-20-foot Runabout with 190 hp (8 person capacity). Rental does not include fuel and oil. Damage deposit of \$200 required.	\$150 for 3 hours \$20 additional per hour after first 3 hours \$240 per 8 hours \$305 for 24 hours \$100 additional per day after first day
Claytor Lake: 14-foot v-hull boat with 25 hp motor Damage deposit of \$75 required	\$25 per hour \$65 per half-day \$100 per day \$120 per 24 hours		
Claytor Lake: 17-foot v-hull with 140 hp motor Damage deposit of \$150 required	\$45 per hour \$110 per half-day \$175 per day \$210 per 24 hours	Claytor Lake: <u>18-foot</u> pontoon boat (7 person capacity) Damage deposit of \$100 required	\$35 per hour \$90 <u>\$95</u> per 4 hours \$150 <u>\$160</u> per 8 hours \$180 <u>\$192</u> per 24 hours
Claytor Lake: 21" <u>21-foot</u> pontoon boat with 50 hp motor. Damage deposit of \$150 required	\$45 per hour \$110 per half-day \$175 per day \$210 per 24 hours		
Claytor Lake: 20" <u>20-foot</u> bowrider. Damage deposit of \$150 required	\$60 per hour \$135 per half day \$210 per day	Claytor Lake: <u>22-foot</u> pontoon boat (11 person capacity) Damage deposit of \$150 required	\$55 per hour \$125 per 4 hours \$200 per 8 hours \$240 per 24 hours
Claytor Lake: Water Sports Package	\$45 (Age 16 and over) \$35 (Age 15 and under)	Smith Mountain Lake: 24-foot pontoon boat with 40 hp (10-12 person capacity).	\$80 for 3 hours \$20 additional per hour after first 3 hours \$160 per 8 hours \$200 for 24 hours \$80 additional each day after first day
<u>Claytor Lake: Water Sports Pontoon and Equipment Package: Includes 24-foot pontoon boat, 2 kayaks, tubing, and ski vests.</u>	<u>\$300 per day</u>		
<u>Claytor Lake: Water Sports Speed Boat and Equipment Package: Includes 17-foot bowrider, water skis, kneeboard, towrope, ski ropes, and ski vests.</u>	<u>\$250 per day</u>	Smith Mountain Lake: Personal Watercraft (Waverunner 700). Rental does not include fuel and oil. Damage deposit of \$500 required.	\$150 for 3 hours \$20 additional per hour after first 3 hours \$240 per 8 hours \$305 for 24 hours \$100 additional per day after first day
Occoneechee: 17-1/2" <u>17-1/2-foot</u> fishing boat. Rental includes 30 gallons of fuel. Damage deposit of \$200 required	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week		
Occoneechee: 20" <u>20-foot</u> pontoon boat with motor (8 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$85 per hour \$20 additional per hour after first hour \$175 per 8 hours \$875 per 7 day week	Belle Isle: Motorboat less than 25 horsepower (6 gallons of fuel included, 2 hour minimum)	\$15 per hour \$90 per day
Occoneechee: <u>22'</u> <u>22-foot</u> pontoon boat with motor (10 person capacity) Rental includes 30 gallons of fuel. Damage deposit of \$200 required.	\$95 per hour \$20 additional per hour after first hour \$185 per 8 hours \$925 per 7 day week	Belle Isle: Motorboat 25-49 horsepower (11 gallons of fuel included, 2 hour minimum)	\$22 per hour \$110 per day
		Standard Damage/Replacement Fees: All parks where available unless otherwise noted. Not required for damage due to normal wear and tear.	
		Paddle	\$20
		Anchor/Rope	\$40
		Fuel Tank/Hose	\$60
		Fire Extinguisher	\$25
		Throw Cushion	\$10
		Propeller (small)	\$100
		Propeller (large)	\$135
		Other Rentals:	
		Personal Flotation Device (PFD): When separate from boat rental.	\$1.00 per day

Regulations

Smith Mountain Lake, James River: Personal Floatation Device, type II.	\$5.00 for first day \$1.00 additional days	Surf Lounge Floating Chair Rental. All parks where available.	\$2.00 per hour, single chair \$5.00 per half-day, single chair \$7.00 per full day, single chair \$3.00 per hour, double chair \$7.00 per half-day, double chair \$10 per full day, double chair	
Smith Mountain Lake: Personal Floatation Device, type III	\$7.00 for first day \$2.00 additional days			
Canoe/Kayak Paddles: All parks where available unless otherwise noted.	\$5.00 per day			
New River Trail: Float Tubes	\$10 per day			
James River:				
Cooler Tubes	\$3.00 per day			
Seat Backs (kayaks)	\$3.00 per day			
Tubes	\$8.00 per hour (does not include shuttle) \$20 per day (does not include shuttle) \$12 per half hour past return time			
<u>Claytor Lake: 2-person tow tube and towrope (with rental of boat only)</u>	<u>\$20 per 2 hours</u> <u>\$25 per half-day</u> <u>\$30 per day</u>			
<u>Claytor Lake: Water skis and towrope (with rental of boat only)</u>	<u>\$20 per 2 hours</u> <u>\$25 per half-day</u> <u>\$30 per day</u>			
<u>Claytor Lake: Kneeboard and towrope (with rental of boat only)</u>	<u>\$15 per 2 hours</u> <u>\$20 per half-day</u> <u>\$25 per day</u>			
Smith Mountain Lake: Tow tube; Water Skis; Knee Board	\$15 per day with boat rental \$25 per day without boat rental			
Smith Mountain Lake: Wake Board	\$25 per day with boat rental \$30 per day without boat rental			
Mobile Pig Cooker: All parks where available unless otherwise noted.	\$40 per day		Body Board: First Landing	\$6.00 per day
Volleyball Net and Ball Rental: All parks where available.	\$10		Beach Umbrella: All parks where available unless otherwise noted.	\$3.00 per hour \$8.00 for 4 hours \$15 for full-day
Binocular Rentals (2 hours): All parks where available.	\$2.00	First Landing	\$6.00 per day	
Beach Floats: All parks where available.	\$1.00 per hour \$3.00 for 4-hours \$5.00 for full-day	Kiptopeke	\$5.00 per 4 hours \$8.00 per 8 hours	
		Beach Chair: All parks where available	\$5.00 per day	
		First Landing	\$6.00 per day	
		Fishing Rods: All parks where available unless otherwise noted.	\$5.00 per half-day	
		First Landing	\$6.00 per day \$3.00 per rod per fishing program	
		Tents with a group camp reservation. All parks where available.		
		2-person tent	\$12 per day	
		3-person tent	\$20 per day	
		4-person tent	\$25 per day	
		5-person tent	\$30 per day	
		Coin-Operated Washing Machine: All parks where available unless otherwise noted.	\$1.00 <u>\$1.25</u> per load, tax included	
		First Landing	\$1.25 <u>\$1.25</u> per load, tax included	
		Coin Operated Dryer: All parks where available unless otherwise noted.	\$0.75 <u>\$1.25</u> per load, tax included	
		First Landing	\$0.25 <u>\$0.25</u> per 15 minutes (large), tax included \$1.25 <u>\$1.25</u> per 45 minutes (small), tax included	
		6-Foot Table (Includes 6 chairs) Additional chairs:	\$10 <u>\$20</u> per rental period \$2.50 <u>\$3.00</u> each per rental period	
		Pump Out: All parks where available unless otherwise noted.	\$5.00	
		Horse Rentals:		
		All parks where available unless otherwise noted.	\$20 per one-hour ride \$40 per two-hour ride \$100 per full day ride	

Regulations

Sky Meadows	\$30 per one-hour ride \$55 per two-hour ride \$45 per 1.5-hour theme ride \$10 pony rides, includes photo \$250 per week, day camp (10% family discount)
Pony Rides: All parks where available unless otherwise noted.	\$5.00 per 15 minutes
Horseback Riding Lessons: All parks where available unless otherwise noted.	\$25 per lesson on group basis \$30 per lesson for individual
Horseback Summer Day Camp: All parks where available unless otherwise noted.	\$180 per person per week
Horseshoe or Croquet Rental for Campers. All parks where available.	\$1.00 per hour \$5.00 per day \$20 deposit

Small breakout rooms without main room.	\$93 per room per 4 hours \$187 per room per day \$35 each extra hour
Picnic Shelter or Gazebo at Cedar Crest.	\$65 per 4 hours \$125 per day \$10 each extra hour
Kitchen rental Only available with complex rental.	\$100 per event
Kitchen Cleaning Fee: Deposit.	\$150 per event
Chippokes Plantation Meeting, Conference, and Special Use Facilities	
Mansion Conference Room.	\$25 per hour
Mansion or Historic Area Grounds (Includes parking for party rental).	\$500 per 4 hours
Mansion Board Room	\$100 per 4 hours
Program Options: Wagon Tour (24 Maximum).	\$48
Program Options: Canoe Tour: Approx. 2 hours (12 person minimum; 22 person maximum).	\$48
Chippokes Plantation Conference Shelter (Available on reservation basis only).	\$100 per 4 hours
Wedding Package (includes historic area grounds, gardens, tent set up and take down, <u>10 60-inch round tables, 10 standard size rectangle tables, 100 folding chairs</u> , Wedding Coordinator, changing room for bride and groom, Mansion kitchen area, boardroom, no fee for wedding rehearsal).	\$995 <u>\$1,345</u> per 4 hours \$1,625 <u>\$1,975</u> per 8 hours \$50 nonrefundable reservation fee
Southwest Virginia Museum – Victorian Parlor Room Rental (Based on 4-hour rental)	DAY EVENING
Option #1: Victorian Parlor – Basic Room Package (Includes tables with linen and chairs)	
Up to 22 People (6 tables – 22 chairs)	\$30 \$55
23 to 30 People (8 tables – 30 chairs) OR Up to 50 people (50 chairs and head table)	\$40 \$65

4 VAC 5-36-210. Conference center fees.

CONFERENCE CENTERS (TAXABLE)

Prices may be discounted and/or waived by the director when necessary to create competitive bids for group sales.	FEE
Hemlock Haven Conference Center at Hungry Mother	
Main Hall (Capacity: 375)	\$250 per day
Upper Level (Capacity: 50)	\$150 per day
Redbud Room: (Capacity 35)	\$50 per day
Laurel Room (Capacity: 20)	\$35 per day
Entire Meeting Room Complex	\$400 per day
Day Use Recreational Package (Includes all outside recreational facilities)	
0 – 250 Persons	\$250 per half-day \$500 per full-day
250 – 500 Persons	\$375 per half-day \$750 per full-day
500 + persons	\$500 per half-day \$1,000 per full-day
Cedar Crest Conference Center at Twin Lakes	
Complex: Doswell Hall with deck, grounds, volleyball, horseshoes; Kitchen, Latham and Hurt Rooms NOT included.	\$218 per 4 hours \$437 per day \$50 each extra hour
Doswell Meeting Room: Meeting Room Only; no kitchen or dining room.	\$156 per room per 4 hours \$312 per room per day \$35 each extra hour
Small breakout rooms with main room: Latham and Hurt.	\$62 per room per 4 hours \$125 per room per day \$20 each extra hour

Regulations

<p>Option #2: Victorian Parlor – Executive Room Package (Includes tables with linen and chairs, water pitcher with glasses, coffeepot with cups (coffee not included), AV equipment, and presentation aids)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Up to 22 People (6 tables – 22 chairs)</td> <td style="width: 20%;">\$50</td> <td style="width: 20%;">\$75</td> </tr> <tr> <td>23 to 30 People (8 tables – 30 chairs) OR Up to 50 people (50 chairs and head table)</td> <td>\$65</td> <td>\$90</td> </tr> </table> <p>Option #3: Additional meeting rooms: Victorian Parlor must be rented in order to rent additional rooms.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Hallway (downstairs) (Includes two existing tables with linens)</td> <td style="width: 20%;">\$10</td> <td style="width: 20%;">\$10</td> </tr> <tr> <td>Each Additional Table with Linens</td> <td>\$10</td> <td>\$10</td> </tr> <tr> <td>Small Parlor: AV room or Big Stone Gap Photo room (Includes 1 table with linens and 6-8 chairs)</td> <td>\$30</td> <td>\$30</td> </tr> <tr> <td>Big Stone Gap Development Room (Includes 1 table with linens and 6-8 chairs)</td> <td>\$40</td> <td>\$40</td> </tr> <tr> <td>Additional Hours</td> <td>\$5.00 per hour</td> <td>\$5.00 per hour</td> </tr> <tr> <td>Wedding Portraits</td> <td>\$50 per 2 hours</td> <td>\$75 per 2 hours</td> </tr> </table> <p>Wilderness Road (Mansion and Ground Rental)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Mansion or Lawn: separately</td> <td style="width: 40%;">\$60 for 4 hours</td> </tr> <tr> <td>Mansion and Lawn: combined</td> <td>\$100 for 4 hours</td> </tr> <tr> <td>Additional hours beyond scheduled operating hours</td> <td>\$10 per hour</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Cove Ridge Center at Natural Tunnel:</td> <td style="width: 20%;">PRIVATE FEE</td> <td style="width: 20%;">EDUCATIONAL FEE</td> </tr> <tr> <td>Cove Ridge Center Annual Membership: Membership entitles organization to a 25% discount on facility rental fees and group rates on all programming offered through the center.</td> <td>\$1,000 per year</td> <td>\$500 per year</td> </tr> </table>	Up to 22 People (6 tables – 22 chairs)	\$50	\$75	23 to 30 People (8 tables – 30 chairs) OR Up to 50 people (50 chairs and head table)	\$65	\$90	Hallway (downstairs) (Includes two existing tables with linens)	\$10	\$10	Each Additional Table with Linens	\$10	\$10	Small Parlor: AV room or Big Stone Gap Photo room (Includes 1 table with linens and 6-8 chairs)	\$30	\$30	Big Stone Gap Development Room (Includes 1 table with linens and 6-8 chairs)	\$40	\$40	Additional Hours	\$5.00 per hour	\$5.00 per hour	Wedding Portraits	\$50 per 2 hours	\$75 per 2 hours	Mansion or Lawn: separately	\$60 for 4 hours	Mansion and Lawn: combined	\$100 for 4 hours	Additional hours beyond scheduled operating hours	\$10 per hour	Cove Ridge Center at Natural Tunnel:	PRIVATE FEE	EDUCATIONAL FEE	Cove Ridge Center Annual Membership: Membership entitles organization to a 25% discount on facility rental fees and group rates on all programming offered through the center.	\$1,000 per year	\$500 per year	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Day Use: Exclusive use of the <u>auditorium, meeting room, resource library, catering kitchen, great room with stone fireplace and deck for two consecutive half-day rental periods, and parking passes.</u></td> <td style="width: 20%;">\$300</td> <td style="width: 20%;">\$200</td> </tr> <tr> <td>Exclusive Overnight Use of one dorm: <u>Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorm, swimming (in season), use of conference AV equipment, guest information and hospitality packet, parking passes. Includes Day Use Package plus one dorm rooms for one night and swimming (in season).</u></td> <td>\$600 \$650 per night</td> <td>\$400 \$475 per night</td> </tr> <tr> <td>Exclusive Overnight Use of both dorms: <u>Entire center auditorium, classrooms, catering kitchen, resource library, deck, great room with stone fireplace, dorms, swimming (in season), use of conference AV equipment, guest information and hospitality packet, parking passes. Includes Day Use Package plus two dorm rooms for one night and swimming (in season).</u></td> <td>\$800 \$850 per night</td> <td>\$600 \$625 per night</td> </tr> <tr> <td>Exclusive Day Use: Same as above excluding dorm(s)</td> <td>\$300 per day</td> <td>\$200 per day</td> </tr> <tr> <td>Wedding Package Day Use: <u>Includes exclusive use of the center for three consecutive rental periods. 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Regulations

<u>Wedding Package with Amphitheater: Rental of the park amphitheater in conjunction with any of the above wedding packages.</u>	<u>\$225 for the rental period</u>	<u>NA</u>
<u>Removal of furniture from great room (only available with exclusive use of the center).</u>	<u>\$40</u>	<u>\$40</u>
<u>Additional seating on deck (only available with exclusive use of the center).</u>	<u>\$40</u>	<u>\$0</u>
<u>Auditorium (half day)</u>	<u>\$110 \$120 per half day</u> <u>\$220 per full day</u>	<u>\$80 \$95 per half day</u> <u>\$175 per full day</u>
<u>Classroom – Library (half-day)</u>	<u>\$60</u>	<u>\$30</u>
<u>Dorm (Only) nightly One dorm: Overnight lodging for up to 30, includes swimming (in season) and parking passes.</u>	<u>\$400 per night</u> <u>April 1- October 31</u> <u>\$360 per night</u> <u>November 1-March 31</u>	<u>\$300 per night</u> <u>April 1-October 31</u> <u>\$270 per night</u> <u>November 1- March 31</u>
<u>Both Dorms (Only) Nightly: Overnight lodging for up to 60, includes swimming (in season) and parking passes.</u>	<u>\$500 \$600 per night</u> <u>April 1- October 31</u> <u>\$540 per night</u> <u>November 1-March 31</u>	<u>\$400 \$450 per night</u> <u>April 1- October 31</u> <u>\$405 per night</u> <u>November 1- March 31</u>
<u>Per Person Student Rate for Overnight Dorm Use</u>	<u>\$12.50 per person</u>	<u>\$12.50 per person</u>
<u>Kitchen Use (when not included in package)</u>	<u>\$25 per event</u>	<u>\$25 per event</u>
<u>Heritage Center at Pocahontas: All reservations require 50% down at time of reservation (Nonrefundable within 14 days of event)</u>	<u>PRIVATE FEE</u>	<u>EDUCATIONAL FEE</u>
<u>Large Room (Capacity: seated at tables 50; reception style 125, auditorium 80: includes tables, chairs and warming kitchen)</u>	<u>\$125 per 4 hours</u> <u>\$225 per full-day</u> <u>\$25 each extra hour</u>	<u>\$75 per 4 hours</u> <u>\$135 per full-day</u> <u>\$15 each extra hour</u>
<u>Refundable damage deposit in the form of a check made out to: Treasurer of Virginia prior to occupancy.</u>	<u>\$100</u>	<u>\$100</u>

<u>Westmoreland</u>	<u>FEE</u>
<u>Meeting and Events Facility Tayloe and Helen Murphy Hall Meeting Facility</u>	<u>\$125 (Up to 6 hours)</u> <u>\$225 (8 a.m. to 10 p.m.)</u>
<u>Wedding Package - Includes half-day rental for wedding rehearsal, and a full-day rental for wedding/reception</u>	<u>\$300</u>
<u>Potomac River Retreat: Table and Chair Set-up</u>	<u>\$40</u>
<u>Fairy Stone</u>	
<u>Fayerdale Hall Meeting Facility</u>	<u>\$225 (8 a.m. to 10 p.m.)</u>
<u>Wedding Package - Includes full-day rental for wedding rehearsal, and a full-day rental for wedding/reception.</u>	<u>\$300</u>
<u>Douthat</u>	
<u>Restaurant (includes table set-up)</u>	<u>\$225</u>
<u>Allegheny Room: Up to 30 persons.</u>	<u>\$150 per day</u>
<u>Wedding Package: Conference room and amphitheater (see “amphitheater section”) on day of wedding, plus an extra half-day amphitheater for rehearsal.</u>	<u>\$275</u>
<u>First Landing</u>	
<u>Trail Center Conference Room (Capacity: 45)</u>	<u>\$40 per half-day</u> <u>\$60 per full-day</u>
<u>Lake Anna</u>	
<u>Visitor Center</u>	<u>\$30 per half-day</u> <u>\$50 per full day</u>
<u>Bear Creek Lake</u>	
<u>Meeting facility</u>	<u>\$225 per day</u> <u>\$125 per four hours</u> <u>\$25 each extra hour</u>
<u>Wedding Package</u>	<u>\$300 per day</u>
<u>Claytor Lake</u>	
<u>Marina Meeting Facility</u>	<u>\$350 per day</u>
<u>Wedding Package: Includes rental of facility for two consecutive days (8 a.m. to 10 p.m.), chairs and tables. Linens are not included in the rental package.</u>	<u>\$650</u>
<u>Meeting Package: Includes rental of facility for three consecutive days (8 a.m. to 10 p.m.), all usage of audiovisual equipment. Linens are not included in the rental package.</u>	<u>\$950</u>

Leesylvania Wedding/Function Package: Includes Rental of: Lee's Landing Picnic Shelter, 100 Chairs, 15 Tables, and Parking for up to 50 vehicles	\$800 per half-day \$900 per full-day
Mason Neck	
Wedding Package: 20 foot by 40 foot tent, 100 chairs, parking for up to 50 cars	\$750 per event
Parking Attendant	\$50 per 4 hours
Smith Mountain Lake	
Meeting room at Visitor Center	\$150 per day
Exceeding approved hours. All parks unless otherwise noted below.	\$20 per hour
Equipment and Services Associated with Meetings and Rentals:	
Microphone/Podium Rental	\$15 per day
Linen Rentals:	
Table cloth only	\$3.00 per table
Place settings	\$2.00 each
Twin Lakes	
Overlay	\$1.25 per table
Napkins	\$0.40 per napkin
Fax	First 2 pages free \$2.00 each extra page
Copies	Single copy free \$0.15 each extra copy
Lost Key Fee	\$10
Easels	\$5.00 per day
Overhead Projector	\$10 per day
TV with VCR	\$10
Second TV	\$10
Overhead Projector with Screen	\$10
Slide Projector with Screen	\$10
Flip Chart	\$10

Notes on conference and meeting facilities fees:

Conference and meeting facilities require a 30% prepayment due 10 days after making reservation, and payment of the full balance prior to or on the first day of the reservation. Cancellations made 14 or more days prior to the first day of the reservation shall be charged the lesser of 10% of the total fee or \$100. Cancellations made less than 14 days prior to the first date of the reservation shall be charged 30% of the total fee.

VA.R. Doc. No. R07-34; Filed November 8, 2006, 8:23 a.m.

MARINE RESOURCES COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4 VAC 20-910. Pertaining to Scup (Porgy) (amending 4 VAC 20-910-45).

Statutory Authority: § 28.2-201 of the Code of Virginia.

Effective Date: November 1, 2006.

Agency Contact: Brandy L. Battle, Regulatory Coordinator, Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607, telephone (757) 247-2248, FAX (757) 247-2002 or email brandy.battle@mrc.virginia.gov.

Summary:

The amendment increases the commercial possession limit for scup from 3,000 pounds to 6,500 pounds from November 1 through December 31 of each year.

4 VAC 20-910-45. Possession limits and harvest quotas.

A. During the period January 1 through April 30 of each year, it shall be unlawful for any person to do any of the following:

1. Possess aboard any vessel in Virginia more than 30,000 pounds of scup.
2. Land in Virginia more than a total of 30,000 pounds of scup during each consecutive 14-day landing period, with the first 14-day period beginning on January 2.

B. When it is projected and announced that 80% of the coastwide quota for this period has been attained, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more than a total of 1,000 pounds of scup.

C. During the period November 1 through December 31 of each year, it shall be unlawful for any person to possess aboard any vessel or to land in Virginia more ~~3,000~~ 6,500 pounds of scup.

D. During the period May 1 through October 31 of each year, the commercial harvest and landing of scup in Virginia shall be limited to 7,862 pounds.

E. For each of the time periods set forth in this section, the Marine Resources Commission will give timely notice to the industry of calculated poundage possession limits and quotas and any adjustments thereto. It shall be unlawful for any person to possess or to land any scup for commercial purposes after any winter period coastwide quota or summer

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period Virginia quota has been attained and announced as such.

F. It shall be unlawful for any buyer of seafood to receive any scup after any commercial harvest or landing quota has been attained and announced as such.

G. It shall be unlawful for any person fishing with hook and line, rod and reel, spear, gig or other recreational gear to possess more than 50 scup. When fishing is from a boat or vessel where the entire catch is held in a common hold or container, the possession limit shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish multiplied by 50. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any scup taken after the possession limit has been reached shall be returned to the water immediately.

V.A.R. Doc. No. R07-30; Filed November 1, 2006, 11:11 a.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Fast-Track Regulation

Title of Regulation: **9 VAC 25-720. Water Quality Management Planning Regulation (amending 9 VAC 25-720-70).**

Statutory Authority: § 62.1-44.15 of the Code of Virginia; 33 USC 1313(e) of the Clean Air Act.

Public Hearing Date: January 4, 2007 - 1 p.m.

Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 26, 2007.

Agency Contact: John M. Kennedy, Department of Environmental Quality, P.O. Box 1105, 629 East Main Street, Richmond, VA 23218, telephone (804) 698-4312, or email jmkennedy@deq.virginia.gov.

Basis: The scope and purpose of the State Water Control Law is to protect and to restore the quality of state waters, to safeguard the clean waters from pollution, to prevent and to reduce pollution and to promote water conservation. The State Water Control Law (§ 62.1-44.15(10) of the Code of Virginia) mandates the board to adopt such regulations as it deems necessary to enforce the general water quality management program of the board in all or part of the Commonwealth. In addition, § 62.1-44.15(14) of the Code of Virginia requires the board to establish requirements for the treatment of sewage, industrial wastes and other wastes that are consistent with the purposes of this chapter. The

specific effluent limits needed to meet the water quality goals are discretionary.

The correlation between the proposed regulatory action and the legal authority identified above is that the amendments being considered are modifications of the current requirements for the treatment of wastewater that will contribute to the attainment of the Virginia Water Quality Standards.

Purpose: The purpose of this rulemaking is to amend the total nitrogen and total phosphorus waste load allocations for the Fredericksburg Wastewater Treatment Facility, reflecting use of an updated design flow figure in the underlying calculation of these allocations. It is the responsibility of the board to protect state waters by adopting regulations that are technically correct, necessary and reasonable. The effect of this regulatory action is to establish permit limitations for two nutrients – total nitrogen and total phosphorus - for certain dischargers within Virginia's portion of the Chesapeake Bay watershed. Resulting permit limitations will be expressed principally as annual waste load allocations, and also as technology-based annual average concentrations where appropriate and authorized. These actions are needed because nutrients discharged from wastewater treatment plants contribute to the overall, excessive loading of nitrogen and phosphorus to the Bay and its tributaries. These nutrients have been identified as pollutants contributing to adverse impacts on large portions of the Bay and its tidal rivers, which are included in the list of impaired waters required under § 303(d) of the Clean Water Act and § 62.1-44.19:5 of the Code of Virginia. Waters not meeting standards will require development of a total maximum daily load (TMDL), also required under the same sections of federal and state law. In May 1999, EPA Region III included most of Virginia's portion of the Bay and extensive sections of several tidal tributaries on Virginia's impaired waters list. The Chesapeake 2000 Agreement commits Virginia to the goal of removing the Bay and its tidal tributaries from the list of impaired waters by 2010. Thus, the development of a TMDL for the entire Bay is not being scheduled until 2010, anticipating that the Chesapeake Bay Program partners can cooperatively achieve water quality standards by that time making a Baywide TMDL unnecessary. These regulatory actions will help to meet the goals of the Chesapeake 2000 Agreement.

Achievement of the point source effluent limitations governed by the proposed amendments will aid in compliance with Virginia's new tidal water quality standards and are reasonably expected to contribute to the attainment or maintenance of such water quality.

Rationale for Using Fast-Track Process: The proposed amendments are expected to be noncontroversial, and therefore justify using the fast-track process. The total nitrogen and total phosphorus waste load allocations assigned

to significant dischargers under the amendments to 9 VAC 25-720 adopted by the board in 2005 used a consistent approach of coupling full design flow with stringent nutrient reduction technology. In the case of Fredericksburg WWTF, the physical capacity to treat 4.5 MGD has been in place since an upgrade project was completed in 1994, and it only remained for the VPDES permit to authorize this design flow so it could be used in the calculation of nutrient waste load allocations. That authorization was given by DEQ in December 2005 with a reissued Discharge Monitoring Report form, and use of this updated design flow figure will make the basis for Fredericksburg's nutrient waste load allocations consistent with the other significant dischargers affected by 9 VAC 25-720.

Substance: In 9 VAC 25-720-70 C, for the Fredericksburg WWTF (VA0025127), revise the total nitrogen (TN) waste load allocation figure from 42,638 to 54,820 pounds per year, and the total phosphorus (TP) waste load allocation figure from 3,198 to 4,112 pounds per year. Also revise the total basin TN waste load allocation figure from 602,062 to 614,245 pounds per year, and the total basin TP waste load allocation figure from 45,155 to 46,068 pounds per year.

Issues: The public will benefit, as these amendments will result in the discharge of reduced amounts of nitrogen and phosphorus in the Chesapeake Bay watershed. This, in turn, will aid in water quality restoration in the Bay and its tributary rivers, and assist in meeting the water quality standards necessary for protection of the living resources that inhabit the Bay. The City of Fredericksburg will benefit, being able to fully utilize the investment made in treatment capacity for the 1994 upgrade project, and making the basis for the facility's nutrient waste load allocations consistent with the other significant dischargers affected by 9 VAC 25-720. There is no disadvantage to the agency or the Commonwealth that will result from the adoption of these amendments.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the proposed regulation. The State Water Control Board (the board) proposes to revise the nutrient waste load allocations for the Fredericksburg Wastewater Treatment Facility (WWTF) in the existing Water Quality Management Planning Regulation (9 VAC 25-720). The revised nitrogen and phosphorus waste load allocations will reflect the facility's current design flow capacity of 4.5 millions gallons per day (MGD).

Results of Analysis. There is insufficient data to accurately compare the magnitude of the benefits versus the costs. Detailed analysis of the benefits and costs can be found in the next section.

Estimated Economic Impact. The existing Water Quality Management Planning Regulation (9 VAC 25-720), which

was amended in November 2005, has listed nutrient waste load allocations for significant dischargers in several Chesapeake Bay river basins in order to restore the Chesapeake Bay and its tidal rivers. The nutrient waste load allocations are calculated based on a combination of stringent treatment technology (concentration-based performance) and each facility's design flow, which is defined as the capacity authorized by the VPDES¹ permit and certified for operation under the Sewage Collection and Treatment Regulations (9 VAC 25-790-50). The Watershed General Permit Regulation² (WGPR) now under development proposes that compliance with the waste load allocations shall be achieved as soon as possible after the effective date of the WGPR regulation, but no later than January 1, 2011.

Fredericksburg WWTF, which is one of the significant dischargers to the Rappahannock river basin, completed an upgrade in 1994. A Certificate to Operate was issued for a 4.5 MGD capacity of sewage treatment, but the facility was authorized by the VPDES permit to discharge at a design flow capacity of 3.5 MGD. Therefore, the nutrient waste load allocations for Fredericksburg WWTF in the existing Water Quality Management Planning Regulation is based on a design flow capacity of 3.5 MGD, which are 42,638 lbs/year for nitrogen and 3,198 lbs/year for phosphorus. Subsequent re-issuance of the VPDES permit authorized the discharge of 4.5 MGD, but only after repeal of the 208 Water Quality Management Plan³. In 2003 the 208 Plan was repealed. Now that the Fredericksburg WWTF has a 4.5 MGD design flow certified for operation and authorized by the VPDES permit, the board proposes to adjust their nutrient waste load allocations based on the updated design flow of 4.5 MGD. The total nitrogen waste load allocation for Fredericksburg WWTF will be increased from 42,638 lbs/year to 54,820 lbs/year and the total phosphorus waste load allocation will be increased from 3,198 lbs/year to 4,112 lbs/year.

The adjustment of nutrient waste load allocations based on the updated design flow will allow the Fredericksburg WWTF to make full use of its sewage treatment equipment and investments in capacity and will benefit the facility. On the other hand, the increase in nitrogen and phosphorus waste load allocations for the Fredericksburg WWTF will very likely result in less reduction in nitrogen and phosphorus discharges and less restoration of water quality in the Rappahannock river than the 2005 Water Quality Management Planning Regulation amendments could

¹ VPDES: Virginia Pollutant Discharge Elimination System

² General Virginia Pollutant Discharge Elimination System (VPDES) Watershed Permit Regulation for Total Nitrogen and Total Phosphorus Discharges and Nutrient Trading in the Chesapeake Bay Watershed in Virginia (9 VAC 25-820).

³ In accordance with Section 208 and Section 303(e) of the Clean Water Act, the State Water Control Board has developed 18 water quality management plans. Many were developed in the 1970s. Although some have been amended and updated to reflect current conditions, many have now become outdated.

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otherwise achieve.⁴ This may, to some extent, reduce the benefit that the 2005 Water Quality Management Planning Regulation amendments could otherwise provide for public health, commercial fisheries, tourism and recreation in the Rappahannock river basin. Since the increases in waste load allocation, which is 12,182 lbs/year for total nitrogen and 934 lbs/year for total phosphorus, are about 2% of the total annual nutrient waste load allocations for Rappahannock river basin, the reduced benefit from the proposed amendment will likely be small. Because the lost benefit from less nutrient reductions is not easily quantifiable and the gained benefit for Fredericksburg WWTF is not available, it is not known whether the net benefit is positive or not.

Businesses and Entities Affected. Fredericksburg WWTF will benefit from the proposed regulatory change by being able to make full use its sewage treatment equipment and investments in capacity. On the other hand, the revised nutrient waste load allocations may result in less reduction of nitrogen and phosphorus discharges and less improvement of water quality in the Rappahannock than the current waste load allocations could achieve. This may cause slight benefit reduction that the 2005 Water Quality Management Planning Regulation amendments could otherwise generate for businesses and entities involved in industries such as commercial fisheries, tourism and recreation, and boat building and repair in Rappahannock river.

Localities Particularly Affected. The City of Fredericksburg will be particularly affected by the proposed regulatory changes.

Projected Impact on Employment. The adjustment of nutrient waste load allocations based on the updated design flow will allow the Fredericksburg WWTF to make full use its sewage treatment equipment and may increase the number of people employed by the facility. On the other hand, the proposed regulatory change may have a slight negative effect on the employment in industries such as commercial fisheries, tourism and recreation, and boat building and repair compared with the current waste load allocations.

Effects on the Use and Value of Private Property. The revised nutrient waste load allocations will likely result in less reduction of nutrients discharges and thus less improvement in the Rappahannock river, which may have a slight negative impact on the asset value of businesses in commercial fisheries, tourism and recreation, boat building and repair, as well as the value of residential properties in surrounding areas.

Small Businesses: Costs and Other Effects. The proposed regulation will likely not have any significant direct impact on small businesses. However, small businesses involved in

commercial fisheries, tourism and recreation, boat building and repair may be slightly affected due to less reduction of nutrients discharges to the Rappahannock river.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed regulatory change revises the nutrient waste load allocations for Fredericksburg WWTF based on the facility's current design flow capacity and may slightly affect small businesses involved in commercial fisheries, tourism and recreation, boat building and repair in the Rappahannock river. There is no alternative that can have a smaller adverse impact.

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 has reviewed the economic impact analysis prepared by the Department of Planning and Budget and has no comment.

Summary:

The proposed amendments revise the total nitrogen and total phosphorus waste load allocations for the Fredericksburg Wastewater Treatment Facility (VA0025127) located in the Rappahannock basin. At the Board's September 21, 2005, meeting, nutrient waste load allocations were adopted for significant dischargers in several Chesapeake Bay river basins, including the Rappahannock. The basis for the allocations was a combination of each facility's design flow coupled with stringent nutrient reduction treatment. Design flow was defined as the capacity authorized by the VPDES permit

⁴ According to the Department of Environmental Quality, total nitrogen discharges by the Fredericksburg WWTF were 63,830 lbs/year in 2004, before the 2005 adoption of the Water Quality Management Planning Regulation amendments.

and certified for operation by the state under 9 VAC 25-790-50. The Fredericksburg WWTF was assigned nutrient waste load allocations (WLA) based on these values:

Design Flow (MGD)	Annual Avg TN Concentration (mg/L)	TN WLA (lbs/yr)	Annual Avg TP Concentration (mg/L)	TP WLA (lbs/yr)
3.50	4.0	42,638	0.3	3,198

In 1994, Fredericksburg completed an upgrade of their wastewater treatment plant that was authorized to discharge at a design flow of 3.5 million gallons per day (MGD). A Certificate to Operate was issued that read in part, "The project included a 4.5 MGD sewage treatment works...". Subsequent reissuance of the VPDES permit authorized the discharge of 4.5 MGD but only after repeal of the 208 Water Quality Management Plan, which only addressed a 3.5 MGD plant. The 208 Plan was repealed in 2003. Since issuance of a revised Discharge Monitoring Report form in December 2005, the Fredericksburg WWTF has a 4.5 MGD design flow certified for operation and authorized by the VPDES permit. Therefore, nutrient waste load allocations for this discharge should be based on a design flow of 4.5 MGD, rather than 3.5 MGD, as follows:

Design Flow (MGD)	Annual Avg TN Concentration (mg/L)	TN WLA (lbs/yr)	Annual Avg TP Concentration (mg/L)	TP WLA (lbs/yr)
4.50	4.0	54,820	0.3	4,112

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

- A. Total maximum Daily Load (TMDLs).
- B. Stream segment classifications, effluent limitations including water quality based effluent limitations, and waste load allocations.

9 VAC 25-720-70 Rappahannock Area Development Commission (RADCO) 208 Area Wide Waste Treatment Management Plan And Potomac-Shenandoah River Basin 303(e) Water Quality Management Plan is included in The Potomac River Basin section.

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

The following table presents nitrogen and phosphorus waste load allocations for the identified significant dischargers and the total nitrogen and total phosphorus waste load allocations for the listed facilities.

Virginia Waterbody ID	Discharger Name	VPDES Permit No.	Total Nitrogen (TN) Waste Load Allocation (lbs/yr)	Total Phosphorus (TP) Waste Load Allocation (lbs/yr)
E09R	Culpeper WWTP (1)	VA0061590	54,820	4,112
E02R	Marshall WWTP	VA0031763	7,797	585
E09R	Mountain Run STP (2)	VA0090212	30,456	2,284
E13R	Orange STP	VA0021385	36,547	2,741
E11R	Rapidan STP	VA0090948	7,309	548
E02R	Remington WWTP (3)	VA0076805	30,456	2,284
E02R	Clevengers Corner STP (4)	VA0080527	10,964	822
E02R	Warrenton Town STP	VA0021172	30,456	2,284
E18R	Wilderness WWTP	VA0083411	15,228	1,142
E20E	FMC WWTF	VA0068110	65,784	4,934
E20E	Fredericksburg WWTF	VA0025127	42,638 54,820	3,198 4,112
E21E	Haymount WWTF (5)	VA0089125	11,695	877
E24E	Haynesville CC WWTP	VA0023469	2,802	210
E21E	Hopyard Farms STP	VA0089338	6,091	457
E20E	Little Falls Run WWTF	VA0076392	97,458	7,309
E20E	Massaponax WWTF	VA0025658	97,458	7,309
E23R	Montross Westmoreland WWTP	VA0072729	1,584	119
E21E	Oakland Park STP	VA0086789	1,706	128

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E23E	Tappahannock WWTP	VA0071471	9,746	731
E26E	Urbanna WWTP	VA0026263	1,218	91
E21R	US Army -Ft. A P Hill WWTP	VA0032034	6,457	484
E23E	Warsaw Aerated Lagoons	VA0026891	3,655	274
C01E	Omega Protein - Reedville	VA0003867	21,213	1,591
C01E	Reedville Sanitary District	VA0060712	2,436	183
C01E	Kilmarnock WTP	VA0020788	6,091	457
TOTALS:			<u>602,062-614,245</u>	<u>45,155-46,068</u>

NOTE: (1) Town of Culpeper WWTP waste load allocations (WLAs) based on a design flow capacity of 4.5 million gallons per day (MGD). If plant is not certified to operate at 4.5 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 36,547 lbs/yr; TP = 2,741 lbs/yr, based on a design flow capacity of 3.0 MGD.

(2) Mountain Run STP: waste load allocations (WLAs) based on a design flow capacity of 2.5 million gallons per day (MGD). If plant is not certified to operate at 2.5 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 18,273 lbs/yr; TP = 1,371 lbs/yr, based on a design flow capacity of 1.5 MGD.

(3) Fauquier Co. W&SA-Remington STP: waste load allocations (WLAs) based on a design flow capacity of 2.5 million gallons per day (MGD). If plant is not certified to operate at 2.5 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 24,364 lbs/yr; TP = 1,827 lbs/yr, based on a design flow capacity of 2.0 MGD.

(4) Clevengers Corner STP: waste load allocations (WLAs) based on a design flow capacity of 0.9 million gallons per day (MGD). If plant is not certified to operate at 0.9 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 7,309 lbs/yr; TP = 548 lbs/yr, based on a design flow capacity of 0.6 MGD.

(5) Haymount STP: waste load allocations (WLAs) based on a design flow capacity of 0.96 million gallons per day (MGD). If plant is not certified to operate at 0.96 MGD design flow capacity by December 31, 2010, the WLAs will decrease to TN = 7,066 lbs/yr; TP = 530 lbs/yr, based on a design flow capacity of 0.58 MGD.

VA.R. Doc. No. R07-35; Filed November 7, 2006, 3:57 p.m.

TITLE 12. HEALTH

STATE BOARD OF HEALTH

Final Regulation

REGISTRAR'S NOTICE: The State Board 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 State Board 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 5-31-10, 12 VAC 5-31-50, 12 VAC 5-31-60, 12 VAC 5-31-110, 12 VAC 5-31-140, 12 VAC 5-31-190, 12 VAC 5-31-220 and 12 VAC 5-31-230; repealing 12 VAC 5-31-200 through 12 VAC 5-31-2260).**

Statutory Authority: §§ 32.1-12 and 32.1-111.4 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 amendments remove regulatory oversight for wheelchair interfacility transport agencies in conformance with Chapter 788 of the 2005 Acts of Assembly and remove early defibrillation service registration requirements in conformance with Chapters 632 and 686 of the 2005 Acts of Assembly.

12 VAC 5-31-10. Definitions.

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

"Abandonment" means the termination of a health care provider-patient relationship without assurance that an equal or higher level of care meeting the assessed needs of the patient's condition is present and available.

"Acute" means a medical condition having a rapid onset and a short duration.

"Acute care hospital" means any hospital that provides emergency medical services on a 24-hour basis.

"Administrative Process Act" or "APA" means Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia.

"Advanced life support" or "ALS" means the application by EMS personnel of invasive and noninvasive medical procedures or the administration of medications that is authorized by the Office of Emergency Medical Services, or both.

"Advanced life support certification course" means a training program that allows a student to become eligible for a new ALS certification level. Programs must meet the educational requirements established by the Office of EMS as defined by the respective advanced life support curriculum. Initial certification courses include:

1. Emergency Medical Technician-Enhanced;
2. EMT-Enhanced to EMT-Intermediate Bridge;
3. Emergency Medical Technician-Intermediate;
4. EMT-Intermediate to EMT-Paramedic Bridge;
5. Emergency Medical Technician-Paramedic;
6. Registered Nurse to EMT-Paramedic Bridge; and
7. Other programs approved by the Office of EMS.

"Advanced life support (ALS) coordinator" means a person who has met the criteria established by the Office of EMS to assume responsibility for conducting ALS training programs.

"Advanced life support transport" means the transportation of a patient who is receiving ALS level care.

"Affiliated" means a person who is employed by or a member of an EMS agency, ~~early defibrillation service or wheelchair interfacility transport service.~~

"Air medical specialist" means a person trained in the concept of flight physiology and the effects of flight on patients through documented completion of a program approved by the Office of EMS. This training must include but is not limited to aerodynamics, weather, communications, safety around aircraft/ambulances, scene safety, landing zone operations, flight physiology, equipment/aircraft familiarization, basic flight navigation, flight documentation, and survival training specific to service area.

"Ambulance" means (as defined by § 32.1-111.1 of the Code of Virginia) any vehicle, vessel or craft that holds a valid

permit issued by the Office of EMS and that is specially constructed, equipped, maintained and operated, and intended to be used for emergency medical care and the transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless. The word "ambulance" may not appear on any vehicle, vessel or aircraft that does not hold a valid EMS vehicle permit.

"Approved locking device" means a mechanism that prevents removal or opening of a medication kit by means other than securing the medication kit by the handle only.

"Assistant director" means the Assistant Director of the Office of Emergency Medical Services.

"Attendant-in-charge" or "AIC" means the certified or licensed person who is qualified and designated to be primarily responsible for the provision of emergency medical care.

"Attendant" means a certified or licensed person qualified to assist in the provision of emergency medical care.

"Basic life support" or "BLS" means the application by EMS personnel of invasive and noninvasive medical procedures or administration of medications that is authorized by the Office of EMS.

"BLS certification course" means a training program that allows a student to become eligible for a new BLS certification level. Programs must meet the educational requirements established by the Office of EMS as defined by the respective basic life support curriculum. Initial certification courses include:

1. EMS First Responder;
2. EMS First Responder Bridge to EMT;
3. Emergency Medical Technician; and
4. Other programs approved by the Office of EMS.

"Board" or "state board" means the State Board of Health.

"Bypass" means to transport a patient past a commonly used medical care facility to another hospital for accessing a more readily available or appropriate level of medical care.

"CDC" means the United States Centers for Disease Control and Prevention.

"Certification" means a credential issued by the Office of EMS for a specified period of time to a person who has successfully completed an approved training program.

"Certification candidate" means a person seeking EMS certification from the Office of EMS.

"Certification examiner" means an individual designated by the Office of EMS to administer a state certification examination.

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"Certification transfer" means the issuance of certification through reciprocity, legal recognition, challenge or equivalency based on prior training, certification or licensure.

"Chief executive officer" means the person authorized or designated by the agency or service as the highest in administrative rank or authority.

"Chief operations officer" means the person authorized or designated by the agency or service as the highest operational officer.

"Commercial mobile radio service" or "CMRS" as defined in §§ 3 (27) and 332 (d) of the Federal Telecommunications Act of 1996, 47 USC § 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66, 107 USC § 312. It includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service or personal communications service (e.g., cellular telephone, 800/900 MHz Specialized Mobile Radio, Personal Communications Service, etc.).

"Commissioner" means the State Health Commissioner, the commissioner's duly authorized representative, or in the event of the commissioner's absence or a vacancy in the office of State Health Commissioner, the Acting Commissioner or Deputy Commissioner.

"Course" means a basic or advanced life support training program leading to certification or award of continuing education credit hours.

"Critical criteria" means an identified essential element of a state practical certification examination that must be properly performed to successfully pass the station.

"Defibrillation" means the discharge of an electrical current through a patient's heart for the purpose of restoring a perfusing cardiac rhythm. For the purpose of these regulations, defibrillation includes cardioversion.

"Defibrillator - automated external" or "AED" means an automatic or semi-automatic device, or both, capable of rhythm analysis and defibrillation after electronically detecting the presence of ventricular fibrillation and ventricular tachycardia, approved by the United States Food and Drug Administration.

"Defibrillator - combination unit" means a single device designed to incorporate all of the required capabilities of both an Automated External Defibrillator and a Manual Defibrillator.

"Defibrillator - manual" means a monitor/defibrillator that has no capability for rhythm analysis and will charge and deliver a shock only at the command of the operator. For the purpose of compliance with these regulations, a manual defibrillator must be capable of synchronized cardioversion and noninvasive external pacing. A manual defibrillator must be

approved by the United States Food and Drug Administration.

"Designated emergency response agency" means an EMS agency recognized by an ordinance or a resolution of the governing body of any county, city or town as an integral part of the official public safety program of the county, city or town with a responsibility for providing emergency medical response.

"Director" means the Director of the Office of Emergency Medical Services.

"Diversion" means a change in the normal or established pattern of patient transport at the direction of a medical care facility.

~~"Early defibrillation service" or "EDS" means a person who is registered to provide care to victims of cardiac arrest and who wishes to employ or retain personnel within its organization who are trained in the use of automated external defibrillation and related patient care. An early defibrillation service is not an EMS agency.~~

"Emergency medical services" or "EMS" means the services used in responding to an individual's perceived needs for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury including any or all of the services that could be described as first response, basic life support, advanced life support, neonatal life support, communications, training and medical control.

"EMS Advisory Board" means the Emergency Medical Services Advisory Board as appointed by the Governor.

"Emergency medical services agency" or "EMS agency" means a person licensed by the Office of EMS to engage in the business, service, or regular activity, whether or not for profit, of transporting or rendering immediate medical care to persons who are sick, injured, or otherwise incapacitated.

"EMS agency status report" means a report submitted on forms specified by the Office of EMS that documents the operational capabilities of an EMS agency ~~or wheelchair interfacility transport service~~ including data on personnel, vehicles and other related resources.

"Emergency medical services communications plan" or "EMS communications plan" means the state plan for the coordination of electronic telecommunications by EMS agencies as approved by the Office of EMS.

"Emergency medical services personnel" or "EMS personnel" means a person, affiliated with an EMS agency, responsible for the provision of emergency medical services including any or all persons who could be described as an attendant, attendant-in-charge, operator or operational medical director.

"Emergency medical services physician" or "EMS physician" means a physician who holds current endorsement from the

Office of EMS and may serve as an EMS agency operational medical director or training program physician course director.

"Emergency medical services provider" or "EMS provider" means a person who holds a valid certification issued by the Office of EMS.

"Emergency medical services system" or "EMS system" means a system that provides for the arrangement of personnel, facilities, equipment, and other system components for the effective and coordinated delivery of emergency medical services in an appropriate geographical area that may be local, regional, state or national.

"Emergency medical services vehicle" or "EMS vehicle" means any vehicle, vessel, aircraft, or ambulance that holds a valid emergency medical services vehicle permit issued by the Office of EMS that is equipped, maintained or operated to provide emergency medical care or transportation of patients who are sick, injured, wounded, or otherwise incapacitated or helpless.

"Emergency medical services vehicle permit" means an authorization issued by the Office of EMS for any vehicle, vessel or aircraft meeting the standards and criteria established by regulation for emergency medical services vehicles.

"Emergency operations plan" means the Commonwealth of Virginia Emergency Operations Plan.

"Emergency vehicle operator's course" or "EVO" means an approved course of instruction for EMS vehicle operators that includes safe driving skills, knowledge of the state motor vehicle code affecting emergency vehicles, and driving skills necessary for operation of emergency vehicles during response to an incident or transport of a patient to a health care facility. This course must include classroom and driving range skill instruction.

"Exam series" means a sequence of opportunities to complete a certification examination with any allowed retest.

"FAA" means the U.S. Federal Aviation Administration.

"FCC" means the U.S. Federal Communications Commission.

"Financial Assistance Review Committee" or "FARC" means the committee appointed by the EMS Advisory Board to administer the Rescue Squad Assistance Fund.

"Fund" means the Virginia Rescue Squad Assistance Fund.

"Grant administrator" means the Office of EMS personnel directly responsible for administration of the Rescue Squad Assistance Fund program.

"Instructor" means the teacher for a specific class or lesson of an EMS training program.

"License" means an authorization issued by the Office of EMS to provide emergency medical services in the state as an EMS agency ~~or wheelchair interfacility transport service.~~

"Local EMS resource" means a person recognized by the Office of EMS to perform specified functions for a designated geographic area. This person may be designated to perform one or more of the functions otherwise provided by regional EMS councils.

"Local EMS response plan" means a written document that details the primary service area, the unit mobilization interval and responding interval standards as approved by the local government, the operational medical director and the Office of EMS.

"Major medical emergency" means an emergency that cannot be managed through the use of locally available emergency medical resources and that requires implementation of special procedures to ensure the best outcome for the greatest number of patients as determined by the EMS provider in charge or incident commander on the scene. This event includes local emergencies declared by the locality's government and states of emergency declared by the Governor.

"Medic" means an EMS provider certified at the level of EMT-Cardiac, EMT-Intermediate or EMT-Paramedic.

"Medical care facility" means (as defined by § 32.1-123 of the Code of Virginia) any institution, place, building or agency, whether licensed or required to be licensed by the board or the State Mental Health, Mental Retardation and Substance Abuse Services Board, whether operated for profit or nonprofit and whether privately owned or privately operated or owned or operated by a local governmental unit, by or in which health services are furnished, conducted, operated or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical.

"Medical community" means the physicians and allied healthcare specialists located and available within a definable geographic area.

"Medical control" means the direction and advice provided through a communications device (on-line) to on-site and in-transit EMS personnel from a designated medical care facility staffed by appropriate personnel and operating under physician supervision.

"Medical direction" means the direction and supervision of EMS personnel by the Operational Medical Director of the EMS agency with which he is affiliated.

"Medical emergency" means the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine to result in (i) serious jeopardy to the mental or

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physical health of the individual, (ii) danger of serious impairment of the individual's bodily functions, (iii) serious dysfunction of any of the individual's bodily organs, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

"Medical practitioner" means a physician, dentist, podiatrist, licensed nurse practitioner, licensed physician's assistant, or other person licensed, registered or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to, a controlled substance in the course of professional practice or research in this Commonwealth.

"Medical protocol" means preestablished written physician authorized procedures or guidelines for medical care of a specified clinical situation based on patient presentation.

"Mutual aid agreement" means a written document specifying a formal understanding to lend aid to an EMS agency.

"Neonatal life support" means a sophisticated and specialized level of out-of-hospital and interfacility emergency and stabilizing care that includes basic and advanced life support functions for the newborn or infant patient.

"Nonprofit" means without the intention of financial gain, advantage, or benefit as defined by federal tax law.

"OSHA" means the U.S. Occupational Safety and Health Administration or Virginia Occupational Safety and Health, the state agency designated to perform its functions in Virginia.

"Office of EMS" means the Office of Emergency Medical Services within the Virginia Department of Health.

"Operational medical director" or "OMD" means an EMS physician, currently licensed to practice medicine or osteopathic medicine in the Commonwealth, who is formally recognized and responsible for providing medical direction, oversight and quality improvement to an EMS agency.

"Operator" means a person qualified and designated to drive or pilot a specified class of permitted EMS vehicle.

"Patient" means a person who needs immediate medical attention or transport, or both, whose physical or mental condition is such that he is in danger of loss of life or health impairment, or who may be incapacitated or helpless as a result of physical or mental condition or a person who requires medical attention during transport from one medical care facility to another.

"Person" means (as defined in the Code of Virginia) any person, firm, partnership, association, corporation, company, or group of individuals acting together for a common purpose or organization of any kind, including any government agency other than an agency of the United States government.

"Physician" means an individual who holds a valid, unrestricted license to practice medicine or osteopathy in the Commonwealth.

"Physician assistant" means an individual who holds a valid, unrestricted license to practice as a Physician Assistant in the Commonwealth.

"Physician course director" or "PCD" means an EMS physician who is responsible for the clinical aspects of emergency medical care training programs, including the clinical and field actions of enrolled students.

"Prehospital patient care report" or "PPCR" means a document used to summarize the facts and events of an EMS incident and includes, but is not limited to, the type of medical emergency or nature of the call, the response time, the treatment provided and other minimum data items as prescribed by the board. "PPCR" includes any supplements, addenda, or other related attachments that document patient information or care provided.

"Prehospital patient data report" or "PPDR" means a document designed to be optically scanned that may be used to report to the Office of EMS, the minimum patient care data items as prescribed by the board.

"Primary service area" means the specific geographic area designated or prescribed by a locality (county, city or town) in which an EMS agency provides prehospital emergency medical care or transportation. This designated or prescribed geographic area served must include all locations for which the EMS agency is principally dispatched (i.e., first due response agency).

"Private Mobile Radio Service" or "PMRS" as defined in § 20.3 of the Federal Communications Commission's Rules, 47 CFR 20.3. (For purposes of this definition, PMRS includes "industrial" and "public safety" radio services authorized under Part 90 of the Federal Communications Commission's Rules, 47 CFR 90.1 et seq., with the exception of certain for-profit commercial paging services and 800/900 MHz Specialized Mobile Radio Services that are interconnected to the public switched telephone network and are therefore classified as CMRS.)

"Program site accreditation" means the verification that a training program has demonstrated the ability to meet criteria established by the Office of EMS to conduct basic or advanced life support certification courses.

"Public safety answering point" or "PSAP" means a facility equipped and staffed on a 24-hour basis to receive requests for emergency medical assistance for one or more EMS agencies.

"Quality management program" or "QM" means the continuous study of and improvement of an EMS agency or system including the collection of data, the identification of deficiencies through continuous evaluation, the education of

personnel and the establishment of goals, policies and programs that improve patient outcomes in EMS systems.

"Recertification" means the process used by certified EMS personnel to maintain their training certifications.

"Reentry" means the process by which EMS personnel may regain a training certification that has lapsed within the last two years.

"Regional EMS council" means an organization designated by the board that is authorized to receive and disburse public funds in compliance with established performance standards and whose function is to plan, develop, maintain, expand and improve an efficient and effective regional emergency medical services system within a designated geographical area pursuant to § 32.1-111.11 of the Code of Virginia.

"Regional trauma triage plan" means a formal written plan developed by a regional EMS council or local EMS resource and approved by the commissioner that incorporates the region's geographic variations, trauma care capabilities and resources for the triage of trauma patients pursuant to § 32.1-111.3 of the Code of Virginia.

"Registered nurse" means an individual who holds a valid, unrestricted license to practice as a registered nurse in the Commonwealth.

"Regulated medical device" means equipment or other items that may only be purchased or possessed upon the approval of a physician and that the manufacture or sale of which is regulated by the U.S. Food and Drug Administration (FDA).

"Regulated waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or potentially infectious materials and are capable of releasing these materials during handling; items dripping with liquid product; contaminated sharps; pathological and microbiological waste containing blood or other potentially infectious materials.

"Regulations" means (as defined in the Code of Virginia) any statement of general application, having the force of law, affecting the rights or conduct of any person, promulgated by an authorized board or agency.

"Rescue" means a service that may include the search for lost persons, gaining access to persons trapped, extrication of persons from potentially dangerous situations and the rendering of other assistance to such persons.

"Rescue vehicle" means a vehicle, vessel or aircraft that is maintained and operated to assist with the location and removal of victims from a hazardous or life-threatening situation to areas of safety or treatment.

"Responding interval" means the elapsed time in minutes between the "dispatch" time and the "arrive scene" time (i.e., when the wheels of the EMS vehicle stop).

"Responding interval standard" means a time standard in minutes for the responding interval, established by the EMS agency, the locality and OMD, in which the EMS agency will comply with 90% or greater reliability.

"Response obligation to locality" means a requirement of a designated emergency response agency to lend aid to all other designated emergency response agencies within the locality or localities in which the EMS agency is based.

"Revocation" means the permanent removal of an EMS agency license, ~~early defibrillation service registration, wheelchair interfacility transport service license,~~ vehicle permit, training certification, ALS coordinator endorsement, EMS physician endorsement or any other designation issued by the Office of EMS.

"Special conditions" means a notation placed upon an EMS agency, ~~early defibrillation service or wheelchair interfacility transport service's license,~~ registration, variance or exemption documents that modifies or restricts specific requirements of these regulations.

"Specialized air medical training" means a course of instruction and continuing education in the concept of flight physiology and the effects of flight on patients that has been approved by the Office of EMS. This training must include but is not limited to aerodynamics, weather, communications, safety around aircraft/ambulances, scene safety, landing zone operations, flight physiology, equipment/aircraft familiarization, basic flight navigation, flight documentation, and survival training specific to service area.

"Standard of care" means the established approach to the provision of basic and advanced medical care that is considered appropriate, prudent and in the best interests of patients within a geographic area as derived by consensus among the physicians responsible for the delivery and oversight of that care. The standard of care is dynamic with changes reflective of knowledge gained by research and practice.

"Standard operating procedure" or "SOP" means preestablished written agency authorized procedures and guidelines for activities performed by affiliated EMS agency ~~or wheelchair interfacility transport service personnel.~~

"Supplemented transport" means an interfacility transport for which the sending physician has determined that the medically necessary care and equipment needs of a critically injured or ill patient is beyond the scope of practice of the available EMS personnel of the EMS agency.

"Suspension" means the temporary removal of an EMS agency license, ~~early defibrillation service registration, wheelchair interfacility transport service license,~~ vehicle

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permit, training certification, ALS coordinator endorsement, EMS physician endorsement or any other designation issued by the Office of EMS.

"Test site coordinator" means an individual designated by the Office of EMS to coordinate the logistics of a state certification examination site.

"Trauma center" means a specialized hospital facility distinguished by the immediate availability of specialized surgeons, physician specialists, anesthesiologists, nurses, and resuscitation and life support equipment on a 24-hour basis to care for severely injured patients or those at risk for severe injury. In Virginia, trauma centers are designated by the Virginia Department of Health as Level I, II or III.

"Trauma center designation" means the formal recognition by the board of a hospital as a provider of specialized services to meet the needs of the severely injured patient. This usually involves a contractual relationship based on adherence to standards.

"Triage" means the process of sorting patients to establish treatment and transportation priorities according to severity of injury and medical need.

"Unit mobilization interval" means the elapsed time (in minutes) between the "dispatched" time of the EMS agency and the "responding" time (the wheels of the EMS vehicle start moving).

"Unit mobilization interval standard" means a time standard (in minutes) for the unit mobilization interval, established by a designated emergency response agency, the locality and OMD, in which the EMS agency will comply.

"USDOT" means the United States Department of Transportation.

"Vehicle operating weight" means the combined weight of the vehicle, vessel or craft, a full complement of fuel, and all required and optional equipment and supplies.

"Virginia Statewide Trauma Registry" or "Trauma Registry" means a collection of data on patients who receive hospital care for certain types of injuries. The collection and analysis of such data is primarily intended to evaluate the quality of trauma care and outcomes in individual institutions and trauma systems. The secondary purpose is to provide useful information for the surveillance of injury morbidity and mortality.

"Wheelchair" means a chair with wheels specifically designed and approved for the vehicular transportation of a person in an upright, seated (Fowler's) position.

~~"Wheelchair interfacility transport service" means a person licensed to engage in the business, service, or regular activity, whether or not for profit, of transporting wheelchair bound passengers between medical facilities. A wheelchair interfacility transport service is not an EMS agency.~~

~~"Wheelchair interfacility transport service personnel" means a person affiliated with a wheelchair interfacility transport service who is responsible for the provision of interfacility transport of wheelchair bound passengers.~~

~~"Wheelchair interfacility transport vehicle" means a vehicle that holds a valid permit issued by the Office of EMS that is maintained or operated to provide nonemergency transportation of wheelchair bound passengers between medical facilities. Wheelchair interfacility transport vehicle excludes any vehicle that could be described as an ambulance.~~

~~"Wheelchair interfacility transport vehicle permit" means an authorization issued by the Office of EMS for any vehicle meeting the standards and criteria established by regulation for wheelchair interfacility transport vehicles.~~

12 VAC 5-31-50. Variances.

A. The Office of EMS is authorized to grant variances for any part or all of these regulations in accordance with the procedures set forth herein. A variance permits temporary specified exceptions to these regulations. An applicant, licensee, or permit or certificate holder may file a written request for a variance with the Office of EMS on specified forms. If the applicant, licensee, or permit or certificate holder is an EMS agency ~~or wheelchair interfacility transport service~~, the following additional requirements apply:

1. The written variance request must be submitted for review and recommendations to the governing body of the locality in which the principal office of the EMS agency; ~~early defibrillation service or wheelchair interfacility transport service~~ is located prior to submission to the Office of EMS.
2. An EMS agency operating in multiple localities will be required to notify all other localities in writing of conditions of approved variance requests.
3. Issuance of a variance does not obligate other localities to allow the conditions of such variance if they conflict with local ordinances or regulations.

B. Both the written request and the recommendation of the governing body must be submitted together to the Office of EMS.

12 VAC 5-31-60. Issuance of a variance.

A request for a variance may be approved and issued by the Office of EMS provided all of the following conditions are met:

1. The information contained in the request is complete and correct;
2. The agency, service, vehicle or person concerned is licensed, permitted or certified by the Office of EMS;

3. The Office of EMS determines the need for such a variance is genuine, and extenuating circumstances exist;
4. The Office of EMS determines that issuance of such a variance would be in the public interest and would not present any risk to, or threaten or endanger the public health, safety or welfare;
5. If the request is made by an EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~, the Office of EMS will consider the recommendation of the governing body provided all of the above conditions are met; and
6. The person making the request will be notified in writing of the approval and issuance within 30 days of receipt of the request unless the request is awaiting approval or disapproval of a license or certificate. In such case, notice will be given within 30 days of the issuance of the license or certificate.

12 VAC 5-31-110. Exemptions.

- A. The board is authorized to grant exemptions from any part or all of these regulations in accordance with the procedures set forth herein. An exemption permits specified or total exceptions to these regulations for an indefinite period.
- B. Request. A person may file a written request for an exemption with the Office of EMS on specified forms. If the request is made by an EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~, the following additional requirements apply:
 1. The written request for exemption must be submitted for review and recommendation to the governing body of the locality in which the principal office of the EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~ is located before submission to the Office of EMS.
 2. The written request must be submitted to the Office of EMS a minimum of 30 days before the scheduled review by the governing body. At the time of submission, the agency or service must provide the Office of EMS with the date, time and location of the scheduled review by the governing body.

12 VAC 5-31-140. Issuance of an exemption.

- A. A request for an exemption may be approved and an exemption issued provided all of the following conditions are met:
 1. The information contained in the request is complete and correct.
 2. The need for such an exemption is determined to be genuine.

3. The issuance of an exemption would not present any risk to, threaten or endanger the public health, safety or welfare of citizens.

B. If the request is made by an EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~, the board may accept the recommendation of the governing body provided all of the conditions in subsection A of this section are met.

C. The person making the request will be notified in writing of the approval or denial of a request.

12 VAC 5-31-190. General exemptions from these regulations.

The following are exempted from these regulations except as noted:

1. A person or privately owned vehicle not engaged in the business, service, or regular activity of providing medical care or transportation of persons who are sick, injured, wounded, or otherwise disabled;
2. A person or vehicle assisting with the rendering of emergency medical services or medical transportation in the case of a major medical emergency as reasonably necessary when the EMS agencies, vehicles, and personnel based in or near the location of such major emergency are insufficient to render the services required;
3. An EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~ operated by the United States government within this state. Any person holding a United States government contract is not exempt from these regulations unless the person only provides services within an area of exclusive federal jurisdiction;
4. A medical care facility, but only with respect to the provision of emergency medical services within such facility;
5. Personnel employed by or associated with a medical care facility that provides emergency medical services within that medical care facility, but only with respect to the services provided therein;
6. An EMS agency based in a state bordering Virginia when requested to respond into Virginia for the purpose of providing mutual aid in the primary service area of a designated emergency response agency with the following conditions:
 - a. This agency must comply with the terms of a written mutual aid agreement with the EMS agency; and
 - b. This agency must comply with applicable EMS regulations of its home state.
7. An EMS agency that operates in Virginia for the exclusive purpose of interstate travel.

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12 VAC 5-31-220. Suspension of a license, permit, certificate, endorsement or designation.

A. The Office of EMS may suspend an EMS license, permit, certificate, endorsement or designation without a hearing, pending an investigation or revocation procedure.

1. Reasonable cause for suspension must exist before such action is taken by the Office of EMS. The decision must be based upon a review of evidence available to the Office of EMS.

2. The Office of EMS may suspend an agency or service license, vehicle permit, personnel certificate, endorsement or designation for failure to adhere to the standards set forth in these regulations.

3. An EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~ license or registration may be suspended if the agency, service or any of its vehicles or personnel are found to be operating in a manner that presents a risk to, or threatens, or endangers the public health, safety or welfare.

4. An EMS vehicle permit may be suspended if the vehicle is found to be operated or maintained in a manner that presents a risk to, threatens, or endangers the public health, safety or welfare, or if the EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~ license has been suspended.

5. EMS personnel may be suspended if found to be operating or performing in a manner that presents a risk to, or threatens, or endangers the public health, safety or welfare.

6. An EMS training certification may be suspended if the certificate holder is found to be operating or performing in a manner that presents a risk to, or threatens, or endangers the public health, safety or welfare.

B. Suspension of an EMS agency, ~~early defibrillation service or wheelchair interfacility transport service~~ license shall result in the simultaneous and concurrent suspension of the vehicle permits.

C. The Office of EMS will notify the licensee, or permit or certificate holder of the suspension in person or by certified mail to his last known address.

D. A suspension takes effect immediately upon receipt of notification unless otherwise specified. A suspension remains in effect until the Office of EMS further acts upon the license, permit, certificate, endorsement or designation or until the order is overturned on appeal as specified in the Administrative Process Act.

E. The licensee, or permit or certificate holder shall abide by any notice of suspension and shall return all suspended licenses, permits and certificates to the Office of EMS within 10 days of receipt of notification.

F. The Office of EMS may invoke any procedure set forth in this part to enforce the suspension.

12 VAC 5-31-230. Revocation of a license, permit or certificate.

A. The Office of EMS may revoke an EMS license, permit, certificate, endorsement or designation after a hearing or waiver thereof.

1. Reasonable cause for revocation must exist before such action by the Office of EMS.

2. The Office of EMS may revoke an EMS agency license, ~~early defibrillation service registration, wheelchair interfacility transport service license~~, EMS vehicle permit, vehicle permit, certification, endorsement or designation for failure to adhere to the standards set forth in these regulations.

3. The Office of EMS may revoke an EMS agency license, ~~early defibrillation service registration or wheelchair interfacility transport service license~~, an EMS vehicle permit, or EMS personnel certificate for violation of a correction order or for engaging in or aiding, abetting, causing, or permitting any act prohibited by these regulations.

4. The Office of EMS may revoke an EMS training certificate for failure to adhere to the standards as set forth in these regulations and the "Training Program Administration Manual" in effect for the level of instruction concerned, or for lack of competence at such level as evidenced by lack of basic knowledge or skill, or for incompetent or unwarranted acts inconsistent with the standards in effect for the level of certification concerned.

5. The Office of EMS may revoke an EMS agency ~~license, early defibrillation service registration or wheelchair interfacility transport service~~ license for violation of federal or state laws resulting in a civil monetary penalty.

B. Revocation of an EMS agency ~~license, early defibrillation service registration or wheelchair interfacility transport service~~ license shall result in the simultaneous and concurrent revocation of vehicle permits.

C. The Office of EMS will notify the holder of a license, certification, endorsement or designation of the intent to revoke by certified mail to his last known address.

D. The holder of a license, certification, endorsement or designation will have the right to a hearing.

1. If the holder of a license, certification, endorsement or designation desires to exercise his right to a hearing, he must notify the Office of EMS in writing of his intent within 10 days of receipt of notification. In such cases, a hearing must be conducted and a decision rendered in accordance with the Administrative Process Act.

2. Should the holder of a license, certification, endorsement or designation fail to file such notice, he will be deemed to have waived the right to a hearing. In such case, the Office of EMS may revoke the license or certificate.

E. A revocation takes effect immediately upon receipt of notification unless otherwise specified. A revocation order is permanent unless and until overturned on appeal.

F. The holder of a license, certification, endorsement or designation shall abide by any notice of revocation and shall return all revoked licenses, permits and certificates to the Office of EMS within 10 days of receipt of the notification of revocation.

G. The Office of EMS may invoke any procedures set forth in this part to enforce the revocation.

~~PART V.
WHEELCHAIR INTERFACILITY TRANSPORT
SERVICES, VEHICLES AND PERSONNEL
STANDARDS.~~

12 VAC 5-31-2000. Wheelchair interfacility transport service licensure. (Repealed.)

A. General provisions:

~~1. No person may establish, operate, maintain, advertise or represent himself or herself, any service or any organization as a wheelchair interfacility transport service without a valid license or in violation of the terms of a valid license issued by the Office of EMS.~~

~~2. A person holding a wheelchair interfacility transport service license must operate, at a minimum, one wheelchair interfacility transport vehicle.~~

~~3. Wheelchair interfacility transport services, vehicles, or personnel based outside this Commonwealth receiving a person within this Commonwealth for transportation to a location within this Commonwealth must comply with the regulations.~~

~~4. These regulations have general application throughout the Commonwealth for wheelchair interfacility transport services and applicants for wheelchair interfacility transport service licensure.~~

~~B. A person may not apply to conduct business under a name that is the same as, or misleadingly similar to, the name of a person licensed or registered by the Office of EMS. Further, no person may advertise for services other than those for which the wheelchair interfacility transport service is licensed, or imply such services in the service name.~~

~~C. Each wheelchair interfacility transport service shall provide for a publicly listed telephone number to receive calls for service from the public within its regular operating area. This number is required to be answered by a person during all~~

~~periods when the wheelchair interfacility transport service has advertised its availability or has vehicles in operation.~~

~~Exception: any wheelchair interfacility transport service that limits its services to scheduled transports between specified health care facilities are not required to provide for a publicly listed telephone number. However, the wheelchair interfacility transport service shall provide for a telephone number and must make this number known to the unique population it serves.~~

~~D. A wheelchair interfacility transport service providing service to the public shall ensure that service is available during all periods when the wheelchair interfacility transport service has advertised its availability.~~

~~E. A wheelchair interfacility transport service must not discriminate due to the passenger's race, creed, gender, color, national origin, location or medical condition or any other reason.~~

12 VAC 5-31-2010. Application and issuance of wheelchair interfacility transport service license. (Repealed.)

~~A. An applicant for a wheelchair interfacility transport service license must file a written application specified by the Office of EMS.~~

~~B. The Office of EMS may use whatever means of investigation necessary to verify any or all information contained in the application.~~

~~C. The Office of EMS will determine whether an applicant or licensee is qualified for licensure based upon the following:~~

~~1. Any applicant or licensee must meet the personnel requirements found in these regulations.~~

~~2. If the applicant is a company or corporation, as defined in § 12.1-1 of the Code of Virginia, it must clearly disclose the identity of its owners, officers and directors.~~

~~3. Any previous record of performance in the provision of wheelchair interfacility transport service or any other related licensure, registration, certification or endorsement within or outside Virginia.~~

~~4. Availability of sufficient resources (such as personnel and equipment) for the provision of the proposed service in compliance with these regulations.~~

~~5. A statement of approval for the wheelchair interfacility transport service's operations from the governing body of the jurisdiction where the service maintains its primary office. Evidence of the governing body's approval to operate within its jurisdiction may take the form of a valid business license, permit, franchise or other documentation of operating authority. If a wheelchair interfacility transport service maintains its primary office outside of the~~

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~~Commonwealth, the service must maintain a place of operations in the Commonwealth.~~

~~D. All places of operation must be subject to and available for inspection by the Office of EMS for compliance with these regulations. This inspection may be in addition to any other federal, state, or local inspections required by law. The inspection may include any or all of the following:~~

- ~~1. All fixed places of operations, including all offices, stations, repair shops or training facilities.~~
- ~~2. All applicable records maintained by the applicant service;~~
- ~~3. All wheelchair interfacility transport vehicles used by the applicant service.~~

~~E. Issuance.~~

~~1. A wheelchair interfacility transport service license may be issued by the Office of EMS provided both of the following conditions are met:~~

- ~~a. All information contained in the application is complete and correct.~~
- ~~b. The applicant is determined by the Office of EMS to be qualified for licensure in accordance with these regulations.~~

~~2. The applicant will be notified in writing of the disposition of the application upon receipt of the completed application and required supporting documents.~~

~~3. The issuance of a license does not authorize any service to operate any vehicle without a franchise or permit in any county or municipality that has enacted an ordinance requiring one.~~

~~F. The wheelchair interfacility transport service license will include the following information:~~

- ~~1. The name and address of the wheelchair interfacility transport service;~~
- ~~2. The expiration date of the license; and~~
- ~~3. Any special conditions that may apply.~~

~~G. Wheelchair interfacility transport service licenses will be issued and remain valid with the following conditions:~~

- ~~1. Wheelchair interfacility transport service licenses are valid for a period of two years from the last day of the month of issuance unless and until revoked or suspended by the Office of EMS.~~
- ~~2. Wheelchair interfacility transport service licenses are not transferable.~~

~~H. A wheelchair interfacility transport service license renewal may be granted following an inspection as set forth in these regulations based on the following conditions:~~

~~1. The renewal inspection results demonstrate that the service complies with these regulations.~~

~~2. There have been no documented violations of these regulations that preclude renewal.~~

~~I. Should the Office of EMS be unable to take action on an application for renewal of a license prior to expiration, the license will remain in effect until such time as the Office of EMS completes processing of the renewal application.~~

~~J. An application for new wheelchair interfacility transport service licensure or renewal of a wheelchair interfacility transport service license may be denied by the Office of EMS if the applicant or service does not comply with these regulations.~~

~~K. Termination of service by a wheelchair interfacility transport service requires the service to surrender the wheelchair interfacility transport service license.~~

~~A wheelchair interfacility transport service must notify the Office of EMS at least 30 days in advance of its intention to discontinue service. Written notice of intent to terminate service shall include verification that a notice of its intent to discontinue service has been published in a newspaper of general circulation in its service area.~~

~~L. Within 30 days following the termination of service, the wheelchair interfacility transport service must:~~

- ~~1. Return the wheelchair interfacility transport service license and all associated vehicle permits to the Office of EMS.~~
- ~~2. Remove all signage or insignia that advertise the availability of wheelchair interfacility transport services to include but not be limited to facility and roadway signs, vehicle markings and uniform items.~~
- ~~3. Provide for maintenance and secure storage of required service records for a minimum of five years from the date of termination of service.~~

~~M. Failure of a wheelchair interfacility transport service to comply with these regulations may result in the denial of a future application for wheelchair interfacility transport service licensure or an enforcement action, or both.~~

12 VAC 5-31-2020. General requirements governing service operations. (Repealed.)

~~A. The wheelchair interfacility transport service is responsible for ensuring that all wheelchair interfacility transport vehicles and associated wheelchair interfacility transport service personnel comply with these regulations, the Motor Vehicle Code, the Child Labor Laws and the Virginia Occupational Safety and Health Law.~~

~~B. All wheelchair interfacility transport services must comply with the following requirements:~~

1. The service must maintain a fixed physical location. Any change in the address of this location requires notification to the Office of EMS before relocation of the office space.

2. The following sanitation measures are required at each place of operation in accordance with standards established by the Centers for Disease Control (CDC) and the Virginia Occupational Safety and Health Law:

- a. All areas used for storage of equipment and supplies must be kept neat, clean and sanitary.
- b. All soiled supplies and used disposable items must be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Regulated waste must be stored in a red or orange bag or container clearly marked with a biohazard label.

C. A wheelchair interfacility transport service is responsible for the preparation and maintenance of the following:

1. Records and reports must be stored in a manner to assure reasonable safety from water and fire damage and from unauthorized disclosure to persons other than those authorized by law.

2. The following records must be maintained at the primary place of operation or a secured storage facility, for a period of not less than five years:

- a. Current personnel records, including a file for each wheelchair interfacility transport service member or employee, that provide documentation of qualifications for the positions held.
- b. Records for each vehicle currently in use to include maintenance reports, valid vehicle registration, safety inspections, vehicle insurance coverage, and any reportable motor vehicle collision as defined by the Motor Vehicle Code.
- c. Records of wheelchair interfacility transport service activity including call reports that specifically identify the vehicle operator, dispatch records and summary data for a period of not less than five years.

3. Each wheelchair interfacility transport service must submit a complete service status report to the Office of EMS providing requested information within 30 days of request on a form prescribed by the Office of EMS. The form will include the following and other information as required:

This report must list all personnel affiliated to include name, social security number or equivalent federal identification number, mailing address, home telephone numbers and other electronic addresses. The list must specifically identify the chief executive officer and chief operations officer and include, if applicable, their work numbers.

4. Each wheelchair interfacility transport service must have readily available a current copy of these regulations for reference use by its officers and personnel.

E. Insurance:

1. Each wheelchair interfacility transport service must have in effect and be able to furnish proof on demand of contracts for vehicular insurance coverage that must meet or exceed the minimum requirements as set forth in § 46.2-472 of the Code of Virginia.

2. Nothing in this section prohibits authorized governmental agencies from participating in authorized "self insurance" programs as long as the programs provide for the minimum coverage levels specified.

F. Display of license. The wheelchair interfacility transport service license must be publicly displayed in the primary office space of the wheelchair interfacility transport service and a copy displayed in each other fixed place of operations.

12 VAC 5-31-2030. Wheelchair interfacility transport vehicle permitting. (Repealed.)

A. No person may operate or maintain any motor vehicle as a wheelchair interfacility transport vehicle without a valid permit or in violation of the terms of a valid permit.

B. The wheelchair interfacility transport service must file written application for a permit on forms specified by the Office of EMS.

C. The Office of EMS may verify any or all information contained in the application before issuance.

D. The Office of EMS will inspect the wheelchair interfacility transport vehicle for compliance with these regulations.

E. A wheelchair interfacility transport permit will be issued as follows:

1. The application may be approved and a permit may be issued for the wheelchair interfacility transport vehicle by the Office of EMS provided all of the following conditions are met:

- a. All information contained in the application is complete and correct;
- b. The applicant is a wheelchair interfacility transport service licensed by the Office of EMS;
- c. The wheelchair interfacility transport vehicle is registered or permitted by the Department of Motor Vehicles; and
- d. The inspection meets the minimum requirements as defined in these regulations.

2. The issuance of a permit does not authorize any person to operate a wheelchair interfacility transport vehicle

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without a franchise in any county or municipality that has enacted an ordinance requiring it.

F. The wheelchair interfacility transport vehicle permit will include but not be limited to the following information:

1. The name and address of the Service;
2. The expiration date of the permit; and
3. Any special conditions that may apply.

G. Wheelchair interfacility transport vehicle permits will be issued and remain valid with the following conditions:

1. A regularly issued wheelchair interfacility transport vehicle permit is valid for a period coincident with the wheelchair interfacility transport service license unless and until revoked or suspended by the Office of EMS.
2. Wheelchair interfacility transport vehicle permits are not transferable under any circumstances.

H. Renewal of a wheelchair interfacility transport vehicle permit may be granted without reapplication if the wheelchair interfacility transport service and wheelchair interfacility transport vehicle comply with these regulations.

Should the Office of EMS be unable to take action on renewal of a wheelchair interfacility transport vehicle permit before expiration, the permit will remain in effect until the Office of EMS completes processing of the renewal application.

I. The permit must be affixed on the vehicle to be readily visible and in a location and manner specified by the Office of EMS. A wheelchair interfacility transport vehicle may not be operated without a properly displayed permit.

J. A wheelchair interfacility transport vehicle may not be marked to indicate a type of service other than that for which it is permitted.

12 VAC 5-31-2040. Denial of a wheelchair interfacility transport vehicle permit. (Repealed.)

A. An application for a wheelchair interfacility transport vehicle permit will be denied by the Office of EMS if any conditions of these regulations fail to be met.

B. In the event that a permit is denied, the Office of EMS will notify the applicant or licensee of the denial in writing.

12 VAC 5-31-2050. Wheelchair interfacility transport vehicle requirements. (Repealed.)

A. Each wheelchair interfacility transport vehicle must be maintained in good repair and safe operating condition and shall meet the same motor vehicle safety requirements as apply to all vehicles in Virginia:

1. State motor vehicle safety inspection must be current.

2. Exterior surfaces of the vehicle including windows, mirrors, warning devices and lights must be kept clean of dirt and debris.

B. All occupants must use mechanical restraints while the vehicle is in motion as required by the Code of Virginia.

All equipment and supplies must be secured in place to prevent movement while the vehicle is in motion.

C. The following requirements for sanitary conditions and supplies apply to all wheelchair interfacility transport vehicles in accordance with recommendations and standards established by the Centers for Disease Control and Prevention (CDC) and the Virginia Occupational Safety and Health Law:

1. The interior of the wheelchair interfacility transport vehicle, including all storage areas, equipment, and supplies must be kept clean and sanitary.
2. Waterless antiseptic handwash must be available on the unit.
3. Following transport and before being occupied by another passenger, all contaminated surfaces must be cleaned and disinfected using a method recommended by the Centers for Disease Control. Cleaning and disinfection supplies must be carried on each vehicle.
4. All soiled supplies and used disposable items must be stored or disposed of in plastic bags, covered containers or compartments provided for this purpose. Red or orange bags must be used for regulated waste.

D. All wheelchair interfacility transport vehicles are subject to, and available for, inspection by the Office of EMS or its designee, for compliance with these regulations. Inspections are in addition to other federal, state, or local inspections required for the wheelchair interfacility transport vehicle by law. The Office of EMS may conduct inspection at any time and without prior notification.

12 VAC 5-31-2070. General personnel requirements and standards of conduct. (Repealed.)

A. All wheelchair interfacility transport personnel must meet and maintain compliance with the general requirements specified in subsections B through D of this section.

B. Personnel shall:

1. Be a minimum of 18 years of age.
2. Be clean and neat in appearance.
3. Be proficient in reading, writing and speaking the English language. English proficiency must be sufficient to allow the individual to clearly communicate with a passenger, family or bystanders. Personnel shall be able to read, write and speak the English language as necessary to perform all assigned duties.

4. Have no physical impairment that would render him or her unable to perform all required skills.

5. Have never been convicted or found guilty of any crime involving sexual misconduct where the lack of affirmative consent by the victim is an element of the crime, such as forcible rape.

6. Have never been convicted or found guilty of any crime (including abuse, neglect, theft from, or financial exploitation of a person entrusted to his care or protection) in which the victim is a patient or is a resident of a health care facility.

7. Not have been convicted or found guilty of any crime involving the use, possession, or distribution of illegal drugs except that the person is eligible for affiliation five years after the date of final release if no additional crimes of this type have been committed during that time.

8. Not have been convicted or found guilty of any other act that is a felony except that the felon is eligible for affiliation five years after the date of final release if no additional felonies have been committed during that time.

9. Not act as an operator if he has been convicted upon a charge of driving under the influence of alcohol or drugs, convicted of a felony or assigned to any alcohol safety action program or driver alcohol rehabilitation program pursuant to § 18.2-271.1 of the Code of Virginia, hit and run or operating on a suspended or revoked license within the past five years. Personnel having such a conviction, in Virginia or another state, are eligible for reinstatement after five years, without further convictions.

10. Not currently be under any disciplinary or enforcement action from the Office of EMS or another state EMS office, state regulatory agency or other recognized state or national healthcare provider licensing or certifying body. Personnel having this disciplinary or enforcement action may be eligible for service provided there have been no further disciplinary or enforcement actions for five years.

11. Have never been subject to a permanent revocation of license or certification by the Office of EMS or another state EMS office, state regulatory agency or other recognized state or national healthcare provider licensing or certifying body.

12. References to criminal acts or convictions under this section refer to substantially similar laws or regulations of any other state or the United States. When used in these regulations, a conviction includes prior adult convictions and juvenile convictions and adjudications of delinquency based on an offense that would have been, at the time of conviction, a felony conviction if committed by an adult within or outside the Commonwealth.

C. Standards of conduct.

1. Wheelchair interfacility transport personnel shall comply with the requirements of these regulations.

2. Wheelchair interfacility transport personnel shall comply with all federal, state, and local laws applicable to their wheelchair interfacility transport operations.

3. Wheelchair interfacility transport personnel may not be addicted to or under the influence of any drugs or intoxicating substances while on duty;

4. Wheelchair interfacility transport personnel may not share or disclose medical information concerning the names, treatment or conditions of passengers transported. This information is confidential and may be disclosed only to:

a. Provide for the continuing medical care of the passenger;

b. Collect insurance payments due and then only to the extent necessary and authorized by the passenger or his representative;

c. Provide continuing education of wheelchair interfacility transport personnel who provide this assistance; and

d. Assist investigations conducted by the board, department or Office of EMS.

5. Wheelchair interfacility transport personnel may not represent themselves as authorized to perform any level of patient care.

6. Wheelchair interfacility transport personnel may not obtain or aid another person in obtaining a license, permit, certification, endorsement or designation through fraud, deceit, forgery or deliberate misrepresentation or falsification of information.

7. Wheelchair interfacility transport personnel may not make false statements, misrepresentations to or willfully conceal information from the board, department, or Office of EMS.

8. Wheelchair interfacility transport personnel may not possess, remove, use or administer any narcotics, drugs, supplies or equipment from any EMS agency or wheelchair interfacility transport service, EMS or wheelchair interfacility transport vehicle, health care facility, academic institution or other location, without proper authorization.

9. Wheelchair interfacility transport personnel may not discriminate in the provision of service based on race, gender, religion, age, national origin, location or medical condition or any other reason.

10. Wheelchair interfacility transport personnel may not under any circumstances engage in sexual harassment of passengers or coworkers. Sexual harassment includes making unwelcome sexual advances, requesting sexual

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favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of:

- a. The provision or denial of services to a passenger;
- b. The provision or denial of employment;
- c. The provision or denial of promotions to a coworker;
- d. For the purpose or effect of creating an intimidating, hostile or offensive environment for the passenger, or unreasonably interfering with a passenger's ability to recover; or
- e. For the purpose or effect of creating an intimidating, hostile, or offensive working environment or unreasonably interfering with a coworker's ability to perform his work.

D. Provision of services. Wheelchair interfacility transport personnel are expected to provide consistently high quality transportation to all passengers.

- 1. Wheelchair interfacility transport personnel are responsible for providing only those services allowed within the scope of licensure of the wheelchair interfacility transport service with which they are operating.
- 2. During transportation, the passenger shall be transported in the passenger compartment of the vehicle involved.
- 3. Wheelchair interfacility transport personnel may not leave a passenger unattended at the destination facility without properly informing the facility staff of the passenger's arrival and location.
- 4. Wheelchair interfacility transport personnel may not leave a passenger unattended except while loading or unloading another passenger.

12 VAC 5-31-2080. Wheelchair interfacility transport vehicle personnel. (Repealed.)

The following minimum wheelchair interfacility transport vehicle personnel requirements apply to all wheelchair interfacility transport vehicles:

- 1. Personnel serving as the operator of a wheelchair interfacility transport vehicle must be a minimum of 18 years of age.
- 2. It is the responsibility of each wheelchair interfacility transport service to ensure that adequate numbers of trained wheelchair interfacility transport personnel are available to perform all essential tasks necessary for provision of timely and appropriate transportation for all passengers.

12 VAC 5-31-2090. Exemptions. (Repealed.)

A. A wheelchair interfacility transport vehicle on January 1, 2003, must meet the requirements for vehicle construction in effect at the time the wheelchair interfacility transport vehicle was permitted.

B. On January 1, 2003, a medical wheelchair transport vehicle (Class E) may be reclassified as a wheelchair interfacility transport vehicle.

C. Existing forms, licenses, certificates and other materials may be used by the Office of EMS or modified as considered necessary by the Office of EMS until existing stocks are depleted.

PART VI.

EARLY DEFIBRILLATION SERVICE REGISTRATION.

12 VAC 5-31-2100. Requirement for early defibrillation service registration. (Repealed.)

A. A person may not operate or maintain an automated external defibrillator for use on or to provide service to the public without an early defibrillation service registration unless specifically exempted by § 32.1-111.2 of the Code of Virginia.

B. A person obtaining an AED for use on the public shall register it with the Office of EMS, unless specifically exempted, before placing the AED in use.

C. An early defibrillation service shall not provide emergency medical services.

12 VAC 5-31-2110. [Reserved] (Repealed.)

12 VAC 5-31-2120. Specific exemptions of registration. (Repealed.)

The following are exempted from registration under these regulations:

- 1. A vehicle used by an interstate commercial passenger carrier regulated by an agency of the United States government. This exemption includes but is not limited to a commercial airline, an interstate bus service and passenger rail service.
- 2. A person conducting research into the effectiveness of an early defibrillation program provided he complies with state and federal human research guidelines and has obtained approval from the Office of EMS.

12 VAC 5-31-2130. Application and issuance of early defibrillation service registration. (Repealed.)

A. An applicant for early defibrillation service registration shall submit a complete application to the Office of EMS. The application must include a registration fee of \$25 for each distinct geographic location where an AED is to be maintained or based.

B. The Office of EMS may use whatever means of investigation necessary to verify information contained in the application.

C. The Office of EMS will determine qualification for registration based upon the applicant's or registrant's:

1. Meeting the personnel qualifications in these regulations.
2. Previous record of performance as an EMS agency or early defibrillation service in or outside of Virginia.
3. Availability of sufficient resources needed to comply with these regulations.

D. The location of an AED shall be subject to and available for inspection by the Office of EMS.

E. Issuance.

1. An early defibrillation service registration may be issued by the Office of EMS provided the following conditions are met:
 - a. Information contained in the application is complete and correct;
 - b. An applicant is determined by the Office of EMS to be qualified and suitable for registration.
2. An applicant will be notified in writing of the disposition of the application upon receipt of the completed application and required supporting documents.
3. The issuance of a registration does not authorize a registrant to operate an AED without a franchise or permit in any county or municipality that has enacted an ordinance requiring one.

F. The early defibrillation service registration may include the following information:

1. The name and address of the early defibrillation service;
2. The expiration date of the registration;
3. The serial number and the manufacturer of each AED operated and maintained by the early defibrillation service; and
4. Any special conditions that may apply.

G. An early defibrillation service registration may be issued and remain valid with the following conditions:

1. An early defibrillation service registration is valid for a period of four years from the date of issuance unless and until revoked or suspended by the Office of EMS.
2. An early defibrillation service registration is not transferable.

12 VAC 5-31-2140. Renewal of a registration. (Repealed.)

A. Renewal of an early defibrillation service registration may be issued based upon the following conditions:

1. An application for renewal shall be submitted a minimum of 60 days prior to expiration of the current registration;

2. The application for renewal shall include a registration fee of \$25 for each distinct geographic location where an AED is to be maintained or based.

B. If the Office of EMS is unable to take action on renewal of a registration before expiration, the registration will remain in effect until the Office of EMS completes processing of the renewal application.

12 VAC 5-31-2150. Modification of a registration. (Repealed.)

A. An early defibrillation service registration shall be modified whenever there is a change in the location where the AED is based, the number of AEDs or the ownership of the early defibrillation service.

B. The procedure for modification of a registration is as follows:

1. A registrant shall request the modifications in writing;
2. The Office of EMS may use the full provisions of these regulations in processing the request; and
3. A registrant will be notified in writing of the disposition of the request.

12 VAC 5-31-2160. Denial of a registration. (Repealed.)

A. An application for an early defibrillation service registration or renewal of registration may be denied by the Office of EMS if any of the conditions of these regulations are not met.

B. A request for modification of any early defibrillation service registration may be denied by the Office of EMS if any of the conditions of these regulations are not met.

C. In the event that a registration or application is denied, the Office of EMS will notify the applicant or registrant of the denial in writing.

12 VAC 5-31-2170. Termination of early defibrillation service. (Repealed.)

A. An early defibrillation service intending to discontinue service shall:

1. Notify the Office of EMS, in writing, of its intent to terminate service and verify that the local public safety agencies have been notified of its intent to discontinue service at least 30 days in advance.
2. Provide for secure storage of required service records for a minimum of five years from the date of termination of service.

B. An early defibrillation service shall surrender its early defibrillation service registration in order to terminate service.

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~~12 VAC 5-31-2180. General requirements for early defibrillation service. (Repealed.)~~

~~A. An early defibrillation service must provide service only at a specified geographic location, except as follows:~~

~~1. A law enforcement agency, as defined in § 9.1-165 of the Code of Virginia, may provide early defibrillation service to the public within the agency's jurisdiction.~~

~~2. A fire company or fire department as defined under § 27-8 of the Code of Virginia that is not an EMS agency, may provide early defibrillation service if the agency is not dispatched for a medical emergency or otherwise prohibited by these regulations.~~

~~3. An early defibrillation service may transport an AED for the purpose of having the device available to service personnel at remote locations. A vehicle transporting an AED for this purpose may not be used to respond to medical emergencies.~~

~~B. An early defibrillation service and its personnel must maintain each automated external defibrillator and required equipment in compliance with manufacturer's recommendations and federal, state or local laws and regulations.~~

~~The following equipment and supplies must be available for each automated external defibrillator in use:~~

- ~~1. Pocket mask or other CPR barrier device.~~
- ~~2. CDC recommended protective gloves, four pairs.~~

~~C. An early defibrillation service must comply with the following:~~

~~1. Equipment, supplies and storage areas must be kept clean and sanitary.~~

~~2. Any soiled supplies or infectious waste generated must be disposed of in compliance with current CDC guidelines.~~

~~3. Devices inserted into the patient's nose or mouth that are single-use must be disposed of after use. Reusable items must be sterilized or high level disinfected according to current CDC guidelines before reuse. If not individually wrapped, these items must be stored in a closed container or bag.~~

~~4. Waterless antiseptic handwash must be available with the AED if other handwashing facilities are not available.~~

~~D. The early defibrillation service coordinator and the medical director must provide sufficient training to personnel for optional first aid equipment used by the service.~~

~~E. An early defibrillation service must maintain the following records:~~

~~1. A personnel record for each personnel including documentation of training.~~

~~2. The following records must be maintained at the primary place of operation or a secured storage facility, for a period of not less than five years to insure reasonable safety from water and fire damage and from disclosure to persons other than those authorized by law:~~

~~a. Maintenance records for each automated external defibrillator in use.~~

~~b. Records of early defibrillation service activity including call reports that specifically identify service personnel, dispatch records and summary data.~~

~~3. An early defibrillation service must complete an "incident report" for each instance where the AED is deployed and eventually applied to an actual or potential patient. This report form, provided by the Office of EMS, will consist of an original and two copies to be distributed as follows:~~

~~a. Original shall be maintained by the early defibrillation service as prescribed in this section;~~

~~b. Copy 2 shall be forwarded to the Office of EMS for review not more than five days following the patient care incident;~~

~~c. Copy 3 shall be provided to the responding EMS agency that assumed care for the patient. This copy of the completed report may be provided either during the patient care incident or at a later time, not more than five days following the patient care incident.~~

~~F. The registration must be publicly displayed in the headquarters of the early defibrillation service.~~

~~G. No person may advertise for services other than those for which the early defibrillation service is registered, or imply such services in the business' name.~~

~~12 VAC 5-31-2190. Registration identification. (Repealed.)~~

~~An early defibrillation service shall be registered under the name of the sponsoring organization and the specific geographical location where it is maintained or based.~~

~~12 VAC 5-31-2200. Notification of public safety. (Repealed.)~~

~~An early defibrillation service shall notify local public safety agencies as required by these regulations.~~

~~12 VAC 5-31-2210. Availability of service. (Repealed.)~~

~~An early defibrillation service shall be available to the service's population within its regular operating areas and hours.~~

~~12 VAC 5-31-2220. Nondiscrimination. (Repealed.)~~

~~No early defibrillation service may refuse to provide required services based on the inability of the patient to provide means~~

of payment or based on the race, creed, color, national origin, location or medical condition or any other reason.

12 VAC 5-31-2230. Communication — capability. (Repealed.)

An early defibrillation service shall have telephone or radio service available at all times to notify the local EMS agency in the event of a medical emergency at the location of the AED. This requirement may be satisfied by availability of a public telephone.

12 VAC 5-31-2240. Communication responsibilities with public safety. (Repealed.)

An early defibrillation service shall notify the following local public safety agencies of current information about the location and extent of its operations:

1. The EMS agencies with primary responsibility for providing emergency response and patient transport service.
2. The Public Safety Answering Point (PSAP) responsible for dispatch of EMS response. (The PSAP may be a municipal dispatch center, law enforcement, fire or independent EMS agency with primary EMS dispatch responsibility.)

12 VAC 5-31-2250. Early defibrillation service medical direction. (Repealed.)

A. An early defibrillation service shall have a medical director.

1. The medical director shall be a physician and meet the following qualifications:
 - a. The physician shall hold valid, unrestricted licensure to practice in Virginia.
 - b. The physician shall provide proof of licensure with the service registration materials.
 - c. The physician shall provide proof of having completed training in cardiopulmonary resuscitation and automated external defibrillation equal to that required of the early defibrillation service personnel.

2. An early defibrillation service shall report current information about the name, address, and telephone number of the medical director to the Office of EMS.

B. The responsibilities of the medical director include but are not limited to the following:

1. Functioning as a resource to the service in planning, scheduling, and delivery of training and continuing education programs for the service's personnel;
2. In consultation with the coordinator, developing and monitoring a mechanism to ensure the continued competency of the service's personnel to include periodic

training and AED operation review at least every six months;

3. Reviewing and evaluating periodic reviews of the service's activities to ensure an effective patient care quality assurance program; and

4. Establishing and maintaining policies and procedures needed to ensure the delivery of proper patient care within the early defibrillation service's scope of practice.

12 VAC 5-31-2260. Personnel requirements and standards of conduct. (Repealed.)

A. Early defibrillation service personnel shall comply with the requirements to serve as an "AED Operator" as specified in subsections B through D of this section.

B. Personnel qualifications:

1. Be a minimum of 16 years of age.
2. Have successfully completed training in cardiopulmonary resuscitation and the use of automated external defibrillators in a course or courses approved by the Office of EMS. Any person certified by the Office of EMS as an EMS First Responder, Emergency Medical Technician or an equivalent approved by the Office of EMS, without restriction of EMS certification, meets this training requirement.
3. Be capable of performing all assigned duties necessary for the performance of cardiopulmonary resuscitation and automated external defibrillation.

C. Standards of conduct.

1. Early defibrillation service personnel shall comply with the requirements of these regulations.
2. Early defibrillation service personnel shall comply with all federal, state or local laws applicable to early defibrillation service operations.
3. Early defibrillation service personnel may not share or disclose medical information concerning the names, treatment or conditions of patients treated. This information is confidential and may be disclosed only to:
 - a. Provide for continuing medical care of the patient;
 - b. The extent necessary and authorized by the patient or his representative in order to collect insurance payments;
 - c. Provide continuing education of early defibrillation service personnel who provide patient care;
 - d. Assist investigations conducted by the board, department or Office of EMS.
4. Early defibrillation service personnel may not represent themselves as qualified to perform a level of care for which they are not trained or qualified to provide.

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~~5. Early defibrillation service personnel may not leave a patient in need of medical care without assuring that care is available from EMS or other trained medical personnel who are present at the scene.~~

~~D. Personnel are expected to provide consistently high quality care to all patients.~~

~~1. Early defibrillation service personnel shall provide automated external defibrillation consistent with their levels of training and within the scope of the early defibrillation service with which they may be affiliated.~~

~~2. Early defibrillation service personnel are permitted to perform only those procedures, treatments or techniques for which they are trained to perform.~~

VA.R. Doc. No. R07-29; Filed November 2, 2006, 8:55 a.m.

TITLE 14. INSURANCE

STATE CORPORATION COMMISSION

Proposed Regulation

Title of Regulation: **14 VAC 5-321. Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits (amending 14 VAC 5-321-10, 14 VAC 5-321-20, 14 VAC 5-321-30, adding 14 VAC 5-321-70).**

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Public Hearing Date: If requested.

Public comments may be submitted until December 7, 2006.

Agency Contact: Racquel C. Pino-Moreno, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9499, FAX (804) 371-9511, or email raquel.pino-moreno@scc.virginia.gov.

Summary:

The proposed revisions identify the new mortality table in 14 VAC 5-322 as being applicable pursuant to 14 VAC 5-321. Additional clarifying amendments delete citations to annuity sections of the Code of Virginia, delete citations to sections of the Code of Virginia that exclude certain life insurance policies, update a web address, and add a new severability section.

AT RICHMOND, NOVEMBER 2, 2006

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

CASE NO. INS-2006-00291

Ex Parte: In the matter of Adopting Revisions to Rules Governing Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code.

The Bureau of Insurance ("Bureau") has submitted to the Commission proposed revisions to the rules set forth in Chapter 321 of Title 14 of the Virginia Administrative Code and entitled "Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits," which amend the rules at 14 VAC 5-321-10 through 14 VAC 5-321-30 and set forth a new rule at 14 VAC 5-321-70.

The proposed revisions to the rules amend references to certain sections of the Code of Virginia and Chapter 319 of Title 14 of the Virginia Administrative Code. The proposed revisions are necessary to reflect the applicability of a new mortality table set forth in the proposed new Chapter 322 of Title 14 of the Virginia Administrative Code entitled "Use of the 2001 CSO Preferred Class Structure Mortality Table in Determining Reserve Liabilities," the proposed adoption of which is the subject of Commission Case No. INS-2006-00292.

In addition, it is proposed that a section entitled "Severability clause" be added as a new rule at 14 VAC 5-321-70.

The Commission is of the opinion that the proposed revisions submitted by the Bureau should be considered for adoption with an effective date of January 1, 2007.

IT IS THEREFORE ORDERED THAT:

(1) The proposed revised rules entitled "Use of the 2001 CSO Mortality Table in Determining Reserve Liabilities and Nonforfeiture Benefits," which amend the rules at 14 VAC 5-321-10 through 14 VAC 5-321-30 and set forth

a new rule at 14 VAC 5-321-70, be attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed revised rules shall file such comments or hearing request on or before December 7, 2006, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-2006-00291.

(3) If no written request for a hearing on the proposed revised rules is filed on or before December 7, 2006, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed revised rules, may adopt the proposed revised rules as submitted by the Bureau.

(4) AN ATTESTED COPY hereof, together with a copy of the proposed revised rules, shall be sent by the Clerk of the Commission to the Bureau in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the proposed adoption of the revised rules by mailing a copy of this Order, together with the proposed revised rules, to all life insurers and all other persons licensed or authorized by the Commission pursuant to Title 38.2 of the Code of Virginia to write or reinsure any form of life insurance, and certain interested parties designated by the Bureau.

(5) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the proposed revised rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations and shall make available this Order and the attached proposed revised rules on the Commission's website, <http://www.scc.virginia.gov/caseinfo.htm>.

(6) The Bureau shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

14 VAC 5-321-10. Authority.

This chapter is promulgated by the commission, pursuant to § 38.2-223 of the Code of Virginia and in accordance with §§ 38.2-3130, ~~38.2-3131~~, 38.2-3206, ~~38.2-3207~~, ~~38.2-3208~~, through 38.2-3209, and 38.2-4120 of the Code of Virginia and 14 VAC 5-319-40, to approve, recognize, permit, and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table by and for insurers transacting the business of insurance in this Commonwealth.

14 VAC 5-321-20. Definitions.

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

"2001 CSO Mortality Table" means that mortality table, which is included in the Proceedings of the NAIC (2nd Quarter 2002), consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. The 2001 CSO Mortality Table may be accessed via the American Academy of Actuaries' website, http://www.actuary.org/life/cso_0702.htm http://www.actuary.org/life/cso/appendix_a_jun02.xls.

"2001 CSO Mortality Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

"2001 CSO Mortality Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

"Commission" means the State Corporation Commission.

"Composite mortality tables" means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

"NAIC" means the National Association of Insurance Commissioners.

"Smoker and nonsmoker mortality tables" means mortality tables with separate rates of mortality for smokers and nonsmokers.

14 VAC 5-321-30. 2001 CSO Mortality Table.

A. At the election of the insurer for any one or more specified plans of insurance and subject to the conditions stated in this chapter, the 2001 CSO Mortality Table may be used as the minimum standard for policies issued on or after July 1, 2004, and before the date specified in subsection B of this section to which ~~subsections A and B of 14 VAC 5-319-40 and subdivision 3 1 of § 38.2-3130 and § 38.2-3209 of the Code of Virginia are applicable.~~ If the insurer elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes.

B. Subject to the conditions stated in this chapter, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which subdivision ~~3 1~~ of § 38.2-3130 and § 38.2-3209 of the Code of Virginia ~~and subsections A and B of 14 VAC 5-319-40~~ are applicable.

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C. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of 14 VAC 5-322, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of this chapter.

14 VAC 5-321-70. Severability clause.

If any provision of this chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of the provision to other persons or circumstances shall not be affected thereby.

VA.R. Doc. No. R07-31; Filed November 6, 2006, 2:22 p.m.

Proposed Regulation

Title of Regulation: 14 VAC 5-322. Use of the 2001 CSO Preferred Class Structure Mortality Table in Determining Reserve Liabilities (adding 14 VAC 5-322-10 through 14 VAC 5-322-50).

Statutory Authority: §§ 12.1-13 and 38.2-223 of the Code of Virginia.

Public Hearing Date: If requested.

Public comments may be submitted until December 7, 2006.

Agency Contact: Racquel C. Pino-Moreno, Principal Insurance Analyst, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9499, FAX (804) 371-9511, or email raquel.pino-moreno@scc.virginia.gov.

Summary:

The proposed rules identify the new mortality table that may be used in place of the 2001 CSO Mortality Table established in 14 VAC 5-321. These rules are based on the NAIC Model Regulation Permitting the Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities.

AT RICHMOND, NOVEMBER 2, 2006

COMMONWEALTH OF VIRGINIA
At the relation of the
STATE CORPORATION COMMISSION

CASE NO. INS-2006-00292

Ex Parte: In the matter of Adopting Rules Governing Use of the 2001 CSO Preferred Class Structure Mortality Table in Determining Reserve Liabilities

ORDER TO TAKE NOTICE

Section 12.1-13 of the Code of Virginia provides that the State Corporation Commission ("Commission") shall have

the power to promulgate rules and regulations in the enforcement and administration of all laws within its jurisdiction, and § 38.2-223 of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of Title 38.2 of the Code of Virginia.

The rules and regulations issued by the Commission pursuant to § 38.2-223 of the Code of Virginia are set forth in Title 14 of the Virginia Administrative Code.

The Bureau of Insurance ("Bureau") has submitted to the Commission proposed rules to be designated as Chapter 322 of Title 14 of the Virginia Administrative Code and entitled "Use of the 2001 CSO Preferred Class Structure Mortality Table in Determining Reserve Liabilities," which set forth new rules at 14 VAC 5-322-10 through 14 VAC 5-322-50.

The proposed rules create a new chapter (14 VAC 5-322) that authorizes life insurers to use the 2001 Commissioners Standard Ordinary (CSO) Preferred Class Structure Mortality Table in determining reserve liabilities for certain life insurance policies. This new chapter is based on a model regulation adopted in September 2006 by the National Association of Insurance Commissioners ("NAIC"). The NAIC model reflects differences in mortality in determining the minimum liabilities for certain life insurance products and is considered to be an interim step toward a principles-based reserving system.

The Commission is of the opinion that the proposed rules submitted by the Bureau should be considered for adoption with an effective date of January 1, 2007.

IT IS THEREFORE ORDERED THAT:

(1) The proposed rules designated as Chapter 322 of Title 14 of the Virginia Administrative Code and entitled "Use of the 2001 CSO Preferred Class Structure Mortality Table in Determining Reserve Liabilities," which set forth new rules at 14 VAC 5-322-10 through 14 VAC 5-322-50, be attached hereto and made a part hereof.

(2) All interested persons who desire to comment in support of or in opposition to, or to request a hearing to oppose the adoption of, the proposed rules shall file such comments or hearing request on or before December 7, 2006, in writing with the Clerk of the Commission, Document Control Center, P.O. Box 2118, Richmond, Virginia 23218 and shall refer to Case No. INS-2006-00292.

(3) If no written request for a hearing on the proposed rules is filed on or before December 7, 2006, the Commission, upon consideration of any comments submitted in support of or in opposition to the proposed rules, may adopt the rules proposed by the Bureau.

(4) AN ATTESTED COPY hereof, together with a copy of the proposed rules, shall be sent by the Clerk of the

Commission to the Bureau in care of Deputy Commissioner Douglas C. Stolte, who forthwith shall give further notice of the proposed adoption of the rules by mailing a copy of this Order, together with the proposed rules, to all life insurers and all persons licensed or authorized by the Commission pursuant to Title 38.2 of the Code of Virginia to write or reinsure any form of life insurance, and certain interested parties designated by the Bureau.

(5) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, together with the proposed rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations and shall make available this Order and the attached proposed rules on the Commission's website, <http://www.scc.virginia.gov/caseinfo.htm>.

(6) The Bureau shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements of paragraph (4) above.

CHAPTER 322.

USE OF THE 2001 CSO PREFERRED CLASS STRUCTURE MORTALITY TABLE IN DETERMINING RESERVE LIABILITIES.

14 VAC 5-322-10. Authority.

This chapter is promulgated by the commission, pursuant to § 38.2-223 of the Code of Virginia and in accordance with § 38.2-3130 of the Code of Virginia and 14 VAC 5-319-40, to approve, recognize, permit, and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Preferred Class Structure Mortality Table by and for insurers transacting the business of insurance in this Commonwealth.

14 VAC 5-322-20. Definitions.

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

"2001 CSO Mortality Table" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002) and supplemented by the 2001 CSO Preferred Class Structure Mortality Table. Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. The 2001 CSO Mortality Table may be accessed via

the American Academy of Actuaries' website, http://www.actuary.org/life/cso/appendix_a_jun02.xls. Mortality tables in the 2001 CSO Mortality Table include the following:

1. "2001 CSO Mortality Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.
2. "2001 CSO Mortality Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.
3. "Composite mortality tables" means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.
4. "Smoker and nonsmoker mortality tables" means mortality tables with separate rates of mortality for smokers and nonsmokers.

"2001 CSO Preferred Class Structure Mortality Table" means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker tables as described in the Tillinghast Report dated January 30, 2006, and adopted by the NAIC in June 2006. The 2001 CSO Preferred Class Structure Mortality Table is included in the Proceedings of the NAIC (1st Quarter 2006). Unless the context indicates otherwise, the "2001 CSO Preferred Class Structure Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

"Commission" means the State Corporation Commission.

"NAIC" means the National Association of Insurance Commissioners.

"Statistical agent" means an entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner.

14 VAC 5-322-30. 2001 CSO Preferred Class Structure Mortality Table.

At the election of the insurer, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this chapter, the 2001 CSO Preferred Class Structure Mortality Table may be

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substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007. No such election shall be made until the insurer demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this chapter, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the requirements of the rules entitled "Use of the 2001 CSO Mortality Table In Determining Minimum Reserve Liabilities And Nonforfeiture Benefits" (14 VAC 5-321).

14 VAC 5-322-40. Conditions.

A. For each plan of insurance with separate rates for Preferred and Standard Nonsmoker lives, an insurer may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker tables to substitute for the Nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the Residual Standard Nonsmoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next 10 years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

B. For each plan of insurance with separate rates for Preferred and Standard Smoker lives, an insurer may use the Preferred Smoker and Residual Standard Smoker tables to substitute for the Smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the Preferred Smoker Table, the appointed actuary shall certify that:

1. The present value of death benefits over the next 10 years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basis table corresponding to the valuation table being used for that class.

2. The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table.

C. Unless exempted by the commission, every authorized insurer having elected to substitute the 2001 CSO Preferred Class Structure Mortality Table pursuant to this chapter shall file annually with a statistical agent designated by the NAIC and acceptable to the commission, statistical reports showing mortality and such other information as the commission may deem necessary or expedient for the administration of the provisions of this chapter. The commission shall require the use of a statistical report form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the commission.

14 VAC 5-322-50. Severability clause.

If any provision of this chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of the provision to other persons or circumstances shall not be affected thereby.

DOCUMENT INCORPORATED BY REFERENCE

American Council of Life Insurers, Preferred Version of 2001 CSO Mortality Tables, January 30, 2006.

VA.R. Doc. No. R07-32; Filed November 6, 2006, 2:24 p.m.



TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Final Regulation

Titles of Regulations: **22 VAC 40-71. Standards and Regulations for Licensed Assisted Living Facilities (Repealed).**

22 VAC 40-72. Standards for Licensed Assisted Living Facilities (adding 22 VAC 40-72-10 through 22 VAC 40-72-1160).

Statutory Authority: §§ 63.2-217 and 63.2-1732 of the Code of Virginia.

Effective Date: December 28, 2006.

Agency Contact: Richard Martin, Manager, Office of Legislative and Regulatory Affairs, Department of Social Services, 7 North Eighth Street, Richmond, VA 23219, telephone (804) 726-7902, FAX (804) 726-7906, or email richard.martin@dss.virginia.gov.

Summary:

The regulatory action is a joint action to repeal the existing regulation, 22 VAC 40-71, and establish a new regulation, 22 VAC 40-72, for licensed assisted living facilities. The new regulation includes additional requirements for assisted living facilities in the following areas: care and services to residents; staff qualifications, training, and responsibilities; management of the facility; physical plant features; coordination with mental health systems; disclosure of information; and emergency preparedness. The standards emphasize resident-centered care and services. The standards include requirements that strive for a more homelike environment for residents.

The changes in the regulation from publication of the proposed include the deletion of standards on risk management, quality improvement, and high risk behavior. Additionally, details were omitted from several standards so that the requirements would be broader and less prescriptive, including standards related to incident reports, staffing, and mental health evaluation. Revisions were made to assure compliance with regulations of other state agencies, in particular the Department of Health Professions, the Department of Health, and the Department of Housing and Community Development. Other changes were made to improve the care and services provided to residents and for clarification purposes.

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

CHAPTER 72.
STANDARDS FOR LICENSED ASSISTED LIVING
FACILITIES.

PART I.
GENERAL PROVISIONS.

22 VAC 40-72-10. Definitions.

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

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

"Administer medication" means to open a container of medicine or to remove the [~~prescribed~~ ordered] dosage and to give it to the resident for whom it is [~~prescribed~~ ordered].

"Administrator" means the licensee or a person designated by the licensee who [is responsible for the general administration of an assisted living facility and who]

oversees the day-to-day operation of the facility, including compliance with all regulations for licensed assisted living facilities.

"Advance directive" means [, as defined in § 54.1-2982 of the Code of Virginia,] (i) a witnessed written document, voluntarily executed by the declarant in accordance with the requirements of § 54.1-2983 of the Code of Virginia or (ii) a witnessed oral statement, made by the declarant subsequent to the time he is diagnosed as suffering from a terminal condition and in accordance with the provisions of § 54.1-2983 of the Code of Virginia. The individual or his legal representative can rescind the document at any time.

[NOTE: See § 54.1-2985 of the Code of Virginia regarding rescinding an advance directive and § 54.1-2987.1 of the Code of Virginia regarding rescinding a Durable Do Not Resuscitate Order.]

"Ambulatory" means the condition of a resident who is physically and mentally capable of self-preservation by evacuating in response to an emergency to a refuge area as defined by 13 VAC 5-63, the Virginia [Uniform] Statewide Building Code, without the assistance of another person, or from the structure itself without the assistance of another person if there is no such refuge area within the structure, even if such resident may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command to evacuate.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least moderate assistance with the activities of daily living. Included in this level of service are individuals who are dependent in behavior pattern (i.e., abusive, aggressive, disruptive) as documented on the uniform assessment instrument.

"Assisted living facility" means, as defined in § 63.2-100 of the Code of Virginia, any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Mental Health, Mental Retardation and Substance Abuse Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214 of the Code of Virginia, when such facility is licensed by the department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 of the Code of Virginia, but including any portion of the facility not so licensed; and (iv) any housing project for

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persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

[NOTE:] Assuming responsibility for the well-being of residents, either directly or through contracted agents, is considered "general supervision and oversight."

["Behavior management" means those principles and methods employed by a provider to help an individual receiving services to achieve a positive outcome and to address and correct inappropriate behavior in a constructive and safe manner. Behavior management principles and methods must be employed in accordance with the individualized service plan and written policies and procedures governing service expectations, treatment goals, safety and security.

"Behavioral health authority" means the organization, appointed by and accountable to the governing body of the city or county that established it, that provides mental health, mental retardation, and substance abuse services through its own staff or through contracts with other organizations and providers.]

"Building" means a structure with exterior walls under one roof.

"Cardiopulmonary resuscitation (CPR)" means an emergency procedure consisting of external cardiac massage and artificial respiration; the first treatment for a person who has collapsed and has no pulse and has stopped breathing; and attempts to restore circulation of the blood and prevent death or brain damage due to lack of oxygen.

"Case management" means multiple functions designed to link clients to appropriate services. Case management may include a variety of common components such as initial screening of needs, comprehensive assessment of needs, development and implementation of a plan of care, service monitoring, and client follow-up.

"Case manager" means an employee of a public human services agency who is qualified and designated to develop and coordinate plans of care.

"Chemical restraint" means a psychopharmacologic drug that is used for discipline or convenience and not required to treat the resident's medical symptoms or symptoms from mental

illness or mental retardation, that prohibits an individual from reaching his highest level of functioning.

"Commissioner" means the commissioner of the department, his designee or authorized representative.

"Community services board" or "CSB" means a citizens' board established pursuant to § 37.2-501 of the Code of Virginia that provides mental health, mental retardation and substance abuse programs and services within the political subdivision or political subdivisions participating on the board.

"Conservator" means a person appointed by the court who is responsible for managing the estate and financial affairs of an incapacitated person and, where the context plainly indicates, includes a "limited conservator" or a "temporary conservator." The term includes a local or regional program designated by the Department for the Aging as a public conservator pursuant to Article 2 (§ 2.2-711 et seq.) of Chapter 7 of Title 2.2 of the Code of Virginia.

"Continuous licensed nursing care" means around-the-clock observation, assessment, monitoring, supervision, or provision of medical treatments provided by a licensed nurse. Residents requiring continuous licensed nursing care may include:

1. Individuals who have a medical instability due to complexities created by multiple, interrelated medical conditions; or
2. Individuals with a health care condition with a high potential for medical instability.

"Department" means the State Department of Social Services.

"Department's representative" means an employee or designee of the State Department of Social Services, acting as an authorized agent of the Commissioner of Social Services.

["Dietary supplement" means a product intended for ingestion that supplements the diet, is labeled as a dietary supplement, is not represented as a sole item of a meal or diet, and contains a dietary ingredient(s), i.e., vitamins, minerals, amino acid, herbs or other botanicals, dietary substances (such as enzymes), and concentrates, metabolites, constituents, extracts, or combinations of the preceding types of ingredients. Dietary supplements may be found in many forms, such as tablets, capsules, liquids, or bars.]

"Direct care staff" means supervisors, assistants, aides, or other employees of a facility who assist residents in the performance of personal care and daily living activities. Examples are likely to include nursing staff, activity staff, geriatric or personal care assistants, medication aides, and mental health workers but are not likely to include waiters, chauffeurs, cooks, and dedicated housekeeping, maintenance and laundry personnel.

"Discharge" means the movement of a resident out of the assisted living facility.

"Emergency" means, as it applies to restraints, a situation that may require the use of a restraint where the resident's behavior is unmanageable to the degree an immediate and serious danger is presented to the health and safety of the resident or others.

"Emergency placement" means the temporary status of an individual in an assisted living facility when the person's health and safety would be jeopardized by [~~not permitting denying~~] entry into the facility until the requirements for admission have been met.

["~~Employees" mean personnel working at a facility who are compensated or have a financial interest in the facility, regardless of role, service, age, function or duration of employment at the facility. Employees also include those individuals hired through a contract to provide services for the facility.~~]

"Good character and reputation" means findings have been established and knowledgeable, reasonable, and objective people agree that the individual (i) maintains business or professional, family, and community relationships that are characterized by honesty, fairness, truthfulness, and dependability; and (ii) has a history and pattern of behavior that demonstrates the individual is suitable and able to administer a program for the care, supervision, and protection of adults. Relatives by blood or marriage and persons who are not knowledgeable of the individual, such as recent acquaintances, may not act as references.

"Guardian" means a person who has been legally invested with the authority and charged with the duty of taking care of the person, managing his property and protecting the rights of the person who has been declared by the circuit court to be incapacitated and incapable of administering his own affairs. The powers and duties of the guardian are defined by the court and are limited to matters within the areas where the person in need of a guardian has been determined to be incapacitated.

"Habilitative service" means activities to advance a normal sequence of motor skills, movement, and self-care abilities or to prevent [~~unnecessary~~ avoidable] additional deformity or dysfunction.

"Health care provider" means a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services such as a physician or hospital, dentist, pharmacist, registered or licensed practical nurse, optometrist, podiatrist, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, or health maintenance organization. This list is not all inclusive.

["~~High risk behavior" means any behavior, including an expressed intent, that exposes, or has the potential to expose,~~

~~the person exhibiting the behavior, or those being exposed to the behavior, to harm. Examples of high risk behaviors include, but are not limited to, the following: physically assaulting others or gesturing, making suicidal attempts, verbalizing a threat to harm self or others, verbalizing an unrealistic fear of being harmed by others, destroying property that exposes self or others to harm, wandering in or outside of the facility, being intrusive in the personal space of others, putting objects or liquids in the mouth that are mistaken as food or consumable fluids, increased physical activity such as floor pacing that might indicate anxiety or stress, increased or confusing speech pattern or communications that might indicate a disorder of thought process, decreased physical activity such as staying in bed, not eating, or not communicating that might indicate depression.~~]

"Household member" means any person domiciled in an assisted living facility other than residents or [~~employees~~ staff].

"Imminent physical threat or danger" means clear and present risk of sustaining or inflicting serious [~~to~~ or] life threatening injuries.

"Independent clinical psychologist" means a clinical psychologist who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer or employee or as an independent contractor with the facility.

"Independent living environment" means one in which the resident or residents perform all activities of daily living and instrumental activities of daily living for themselves without requiring the assistance of another person [~~and take medication without requiring the assistance of another person~~].

"Independent living status" means that the resident is assessed as capable of performing all activities of daily living and instrumental activities of daily living for himself without requiring the assistance of another person [~~and is assessed as capable of taking medications without the assistance of another person~~]. (If the policy of a facility dictates that medications are administered or distributed centrally without regard for the residents' capacity, this [~~policy~~] shall not be considered in determining independent status.)

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the facility.

[~~NOTE: "Physician" is defined later in this section.~~]

"Individualized service plan (ISP)" means the written description of actions to be taken by the licensee, including

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coordination with other services providers, to meet the assessed needs of the resident.

"Instrumental activities of daily living (IADLs)" means meal preparation, housekeeping, laundry, and managing money. A person's degree of independence in performing these activities is a part of determining appropriate level of care and services.

"Intermittent intravenous therapy" means therapy provided by a licensed health care professional at medically predictable intervals for a limited period of time on a daily or periodic basis.

"Legal representative" means a person legally responsible for representing or standing in the place of the resident for the conduct of his affairs. This may include a guardian, conservator, attorney-in-fact under durable power of attorney, trustee, or other person expressly named by a court of competent jurisdiction or the resident as his agent in a legal document that specifies the scope of the representative's authority to act. A legal representative may only represent or stand in the place of a resident for the function or functions for which he has legal authority to act.

[NOTE:] A resident is presumed competent and is responsible for making all health care, personal care, financial, and other personal decisions that affect his life unless a representative with legal authority has been appointed by a court of competent jurisdiction or has been appointed by the resident in a properly executed and signed document. A resident may have different legal representatives for different functions.

[NOTE:] For any given standard, the term legal representative applies solely to the legal representative with the authority to act in regard to the function or functions relevant to that particular standard.

"Licensed health care professional" means any health care professional currently licensed by the Commonwealth of Virginia to practice within the scope of his profession, such as a nurse practitioner, registered nurse, licensed practical nurse, (nurses may be licensed or hold multistate licensure pursuant to § 54.1-3000 of the Code of Virginia), clinical social worker, dentist, occupational therapist, pharmacist, physical therapist, physician, physician assistant, psychologist, and speech-language pathologist.

[NOTE:] Responsibilities of physicians [~~contained within~~ referenced in] this chapter may be implemented by nurse practitioners or physician assistants [~~as assigned by the supervising physician and within the parameters of professional licensing~~ in accordance with their protocols or practice agreements with their supervising physicians and in accordance with the law].

"Licensee" means any person, association, partnership [~~or~~], corporation [, company or public agency] to whom the license is issued.

"Manager" means a designated person who serves as a manager pursuant to 22 VAC 40-72-220 and 22 VAC 40-72-230.

"Mandated reporter" means the following persons acting in their professional capacity who have reason to suspect abuse, neglect or exploitation of an adult:

1. Any person licensed, certified, or registered by health regulatory boards listed in § 54.1-2503 of the Code of Virginia, with the exception of persons licensed by the Board of Veterinary Medicine;
2. Any mental health services provider as defined in § 54.1-2400.1 of the Code of Virginia;
3. Any emergency medical services personnel certified by the Board of Health pursuant to § 32.1-111.5 of the Code of Virginia;
4. Any guardian or conservator of an adult;
5. Any person employed by or contracted with a public or private agency or facility and working with adults in an administrative, supportive or direct care capacity;
6. Any person providing full, intermittent or occasional care to an adult for compensation, including but not limited to companion, chore, homemaker, and personal care workers; and
7. Any law-enforcement officer.

This is pursuant to § 63.2-1606 of the Code of Virginia.

"Maximum physical assistance" means that an individual has a rating of total dependence in four or more of the seven activities of daily living as documented on the uniform assessment instrument.

[NOTE:] An individual who can participate in any way with performance of the activity is not considered to be totally dependent.

"Medication aide" means a staff person who has successfully completed (i) one of the five requirements specified in 22 VAC 40-72-250 C 1 through 5 [~~, with an exception allowed if responsible for medication administration prior to (insert the effective date of these standards).~~ (See 22 VAC 40-72-660 for exception),] and (ii) the medication training program developed by the department and approved by the Board of Nursing.

[This definition expires one year after the effective date of regulations promulgated by the Board of Nursing for the registration of medication aides. Thereafter, medication aides shall mean those persons who have current registration by the

Board of Nursing to administer drugs that would otherwise be self-administered to residents in an assisted living facility.]

"Mental impairment" means a disability that reduces an individual's ability to reason [logically], make [appropriate] decisions, or engage in purposeful behavior.

["Mentally ill" means any person afflicted with mental disease to such an extent that for his own welfare or the welfare of others he requires care and treatment, or with mental disorder or functioning classifiable under the diagnostic criteria from the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, Fourth Edition, Text Revision, 2000, or subsequent editions, that affects the well-being or behavior of an individual.

"Mentally retarded" means substantial subaverage general intellectual functioning that originates during the development period and is associated with impairment in adaptive behavior. It exists concurrently with related limitations in two or more of the following applicable adaptive skill areas: communication, self care, home living, social skills, community use, self direction, health and safety, functional academics, leisure, and work.]

["Mental illness" means a disorder of thought, mood, emotion, perception, or orientation that significantly impairs judgment, behavior, capacity to recognize reality, or ability to address basic life necessities and requires care and treatment for the health, safety, or recovery of the individual or for the safety of others.

"Mental retardation" means disability, originating before the age of 18 years, characterized concurrently by (i) significantly subaverage intellectual functioning as demonstrated by performance on a standardized measure of intellectual functioning, administered in conformity with accepted professional practice, that is at least two standard deviations below the mean and (ii) significant limitations in adaptive behavior as expressed in conceptual, social, and practical adaptive skills.]

"Minimal assistance" means dependency in only one activity of daily living or dependency in one or more of the instrumental activities of daily living as documented on the uniform assessment instrument.

"Moderate assistance" means dependency in two or more of the activities of daily living as documented on the uniform assessment instrument.

"Nonambulatory" means the condition of a resident who by reason of physical or mental impairment is not capable of self-preservation without the assistance of another person.

"Nonemergency" means, as it applies to restraints, circumstances that may require the use of a restraint for the purpose of providing support to a physically weakened resident.

"Outbreak" means a sudden rise in the incidence of a disease or symptoms above expected levels, or the occurrence of a large number of cases of a disease or symptoms in a short period of time. There is not a specific number or percentage that always constitutes an outbreak because the level of risk is dependent upon the severity of the disease or the intensity of the symptoms.

"Physical impairment" means a condition of a bodily or sensory nature that reduces an individual's ability to function or to perform activities.

"Physical restraint" means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that the resident cannot remove easily, which restricts freedom of movement or access to his body.

"Physician" means an individual licensed to practice medicine [or osteopathic medicine] in any of the 50 states or the District of Columbia.

["Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 of the Code of Virginia to issue a prescription.]

"Private pay" means that a resident of an assisted living facility is not eligible for benefits under the Auxiliary Grants Program.

"Psychopharmacologic drug" means any drug prescribed or administered with the intent of controlling mood, mental status or behavior. Psychopharmacologic drugs include not only the obvious drug classes, such as antipsychotic, antidepressants, and the antianxiety/hypnotic class, but any drug that is prescribed or administered with the intent of controlling mood, mental status, or behavior, regardless of the manner in which it is marketed by the manufacturers and regardless of labeling or other approvals by the [United States] Food and Drug Administration.

"Public pay" means that a resident of an assisted living facility is eligible for benefits under the Auxiliary Grants Program.

"Qualified" means having appropriate training and experience commensurate with assigned responsibilities; or if referring to a professional, possessing an appropriate degree or having documented equivalent education, training or experience.

[NOTE: Specific definitions for qualified assessor and qualified mental health professional are included in this section.]

"Qualified assessor" means an individual who is authorized to perform an assessment, reassessment, or change in level of care for an applicant to or resident of an assisted living facility. For public pay individuals, a qualified assessor is an employee of a public human services agency trained in the completion of the uniform assessment instrument [(UAI)].

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For private pay individuals, a qualified assessor is an employee of the assisted living facility trained in the completion of the UAI or an independent private physician or a qualified assessor for public pay individuals.

"Qualified mental health professional" means a ~~clinician in the health professions~~ behavioral health professional] who is trained and experienced in providing psychiatric or mental health services to individuals who have a psychiatric diagnosis, including and limited to (i) a physician ~~[- a doctor of medicine or osteopathy; (ii) a psychiatrist: a doctor of medicine or osteopathy, specializing in psychiatry and]~~ licensed in Virginia; ~~[(iii) (ii)]~~ a psychologist: an individual with a master's degree in psychology from a college or university accredited by an association recognized by the U.S. Secretary of Education, with at least one year of clinical experience; ~~[(iv) (iii)]~~ a social worker: an individual with at least a ~~bachelor's~~ master's] degree in human services or related field (social work, psychology, psychiatric rehabilitation, sociology, counseling, vocational rehabilitation, or human services counseling) from ~~[an- a]~~ college or university accredited by an association recognized by the U.S. Secretary of Education, with at least one year of clinical experience providing direct services to persons with a diagnosis of mental illness; ~~[(v) (iv)]~~ a Registered Psychiatric Rehabilitation Provider (RPRP) registered with the International Association of Psychosocial Rehabilitation Services (IAPRS); ~~[(vi) (v)]~~ a ~~registered nurse~~ clinical nurse specialist or psychiatric nurse practitioner] licensed in the Commonwealth of Virginia with at least one year of clinical experience working in a mental health treatment facility or agency; ~~[(vii) (vi)]~~ any other licensed mental health professional; or (viii) any other person deemed by the Department of Mental Health, Mental Retardation and Substance Abuse Services as having qualifications equivalent to those described in this definition. [Any unlicensed person who meets the requirements contained in this definition shall either be under the supervision of a licensed mental health professional or employed by an agency or organization licensed by the Department of Mental Health, Mental Retardation and Substance Abuse Services.]

"Rehabilitative services" means activities that are ordered by a physician or other qualified health care professional that are provided by a rehabilitative therapist (physical therapist, occupational therapist or speech-language pathologist). These activities may be necessary when a resident has demonstrated a change in his capabilities and are provided to ~~[enhance restore]~~ or improve his level of functioning.

"Resident" means any adult residing in an assisted living facility ~~[for the purpose of receiving maintenance or care]~~.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. Included in this level of service

are individuals who are dependent in medication administration as documented on the uniform assessment instrument. This definition includes the services provided by the facility to individuals who are assessed as capable of maintaining themselves in an independent living status.

"Respite care" means services provided for maintenance and care of aged, infirm or disabled adults for temporary periods of time, regularly or intermittently. Facilities offering this type of care are subject to this chapter.

"Restorative care" means activities designed to assist the resident in reaching or maintaining his level of potential. These activities are not required to be provided by a rehabilitative therapist and may include activities such as range of motion, assistance with ambulation, positioning, assistance and instruction in the activities of daily living, psychosocial skills training, and reorientation and reality orientation.

~~["Risk management" means a planned set of strategies intended to eliminate or reduce potential or actual harm to persons from risks to their person or well being, including but not limited to, environmental and physical hazards, harm from others or from self.]~~

"Safe, secure environment" means a self-contained special care unit for individuals with serious cognitive impairments due to a primary psychiatric diagnosis of dementia who cannot recognize danger or protect their own safety and welfare. Means of egress that lead to unprotected areas must be monitored or secured through devices that conform to applicable building and fire safety standards, including but not limited to door alarms, cameras, constant ~~[employee staff]~~ oversight, security bracelets that are part of an alarm system, pressure pads at doorways, delayed egress mechanisms, locking devices or perimeter fence gates. There may be one or more self-contained special care units in a facility or the whole facility may be a special care unit. [NOTE:] Nothing in this definition limits or contravenes the privacy protections set forth in § 63.2-1808 of the Code of Virginia.

"Sanitizing" means treating in such a way to remove bacteria and viruses through using a disinfectant solution (e.g., bleach solution or commercial chemical disinfectant) or physical agent (e.g., heat).

"Serious cognitive impairment" means severe deficit in mental capability of a chronic, enduring or long-term nature that affects areas such as thought processes, problem-solving, judgment, memory, and comprehension and that interferes with such things as reality orientation, ability to care for self, ability to recognize danger to self or others, and impulse control. Such cognitive impairment is not due to acute or episodic conditions, nor conditions arising from treatable metabolic or chemical imbalances or caused by reactions to medication or toxic substances.

"Significant change" means a change in a resident's condition that is expected to last longer than 30 days. It does not include short-term changes that resolve with or without intervention, a short-term acute illness or episodic event, or a well-established, predictive, cyclic pattern of clinical signs and symptoms associated with a previously diagnosed condition where an appropriate course of treatment is in progress.

"Skilled nursing treatment" means a service ordered by a physician [or other prescriber] that is provided by and within the scope and practice of a licensed nurse.

"Skills training" means systematic skill building through curriculum-based psychoeducational and cognitive-behavioral interventions. These interventions break down complex objectives for role performance into simpler components, including basic cognitive skills such as attention, to facilitate learning and competency.

["Staff" or "staff person" means personnel working at a facility who are compensated or have a financial interest in the facility, regardless of role, service, age, function or duration of employment at the facility. Staff or staff person also includes those individuals hired through a contract to provide services for the facility.]

"Substance abuse" means the use, without compelling medical reason, of alcohol or other legal or illegal drugs that results in psychological or physiological dependency or danger to self or others as a function of continued use in such a manner as to induce mental, emotional or physical impairment and cause socially dysfunctional or socially disordering behavior.

"Systems review" means a physical examination of the body to determine if the person is experiencing problems or distress, including cardiovascular system, respiratory system, gastrointestinal system, urinary system, endocrine system, musculoskeletal system, nervous system, sensory system and the skin.

"Transfer" means movement of a resident to a different assigned living area within the same licensed facility.

"Uniform assessment instrument (UAI)" means the department designated assessment form. There is an alternate version of the form that may be used for private pay residents. Social and financial information that is not relevant because of the resident's payment status is not included on the private pay version of the form.

22 VAC 40-72-20. Legal base and applicability.

A. Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2 of the Code of Virginia include requirements of law relating to licensure, including licensure of assisted living facilities.

B. This regulation applies to assisted living facilities as defined in § 63.2-100 of the Code of Virginia and in 22 VAC 40-72-10.

1. Each assisted living facility shall comply with Parts I (22 VAC 40-72-10 et seq.) through IX (22 VAC 40-72-930 et seq.) of this regulation.

2. An assisted living facility that cares for adults with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare shall also comply with Part X (22 VAC 40-72-980 et seq.) of this regulation.

22 VAC 40-72-30. Dedicated hospice facilities.

A. Providers operating an assisted living facility that is a dedicated hospice facility shall maintain compliance with both the department's regulations for the licensure of assisted living facilities and the Department of Health's regulations for the licensure of hospice.

B. When applicable regulations for licensure of assisted living facilities and licensure of hospice are similar, the more stringent regulation shall take precedence.

C. At the time of submission of a renewal application for an assisted living facility license, providers operating a dedicated hospice facility shall include a copy of all inspection reports and plans of correction for the licensed hospice for the previous assisted living facility licensure period. These reports may be taken into consideration in the department's decision to renew an assisted living facility's license.

[D. The administration of medications to residents of dedicated hospice facilities shall comply with 12 VAC 5-391-430 A and B. The use of medication aides is prohibited.

E. The health care oversight stipulated in 22 VAC 40-72-480 shall be conducted by a registered nurse, licensed physician, or a nurse practitioner or physician's assistant acting as assigned by the supervising physician and within the parameters of professional licensing.]

22 VAC 40-72-40. Program of care.

There shall be a program of care that:

1. Meets the resident population's physical, mental, emotional, and psychosocial needs;
2. Provides protection, guidance and supervision;
3. Promotes a sense of security and self-worth;
4. Promotes the resident's involvement with appropriate community resources; and
5. Meets the objectives of the service plan.

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PART II. ADMINISTRATION AND ADMINISTRATIVE SERVICES.

22 VAC 40-72-50. Licensee.

A. The licensee shall ensure compliance with all regulations for licensed assisted living facilities and terms of the license issued by the department; with relevant federal, state or local laws and other relevant regulations; and with the facility's own policies and procedures.

B. The licensee shall meet the following requirements:

1. The licensee shall give evidence of financial responsibility.

2. The licensee shall be of good character and reputation.

[~~NOTE:~~] Character and reputation investigation includes, but is not limited to, background checks as required by §§ 63.2-1702 and 63.2-1721 of the Code of Virginia.

3. The licensee shall meet the requirements specified in the Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers (22 VAC 40-90).

4. The licensee shall protect the physical and mental well-being of residents.

5. The licensee shall exercise general supervision over the affairs of the licensed facility and establish policies [and procedures] concerning its operation in conformance with applicable law, these regulations, and the welfare of the residents.

6. The licensee shall develop and maintain an operating budget, including resident care, dietary, and physical plant maintenance allocations and expenditures. The budget shall be sufficient to ensure adequate funds in all aspects of operation.

7. The licensee shall ensure that the facility [~~keep~~ keeps] such records, [~~make~~ makes] such reports and [~~maintain~~ maintains] such plans, schedules, and other information as required by this chapter for licensed assisted living facilities. The facility shall submit, or make available, to the department's representative, records, reports, plans, schedules, and other information necessary to establish compliance with this chapter and applicable law. Such records, reports, plans, schedules, and other information shall be maintained at the facility and may be inspected at any reasonable time by the department's representative.

8. The licensee shall meet the qualifications of and requirements for the administrator if he serves as the administrator of the facility.

C. An assisted living facility sponsored by a religious organization, a corporation or a voluntary association shall be controlled by a governing board of directors that shall fulfill the duties of the licensee.

D. Upon initial application for an assisted living facility license, any person applying to operate such a facility who has not previously owned or managed or does not currently own or manage a licensed assisted living facility shall be required to undergo training by the commissioner or his designated agents. Such training shall be required of those owners and currently employed administrators of an assisted living facility at the time of initial application for a license.

1. The commissioner may also approve training programs provided by other entities and allow owners or administrators to attend such approved training programs in lieu of training by the department.

2. The commissioner may [at his discretion] also approve for licensure applicants who meet requisite experience criteria as established by the board.

3. The training programs shall focus on the health and safety regulations and resident rights as they pertain to assisted living facilities and shall be completed by the owner or administrator prior to the granting of an initial license.

4. The commissioner may, at his discretion, issue a license conditioned upon the owner or administrator's completion of the required training.

E. If there are plans for a facility to be voluntarily closed or sold, the licensee shall notify the licensing office of intent to close or sell the facility no less than 60 days prior to the closure or sale date. The following shall apply:

1. No less than 60 days prior to the planned closure or sale date, the licensee shall notify the residents, legal representatives, and designated contact persons of the intended closure or sale of the facility and the date for such, and the requirements of 22 VAC 40-72-420 shall apply.

2. If the facility is to be sold, at the time of notification of residents of such, the licensee shall explain to each resident, legal representative, and at least one designated contact person that unless provided otherwise by the new licensee, the resident has a choice as to whether to stay or to relocate and that if a resident chooses to stay, there must be a new agreement/acknowledgment between the resident and the new licensee that meets the specifications of 22 VAC 40-72-390.

3. The licensee shall provide updates regarding the closure or sale of the facility to the licensing office, as requested.

EXCEPTION: If plans are made at such time that 60-day notice is not possible, the licensee shall notify the licensing office, the residents, legal representatives, and designated contact persons as soon as the intent to close or sell the facility is known.

22 VAC 40-72-60. Disclosure.

A. The assisted living facility shall prepare and provide a statement to the prospective resident and his legal representative, if any, that discloses information about the facility. The statement shall be on a form developed by the department and shall:

1. Disclose information fully and accurately in plain language;

2. Be provided to the prospective resident and his legal representative at least five days in advance of the planned admission date, and prior to signing an admission agreement or contract;

[EXCEPTION: If circumstances are such that resident admission to a facility prevents disclosure of the information at least five days in advance, then the information shall be disclosed at the earliest possible time prior to signing an admission agreement or contract. The circumstances causing the delay shall be documented.]

3. Be provided to a resident or his legal representative upon request; and

4. Disclose the following information, which shall be kept current:

a. Name of the facility;

b. Name of the licensee;

c. Names of any other [assisted living] facilities for which the licensee has [~~been issued~~] a [~~current~~] license [~~issued~~] by the Commonwealth of Virginia;

d. Ownership structure of the facility, i.e., individual, partnership, corporation, limited liability company, unincorporated association or public agency;

[~~e. Owner of the property, if it is leased;~~

~~f. e.] Name of management company that operates the facility, if other than the licensee;~~

[~~g. f.] Licensed capacity of the facility and description of the characteristics of the resident population;~~

[~~h. g.] Description of all accommodations, services, and care that the facility offers;~~

[~~i. h.] Fees charged for accommodations, services, and care, including clear information about what is included in the base fee and any fees for additional accommodations, services, and care;~~

[~~j. i.] Policy regarding increases in charges and length of time for advance notice of intent to increase charges;~~

[~~k. j.] Amount of an advance or deposit payment and refund policy for such payment;~~

[~~k.] Criteria for admission to the facility and any restrictions on admission;~~

[~~m. l.] Criteria for transfer to a different living area within the same facility, including transfer to another level [, gradation, or type] of care within the same facility or complex;~~

[~~n. m.] Criteria for discharge, including the actions, circumstances, or conditions that would result or [~~might~~ may] result in the resident's discharge from the facility;~~

[~~o. n.] Requirements or rules regarding resident conduct and other restrictions and special conditions;~~

[~~p. o.] Range, categories, frequency, and number of activities provided for residents;~~

[~~q. p.] General number, functions, and qualifications of staff on each shift;~~

[~~r.] [~~Indication of whether contractors are used to provide any essential services to residents and, if used, provide names of contractors upon request~~ q. Notification that names of contractors providing essential services to residents are available upon request]; and~~

[~~s. r.] Address of the website of the department, with a note that additional information about the facility may be obtained from the website, including type of license, special services, and compliance history that includes information after July 1, 2003.~~

B. If a prospective resident is admitted to the facility, written acknowledgement of the receipt of the disclosure by the resident or his legal representative shall be retained in his record.

[~~EXCEPTION: If circumstances are such that resident admission to a facility prevents disclosure of the information at least five days in advance, then the information shall be disclosed at the earliest possible time prior to signing an admission agreement or contract. The circumstances causing the delay shall be documented.]~~

C. The information required in this section shall also be available to the general public.

22 VAC 40-72-70. [~~Risk management. (Reserved.)]~~

[~~The licensee or his designee shall develop, implement, monitor, and evaluate a risk management plan for the facility that addresses risk to residents, employees, volunteers and visitors. The plan shall be in writing and shall include procedures for identifying, monitoring, and preventing or minimizing risks associated with, but not limited to, injuries, errors in medication administration or documentation, dermal ulcers, infections, falls, wandering, aggression, suicide and suicide attempts, assaults, resident abuse, procedure errors, and environmental and physical hazards.~~

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22 VAC 40-72-80. [~~Quality improvement. (Reserved.)~~]

[A. Each assisted living facility shall develop and implement an ongoing quality improvement program to evaluate objectively and systematically the quality of resident care and services, pursue opportunities to improve care and services, and resolve identified problems.

B. Each facility shall perform a comprehensive, integrated, self-assessment of the quality and appropriateness of care provided to meet the needs of residents, including services provided under contract or agreement. The administrator shall involve in the assessment direct care staff and any other employees as deemed appropriate. The self-assessment shall be performed at least quarterly and shall include, but not be limited to, an examination of the following:

1. Appropriateness of services provided to residents;
2. Results of resident care;
3. Degree of individual resident participation in decisions regarding the care and services provided to him;
4. Unacceptable or unexpected trends or occurrences;
5. Degree of satisfaction of residents and their families;
6. Appropriateness of complaint resolution;
7. Employee concerns;
8. Findings and recommendations from the health care oversight required by 22 VAC 40-72-480 and actions taken as a result;
9. Incident reports and other occurrences as required in 22 VAC 40-72-100; and
10. Findings of department inspections and actions taken to correct violations.

C. The facility shall use the findings of the self-assessment to improve the quality and appropriateness of care and services to residents. The facility shall develop and implement appropriate plans of action to:

1. Correct identified deficiencies and their causes;
2. Resolve systemic problems;
3. Revise policies and practices, as necessary; and
4. Improve overall care and services.

D. The facility shall document compliance with these requirements and the outcomes of the plans of action. Relevant dates and the signature of the administrator indicating review of the documentation shall be included. The documentation for at least the most recent three year period shall be maintained at the facility.]

22 VAC 40-72-90. Infection control program.

A. The assisted living facility shall establish and maintain an infection control program designed to provide a safe, sanitary, and comfortable environment and to prevent the development and transmission of disease and infection.

B. The infection control program shall [~~encompass~~ include all staff and services and] the entire physical plant and grounds [~~and all services~~].

C. The infection control program addressing the surveillance, prevention and control of infections shall include:

1. Establishing procedures to isolate the infecting organism;
2. Providing easy access to handwashing equipment for all [~~employees staff~~] and volunteers;
3. Training for and supervisory monitoring of all [~~employees staff~~] and volunteers in proper handwashing techniques, according to accepted professional standards, to prevent cross contamination;
4. Training for all [~~employees staff~~] and volunteers in appropriate implementation of standard precautions;
5. Prohibiting [~~employees staff~~] and volunteers with communicable diseases or infections from direct contact with residents or their food, if direct contact may transmit disease;
6. Monitoring [~~employees' and volunteers'~~] performance of infection control practices [~~by staff and volunteers~~];
7. Handling, storing, processing and transporting linens, supplies and equipment in a manner that prevents the spread of infection;
8. Handling, storing, processing and transporting medical waste in accordance with applicable regulations;
9. Maintaining an effective pest control program; and
10. Providing [~~employee staff~~] and volunteer education regarding infection risk-reduction behavior.

D. The methods utilized for infection control shall be described in a written document that shall be available to all staff.

22 VAC 40-72-100. Incident [~~and occurrence~~] reports.

A. Each facility shall report to the licensing office by the next working day any major incident that has negatively affected [~~or could threaten~~ or that threatens] the life, health, safety or welfare of any resident.

[B. Each facility shall report to the licensing office by the next working day the following occurrences:

~~1. Absence/elopement of a resident from the facility when the resident cannot be located or has left the premises and there is sufficient reason to question his whereabouts;~~

~~2. An outbreak of a contagious disease or condition among residents, or an outbreak of food poisoning among residents;~~

~~3. Significant physical damage to the facility, disruption of utilities services, call to the fire department or evacuation of the building or any rooms in the building due to a fire, natural disaster or other emergency;~~

~~4. An occurrence that requires the services of a law-enforcement agency.~~

~~C. B.] The report required in [subsections A and B subsection A] of this section shall include (i) the name of the facility, (ii) the name(s) of the resident(s) involved in the incident [or occurrence], (iii) the name of the person making the report, (iv) the date of the incident [or occurrence], [(iv) (v)] a description of the incident [or occurrence], and [(v) (vi)] the actions taken in response to the incident [or occurrence].~~

~~[D. C.] The facility shall submit a written report of each incident [or occurrence] specified in [subsections A and B subsection A] of this section to the licensing office within seven days after the incident [or occurrence] took place. The report shall be signed and dated by the administrator and include the following information:~~

- ~~1. Name and address of the facility;~~
- ~~2. Name of the resident(s) involved in the incident [or occurrence];~~
- ~~3. Date and time of the incident [or occurrence];~~
- ~~4. Name, title, and signature of the person making the report;~~
- ~~5. Date of completion of the report;~~
- ~~6. Type of incident [or occurrence];~~
- ~~7. Description of the incident [or occurrence], the circumstances under which it happened, and when applicable, extent of injury or damage;~~
- ~~8. Location of the incident [or occurrence];~~
- ~~9. Actions taken in response to the incident [or occurrence];~~
- ~~10. Outcome resolution of the incident [or occurrence], and if applicable follow-up actions or care;~~
- ~~11. Name of [employee staff person] in charge at the time of the incident [or occurrence];~~
- ~~12. Names, telephone numbers and addresses of witnesses to the incident [or occurrence], if any.~~

~~[E. D.] The facility shall submit [to the licensing office] amendments to the written report when circumstances require, such as when [substantial] additional actions are taken [, significant new information becomes available,] or there is resolution of the incident [or occurrence] after submission of the report [or significant new information becomes available].~~

~~[F. E.] A copy of the written report of each incident [or occurrence] shall be maintained by the facility for at least two years.~~

~~22 VAC 40-72-110. [Provision of data. (Reserved.)]~~

~~[As requested by the department, but not more than twice annually, the facility shall provide the department with demographic and clinical data on its residents. Such data may include, but shall not be limited to, the average age of persons in care, number of private pay persons and number of public pay persons, and the number of persons meeting certain major medical and psychiatric diagnostic categories.]~~

~~22 VAC 40-72-120. Conservator or guardian.~~

~~The facility licensee/operator, facility administrator, relatives of the licensee/operator or administrator, or facility [employees staff] shall not act as, seek to become, or become the conservator or guardian of any resident unless specifically so appointed by a court of competent jurisdiction pursuant to Article 1 (§ 37.2-1000 et seq.) of Chapter 10 of Title 37.2 of the Code of Virginia.~~

~~22 VAC 40-72-130. Management and control of resident funds.~~

~~Pursuant to § 63.2-1808 A 3 of the Code of Virginia, unless a conservator or guardian of a resident has been appointed (see 22 VAC 40-72-120), the resident shall be free to manage his personal finances and funds; provided, however, that the facility may assist the resident in such management in accordance with 22 VAC 40-72-140 and 22 VAC 40-72-150.~~

~~22 VAC 40-72-140. Resident accounts.~~

~~The facility shall provide to each resident [or the resident's conservator or guardian, if one has been appointed,] a monthly statement or itemized receipt of the resident's account and shall [also] place a copy [also] in the resident's record. The monthly statement or itemized receipt shall itemize any charges made and any payments received during the previous 30 days or during the previous calendar month and shall show the balance due or any credits for overpayment on the resident's account.~~

~~22 VAC 40-72-150. Safeguarding residents' funds.~~

~~A. If the resident delegates the management of personal funds to the facility, the following standards apply:~~

- ~~1. Residents' funds shall be held separately from any other moneys of the facility. Residents' funds shall not be~~

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borrowed, used as assets of the facility, or used for purposes of personal interest by the licensee/operator, administrator, or facility [~~employee~~ staff].

2. If the facility's accumulated residents' funds are maintained in a single interest-bearing account, each resident shall receive interest proportionate to his average monthly account balance. The facility may deduct a reasonable cost for administration of the account.

3. If any personal funds are held by the facility for safekeeping on behalf of the resident, a written accounting of money received and disbursed, showing a current balance, shall be maintained. Residents' funds and the accounting of the funds shall be made available to the resident or the legal representative or both upon request.

B. No facility administrator or [~~employee~~ staff person] shall act as either attorney-in-fact or trustee unless the resident has no other preferred designee and the resident himself expressly requests such service by or through facility personnel. Any facility administrator or [~~employee~~ staff person] so named shall be accountable at all times in the proper discharge of such fiduciary responsibility as provided under Virginia law, shall provide a quarterly accounting to the resident, and, upon termination of the power of attorney or trust for any reason, shall return all funds and assets, with full accounting, to the resident or to his legal representative or to another responsible party expressly designated by the resident. See also 22 VAC 40-72-120 regarding conservators or guardians appointed by a court of competent jurisdiction.

PART III. PERSONNEL.

22 VAC 40-72-160. Personnel policies and procedures.

A. The facility shall develop and keep current a written job description for each position in the facility. The job description shall include:

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

B. Each [~~employee~~ staff person] shall be given a copy of his current job description and of the facility's current organizational chart.

C. The facility shall develop and implement procedures for verifying current professional licensing, registration, or certification and training of [~~employees~~ staff].

D. The facility shall develop and implement procedures for annually evaluating [~~employee~~ staff] performance.

E. Individual training needs and plans shall be a part of the performance evaluation.

22 VAC 40-72-170. [~~Employee~~ Staff] general qualifications.

A. All [~~employees~~ staff] shall:

1. Be of good character and reputation;
2. Be physically and mentally capable of carrying out assigned responsibilities;
3. Be considerate and respectful of the rights, dignity and sensitivities of aged and disabled persons;
4. Be clean and well-groomed; and
5. Meet the requirements specified in the Regulation for Background Checks for Assisted Living Facilities and Adult Day Care Centers (22 VAC 40-90).

B. All [~~employees~~ staff] shall be able to communicate effectively in English both orally and in writing as applicable to their job responsibilities.

22 VAC 40-72-180. [~~Employee~~ Staff] orientation.

A. The training and orientation required in subsections B [~~;~~ and] C [~~and D~~] of this section shall occur within the first seven days of employment [~~;~~] and unless under the sight supervision of a trained direct care staff person or administrator, prior to assuming job responsibilities.

B. All [~~employees~~ staff] shall be trained in:

1. The purpose of the facility;
2. The services provided;
3. The daily routines;
4. The facility's policies and procedures;
5. Specific duties and responsibilities of their positions; and
6. Required compliance with regulations for assisted living facilities as it relates to their duties and responsibilities.

C. All [~~employees~~ staff] shall be trained in the relevant laws, regulations, and the facility's policies and procedures sufficiently to implement the following:

1. Emergency and disaster plans for the facility;
2. Techniques of complying with emergency and disaster plans including evacuating residents when applicable;
3. Procedures for the handling of resident emergencies;
4. Use of the first aid kit and knowledge of its location;
5. Handwashing techniques, standard precautions, infection risk-reduction behavior, and other infection control measures specified in 22 VAC 40-72-90;
6. Confidential treatment of personal information;

7. Observance of the rights and responsibilities of residents;

8. Requirements and procedures for detecting and reporting suspected abuse, neglect, or exploitation of residents and for mandated reporters, the consequences for failing to make a required report. ([~~NOTE:~~] Section 63.2-1606 of the Code of Virginia specifies requirements and procedures for reporting and consequences for not reporting.) [~~(NOTE: See 22 VAC 40-72-10 for a definition of mandated reporter);]~~

9. Procedures for reporting and documenting incidents [~~and other occurrences~~] as required in 22 VAC 40-72-100;

10. Methods of [~~easing adjustment difficulties for alleviating~~] common adjustment problems that may occur when a resident moves from one residential environment to another; and

11. For direct care staff, the needs, preferences and routines of the residents for whom they will provide care.

22 VAC 40-72-190. Administrator provisions and responsibilities.

A. Each facility shall have an administrator of record. This does not prohibit the administrator from serving as the administrator of record for more than one facility.

B. The licensee shall notify the licensing office in writing within 10 working days of a change in a facility's administrator including, but not limited to, the resignation of an administrator, appointment of an acting administrator, and appointment of a new administrator.

C. When an administrator terminates employment, the licensee shall hire a new administrator within 90 days from the date of termination. Unless a new administrator is employed immediately, a qualified acting administrator shall be appointed when the administrator terminates employment.

D. [~~It shall be the duty of the administrator to~~ The administrator shall be responsible for the general administration of the facility and shall] oversee the day-to-day operation of the facility. This shall include, but shall not be limited to, responsibility for:

1. Developing and implementing all policies and services as required by this chapter;

2. Ensuring [~~employees staff~~] and volunteers comply with residents' rights;

3. Maintaining buildings and grounds;

4. Recruiting, hiring, training, and supervising [~~employees staff~~] ; and

5. Ensuring the development, implementation, and monitoring of an individualized service plan for each resident, except that a plan is not required for a resident with independent living status.

E. Either the administrator or a designated assistant who meets the qualifications of the administrator shall be awake and on duty on the premises at least 40 hours per week with no fewer than 24 of those hours being during the day shift on week days.

EXCEPTIONS:

1. 22 VAC 40-72-220 allows a shared administrator for smaller facilities.

2. In facilities licensed for both residential and assisted living care, if the designated assistant is performing as an administrator for fewer than 15 of the 40 hours or for fewer than four weeks due to the vacation or illness of the administrator, the requirements of 22 VAC 40-72-200 D shall be acceptable.

F. The facility shall maintain a written schedule of the on-site presence of the administrator and, if applicable, the designated assistant or, as provided for in 22 VAC 40-72-220 and 22 VAC 40-72-230, the manager.

1. Any changes shall be noted on the schedule.

2. The facility shall maintain a copy of the schedule for two years.

22 VAC 40-72-200. Administrator qualifications.

A. The administrator shall be at least 21 years of age.

B. The administrator shall be able to read and write, and understand this chapter.

C. The administrator shall be able to perform the duties and carry out the responsibilities required by this chapter.

D. For facilities licensed for residential living care only, the administrator shall:

1. Be a high school graduate or shall have a General Education Development (GED) Certificate;

2. (i) Have successfully completed at least 30 credit hours of postsecondary education from a college or university accredited by an association recognized by the U.S. Secretary of Education or (ii) have successfully completed a department-approved course specific to the administration of an assisted living facility; and

3. Have at least one year of administrative or supervisory experience in caring for adults in a group care facility.

[EXCEPTION EXCEPTIONS]:

1. A licensed nursing home administrator who meets the qualifications under § 54.1-3103 of the Code of Virginia;

2. A licensed nurse who meets the experience requirements in subdivision [4 3] of this subsection;

3. An administrator of an assisted living facility employed prior to [~~(insert the effective date of these standards)~~

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December 28, 2006,] who met the requirements in effect when employed [and who has been continuously employed as an assisted living facility administrator].

E. [~~For~~ Until the provisions of this subsection expire as specified in subsection F of this section, for] facilities licensed for both residential and assisted living care, the administrator shall:

1. Be a graduate of a four-year college or university accredited by an association recognized by the U.S. Secretary of Education; or

2. Have successfully completed at least 60 credit hours of courses in human services or group care administration, from a college or university accredited by an association recognized by the U.S. Secretary of Education; or

EXCEPTION: Ten or fewer of the 60 credit hours may be in business courses.

3. Have successfully completed at least 30 credit hours of courses in human services or group care administration from a college or university accredited by an association recognized by the U.S. Secretary of Education and have successfully completed a department-approved course specific to the administration of an assisted living facility; and

4. Have completed at least one year of administrative or supervisory experience in caring for adults in a group care facility.

EXCEPTIONS:

1. A licensed nursing home administrator who meets the qualifications under § 54.1-3103 of the Code of Virginia;

2. A licensed [registered] nurse who meets the experience requirements in subdivision 4 of this subsection;

3. An administrator of an assisted living facility employed prior to [~~(insert the effective date of these standards)~~, December 28, 2006,] who met the requirements in effect when employed and who has been continuously employed as an assisted living facility administrator.

EXCEPTION: An administrator employed prior to February 1, 1996, who met the exception to the standards effective February 1, 1996, shall successfully complete within one year a department-approved course specific to the administration of an assisted living facility.

[F. The provisions of subsection E of this section expire one year after the effective date of regulations promulgated by the Board of Long-Term Care Administrators for the licensure of assisted living facility administrators. Thereafter, assisted living administrators for facilities licensed for both residential and assisted living care shall meet the qualifications for licensure and be licensed by the Board of Long-Term Care

Administrators within the Virginia Department of Health Professions.]

[~~F. G.~~] The administrator [, designated assistant administrator, or acting administrator] shall not be a resident of the facility.

22 VAC 40-72-210. Administrator training.

A. The administrator shall attend at least 20 hours of training related to management or operation of a residential facility for adults or relevant to the population in care within 12 months from the date of employment and annually thereafter from that date. When adults with mental impairments reside in the facility, at least five of the required 20 hours of training shall focus on topics related to residents' mental impairments. Documentation of attendance shall be retained at the facility and shall include title of course, name of the [~~institution~~ entity] that provided the training, date and number of hours.

B. Any administrator who has not previously undergone the training specified in 22 VAC 40-72-50 D shall be required to complete that training within two months of employment as administrator of the facility. The training may be counted toward the annual training requirement for the first year.

EXCEPTION: Administrators employed prior to [~~(insert the effective date of these standards)~~ December 28, 2006,] are not required to complete this training.

C. Administrators shall be required to complete [~~refresher~~] training [~~when on~~] standards [when they] are revised, unless the department determines that such training is not necessary.

D. If medication is administered to residents by medication aides as allowed in 22 VAC 40-72-660 1 b [~~and e~~], the administrator shall successfully complete a medication training program approved by the Board of Nursing. The training shall be completed within four months of employment as an administrator and may be counted toward the annual training requirement for the first year. [Administrators employed prior to December 28, 2006, have six months from December 28, 2006, to successfully complete the medication training program.] The following exceptions apply:

1. The administrator is licensed by the Commonwealth of Virginia to administer medications; or

2. Medication aides are supervised by an individual employed full time at the facility who is licensed by the Commonwealth of Virginia to administer medications.

22 VAC 40-72-220. Shared administrator for smaller facilities.

The administrator may be awake and on duty on the premises for fewer than the minimum 40 hours per week, without a designated assistant, under the following conditions:

1. In facilities licensed for 10 or fewer residents:

- a. The administrator shall be awake and on duty on the premises of each facility for at least 10 hours a week; and
- b. The administrator shall serve no more than four facilities.

2. In facilities licensed for 11-19 residents:

- a. The administrator shall be awake and on duty on the premises of each facility for at least 20 hours a week; and
- b. The administrator shall serve no more than two facilities.

3. In facilities licensed for 10 or fewer residents as specified in subdivision 1 of this section and in facilities licensed for 11-19 residents as specified in subdivision 2 of this section:

- a. The administrator shall serve as a full time administrator, i.e., shall be awake and on duty on the premises of more than one assisted living facility for at least 40 hours a week;
- b. Each of the facilities served shall be within a 30-minute average travel time of the other facilities;
- c. When not present at a facility, the administrator shall be on call to that facility during the hours he is working as an administrator and shall maintain such accessibility through suitable communication devices;
- d. A designated assistant may act in place of the administrator during the required minimum of 40 hours only if the administrator is ill or on vacation and for a period of time that shall not exceed four weeks. The designated assistant shall meet the qualifications of the administrator;
- e. There shall be a designated person who shall serve as manager and who shall be awake and on duty on the premises of each facility for the remaining part of the 40 required hours when the administrator is not present at the facility and who shall be supervised by the administrator. The manager shall meet the following minimum qualifications and requirements:
 - (1) The manager shall be at least 21 years of age.
 - (2) The manager shall be able to read and write, and understand this chapter.
 - (3) The manager shall be able to perform the duties and to carry out the responsibilities of his position.
 - (4) The manager shall:
 - (a) Be a high school graduate or shall have a General Education Development (GED) Certificate; [and]
 - (b) Have successfully completed [(i)] at least 30 credit hours of postsecondary education from a college or

university accredited by an association recognized by the U.S. Secretary of Education [;] or [(e) Have successfully completed (ii)] a department-approved course [of 40 or fewer hours] specific to the [administration management] of an assisted living facility; and

[(d) (c)] Have at least one year of administrative or supervisory experience in caring for adults in a group care facility.

[EXCEPTION: A licensed nurse who meets the experience requirements in subdivision (c) of this subdivision (4).]

(5) The manager shall not be a resident of the facility;

f. The manager shall complete the training specified in 22 VAC 40-72-50 D within two months of employment as manager. The training may be counted toward the annual training requirement for the first year;

g. Managers shall be required to complete [refresher] training [on standards] when [standards they] are revised, unless the department determines that such training is not necessary;

h. The manager shall attend at least 16 hours of training related to management or operation of a residential facility for adults or relevant to the population in care within each 12-month period. When adults with mental impairments reside in the facility, at least four of the required 16 hours of training shall focus on topics related to residents' mental impairments. Documentation of attendance shall be retained at the facility and shall include title of course, name of the [institution entity] that provided the training, date and number of hours;

i. There shall be a written management plan for each facility that includes written policies and procedures that describe how the administrator shall oversee the care and supervision of the residents and the day-to-day operation of the facility;

[j. Each facility shall maintain a schedule that specifies for both the administrator and the manager the days and times each shall be awake and on duty on the premises. Any changes shall be noted on the schedule, which shall be retained for two years;

k. j.] The minimum of 40 hours required for the administrator or manager to be awake and on duty on the premises of a facility shall include at least 24 hours [being] during the day shift on week days.

4. This section shall not apply to an administrator who serves both an assisted living facility and a nursing home, as provided for in 22 VAC 40-72-230.

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22 VAC 40-72-230. Administrator of both assisted living facility and nursing home.

A. Any person meeting the qualifications for a licensed nursing home administrator pursuant to § 54.1-3103 of the Code of Virginia may serve as the administrator of both an assisted living facility and a licensed nursing home, provided the assisted living facility and licensed nursing home are part of the same building and the requirements of subsections B and C of this section are met.

B. Whenever an assisted living facility and a licensed nursing home have a single administrator, there shall be a written management plan that addresses the care and supervision of the assisted living facility residents. The management plan shall include, but not be limited to, the following:

1. Written policies and procedures that describe how the administrator will oversee the care and supervision of the residents and the day-to-day operation of the facility;

2. If the administrator does not provide the direct management of the assisted living facility or only provides a portion thereof, the plan shall specify a designated individual who shall serve as manager and who shall be supervised by the administrator.

C. The manager referred to in subdivision B 2 of this section shall be on-site and meet the following minimum qualifications and requirements:

1. The manager shall be at least 21 years of age.

2. The manager shall be able to read and write, and understand this chapter.

3. The manager shall be able to perform the duties and carry out the responsibilities of his position.

4. The manager shall:

a. Be a high school graduate or shall have a General Education Development (GED) Certificate;

b. (i) Have successfully completed at least 30 credit hours of postsecondary education from a college or university accredited by an association recognized by the U.S. Secretary of Education or (ii) have successfully completed a department-approved course [of 40 or fewer hours] specific to the [~~administration~~ management] of an assisted living facility; and

c. Have at least one year of administrative or supervisory experience in caring for adults in a group care facility.

[EXCEPTION EXCEPTIONS]:

[1. A licensed nurse who meets the experience requirements in subdivision c of this subdivision 4;

2.] A manager employed prior to [~~(insert the effective date of these standards)~~ December 28, 2006,] who met

the requirements in effect when employed and who has been continuously employed as a manager.

5. The manager shall not be a resident of the facility.

6. The manager shall complete the training specified in 22 VAC 40-72-50 D within two months of employment as manager. The training may be counted toward the annual training requirement for the first year.

EXCEPTION: Managers employed prior to [~~(insert the effective date of these standards)~~ December 28, 2006,] are not required to complete this training.

7. Managers shall be required to complete [~~refresher~~] training [on standards] when [~~standards~~ they] are revised, unless the department determines that such training is not necessary.

8. The manager shall attend at least 16 hours of training related to management or operation of a residential facility for adults or relevant to the population in care within each 12-month period. When adults with mental impairments reside in the facility, at least four of the required 16 hours of training shall focus on residents who are mentally impaired. Documentation of attendance shall be retained at the facility and shall include title of course, name of the [~~institution~~ entity] that provided the training, date and number of hours.

22 VAC 40-72-240. Designated staff person in charge.

A. When the administrator or designated assistant who meets the qualifications of the administrator or the manager who meets the qualifications specified in 22 VAC 40-72-220 or 22 VAC 40-72-230 is not awake and on duty on the premises, there shall be a designated direct care staff member in charge [on the premises], who has specific duties and responsibilities as determined by the administrator.

[EXCEPTION: When no residents are present at the facility, the designated staff person in charge does not have to be on the premises.]

B. Prior to being placed in charge, the staff member shall be informed of and receive training on his duties and responsibilities, and be provided written documentation of such duties and responsibilities.

C. The staff member shall be awake and on duty on the premises while in charge.

D. The staff member in charge shall be capable of protecting the physical and mental well-being of the residents.

E. The administrator shall ensure that the staff member in charge is prepared to carry out his duties and responsibilities and respond appropriately in case of an emergency.

F. The staff member in charge shall not be a resident of the facility.

[G. There shall be a written schedule of when the designated staff person is in charge that includes the name of the person in charge.

1. Any changes shall be noted on the schedule.
2. The facility shall maintain a copy of the schedule for two years.]

22 VAC 40-72-250. Direct care staff qualifications.

A. Direct care staff shall be at least 18 years of age unless certified in Virginia as a nurse aide.

B. Direct care staff who are responsible for caring for residents with special health care needs shall only provide services within the scope of their practice and training.

C. In facilities licensed for both residential and assisted living care, all direct care staff who care for residents who meet the criteria for assisted living care shall have satisfactorily completed, or within 30 days of employment shall enroll in and successfully complete within two months of employment, a training program consistent with department requirements, except as noted in subsections D and E of this section. Department requirements shall be met in one of the following five ways:

1. Registration in Virginia as a certified nurse aide.
2. Graduation from a Virginia Board of Nursing-approved educational curriculum from a Virginia Board of Nursing accredited institution for nursing assistant, geriatric assistant or home health aide.
3. Graduation from a personal care aide training program approved by the Virginia Department of Medical Assistance Services.
4. Graduation from a department-approved educational curriculum for nursing assistant, geriatric assistant or home health aide. The curriculum is provided by a hospital, nursing facility, or educational institution not approved by the Virginia Board of Nursing, e.g., out-of-state curriculum. To obtain department approval:
 - a. The facility shall provide to the department's representative an outline of the course content, dates and hours of instruction received, the name of the [institution entity] that provided the training, and other pertinent information.
 - b. The department will make a determination based on the above information and provide written confirmation to the facility when the course meets department requirements.
5. Successful completion of the department-approved 40-hour direct care staff training provided by a licensed health care professional acting within the scope of the requirements of his profession.

D. Licensed health care professionals acting within the scope of the requirements of their profession are not required to complete the training in subsection C of this section.

E. Direct care staff of the facility employed prior to February 1, 1996, shall not be required to complete the training in subsection C of this section if they (i) have been continuously employed as direct care staff in the facility since then and (ii) have demonstrated competency on a skills checklist dated and signed no later than February 1, 1997, by a licensed health care professional acting within the scope of the requirements of his profession.

F. In respect to the requirements of subsection C of this section, the facility shall obtain a copy of the certificate issued to the certified nurse aide, the nursing assistant, geriatric assistant or home health aide, personal care aide, or documentation indicating the department-approved 40-hour direct care staff training has been successfully completed. The copy of the certificate or the appropriate documentation shall be retained in the staff member's file.

G. The administrator shall develop and implement a written plan for supervision of direct care staff who have not yet successfully completed the training program as allowed for in subsection C of this section.

22 VAC 40-72-260. Direct care staff training.

A. In facilities licensed for residential living care only, [~~commencing no later than 60 days after employment,~~] all direct care staff shall attend at least eight hours of training annually (in addition to required first aid and CPR training). [Training for the first year shall commence no later than 60 days after employment.]

1. The training shall be relevant to the population in care and shall be provided [by a qualified individual] through in-service training programs or institutes, workshops, classes, or conferences.

2. When adults with mental impairments reside in the facility, at least two of the required eight hours of training shall focus on the resident who is mentally impaired.

3. Documentation of the type of training received, the entity that provided the training, number of hours of training, and dates of the training shall be kept by the facility in a manner that allows for identification by individual [~~employee~~ staff person] and is considered part of the staff member's record.

B. In facilities licensed for both residential and assisted living care, [~~commencing no later than 60 days after employment,~~] all direct care staff shall attend at least 16 hours of training annually (in addition to first aid and CPR training). [Training for the first year shall commence no later than 60 days after employment.]

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1. The training shall be relevant to the population in care and shall be provided through in-service training programs or institutes, workshops, classes, or conferences.

2. When adults with mental impairments reside in the facility, at least four of the required 16 hours of training shall focus on the resident who is mentally impaired.

3. Documentation of the type of training received, the entity that provided the training, number of hours of training, and dates of the training shall be kept by the facility in a manner that allows for identification by individual [~~employee~~ staff person] and is considered part of the [~~employee's~~ staff person's] record.

EXCEPTION: Direct care staff who are licensed health care professionals or certified nurse aides shall attend at least 12 hours of annual training.

22 VAC 40-72-270. [~~Employee Staff~~] duties performed by residents.

A. Any resident who performs any [~~employee~~ staff] duties shall meet the personnel and health requirements for that position.

B. There shall be a written agreement between the facility and any resident who performs [~~employee~~ staff] duties.

1. The agreement shall specify duties, hours of work, and compensation.

2. The agreement shall not be a condition for admission or continued residence.

3. The resident shall enter into such an agreement voluntarily.

22 VAC 40-72-280. Volunteers.

A. Any volunteers used shall:

1. Have qualifications appropriate to the services they render; and

2. Be subject to laws and regulations governing confidential treatment of personal information.

B. No volunteer shall be permitted to serve in an assisted living facility without the permission of or unless under the supervision of a person who has received a criminal record clearance pursuant to § 63.2-1720 of the Code of Virginia.

C. The facility shall maintain the following written documentation on volunteers:

1. Name.

2. Address.

3. Telephone number.

4. Emergency contact information.

D. Duties and responsibilities of all volunteers shall be clearly differentiated from those of persons regularly filling [~~employee~~ staff] positions.

E. At least one [~~employee~~ staff person] shall be assigned responsibility for overall selection, supervision and orientation of volunteers.

F. Prior to beginning volunteer service, all volunteers shall attend an orientation including information on their duties and responsibilities, resident rights, confidentiality, emergency procedures, infection control, the name of their supervisor, and reporting requirements.

G. All volunteers shall be under the direct supervision of a designated [~~employee~~ staff person] when residents are present.

22 VAC 40-72-290. [~~Employee Staff~~] records and health requirements.

A. A record shall be established for each [~~employee~~ staff person]. It shall not be destroyed until at least two years after employment is terminated.

B. All [~~employee~~ staff] records shall be retained at the facility, treated confidentially, kept in a locked area, and made available for inspection by the department's representative upon request.

EXCEPTION: Emergency contact information required by subdivision C 14 of this section shall also be kept in an easily accessible place.

C. Personal and social data to be maintained on [~~employees~~ staff] and included in the [~~employee~~ staff] record are as follows:

1. Name;

2. Birthdate;

3. Current address and telephone number;

4. Social security number;

5. Position title, job description and date employed;

6. Verification that the [~~employee~~ staff person] has received a copy of his job description and the organizational chart;

7. Most recent previous employment;

8. For persons employed after November 9, 1975, copies of at least two references or notations of verbal references, obtained prior to employment, reflecting the date of the reference, the source and the content;

9. [~~For persons employed after July 1, 1992, an An~~] original criminal record report and a sworn disclosure statement;

10. Previous experience or training or both;

11. Verification of current professional license, certification, registration, or completion of a required approved training course;

12. Annual [~~employee staff~~] performance evaluations;

13. Any disciplinary action taken;

14. Name and telephone number of person to contact in an emergency;

15. Documentation of formal training received following employment, including orientation, in-services and workshops; and

16. Date and reason for termination of employment, when applicable.

D. Health information required by these standards shall be maintained at the facility and [~~be~~] included in the [~~employee staff~~] record for the administrator and each [~~employee staff person~~], and also shall be maintained at the facility for each household member who comes in contact with residents.

1. Initial tuberculosis examination and report.

a. Each [~~employee staff person~~] at the time of hire and each household member prior to coming in contact with residents shall submit the results of a risk assessment, documenting the absence of tuberculosis in a communicable form as evidenced by the completion of the current screening form published by the Virginia Department of Health or a form consistent with it. The risk assessment shall be no older than 30 days.

b. An evaluation shall not be required for [~~an employee a staff person~~] who (i) has separated from employment with a facility licensed or certified by the Commonwealth of Virginia, (ii) has a break in service of six months or less, and (iii) submits a copy of the original statement of tuberculosis screening to his new employer.

2. Subsequent tuberculosis evaluations and reports.

a. Any [~~employee staff person~~] or household member required to be evaluated who comes in contact with a known case of infectious tuberculosis shall be screened as determined appropriate based on consultation with the local health department.

b. Any [~~employee staff person~~] or household member required to be evaluated who develops chronic respiratory symptoms of three weeks duration shall be evaluated immediately for the presence of infectious tuberculosis.

c. Each [~~employee staff person~~] or household member required to be evaluated shall annually submit the results of a risk assessment, documenting that the individual is free of tuberculosis in a communicable form as evidenced by the completion [of] the current screening

form published by the Virginia Department of Health or a form consistent with it.

3. Any individual suspected to have infectious tuberculosis shall not be allowed to return to work or have any contact with the residents and personnel of the facility until a physician has determined that the individual is free of infectious tuberculosis.

4. The facility shall report any active case of tuberculosis developed by [~~an employee a staff person~~] or household member required to be evaluated to the local health department.

E. At the request of the administrator of the facility or the department, a report of examination by a licensed physician shall be obtained when there are indications that the safety of residents in care may be jeopardized by the physical or mental health of a [~~specific individual staff person or household member~~].

F. Any [~~individual staff person or household member~~] who, upon examination or as a result of tests, shows indication of a physical or mental condition that may jeopardize the safety of residents in care or that would prevent performance of duties:

1. Shall be removed immediately from contact with residents; and

2. Shall not be allowed contact with residents until the condition is cleared to the satisfaction of the examining physician as evidenced by a signed statement from the physician.

22 VAC 40-72-300. First aid and CPR certification.

A. There shall be at least one [~~employee staff person~~] on the premises at all times who has current certification in first aid from the American Red Cross, American Heart Association, National Safety Council, [American Safety and Health Institute,] or who has current first aid certification issued within the past three years by a community college, a hospital, a volunteer rescue squad, a fire department, or other designated program approved by the department, unless the facility has an on-duty registered nurse or licensed practical nurse. The certification must either be in Adult First Aid or include Adult First Aid.

B. There shall be at least one [~~employee staff person~~] on the premises at all times who has current certification in cardiopulmonary resuscitation (CPR) from the American Red Cross, American Heart Association, National Safety Council, [American Safety and Health Institute,] or who has current CPR certification issued within the past two years by a community college, a hospital, a volunteer rescue squad, a fire department, or other designated program approved by the department. The certification must either be in Adult CPR or include Adult CPR.

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C. Each direct care staff member shall receive certification in first aid from an organization listed in subsection A of this section [~~within 60 days of employment~~] and maintain current certification in first aid as specified in subsection A of this section [unless the direct care staff member is a registered nurse or licensed practical nurse.

The certification must either be in Adult First Aid or include Adult First Aid.

1. Staff employed on or after December 28, 2006, shall receive the certification within 60 days of employment.

2. Staff employed prior to December 28, 2006, who do not have current certification in first aid, shall receive the certification within 60 days of December 28, 2006.

This subsection does not negate the requirement of subsection A to have at least one staff member on the premises at all times who has current certification in first aid, unless the facility has an on-duty registered nurse or licensed practical nurse].

D. In facilities licensed for over 100 residents, at least one additional [~~employee~~ staff person] who meets the requirements of subsection B of this section shall be available for every 100 residents, or portion thereof. More [~~employees~~ staff persons] who meet the requirements [in] subsection B of this section shall be available if necessary to assure quick access to residents in the event of the need for CPR.

E. A listing of all [~~employees~~ staff] who have current certification in first aid or CPR, in conformance with subsections A, B, C, and D of this section shall be posted in the facility so that the information is readily available to all [~~employees~~ staff] at all times. The listing must indicate by [~~employee~~ staff person] whether the certification is in first aid or CPR or both and must be kept up to date.

F. [~~An employee~~ A staff person] with current certification in first aid and CPR shall be present [~~during~~ for the duration of] facility-sponsored activities off the facility premises [, when facility staff are responsible for oversight of one or more residents during the activity].

[~~G. An employee with current certification in first aid and CPR shall be present when an employee transports a resident.~~]

22 VAC 40-72-310. Direct care staff training when aggressive or restrained residents are in care.

The following training is required for staff in assisted living facilities that accept, or have in care, residents who are or who may be aggressive or restrained:

1. Aggressive residents.

a. Direct care staff shall be trained in methods of dealing with residents who have a history of aggressive behavior

or of dangerously agitated states prior to being involved in the care of such residents.

b. This training shall include, at a minimum, information, demonstration, and practical experience in self-protection and in the prevention and de-escalation of aggressive behavior.

2. Restrained residents.

a. Prior to being involved in the care of residents in restraints, direct care staff shall be appropriately trained in caring for the health needs of such residents.

b. This training shall include, at a minimum, information, demonstration and experience in:

(1) The proper techniques for applying and monitoring restraints;

(2) Skin care appropriate to prevent redness, breakdown, and decubiti;

(3) Active and active assisted range of motion to prevent contractures;

(4) Assessment of blood circulation to prevent obstruction of blood flow and promote adequate blood circulation to all extremities;

(5) Turning and positioning to prevent skin breakdown and keep the lungs clear;

(6) Provision of sufficient bed clothing and covering to maintain a normal body temperature; and

(7) Provision of additional attention to meet the physical, mental, emotional, and social needs of the restrained resident.

[(8) Awareness of possible risks associated with restraint use and methods of reducing or eliminating such risks.]

3. The training described in subdivisions 1 and 2 of this section shall meet the following criteria:

a. Training shall be provided by a qualified health professional.

b. A written description of the content of this training, a notation of the [~~person/agency/organization or institution~~ entity] providing the training and the names of direct care staff receiving the training shall be maintained by the facility except that, if the training is provided by the department, only a listing of direct care staff trained and the date of training are required.

4. Refresher training for all direct care staff shall be provided at least annually or more often as needed.

a. The refresher training shall encompass the techniques described in subdivision 1 or 2 of this section, or both.

b. A record of the refresher training and a description of the content of the training shall be maintained by the facility.

PART IV.
STAFFING AND SUPERVISION.

22 VAC 40-72-320. Staffing.

A. The assisted living facility shall have [~~employees~~ staff] adequate in knowledge, skills, and abilities and sufficient in numbers to provide services to attain and maintain the physical, mental and psychosocial well-being of each resident as determined by resident assessments and individualized service plans, and to assure compliance with this chapter.

B. The assisted living facility shall maintain a written plan that specifies the number and type of direct care staff required to meet the day-to-day, routine direct care needs and any identified special needs for the residents in care. This plan will not be fee-based but shall be directly related to actual resident acuity levels and individualized care needs.

[The direct care staffing plan shall:

1. ~~Meet all applicable minimum requirements as established in this chapter;~~
2. ~~Comply with any additional applicable state, federal, local law or regulation;~~
3. ~~Identify and utilize a system to address fluctuations in actual resident acuity levels and direct care requirements that might necessitate increased staffing levels above the minimums specified in the plan;~~
4. ~~Factor in other facility responsibilities such as admissions, transfers, discharges, laundry, meal preparation, housekeeping and maintenance, administrative and support tasks, structured/scheduled activities programs, medication administration and treatments that may be expected of direct care staff in addition to direct care services;~~
5. ~~Take into consideration the size and physical layout of the building;~~
6. ~~Include general number, working job titles, and qualifications of staff on each shift; and~~
7. ~~Identify the method that will be used to document actual staffing on a daily basis. In facilities with multiple floors, wings or units, this method must document dedicated staff for each operating unit and designate those who provide services across multiple units.]~~

C. There shall be an adequate number of [~~employees~~ staff persons] on the premises at all times to implement the approved [fire and] emergency evacuation plan.

D. There shall be at least one direct care staff member awake and on duty at all times in each building when at least one resident is present.

[EXCEPTION: In buildings that house 19 or fewer residents, the staff member on duty does not have to be awake during the night if none of the residents requires a staff member awake and on duty at night.]

E. Written work schedules shall be maintained and shall indicate the names and job classifications of all [~~employees~~ staff] working each shift. Schedules shall indicate absences and substitutions. Schedules shall be retained for at least two years.

22 VAC 40-72-330. Communication among [~~direct care~~] staff.

[A. Procedures shall be established for communication among administrators, designated assistant administrators, managers, and designated staff persons in charge, as applicable to a facility, to ensure stable operations and sound transitions.

B.] A method of written communication shall be utilized as a means of keeping direct care staff on all shifts informed of significant happenings or problems experienced by residents, including complaints, incidents or injuries related to physical or mental conditions. A record shall be kept of the written communication for at least the past two years.

PART V.
ADMISSION, RETENTION AND DISCHARGE OF RESIDENTS.

22 VAC 40-72-340. Admission and retention of residents.

A. No resident shall be admitted or retained:

1. For whom the facility cannot provide or secure appropriate care;
2. Who requires a level of care or service or type of service for which the facility is not licensed or which the facility does not provide; or
3. If the facility does not have [~~employees~~ staff] appropriate in numbers and with appropriate skill to provide the care and services needed by the resident.

B. Assisted living facilities shall not admit an individual before a determination has been made that the facility can meet the needs of the resident. The facility shall make the determination based upon the following information at a minimum:

1. The completed UAI;
2. The physical examination report;
3. A documented interview between the administrator or a designee responsible for admission and retention decisions, the resident and his legal representative, if any [~~NOTE:~~]

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In some cases, medical conditions may create special circumstances that make it necessary to hold the interview on the date of admission.

4. [~~An assessment~~ A screening] of psychological, behavioral, and emotional functioning, conducted by a qualified mental health professional, if recommended by the UAI assessor, a health care professional, or the administrator or designee responsible for the admission and retention decision. This includes meeting the requirements of 22 VAC 40-72-360.

C. An assisted living facility shall only admit or retain residents as permitted by its [~~use group-use~~ use and occupancy] classification and certificate of occupancy. The ambulatory/nonambulatory status of an individual is based upon:

1. Information contained in the physical examination report; and
2. Information contained in the most recent UAI.

D. Upon receiving the UAI prior to admission of a resident, the assisted living facility administrator shall provide written assurance to the resident that the facility has the appropriate license to meet his care needs at the time of admission. Copies of the written assurance shall be given to the legal representative and case manager, if any, and a copy signed by the resident or his legal representative shall be kept in the resident's record.

E. All residents shall be 18 years of age or older.

F. No person shall be admitted without his consent and agreement, or that of his legal representative with demonstrated legal authority to give such consent on his behalf.

G. Assisted living facilities shall not admit or retain individuals with any of the following conditions or care needs:

1. Ventilator dependency;
2. Dermal ulcers III and IV except those stage III ulcers that are determined by an independent physician to be healing, as permitted in subsection H of this section;
3. Intravenous therapy or injections directly into the vein, except for intermittent intravenous therapy managed by a health care professional licensed in Virginia as permitted in subsection I or J of this section;
4. Airborne infectious disease in a communicable state that requires isolation of the individual or requires special precautions by the caretaker to prevent transmission of the disease, including diseases such as tuberculosis and excluding infections such as the common cold;
5. Psychotropic medications without appropriate diagnosis and treatment plans;

6. Nasogastric tubes;

7. Gastric tubes except when the individual is capable of independently feeding himself and caring for the tube or as permitted in subsection J of this section;

8. Individuals presenting an imminent physical threat or danger to self or others;

9. Individuals requiring continuous licensed nursing care;

10. Individuals whose physician certifies that placement is no longer appropriate;

11. Unless the individual's independent physician determines otherwise, individuals who require maximum physical assistance as documented by the UAI and meet Medicaid nursing facility level of care criteria as defined in the State Plan for Medical Assistance (12 VAC 30-10); or

12. Individuals whose physical or mental health care needs cannot be met in the specific assisted living facility as determined by the facility.

H. When a resident has a stage III dermal ulcer that has been determined by an independent physician to be healing, periodic observation and any necessary dressing changes shall be performed by a licensed health care professional under a physician's [or other prescriber's] treatment plan.

I. Intermittent intravenous therapy may be provided to a resident for a limited period of time on a daily or periodic basis by a licensed health care professional under a physician's [or other prescriber's] treatment plan. When a course of treatment is expected to be ongoing and extends beyond a two-week period, evaluation is required at two-week intervals by the licensed health care professional.

J. At the request of the resident in an assisted living facility and when his independent physician determines that it is appropriate, (i) care for the conditions or care needs specified in subdivisions G 3 and 7 of this section may be provided to the resident by a physician licensed in Virginia, a nurse licensed in Virginia or a nurse holding a multistate licensure privilege under a physician's [or other prescriber's] treatment plan, or a home care organization licensed in Virginia or (ii) care for the conditions or care needs specified in subdivision G 7 of this section may also be provided to the resident by unlicensed direct care facility staff if the care is delivered in accordance with the regulations of the Board of Nursing for delegation by a registered nurse, 18 VAC 90-20-420 through 18 VAC 90-20-460 and [~~subsection K of this section~~ 22 VAC 40-72-460 D].

[~~NOTE:~~] This standard does not apply to recipients of auxiliary grants.

[~~K. When care for gastric tubes is provided to the resident by unlicensed direct care facility staff as allowed in clause (ii) of subsection J of this section, the following criteria shall be met:~~

~~1. The care shall be provided by a direct care staff member who has successfully completed general and resident-specific training requirements and competencies in tube care from the delegating registered nurse, which has been documented by the nurse, and includes the following:~~

- ~~a. Type and amount of feeding and method of administration;~~
- ~~b. Necessary equipment and supplies;~~
- ~~c. Methods for determining the resident's tube remains properly placed and patent;~~
- ~~d. Acceptable parameters for residual contents when to administer feedings and when to hold;~~
- ~~e. When, how often and with what amounts of water direct care staff are to flush tube;~~
- ~~f. How tube is to be clamped and secured;~~
- ~~g. How site is to be cleansed and dressed including frequency;~~
- ~~h. What information is to be documented; and~~
- ~~i. What information is to be reported and how soon (e.g., tube out or displaced, drainage around tube, signs of infection, nausea, vomiting, diarrhea, etc.);~~

~~2. Whenever administering a tube feeding, the direct care staff member is responsible for all of the following:~~

- ~~a. Confirming physician order for type and amount of feeding and method of administration;~~
- ~~b. Confirming written instructions from RN;~~
- ~~c. Gathering necessary equipment and supplies;~~
- ~~d. Identifying resident;~~
- ~~e. Explaining procedure to resident;~~
- ~~f. Confirming that feeding tube is in place and patent;~~
- ~~g. Elevating head of bed or positioning resident comfortably in chair;~~
- ~~h. Washing hands;~~
- ~~i. Preparing feeding according to physician order and written instructions from RN;~~
- ~~j. Checking residual to confirm amount falls within parameters specified by RN;~~
- ~~k. Administering feeding by gravity flow or other method as approved by physician and instructed by RN;~~
- ~~l. Flushing feeding tube with the amount of water specified by the RN;~~
- ~~m. Clamping and securing tube;~~
- ~~n. Cleansing and covering site as instructed;~~

~~e. Documenting feeding;~~

~~p. Confirming patient comfort, e.g., leaving head of bed elevated or patient positioned comfortably in chair for 30-60 minutes; and~~

~~q. Documenting resident's tolerance of feeding and any other observations related to the condition and care of the site;~~

~~3. Prior to independently administering any tube feedings, the direct care staff person shall successfully demonstrate competency without prompting and without assistance in all of the procedures specified in subdivision 2 of this subsection. The delegating RN shall observe and document a minimum of two successful demonstrations before authorizing in writing the direct care staff member to perform the tube feeding independently.~~

~~NOTE: The authorization only applies for more than one resident when the delegating RN has verified and documented that the same type of feeding tube, feeding, and method of administration are used for each resident.~~

~~4. Written protocols that encompass the basic policies and procedures for the performance of gastric tube feedings shall be available to any direct care staff member responsible for tube feedings.~~

~~5. Contact information for the delegating RN shall be readily available to all staff responsible for tube feedings when an RN or LPN is not present in the facility.~~

~~6. The facility shall have a written back up plan to ensure that a person who is qualified as specified in this subsection is available if the direct care staff member who usually provides the care is absent.~~

~~[K.] When care for a resident's special medical needs is provided by licensed staff of a home care agency, the assisted living facility direct care staff may receive training from the home care agency staff in appropriate treatment monitoring techniques regarding safety precautions and actions to take in case of emergency.~~

~~[M. L.] Notwithstanding § 63.2-1805 of the Code of Virginia, at the request of the resident, hospice care may be provided in an assisted living facility under the same requirements for hospice programs provided in Article 7 (§ 32.1-162.1 et seq.) of Chapter 5 of Title 32.1 of the Code of Virginia, if the hospice program determines that such program is appropriate for the resident.~~

22 VAC 40-72-350. Physical examination and report.

A. A person shall have a physical examination by an independent physician, including screening for tuberculosis, within 30 days prior to the date of admission. The report of such examination shall be on file at the assisted living facility and shall contain the following:

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1. The date of the physical examination;
2. Height, weight, and blood pressure;
3. Significant medical history;
4. General physical condition, including a systems review as is medically indicated;
5. Any diagnosis or significant problems;
6. Any allergies;
7. Any recommendations for care including medication, diet and therapy;
8. Results of a risk assessment documenting the absence of tuberculosis in a communicable form as evidenced by the completion of the current screening form published by the Virginia Department of Health or a form consistent with it;
9. A statement that the individual does not have any of the conditions or care needs prohibited by 22 VAC 40-72-340 G;
10. A statement that specifies whether the individual is considered to be ambulatory or nonambulatory; and
11. The signature of the examining physician or his designee.

[NOTE: See 22 VAC 40-72-10, definition of "licensed health care professional" for clarification regarding "physician."]

B. When a person is accepted for respite care [~~or on an intermittent basis~~], the physical examination report shall be valid for six months.

C. Subsequent tuberculosis evaluations.

1. A risk assessment for tuberculosis shall be completed annually on each resident as evidenced by the completion of the current screening form published by the Virginia Department of Health or a form consistent with it.
2. Any resident who comes in contact with a known case of infectious tuberculosis shall be screened as deemed appropriate in consultation with the local health department.
3. Any resident who develops respiratory symptoms of three or more weeks duration [with no medical explanation] shall be [~~evaluated immediately~~ referred for evaluation] for the presence of infectious tuberculosis.
4. If a resident develops an active case of tuberculosis, the facility shall report this information to the local health department.

D. [~~The department, at any time, may request a report of a current psychiatric or physical examination, giving the diagnoses or evaluation or both, for the purpose of determining whether the resident's needs may continue to be met in the assisted living facility. When requested, this report~~

shall contain information as specified by the department. As necessary to determine whether a resident's needs can continue to be met in the assisted living facility, the department may request a current physical examination or psychiatric evaluation, including diagnosis and assessments.]

22 VAC 40-72-360. Mental health [~~assessment screening~~]:

[~~A. If there are observed behaviors or patterns of behavior indicative of mental illness, mental retardation, substance abuse, or behavioral disorders, as documented in the uniform assessment instrument, the facility administrator or designated staff member shall ensure that an evaluation of the individual is or has been conducted by a qualified mental health professional. The evaluation shall include an assessment of the person's psychological, behavioral, and emotional functioning. Conditions for which an evaluation is required include, but are not limited to:~~

1. ~~One or more acts of aggression against self, others, or property, that resulted in the resident being hospitalized, jailed, forced to leave a residence, or retained by the facility but managed using emergency measures;~~
2. ~~Alcohol or drug abuse;~~
3. ~~Noncompliant with psychotropic medications to the extent that intervention by a qualified mental health professional was required to prevent or reduce the risk of decompensation;~~
4. ~~Disturbance in thinking, reasoning, and judgment that placed the resident or others at risk for harm;~~
5. ~~Bizarre or maladaptive behavior such as reacting to irrational beliefs, visual or auditory hallucinations or engaging in behaviors such as pacing, rocking, mumbling to self, speaking incoherently, avoiding social interactions;~~
6. ~~Significant dysfunction in two or more of the following areas: interpersonal communication, problem-solving, personal care, independent living, education, vocation, leisure, community awareness, self direction, and self-preservation; and~~
7. ~~Any other condition for which an assessment is recommended by the administrator, a case manager or other assessor.~~

~~B. The administrator or designated staff member shall ensure that an assessment of a person's psychological, behavioral, and emotional functioning is or has been conducted by a qualified mental health professional when at least one of the behaviors or conditions noted in subsection A of this section has occurred within the past six months. The sources of such information regarding behaviors or conditions may include, but are not limited to, the uniform assessment instrument, family members, the referring agency, or a facility staff person.~~

~~C. The administrator shall ensure that the evaluation or assessment required by subsections A and B of this section meets the following criteria:~~

- ~~1. If required for the purpose of making an admission decision, the assessment is not more than three months old.~~
- ~~2. The assessment covers at least the following areas of the person's current functioning and functioning for the six months prior to the date of the assessment:~~
 - ~~a. Cognitive functions;~~
 - ~~b. Thought and perception;~~
 - ~~c. Mood/affect;~~
 - ~~d. Behavior/psychomotor;~~
 - ~~e. Speech/language;~~
 - ~~f. Appearance;~~
 - ~~g. Alcohol and drug dependence/abuse;~~
 - ~~h. Medication compliance; and~~
 - ~~i. Psychosocial functioning.~~

~~3. The assessment is completed by a qualified mental health professional having no financial interest in the assisted living facility, directly or indirectly as an owner, officer, employee, or as an independent contractor with the facility.~~

~~4. A copy of the assessment, if the person is admitted or is a current resident, is filed in the resident's record.~~

~~D. If the evaluation or assessment indicates a need for mental health, mental retardation, substance abuse, or behavioral disorder services, the facility shall provide:~~

- ~~1. A notification of the resident's need for such services to the authorized contact person of record when available; and~~
- ~~2. A notification of the resident's need for such services to the community services board or behavioral health authority that serves the city or county in which the facility is located, or other appropriate licensed provider.~~

~~E. As part of the process for determining appropriateness of admission, when a person with a mental health disability is referred by a state or private hospital, community services board, behavioral health authority, or long-term care facility, collateral information and supporting documentation, e.g., progress notes, shall be collected on the person's psychological, behavioral, and emotional functioning. In the case where the person is coming from a private residence, only collateral information shall be required and may be gathered from an interview with someone involved in the primary care of the person.~~

~~1. The collateral information and supporting documentation shall cover a period of not less than six months of the~~

~~person's care or treatment at the referring facility, or if the person's stay at the facility is less than six months, then the collateral information and documentation shall cover the person's entire stay.~~

~~2. The administrator shall document that the collateral information and supporting document were reviewed and used to help determine the appropriateness of the person's admission.~~

~~3. The administrator shall ensure that a copy of collateral information and supporting documentation, if the person is admitted, is filed in the resident's record.~~

~~NOTE: When applicable, see 22 VAC 40-72-510 regarding high risk behavior.~~

~~A. A mental health screening shall be conducted prior to admission if behaviors or patterns of behavior occurred within the previous six months that were indicative of mental illness, mental retardation, substance abuse or behavioral disorders and that caused, or continue to cause, concern for the health, safety, or welfare either of that individual or others who could be placed at risk of harm by that individual.~~

~~EXCEPTION: If it is not possible for the screening to be conducted prior to admission, the individual may be admitted if all other admission requirements are met. The reason for the delay shall be documented and the screening shall be conducted as soon as possible.~~

~~B. A mental health screening shall be conducted when a resident displays behaviors or patterns of behavior indicative of mental illness, mental retardation, substance abuse, or behavioral disorders that cause concern for the health, safety or welfare of either that individual or others who could be placed at risk of harm by the individual.~~

~~C. The mental health screening shall be conducted by a qualified mental health professional having no financial interest in the assisted living facility, directly or indirectly as an owner, officer, employee, or as an independent contractor with the facility;~~

~~D. A copy of the screening shall be filed in the resident's record.~~

~~E. If the screening indicates a need for mental health, mental retardation, substance abuse, or behavioral disorder services for the resident, the facility shall provide:~~

- ~~1. Notification of the resident's need for such services to the community services board, behavioral health authority, or other appropriate licensed provider identified by the resident or his legal representative; and~~
- ~~2. Notification to the resident, authorized contact person of record, and physician of record that mental health services have been recommended for the resident.~~

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22 VAC 40-72-365. Psychosocial and behavioral history.

A. When determining appropriateness of admission for an individual with a mental health disability, the following information shall be obtained by the facility:

1. If the prospective resident is referred by a state or private hospital, community services board, behavioral health authority, or long-term care facility, documentation of the individual's psychosocial and behavioral functioning shall be acquired.

2. If the prospective resident is coming from a private residence, information about the individual's psychosocial and behavioral functioning shall be gathered from primary sources, such as family members or friends. There is no requirement for written information from primary sources.

B. The administrator or his designee shall document that the individual's psychosocial and behavioral history were reviewed and used to help determine the appropriateness of the admission, and if the person is admitted, to develop an individualized service plan.

C. If the individual is admitted, documentation of the psychosocial and behavioral history shall be filed in the resident's record.]

22 VAC 40-72-370. Emergency placement.

A. An emergency placement shall occur only when the emergency is documented and approved by a Virginia adult protective services worker or case manager for public pay individuals or an independent physician or a Virginia adult protective services worker for private pay individuals.

B. When an emergency placement occurs, the person shall remain in the assisted living facility no longer than seven working days unless all the requirements for admission have been met and the person has been admitted.

22 VAC 40-72-380. Resident personal and social information.

A. Prior to or at the time of admission to an assisted living facility, the following personal and social information on a person shall be obtained and placed in the individual's record:

1. Name;
2. Last home address, and address from which resident was received, if different;
3. Date of admission;
4. Social security number;
5. Birthdate (if unknown, estimated age);
6. Birthplace, if known;
7. Marital status, if known;

8. Name, address and telephone number of all legal representatives, if any;

9. Copies of current legal documents that show proof of each legal representative's authority to act on behalf of the resident and that specify the scope of the representative's authority to make decisions and to perform other functions;

10. Name, address and telephone number of next of kin, if known (two preferred);

11. Name, address and telephone number of designated contact person authorized by the resident or legal representative, if appropriate, for notification purposes, including emergency notification and notification of the need for mental health, mental retardation, substance abuse, or behavioral disorder services (if resident or legal representative willing to designate an authorized contact person) [~~NOTE:] There may be more than one designated contact person. [NOTE:] The designated contact person may also be listed under another category, such as next of kin or legal representative [:]~~

12. Name, address and telephone number of the responsible individual stipulated in 22 VAC 40-72-550 G, if needed;

13. Name, address and telephone number of personal physician, if known;

14. Name, address and telephone number of personal dentist, if known;

15. Name, address and telephone number of clergyman and place of worship, if applicable;

16. Name, address and telephone number of local department of social services or any other agency, if applicable, and the name of the assigned case manager or caseworker;

17. Service in the armed forces, if applicable;

[18. Lifetime vocation, career, or primary role;]

[~~18-19.~~] Special interests and hobbies;

[~~19-20.~~] Information concerning advance directives, Do Not Resuscitate (DNR) orders, or organ donation, if applicable; and

[~~20-21.~~] For residents who meet the criteria for assisted living care, additional information to be included:

[~~a.~~ Description of family structure and relationships;

~~b. a.~~] Previous mental health/mental retardation services history, if any, and if applicable for care or services;

[~~e. b.~~] Current behavioral and social functioning including strengths and problems; and

[~~d. c.~~] Any substance abuse history if applicable for care or services.

22 VAC 40-72-390. Resident agreement with facility.

A. At or prior to the time of admission, there shall be a written agreement/acknowledgment of notification dated and signed by the resident/applicant for admission or the appropriate legal representative, and by the licensee or administrator. This document shall include the following:

1. Financial arrangement for accommodations, services and care that specifies:

- a. Listing of specific charges for accommodations, services, and care to be made to the individual resident signing the agreement, the frequency of payment, and any rules relating to nonpayment;
- b. Description of all accommodations, services, and care that the facility offers and any related charges;
- c. The amount and purpose of an advance payment or deposit payment and the refund policy for such payment;
- d. The policy with respect to increases in charges and length of time for advance notice of intent to increase charges;
- e. If the ownership of any personal property, real estate, money or financial investments is to be transferred to the facility at the time of admission or at some future date, it shall be stipulated in the agreement; and
- f. The refund policy to apply when transfer of ownership, closing of facility, or resident transfer or discharge occurs.

2. Requirements or rules to be imposed regarding resident conduct and other restrictions or special conditions and signed acknowledgment that they have been reviewed by the resident or his legal representative.

3. Acknowledgment that the resident or his legal representative has been informed of the policy regarding the amount of notice required when a resident wishes to move from the facility.

4. Acknowledgment that the resident has been informed of the policy required by 22 VAC 40-72-840 J regarding weapons.

5. Those actions, circumstances, or conditions that would result or might result in the resident's discharge from the facility.

6. Acknowledgment that the resident or his legal representative or responsible individual as stipulated in 22 VAC 40-72-550 G has reviewed a copy of § 63.2-1808 of the Code of Virginia, Rights and Responsibilities of Residents of Assisted Living Facilities, and that the provisions of this statute have been explained to him.

7. Acknowledgment that the resident or his legal representative or responsible individual as stipulated in

22 VAC 40-72-550 G has reviewed and had explained to him the facility's policies and procedures for implementing § 63.2-1808 of the Code of Virginia, including the grievance policy and the transfer/discharge policy.

8. Acknowledgment that the resident has been informed that interested residents may establish and maintain a resident council, that the facility is responsible for providing assistance with the formation and maintenance of the council, whether or not such a council currently exists in the facility, and the general purpose of a resident council. (See 22 VAC 40-72-810.)

9. Acknowledgment that the resident has been informed of the bed hold policy in case of temporary transfer, if the facility has such a policy.

10. Acknowledgment that the resident has been informed of the rules and restrictions regarding smoking on the premises of the facility, including but not limited to that which is required by 22 VAC 40-72-800.

11. Acknowledgment that the resident has been informed of the policy regarding the administration and storage of medications and dietary supplements.

[12. Acknowledgment that the resident has received written assurance that the facility has the appropriate license to meet his care needs at the time of admission, as required by 22 VAC 40-72-340 D.]

B. Copies of the signed agreement/acknowledgment of notification shall be provided to the resident and as appropriate, his legal representative and shall be retained in the resident's record.

~~[C. The facility shall review annually with the resident the terms of the written agreement/acknowledgement of notification required in subsection A of this section. Evidence of this review shall be the resident's written acknowledgement of having been so informed, which shall include the date of the review and which shall be filed in his record.~~

~~D. A new agreement shall be signed or the C. The] original agreement shall be updated [and signed by the licensee or administrator and the resident or his legal representative when whenever] there are changes in financial arrangements, [accommodations,] services, [care provided by the facility,] or requirements governing the resident's conduct [, and signed by the licensee or administrator and the resident or his legal representative]. If the original agreement provides for specific changes in financial arrangements, services, or requirements, this standard does not apply [to those changes].~~

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22 VAC 40-72-400. Orientation and related information for residents.

A. Upon admission, the assisted living facility shall provide an orientation for new residents and their legal representatives including but not limited to emergency response procedures, mealtimes, and use of the call system. If needed, the orientation shall be modified as appropriate for residents with serious cognitive impairments. Acknowledgement of having received the orientation shall be signed and dated by the resident and as appropriate, his legal representative and such documentation shall be kept in the resident's record.

B. Upon admission and upon request, the assisted living facility shall provide to the resident and, if appropriate, his legal representative, a written description of the types of [~~employees~~ staff persons] working in the facility and the services provided, including the hours such services are available.

22 VAC 40-72-410. Acceptance back in facility.

A. An assisted living facility shall establish [~~a process~~ procedures] to ensure that any resident [~~temporarily detained in an inpatient facility~~ detained by an emergency custody order pursuant to § 37.2-808 of the Code of Virginia or by a temporary detention order] pursuant to § 37.2-809 of the Code of Virginia is accepted back in the assisted living facility if the resident is not involuntarily committed pursuant to § 37.2-814 through 37.2-816 of the Code of Virginia.

B. If an assisted living facility allows for temporary movement of a resident with agreement to hold a bed, it shall develop and follow a written bed hold policy, which includes, but is not limited to, the conditions for which a bed will be held, any time frames, terms of payment, and circumstances under which the bed will no longer be held.

22 VAC 40-72-420. Discharge of residents.

A. When actions, circumstances, conditions, or care needs occur that will result in the discharge of a resident, discharge planning shall begin immediately [, and there shall be documentation of such, including the beginning date of discharge planning]. The resident shall be moved within 30 days, except that if persistent efforts have been made and the time frame is not met, the facility shall document the reason and the efforts that have been made.

B. As soon as discharge planning begins, the assisted living facility shall notify the resident and the resident's legal representatives and designated contact person if any, of the planned discharge, the reason for the discharge, and that the resident will be moved within 30 days unless there are extenuating circumstances as referenced in subsection A of this section. [~~Notification~~ Written notification] of the actual discharge date shall [~~occur~~ be given to the resident and the resident's legal representatives and contact person if any,] at

least 14 calendar days prior to the date that the resident will be discharged.

C. The assisted living facility shall adopt and conform to a written policy regarding the number of calendar days notice that is required when a resident wishes to move from the facility. Any required notice of intent to move shall not exceed 30 days.

D. The facility shall assist the resident and his legal representative, if any, in the discharge or transfer [~~processes~~ process]. The facility shall help the resident prepare for relocation, including discussing the resident's destination. Primary responsibility for transporting the resident and his possessions rests with the resident or his legal representative.

E. When a resident's condition presents an immediate and serious risk to the health, safety or welfare of the resident or others and emergency discharge is necessary, 14-day notification of planned discharge does not apply, although the reason for the relocation shall be discussed with the resident and, when possible, his legal representative prior to the move.

F. Under emergency conditions, the resident's legal representative, designated contact person, the family, caseworker, social worker or other agency personnel, as appropriate, shall be informed as rapidly as possible, but by the close of the business day following discharge, of the reasons for the move.

G. If the resident's uniform assessment instrument has been completed by a public human services agency assessor, the assisted living facility shall notify such assessor of the date and place of discharge as well as when a resident dies, within 10 days of the resident's discharge or death.

H. Discharge statement.

1. At the time of discharge, except as noted in subdivision 2 of this subsection, the assisted living facility shall provide to the resident and, as appropriate, his legal representative and designated contact person a dated statement signed by the licensee or administrator that contains the following information:

a. The date on which the resident, his legal representative or designated contact person was notified of the planned discharge and the name of the legal representative or designated contact person who was notified;

b. The reason or reasons for the discharge;

c. The actions taken by the facility to assist the resident in the discharge and relocation process; and

d. The date of the actual discharge from the facility and the resident's destination.

2. When the termination of care is due to emergency conditions, the dated statement shall contain the above information as appropriate and shall be provided or mailed

to the resident, his legal representative, or designated contact person as soon as practicable and within 48 hours from the time of the decision to discharge.

3. A copy of the written statement shall be retained in the resident's record.

I. When the resident is discharged and moves to another caregiving facility, the assisted living facility shall provide to the receiving facility such information related to the resident as is necessary to ensure continuity of care and services. Original information pertaining to the resident shall be maintained by the assisted living facility from which the resident was discharged. The assisted living facility shall maintain a listing of all information shared with the receiving facility.

J. Within 60 days of the date of discharge, each resident or his legal representative shall be given a final statement of account, any refunds due, and return of any money, property or things of value held in trust or custody by the facility.

PART VI.
RESIDENT CARE AND RELATED SERVICES.

22 VAC 40-72-430. Uniform assessment instrument (UAI).

A. All residents of and applicants to assisted living facilities shall be assessed face-to-face using the uniform assessment instrument pursuant to the requirements in Assessment in Adult Care Residences (22 VAC 40-745). Assessments shall be completed prior to admission, annually, and whenever there is a significant change in the resident's condition.

1. For private pay individuals, the UAI shall be completed by one of the following qualified assessors:

a. An assisted living facility [~~employee staff person~~] who has successfully completed state-approved training on the uniform assessment instrument and level of care criteria for either public or private pay assessments, provided the administrator or the administrator's designated representative approves and then signs the completed UAI, and the facility maintains documentation of the completed training;

EXCEPTION: An assisted living facility [~~employee staff person~~] who began employment at the facility prior to [~~(insert the effective date of the standards)~~ December 28, 2006,] and who had documented training that was not state-approved in the completion of the UAI and application of level of care criteria shall meet the requirements for state approved training within one year from [~~(insert the effective date of the standards)~~ December 28, 2006];

b. An independent physician;

c. A qualified public human services agency assessor.

2. For public pay individuals, the UAI shall be completed by a case manager or qualified assessor as specified in 22 VAC 40-745.

B. The UAI shall be completed within 90 days prior to the date of admission to the assisted living facility except that if there has been a change in the resident's condition since the completion of the UAI that would affect the admission, a new UAI shall be completed.

C. When a resident moves to an assisted living facility from another assisted living facility or other long-term care setting that uses the UAI, if there is a completed UAI on record, another UAI does not have to be completed except that a new UAI shall be completed whenever:

1. There is a significant change in the resident's condition; or

2. The [previous] assessment [~~was completed~~ is] more than 12 months [~~ago~~ old].

D. The assessor is responsible for being knowledgeable of the criteria for level of care and authorizing the individual for the appropriate level of care for admission to and for continued stay in an assisted living facility based on the information in the UAI.

[E. Annual reassessments and reassessments due to a significant change in the resident's condition, using the UAI, shall be utilized to determine whether a resident's needs can continue to be met by the facility and whether continued placement in the facility is in the best interest of the resident.]

[~~E. F.~~] For private pay individuals, the assisted living facility shall ensure that the uniform assessment instrument is completed as required by 22 VAC 40-745.

[~~F. G.~~] For [a] private pay [~~residents~~ resident, if the UAI is completed by an independent physician or a qualified human services agency assessor], the assisted living facility shall be responsible for coordinating with [~~an independent~~ the] physician or [~~a qualified human services~~ the] agency assessor to ensure that [~~UAIs are~~ the UAI is] completed as required.

[~~G. H.~~] The assisted living facility shall be in compliance with all requirements set forth in 22 VAC 40-745.

[~~H. I.~~] The facility shall maintain the completed UAI in the resident's record.

[~~I. J.~~] At the request of the assisted living facility, the resident, the resident's legal representative, the resident's physician, the department, or the local department of social services, an independent assessment using the UAI shall be completed to determine whether the resident's care needs are being met in the assisted living facility. The assisted living facility shall assist the resident in obtaining the independent assessment as requested.

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[NOTE:] An independent assessment is one that is completed by a qualified entity other than the original assessor.

[~~J. K.~~] During an inspection or review, staff from the department, the Department of Medical Assistance Services, or the local department of social services may initiate a change in level of care for any assisted living facility resident for whom it is determined that the resident's UAI is not reflective of the resident's current status.

[~~K. L.~~] The facility shall ensure that facility [~~employees~~ staff] and independent physicians who are qualified assessors advise orally and in writing all applicants to and residents of assisted living facilities of the right to appeal the outcome of the assessment, the annual reassessment, or determination of level of care.

22 VAC 40-72-440. Individualized service plans.

A. The licensee/administrator who has completed an individualized service plan (ISP) training program approved by the department or his designee who has completed such a program shall develop [~~and implement~~] an individualized service plan to meet the resident's service needs. The licensee/administrator or designee shall develop [~~and implement~~] the ISP in conjunction with the resident, and as appropriate, with the resident's family, legal representative, direct care staff members, case manager, health care providers [, qualified mental health professionals,] or other persons. The plan shall be designed to maximize the resident's level of functional ability.

[NOTE:] An individualized service plan is not required for those residents who are assessed as capable of maintaining themselves in an independent living status.

B. The service plan to address the immediate needs of the resident shall be completed within 72 hours of admission. The comprehensive plan shall be completed within 30 days after admission and shall include the following:

1. Description of identified needs based upon the (i) UAI; (ii) admission physical examination; (iii) interview with resident; (iv) assessment of psychological, behavioral and emotional functioning, if appropriate; and (v) other sources;
2. A written description of what services will be provided and who will provide them;
3. When and where the services will be provided; [~~and~~]
4. The expected outcome and date of expected outcome [: and
5. If a resident lives in a building housing 19 or fewer residents, a statement that specifies whether the person does need or does not need to have a staff member awake and on duty at night.]

C. The individualized service plan shall reflect the resident's assessed needs and support the principles of individuality, personal dignity, freedom of choice and home-like environment and shall include other formal and informal supports that may participate in the delivery of services. Whenever possible, residents shall be given a choice of options regarding the type and delivery of services.

[~~D. The intervention plan developed to address high risk behavior, as specified in 22 VAC 40-72-510, shall be incorporated into the individualized service plan.~~

~~E. D.] When hospice care is provided to a resident, the assisted living facility and the licensed hospice organization shall communicate, establish and agree upon a coordinated plan of care for the resident. The services provided by each shall be included on the individualized service plan.~~

[~~F. E.] The individualized service plan shall be signed and dated by the licensee/administrator or his designee, i.e., the person who has developed the plan, and by the resident or his legal representative. The plan shall also be signed and dated by any other individuals who contributed to the development of the plan. Each person signing the plan shall note his title or relationship to the resident next to his signature. These requirements shall also apply to reviews and updates of the plan.~~

[EXCEPTION: The signature of an individual who contributed to the plan without being present at the facility shall not be required, although his name, date of participation, and title or relationship shall be indicated on the plan.]

[~~G. F.] The master service plan shall be filed in the resident's record. A current copy shall be maintained in a location accessible at all times to direct care staff, but that protects the confidentiality of the contents of the service plan. Extracts from the plan may be filed in locations specifically identified for their retention, e.g., dietary plan in kitchen.~~

[~~H. G.] The facility shall ensure that the care and services specified in the individualized service plan are provided to each resident.~~

EXCEPTION: There may be a deviation from the plan when mutually agreed upon between the facility and the resident or the resident's legal representative at the time the care or services are scheduled or when there is an emergency that prevents the care or services from being provided. Deviation from the plan shall be documented in writing, including a description of the circumstances, the date it occurred, and the signatures of the parties involved, and the documentation shall be retained in the resident's record.

[NOTE TO EXCEPTION:] The facility may not start, change or discontinue medications, [dietary supplements,] diets, medical procedures or treatments without an order from [~~the a~~] physician [or other prescriber].

[~~F. H.~~] Outcomes shall be noted on the individualized plan or on a separate document as outcomes are achieved, and progress toward reaching expected outcomes shall be noted on the service plan or other document at least annually. Personnel making such notes shall sign and date them.

[~~F. I.~~] Individualized service plans shall be reviewed and updated at least once every 12 months and as needed as the condition of the resident changes. The review and update shall be performed by a staff person who has completed an ISP training program approved by the department, in conjunction with the resident, and as appropriate, with the resident's family, legal representative, direct care staff, case manager, health care providers or other persons.

22 VAC 40-72-450. Personal care services and general supervision and care.

A. The facility shall assume general responsibility for the health, safety and well-being of the residents.

B. Care provision and service delivery shall be resident-centered to the maximum extent possible, and include:

1. Resident participation in decisions regarding the care and services provided to him; and

2. Personalization of care and services tailored to the resident's circumstances and preferences.

C. Care shall be furnished in a way that fosters the independence of each resident and enables him to fulfill his potential.

D. The facility shall provide supervision of resident schedules, care and activities, including attention to specialized needs, such as prevention of falls and wandering off the premises.

E. The facility shall regularly observe each resident for changes in physical, mental, emotional and social functioning.

1. Any notable change in a resident's condition or functioning, including illness, injury, or altered behavior and action taken shall be documented in the resident's record.

2. The facility shall provide appropriate assistance when observation reveals unmet needs.

F. [~~Employees~~ Staff] shall promptly respond to resident needs as reasonable to the circumstances.

G. The facility shall notify the next of kin, legal representative, designated contact person, [~~and~~ or if applicable,] any responsible social agency [~~as appropriate~~] of any incident of a resident falling or wandering from the premises, whether or not it results in injury. This notification shall occur as soon as possible but at least within 24 hours from the time of initial discovery or knowledge of the incident. The resident's record shall include documentation of

the notification, including date, time, caller, and person [or agency] notified.

EXCEPTION: If the whereabouts of a resident are unknown and there is reason to be concerned about his safety, the facility shall immediately notify the appropriate law-enforcement agency [. The facility shall also immediately notify] the resident's next of kin, legal representative, designated contact person, [~~and~~ or if applicable,] any responsible social agency [~~as appropriate~~].

H. The facility shall provide care and services to each resident by [~~employees~~ staff] who are able to communicate with the resident in a language the resident understands; or the facility shall make provisions for communications between [~~employees~~ staff] and residents to ensure an accurate exchange of information.

I. The facility shall ensure that personal assistance and care are provided to each resident as necessary so that the needs of the resident are met, including but not limited to assistance or care with:

1. The activities of daily living:

a. Bathing (at least twice a week, but more often if needed or desired);

b. Dressing;

c. Toileting;

d. Transferring;

e. Bowel control;

f. Bladder control; and

g. Eating/feeding;

2. The instrumental activities of daily living:

a. Meal preparation;

b. Housekeeping;

c. Laundry; and

d. Managing money;

3. Ambulation;

4. Hygiene and grooming:

a. Shampooing, combing and brushing hair;

b. Shaving;

c. Trimming fingernails and toenails (certain medical conditions necessitate that this be done by a licensed health care professional);

d. Daily tooth brushing and denture care; and

e. Skin care at least twice daily for those with limited mobility;

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5. Functions and tasks:

- a. Arrangements for transportation;
- b. Arrangements for shopping;
- c. Use of the telephone; and
- d. Correspondence.

J. Each resident shall be dressed in clean clothing and be free of odors [related to hygiene]. Each resident shall be encouraged to wear day clothing when out of bed.

K. Residents who are incontinent shall have a full or partial bath, clean clothing and linens each time their clothing or bed linen is soiled or wet.

L. The facility shall ensure each resident is able to obtain individually preferred personal care items when:

- 1. The preferred personal care items are reasonably available; and
- 2. The resident is willing and able to pay for the preferred items.

22 VAC 40-72-460. Health care services.

A. The facility shall ensure, either directly or indirectly, that the health care service needs of residents are met. The ways in which the needs may be met include, but are not limited to:

- 1. [~~Employees Staff~~] of the facility providing health care services;
- 2. Persons employed by a resident providing health care services; or
- 3. The facility assisting residents in making appropriate arrangements for health care services.
 - a. When a resident is unable to participate in making appropriate arrangements, the resident's family, legal representative, designated contact person, cooperating social agency or personal physician shall be notified of the need.
 - b. When mental health care is needed or desired by a resident, this assistance shall include securing the services of the local community [~~mental health and mental retardation~~] services board, state or federal mental health clinic or similar facility or agent in the private sector.

B. A resident's need for skilled nursing treatments within the facility shall be met by the facility's employment of a licensed nurse or contractual agreement with a licensed nurse, or by a home health agency or by a private duty licensed nurse.

C. Services shall be provided to prevent clinically avoidable complications, including, but not limited to:

- 1. Pressure ulcer development or worsening of an ulcer;

2. Contracture;

3. Loss of continence;

4. Dehydration; and

5. Malnutrition.

[D. When care for gastric tubes is provided to the resident by unlicensed direct care facility staff as allowed in 22 VAC 40-72-340 J (ii), the following criteria shall be met:

1. The care shall be provided by a direct care staff member who has successfully completed general and resident-specific training requirements and competencies in tube care from the delegating registered nurse, which has been documented by the nurse, and includes the following:

- a. Type and amount of feeding and method of administration;
- b. Necessary equipment and supplies;
- c. Methods for determining that the resident's tube remains properly placed and unobstructed;
- d. Acceptable parameters for residual contents – when to administer feedings and when to hold;
- e. When, how often and with what amounts of water direct care staff are to flush tube;
- f. How tube is to be clamped and secured;
- g. How site is to be cleansed and dressed including frequency;
- h. What information is to be documented; and
- i. What information is to be reported and how soon (e.g., tube out or displaced, drainage around tube, signs of infection, nausea, vomiting, diarrhea, etc.).

2. Whenever administering a tube feeding, the direct care staff member is responsible for all of the following:

- a. Confirming physician or other prescriber order for type and amount of feeding and method of administration;
- b. Confirming written instructions from RN;
- c. Gathering necessary equipment and supplies;
- d. Identifying resident;
- e. Explaining procedure to resident;
- f. Confirming that feeding tube is in place and unobstructed;
- g. Elevating head of bed or positioning resident comfortably in chair;
- h. Washing hands;
- i. Preparing feeding according to physician or other prescriber order and written instructions from RN;

j. Checking residual to confirm amount falls within parameters specified by RN;

k. Administering feeding by gravity flow or other method as approved by physician or other prescriber and instructed by RN;

l. Flushing feeding tube with the amount of water specified by the RN;

m. Clamping and securing tube;

n. Cleansing and covering site as instructed;

o. Documenting feeding;

p. Confirming patient comfort, e.g., leaving head of bed elevated or patient positioned comfortably in chair for 30 to 60 minutes; and

q. Documenting resident's tolerance of feeding and any other observations related to the condition and care of the site.

3. Prior to independently administering any tube feedings, the direct care staff person shall successfully demonstrate competency without prompting and without assistance in all of the procedures specified in subdivision 2 of this subsection. The delegating RN shall observe and document a minimum of two successful demonstrations before authorizing in writing the direct care staff member to perform the tube feeding independently. The authorization only applies for more than one resident when the delegating RN has verified and documented that the same type of feeding tube, feeding, and method of administration are used for each resident.

4. Written protocols that encompass the basic policies and procedures for the performance of gastric tube feedings shall be available to any direct care staff member responsible for tube feedings.

5. Contact information for the delegating RN shall be readily available to all staff responsible for tube feedings when an RN or LPN is not present in the facility.

6. The facility shall have a written back-up plan to ensure that a person who is qualified as specified in this subsection is available if the direct care staff member who usually provides the care is absent.]

[~~D~~. E.] When the resident suffers serious accident, injury, illness, or medical condition, or there is reason to suspect that such has occurred, medical attention from a licensed health care professional shall be secured immediately. The circumstances involved and the medical attention received shall be documented in the resident's record. The date and times of occurrence, as well as the personnel involved shall be included in the documentation.

1. The resident's physician (if not already involved), next of kin, legal representative, designated contact person, case

manager, and any responsible social agency, as appropriate, shall be notified as soon as possible but at least within 24 hours of the situation and action taken.

2. A notation shall be made in the resident's record of such notice, including the date, time, caller and person notified.

[~~E~~. F.] If a resident refuses medical attention, the facility shall notify the resident's physician immediately, and next of kin, legal representative, designated contact person, case manager, and any responsible social agency, as appropriate, as soon as possible but at least within 24 hours. A notation shall be made in the resident's record of such refusal and notification, including the date, time, caller and person notified.

[~~F~~. G.] If a resident refuses medical attention, the facility shall assess whether it can continue to meet the resident's needs.

22 VAC 40-72-470. Restorative, habilitative and rehabilitative services.

A. Facilities shall assure that all restorative care and habilitative service needs of the residents are met. [~~Employees~~ Staff] who are responsible for planning and meeting the needs shall have been trained in restorative and habilitative care. Restorative and habilitative care includes, but is not limited to, range of motion, assistance with ambulation, positioning, assistance and instruction in the activities of daily living, psychosocial skills training, and reorientation and reality orientation.

B. In the provision of restorative and habilitative care, staff shall emphasize services such as the following:

1. Making every effort to keep residents active, within the limitations set by physicians' [or other prescribers'] orders;

2. Encouraging residents to achieve independence in the activities of daily living;

3. Assisting residents to adjust to their disabilities, to use their prosthetic devices, and to redirect their interests if they are no longer able to maintain past involvement in particular activities;

4. Assisting residents to carry out prescribed physical therapy exercises between appointments with the physical therapist; and

5. Maintaining a bowel and bladder training program.

C. Facilities shall arrange for specialized rehabilitative services by qualified personnel as needed by the resident. Rehabilitative services include physical therapy, occupational therapy and speech-language pathology services. Rehabilitative services may be indicated when the resident has lost or has shown a change in his ability to respond to or perform a given task and requires professional rehabilitative services in an effort to regain lost function. Rehabilitative

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services may also be indicated to evaluate the appropriateness and individual response to the use of assistive technology.

D. All rehabilitative services rendered by a rehabilitative professional shall be performed only upon written medical referral by a physician or other qualified health care professional.

E. The physician's orders, services provided, evaluations of progress, and other pertinent information regarding the rehabilitative services shall be recorded in the resident's record.

F. Direct care staff who are involved in the care of residents using assistive devices shall know how to operate and utilize the devices.

22 VAC 40-72-480. Health care oversight.

A. Each assisted living facility shall retain a licensed health care professional who has at least two years of experience [~~in adult residential or day care~~ as a health care professional in an adult residential facility, adult day care center, acute care facility, nursing home, or licensed home care or hospice organization], either by direct employment or on a contractual basis, to provide health care oversight.

1. For residents who meet the criteria for residential living care, the licensed health care professional, acting within the scope of the requirements of his profession, shall be on-site at least every six months and more often if indicated, based on his professional judgment of the seriousness of a resident's needs or the stability of a resident's condition.

2. For residents who meet the criteria for assisted living care, the licensed health care professional, acting within the scope of the requirements of his profession, shall be on-site at least every three months and more often if indicated, based on his professional judgment of the seriousness of a resident's needs or the stability of a resident's condition.

B. [~~The responsibilities of the licensed health care professional while on site shall include at least every three months or every six months as specified in subsection A of this section~~ While on-site, as specified in subsection A of this section, the licensed health care professional shall]:

1. [~~Recommending~~ Recommend] in writing changes to a resident's service plan [~~whenever~~ if] the plan does not appropriately address the current health care needs of the resident.

2. [~~Monitoring of~~ Monitor] direct care staff performance of health-related activities [~~including the identification of any significant gaps in the staff person's ability to function competently~~].

3. [~~Advising~~ Advise] the administrator of the need for [~~employee staff~~] training [~~in health related activities or the need for other actions when appropriate to eliminate problems in competency level~~], as necessary].

4. [~~Providing~~ Provide] consultation and technical assistance to [~~employees staff~~] as needed.

5. [~~Directly observing every resident~~ Observe residents] for whom the assisted living facility is receiving reimbursement from the Department of Medical Assistance Services for intensive assisted living services and [~~recommending~~ recommend] in writing any needed changes in the care provided or in the resident's service plan. [~~The monitoring will be in accordance with the specifications of the Department of Medical Assistance Services.~~]

6. [~~Reviewing~~ Review] documentation regarding health care services, including medication and treatment records to assess that services are being provided in accordance with physicians' [or other prescribers'] orders, and [~~informing~~ keep] the administrator [~~of any problems~~ appropriately informed].

7. [~~Monitoring of~~ Monitor] conformance to the facility's medication management plan and the maintenance of required medication reference materials, and [~~advising~~ advise] the administrator of any concerns.

8. [~~Monitoring of~~ Monitor] infection control measures and [~~advising~~ advise] the administrator of any concerns.

9. [~~Reviewing~~ Review] the current condition and the records of restrained residents to assess the appropriateness of the restraint and progress toward its reduction or elimination, and [~~advising~~ advise] the administrator of any concerns.

10. [~~Documenting that the requirements of this section were met, including the signature(s) of the licensed health care professional(s) who provided each of the services and the date(s) the service was provided. Documentation for the past two years shall be maintained at the facility~~ Certify in writing that the requirements of subdivisions 1 through 9 of this subsection were met, including the date(s) the health care oversight was provided. The certification shall be provided to the facility within 10 days of the completion of the oversight and maintained in the facility files for at least two years].

22 VAC 40-72-490. Community services board access.

All assisted living facilities shall provide reasonable access to staff or contractual agents of community services boards, local government departments with policy-advisory community services boards or behavioral health authorities as defined in § 37.2-100 of the Code of Virginia for the purposes of:

1. Assessing or evaluating clients residing in the facility;
2. Providing case management or other services or assistance to clients residing in the facility; or
3. Monitoring the care of clients residing in the facility.

Such staff or contractual agents also shall be given reasonable access to other facility residents who have previously requested their services.

22 VAC 40-72-500. Mental health services coordination, support, and agreement.

A. For each resident requiring mental health services, the services of the local community [~~mental health, mental retardation and substance abuse~~] services board, or a public or private mental health clinic, rehabilitative services agency, treatment facility or agent shall be secured as appropriate based on the resident's current evaluation.

B. The assisted living facility shall assist the resident in obtaining the services recommended in the initial evaluation and in the progress reports.

C. The facility shall enter into a written agreement with all providers of mental health services utilized by residents in the facility to assure that the services outlined in subsection D of this section are provided.

1. [~~Providers~~ Licensed or credentialed providers] of mental health services shall include the local community [~~mental health, mental retardation, and substance abuse~~] services board; public or private mental health clinic, treatment facility or agent; private psychiatrist, psychologist, therapist, or other [appropriate qualified] mental health professional.

2. The facility shall maintain contact information for providers currently serving residents as a resource for other residents who may need mental health services.

3. A copy of the agreement shall remain on file in the assisted living facility.

[4. If the facility is unable to secure an agreement with the mental health services provider that comports with subsection D of this section, the facility shall document the reason for the failure and all efforts made to secure the agreement.]

D. Services to be included in the agreement shall at least be the following:

1. Diagnostic, evaluation and referral services in order to identify and meet the needs of the resident;

2. Appropriate community-based mental health, mental retardation and substance abuse services;

3. Services and support to meet emergency mental health needs of a resident; and

4. Completion of written progress reports as follows:

a. The facility shall obtain written progress reports on each resident receiving services from the local community [~~mental health, mental retardation and substance abuse~~] services board, or a public or private

mental health clinic, treatment facility or agent; private psychiatrist, psychologist, therapist, or other [appropriate qualified] mental health professional.

b. The progress reports shall be obtained at least every six months until it is stated in a report that services are no longer needed.

c. The progress reports shall contain at a minimum:

(1) A statement that continued services are or are not needed.

[~~(a)~~ (2)] If continued services are still required, a summary of progress.

[~~(b)~~ The status of any identified high risk behavior.]

[~~(2)~~ (3)] Recommendations, if any, for continued services and the expected therapeutic outcomes;

[~~(3)~~ (4)] A statement that the resident's needs can continue to be met in an assisted living facility; and

[~~(4)~~ (5)] A statement of any recommended services to be provided by the assisted living facility.

d. Copies of the progress reports shall be filed in the resident's record.

E. If the facility is unsuccessful in obtaining the recommended services, it must document:

1. Whether it can continue to meet all other needs of the resident.

2. How it plans to ensure that the failure to obtain the recommended services will not compromise the health, safety, or rights of the resident and others who come in contact with the resident.

3. The offices, agencies and individuals who were contacted and explanation of outcomes.

4. Details of additional steps the facility will take to find alternative [services providers] to meet the resident's needs.

22 VAC 40-72-510. [Intervention for high risk behavior. (Reserved.)]

[A. At any time that facility staff observe that the resident is exhibiting or verbalizing an intent to engage in high risk behavior, and it is:

1. Believed that a crisis situation has occurred as a result of the person's behaviors or thinking that has caused harm or presents the potential to cause harm to the person or others, the administrator shall ensure that the local community services board (CSB) is immediately contacted to request an evaluation for emergency intervention services; or

2. Believed that the person's behaviors or thinking may not rise to the level that would require professional emergency

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~~intervention, the administrator shall ensure that the responsible mental health professional is contacted regarding the concerns with the person's behaviors or thinking within 24 hours of observation.~~

~~a. If there is no one currently responsible for the treatment of the person exhibiting the mental health disturbance, a referral shall be made within 24 hours of observing the disturbance to the local CSB, or to a qualified mental health professional of the resident's choice, to determine whether there is a need for mental health services.~~

~~b. The facility shall document the referral made to the CSB or other mental health agency and note the availability and date that services can be rendered.~~

~~B. Following the initial notification of the CSB or other qualified mental health professional, the facility and the mental health treatment provider shall decide on the need for an intervention plan that shall be designed for and implemented by the facility. If there is a need for an intervention plan, the plan shall:~~

~~1. Include a behavioral management tracking form that:~~

~~a. Is developed, in consultation with the facility, by a qualified mental health treatment provider and when possible, in consultation with the resident or his legal representative.~~

~~b. Incorporates, at a minimum, the following information:~~

~~(1) Target or problem behaviors identified;~~

~~(2) Identified triggers, motivators, behaviors or conditions associated with target behaviors, including medication side effects;~~

~~(3) Interventions prescribed by mental health professionals or a facility supervisor to be employed by direct care staff;~~

~~(4) Dates and times behaviors were last observed;~~

~~(5) Impact of interventions on behaviors, or if prescribed interventions were not used, an explanation of the reason;~~

~~(6) General description of, and detailed when possible, any subsequent actions that must be considered by the facility following a negative outcome of the prescribed interventions;~~

~~(7) General description of, and detailed when possible, any subsequent actions that must be considered by the mental health treatment provider based on the presentation of the problems by the facility;~~

~~(8) Consideration of the need for an updated mental health evaluation.~~

~~e. Is maintained at the facility with:~~

~~(1) The original being filed in the record with the ISP for each resident.~~

~~NOTE: Should the tracking forms exceed five, the facility may choose to maintain the five most recent forms in the resident's current record and all others in an overflow record maintained for each resident.~~

~~(2) A duplicate copy being filed for each resident, in an identifiable binder to permit timely access to information by facility employees so that it might be used to help manage or prevent problem behaviors from escalating or recurring.~~

~~2. Be referenced in the ISP.~~

~~3. Be reviewed and incorporated, to include information obtained from the behavioral management tracking form, in the written progress report required by 22 VAC 40-72-500 D-4.~~

~~C. The facility shall have procedures in place to ensure that direct care staff members who have direct care responsibilities for residents with high risk behaviors are:~~

~~1. Provided training on monitoring (such as when using the behavioral management tracking form) and intervening when high risk behaviors are exhibited;~~

~~2. Kept informed of the status of high risk behaviors exhibited by residents;~~

~~D. The facility shall not implement a restrictive behavioral management plan, which limits or prevents a person from freely exercising targeted rights or privileges, unless:~~

~~1. The resident or legal representative has been informed of the need and description of the plan; and~~

~~2. The plan is approved and supervised by a qualified mental health professional with no financial interest in the facility.]~~

22 VAC 40-72-520. Activity/recreational requirements.

~~A. In facilities licensed for residential living care only, there shall be at least 11 hours of scheduled activities available to the residents each week for no less than one hour each day.~~

~~B. In facilities licensed for both residential and assisted living care, there shall be at least 14 hours of scheduled activities available to the residents each week for no less than one hour each day.~~

~~C. Activities shall be varied and shall include, but not necessarily be limited to, the following categories: physical, social, cognitive/intellectual/creative, productive, sensory, reflective/contemplative, outdoor, and nature/natural world. Community resources as well as facility resources may be used to provide activities. [NOTE:] Any given activity may fall under more than one category.~~

D. Activities shall be planned under the supervision of the administrator or [~~his designee~~ other qualified staff person] who shall encourage involvement of residents and [~~employees~~ staff] in the planning.

E. The activities shall take into consideration individual differences in age, health status, sensory deficits, lifestyle, ethnicity, religious affiliation, values, experiences, needs, interests, abilities, and skills by providing opportunities for a variety of types of activities and levels of involvement.

F. Activities shall:

1. Meaningfully support the physical, social, mental, and emotional abilities and skills of residents; and
2. Promote or maintain the resident's highest level of independence or functioning.

G. There shall be a written schedule of activities that meets the following criteria:

1. The schedule of activities shall be developed at least monthly.
2. The schedule shall include:
 - a. Group activities for all residents or small groups of residents; and
 - b. The name, type, date and hour of the activity.
3. If one activity is substituted for another, the change shall be noted on the schedule.
4. The current month's schedule shall be posted in a conspicuous location in the facility or otherwise be made available to residents and their families.
5. The schedule of activities for the past [~~six months~~ two years] shall be kept at the facility.
6. If a resident requires an individual schedule of activities, that schedule shall be a part of the individualized service plan.

H. Adequate supplies and equipment appropriate for the program activities shall be available in the facility.

I. Resident participation in activities.

1. Residents shall be encouraged but not forced to participate in activity programs offered by the facility and the community.
2. During an activity, each resident shall be encouraged but not coerced to join in at his level, to include observing.
3. Any restrictions on participation imposed by a physician shall be documented in the resident's record.

J. During a programmed activity, there shall be an adequate number of [~~employees~~ staff persons] or volunteers to lead the activity, to assist the residents with the activity, to

supervise the general area, and to re-direct any individuals who require different activities.

K. All equipment and supplies used shall be accounted for at the end of the activity so that a safe environment can be maintained.

L. The [~~employee~~ staff person] or volunteer leading the activity shall have a general understanding of the following:

1. Attention spans and functional levels of the residents in the group;
2. Methods to adapt the activity to meet the needs and abilities of the residents;
3. Various methods of engaging and motivating individuals to participate; and
4. The importance of providing appropriate instruction, education, and guidance throughout the activity.

22 VAC 40-72-530. Freedom of movement.

A. Any resident who does not have a serious cognitive impairment with an inability to recognize danger or protect his own safety and welfare shall be allowed to freely leave the facility. A resident who has a serious cognitive impairment and an inability to recognize danger or protect his own safety and welfare shall be subject to the provisions set forth in 22 VAC 40-72-1020 A or 22 VAC 40-72-1130 A.

B. Doors leading to the outside shall not be locked from the inside or secured from the inside in any manner that amounts to a lock, except that doors may be locked or secured in a manner that amounts to a lock in special care units as provided in 22 VAC 40-72-1130 A. [~~NOTE:~~] Any devices used to lock or secure doors in any manner must be in accordance with applicable building and fire codes.

C. The facility shall provide freedom of movement for the residents to common areas and to their personal spaces. The facility shall not lock residents out of or inside their rooms.

22 VAC 40-72-540. Visiting in the facility.

A. Daily visits to residents in the facility shall be permitted.

B. If visiting hours are restricted, daily visiting hours shall be posted in a place conspicuous to the public.

C. The facility shall encourage regular family involvement with the resident and shall provide ample opportunities for family participation in activities at the facility.

22 VAC 40-72-550. Resident rights.

A. The resident shall be encouraged and informed of appropriate means as necessary to exercise his rights as a resident and a citizen throughout the period of his stay at the facility.

B. The resident has the right to voice or file grievances, or both, with the facility and to make recommendations for

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changes in the policies and services of the facility. The residents shall be protected by the licensee or administrator, or both, from any form of coercion, discrimination, threats, or reprisal for having voiced or filed such grievances.

C. Any resident of an assisted living facility has the rights and responsibilities as provided in § 63.2-1808 of the Code of Virginia and this chapter.

D. The operator or administrator of an assisted living facility shall establish written policies and procedures for implementing § 63.2-1808 of the Code of Virginia.

E. The rights and responsibilities of residents shall be printed in at least 12-point type and posted conspicuously in a public place in all assisted living facilities. The facility shall also post the name, title and telephone number of the appropriate regional licensing supervisor of the department, the Adult Protective Services' toll-free telephone number, the toll-free telephone number of the Virginia Long-Term Care Ombudsman Program and any substate (local) ombudsman program serving the area, and the toll-free telephone number of the Virginia Office for Protection and Advocacy.

F. The rights and responsibilities of residents in assisted living facilities shall be reviewed annually with each resident or his legal representative or responsible individual as stipulated in subsection G of this section and each [~~employee~~ staff person]. Evidence of this review shall be the resident's, his legal representative's or responsible individual's, or [~~employee's~~ staff person's] written acknowledgment of having been so informed which shall include the date of the review and shall be filed in the resident's or [~~employee's~~ staff person's] record.

G. If a resident is unable to fully understand and exercise the rights and responsibilities contained in § 63.2-1808 of the Code of Virginia, the facility shall require that a legal representative or a responsible individual, of the resident's choice when possible, designated in writing in the resident's record, annually be made aware of each item in § 63.2-1808 and the decisions that affect the resident or relate to specific items in § 63.2-1808.

1. A resident shall be assumed capable of understanding and exercising these rights unless a physician determines otherwise and documents the reasons for such determination in the resident's record.

2. The facility shall seek a determination and reasons for the determination from a resident's physician regarding the resident's capability to understand and exercise these rights when there is reason to believe that the resident may not be capable of such.

H. The facility shall make its policies and procedures for implementing § 63.2-1808 of the Code of Virginia available and accessible to residents, relatives, agencies, and the general public.

22 VAC 40-72-560. Resident records.

A. The facility shall establish written policy and procedures for documentation and recordkeeping to ensure that the information in resident records is accurate and clear and that the records are well-organized.

[~~B.~~ Resident records shall be identified and easily located by resident name, including when a resident's record is kept in more than one place. This shall apply to both electronic and hard copy material.

C. A back-up and security system shall be utilized for electronic documents that are part of the resident's record.]

[~~B.~~ D.] Any forms used for recordkeeping shall contain at a minimum the information specified in this chapter. Model forms, which may be copied, will be supplied by the department upon request [, and are also available on the department's website].

[~~C.~~ E.] Any physician's notes and progress reports in the possession of the facility shall be retained in the resident's record.

[~~D.~~ F.] Copies of all agreements between the facility and the resident and official acknowledgment of required notifications, signed by all parties involved, shall be retained in the resident's record. Copies shall be provided to the resident, and to persons whose signatures appear on the document.

[~~E.~~ G.] All records that contain the information required by these standards for residents shall be retained at the facility and kept in a locked area, except that information shall be made available as noted in subsection [~~F.~~ H] of this section.

[~~F.~~ H.] The licensee shall assure that all records are treated confidentially and that information shall be made available only when needed for care of the resident. All records shall be made available for inspection by the department's representative.

[~~G.~~ I.] Residents shall be allowed access to their own records.

[~~H.~~ J.] The resident's record shall be kept current and the complete record shall be retained for at least two years after the resident leaves the facility.

[~~I.~~ K.] A current picture of each resident shall be readily available for identification purposes, or if the resident refuses to consent to a picture, there shall be a narrative physical description, which is annually updated, maintained in his file.

22 VAC 40-72-570. Release of information from resident's record.

A. The resident or the appropriate legal representative has the right to release information from the resident's record to persons or agencies outside the facility.

B. The licensee is responsible for making available to residents and legal representatives, a form which they may use to grant their written permission to release information to persons or agencies outside the facility. The facility shall retain a copy of any signed release of information form in the resident's record.

[NOTE:] A model form, which may be copied, may be obtained from the department [, and is also available on the department's website] .

C. Only under the following circumstances is a facility permitted to release information from the resident's records or information regarding the resident's personal affairs without the written permission of the resident or his legal representative, where appropriate:

1. When records have been properly subpoenaed;
2. When the resident is in need of emergency medical care and is unable or unwilling to grant permission to release information or his legal representative is not available to grant permission;
3. When the resident moves to another caregiving facility;
4. To representatives of the department; or
5. As otherwise required by law.

D. When a resident is hospitalized or transported by emergency medical personnel, information necessary to the care of the resident, on such matters as medications, advance directives, and organ donation, shall be furnished by the facility to the hospital or emergency medical personnel, if appropriate.

[NOTE: See previous subsections in this section to determine whether or not written permission from the resident or his legal representative is needed.]

22 VAC 40-72-580. Food service and nutrition.

A. When any portion of an assisted living facility is subject to inspection by the State Department of Health, the facility shall be in compliance with those regulations, as evidenced by an initial and subsequent annual reports from the State Department of Health. The report shall be retained at the facility for a period of at least two years.

B. All meals shall be served in the dining area as designated by the facility, except that:

1. If the facility [, through its policies and procedures,] offers routine or regular room service, residents shall be given the option of having meals in the dining area or in their rooms, provided that:
 - a. [If a resident chooses to have meals in his room, there] is a written agreement to this effect, signed and dated by both the resident and the licensee or

administrator, and [~~the agreement is~~] filed in the resident's record.

b. If a resident's individualized service plan, physical examination report, mental health status report or any other document indicates that the resident has a psychiatric condition that contributes to self-isolation, a qualified mental health professional shall make a determination in writing whether the person should have the option of having meals in his room. If the determination is made that the resident should not have this option, then the resident shall have his meals in the dining area.

2. Under special circumstances, such as temporary illness [~~or~~] temporary incapacity, [~~or~~] temporary agitation of a resident with serious cognitive impairment, [, or occasional, infrequent requests due to a resident's personal preference,] meals may be served in a resident's room. [Documentation in the resident's file will reflect these circumstances.]

3. When meals are served in a resident's room, a sturdy table must be used.

C. Residents with independent living status who have kitchens equipped with stove, refrigerator and sink within their individual apartments may have the option of obtaining meals from the facility or from another source.

1. The facility must have an acceptable health monitoring plan for these residents and provide meals both for other residents and for residents identified as no longer capable of maintaining independent living status.

2. An acceptable health monitoring plan includes assurance of adequate resources, accessibility to food, a capability to prepare food, and availability of meals when the resident is sick or temporarily unable to prepare meals for himself.

D. Personnel shall be available to help any resident who may need assistance in reaching the dining room or when eating.

E. A minimum of 30 minutes shall be allowed for each resident to complete a meal. If a resident has been assessed on the UAI as dependent in eating/feeding, his individualized service plan shall indicate an approximate amount of time needed for meals to ensure needs are met.

F. Facilities shall develop and implement a policy to monitor each resident's food consumption for:

1. Warning signs of changes in physical or mental status related to nutrition; and
2. Compliance with any needs determined by the individualized service plan or prescribed by a physician [or other prescriber], nutritionist or health care professional.

G. Facilities shall implement [~~automatic~~] interventions as soon as a nutritional problem is suspected. These

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interventions shall include, but are not limited to the following:

1. Weighing residents at least monthly to determine whether the resident has significant weight loss (5.0% weight loss in one month, 7.5% in three months, or 10% in six months); and
2. Notifying the attending physician if a significant weight loss is identified in any resident who is not on a physician-approved weight reduction program, and obtain, document and follow the physician's instructions regarding nutritional care.

22 VAC 40-72-590. Observance of religious dietary practices.

- A. The resident's religious dietary practices shall be respected.
- B. Religious dietary laws (or practices) of the administrator or licensee shall not be imposed upon residents unless mutually agreed upon in the admission agreement between administrator or licensee and resident.

22 VAC 40-72-600. Time interval between meals.

- A. Time between the evening meal and breakfast the following morning shall not exceed 15 hours.
- B. There shall be at least four hours between breakfast and lunch and at least four hours between lunch and supper.
- C. When multiple seatings are required due to limited dining space, scheduling shall ensure that these time intervals are met for all residents. Schedules shall be made available to residents, legal representatives, [~~employees~~ staff], volunteers and any other persons responsible for assisting residents in the dining process.

22 VAC 40-72-610. Number of meals.

- A. At least three well-balanced meals, served at regular intervals, shall be provided daily to each resident, unless contraindicated as documented by the attending physician in the resident's record or as provided for in 22 VAC 40-72-580 C.
- B. Bedtime and between meal snacks shall be made available for all residents desiring them, or in accordance with their [~~service plans, and shall be listed on the daily menu. Vending machines shall not be used as the only source for snacks~~ physician's or other prescriber's orders].

[1. Appropriate adjustments in the provision of snacks to a resident shall be made when there are orders from the resident's physician or other prescriber in the resident's record limiting the receipt or type of snacks.

2. Vending machines shall not be used as the only source for snacks.]

22 VAC 40-72-620. Menus for meals and snacks.

- A. Food preferences of residents shall be considered when menus are planned.
- B. Menus [for meals and snacks] for the current week shall be dated and posted in an area conspicuous to residents.
- C. Any menu substitutions or additions shall be recorded on the posted menu.
- D. A record shall be kept of the menus served for [~~three months~~ two years].
- E. Minimum daily menu.

1. Unless otherwise ordered in writing by the resident's physician [or other prescriber], the daily menu, including snacks, for each resident shall meet the current guidelines of the U.S. Department of Agriculture's food guidance system or the dietary allowances of the Food and Nutritional Board of the National Academy of Sciences, taking into consideration the age, sex and activity of the resident.
2. Other foods may be added.
3. Second servings and snacks shall be provided, if requested, at no additional charge.
4. At least one meal each day shall include a hot main dish.

F. Special diets. When a diet is prescribed for a resident by his physician [or other prescriber], it shall be prepared and served according to the physician's [or other prescriber's] orders.

G. There shall be on-site quarterly oversight of special diets by a dietitian or nutritionist, each of whom must meet the requirements of § 54.1-2731 of the Code of Virginia and 18 VAC 75-30, Regulations Governing Standards for Dietitians and Nutritionists. The quarterly oversight shall include a review of the physician's [or other prescriber's] order and the preparation and delivery of the special diet for each resident who has such a diet. The quarterly oversight shall also include an evaluation of the adequacy of each resident's special diet and the resident's acceptance of the diet. The dietitian or nutritionist shall provide a written report within two weeks to the facility administrator of his findings and recommendations, and include the date of the oversight, the date of the report, and his signature. The report shall be retained at the facility for at least two years. [NOTE:] Special diets may also be referred to as medical nutrition therapy or diet therapy.

H. A copy of a diet manual containing acceptable practices and standards for nutrition shall be kept current and on file in the dietary department.

I. Hydration. The facility shall make drinking water readily available to all residents. Direct care staff shall know which residents need help getting water or other fluids and drinking

from a cup or glass. Direct care staff shall encourage and assist residents who do not have medical conditions with physician [or other prescriber] ordered fluid restrictions to drink water or other beverages frequently.

22 VAC 40-72-630. Medication management plan and reference materials.

A. The facility shall have, and keep current, a written plan for medication management. The facility's medication plan shall address procedures for administering medication and shall include:

1. Methods to ensure an understanding of the responsibilities associated with medication management;
 2. Standard operating procedures and any general restrictions specific to the facility;
 3. Methods to prevent the use of outdated, damaged or contaminated medications;
 4. Methods to [maintain an adequate supply of medication ensure that each resident's prescription medications and any over-the-counter drugs and supplements ordered for the resident are filled and refilled in a timely manner to avoid missed dosages];
 5. Methods for verifying that medication orders have been accurately transcribed to Medication Administration Records (MARs);
 6. Methods for monitoring medication administration and the effective use of the MARs for documentation;
 7. Methods to ensure that [employees staff] who are responsible for administering medications meet the qualification and training requirements of [this section 22 VAC 40-72-660];
 8. Methods to ensure that [employees staff] who are responsible for administering medications are adequately supervised;
 9. A plan for proper disposal of medication [~~and~~]
 10. Methods to ensure that residents do not receive medications or dietary supplements to which they have known allergies; and]
- [~~10. 11.] Identification of the [employee medication aide or the person licensed to administer drugs] responsible for routinely communicating [the effectiveness of prescribed medications and any adverse reactions or suspected side effects issues or observations related to medication administration] to the prescribing physician [or other prescriber] .~~

B. The facility's written medication management plan and any subsequent changes shall be approved by the department.

[C. The plan and subsequent changes shall be reviewed as part of the department's regular inspection process.]

[~~C. D.] In addition to the facility's written medication management plan, the facility shall maintain, as reference materials for medication aides, a current copy of "A Resource Guide for Medication Management for Persons Authorized Under the Drug Control Act," approved by the Virginia Board of Nursing [until such time as registration of medication aides is enforced], and at least one pharmacy reference book, drug guide or medication handbook for nurses that is no more than two years old. [Other information shall also be maintained to assist with safe administration of medication, such as pharmacy information sheets, product information from drug packages, or printed information from prescribing physicians.]~~

22 VAC 40-72-640. Physician's [or other prescriber's] order.

A. No medication, dietary supplement, diet, medical procedure or treatment shall be started, changed or discontinued by the facility without a valid order from [the a] physician [or other prescriber]. [NOTE:] Medications include prescription, over-the counter and sample medications.

[NOTE: Whenever a resident is admitted to a hospital for treatment of any condition, the facility shall obtain new orders for all medications and treatments prior to or at the time of the resident's return to the facility. The facility shall ensure that the primary physician, if not the prescribing physician, is aware of all new medication orders.]

B. The resident's record shall contain the physician's [or other prescriber's] written order or a dated notation of the physician's [or other prescriber's] oral order.

C. Physician [or other prescriber] orders, both written and oral, for administration of all prescription and over-the-counter medications and dietary supplements shall include the name of the resident, the date of the order, the name of the drug, route, dosage, strength, how often medication is to be given, and identify the diagnosis, condition, or specific indications for administering each drug.

D. Physician's [or other prescriber's] oral orders shall:

1. Be charted by the individual who takes the order. That individual must be one of the following:
 - a. A licensed health care professional acting within the scope of his profession; or
 - b. [An individual who has successfully completed the medication training program developed by the department and approved by the Board of Nursing A medication aide] .
2. Be reviewed and signed by a physician [or other prescriber] within 10 working days.

[E. Whenever a resident is admitted to a hospital for treatment of any condition, the facility shall obtain new

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orders for all medications and treatments prior to or at the time of the resident's return to the facility. The facility shall ensure that the primary physician is aware of all medication orders.]

22 VAC 40-72-650. Storage of medications.

A. A medicine cabinet, container or compartment shall be used for storage of medications and dietary supplements prescribed for residents when such medications and dietary supplements are administered by the facility.

1. The storage area shall be locked.
2. [~~Controlled substances~~ Schedule II drugs and any other drugs subject to abuse] must be kept [~~under a double lock in a separate storage compartment~~], e.g., a locked cabinet within a locked storage area or a locked container within a locked cabinet [~~or cart, except when the facility uses a unit dose packaging system in which the quantity stored is minimal and a missing dose can be readily detected~~].
3. The individual responsible for medication administration shall keep the keys to the storage area on his person.
4. When in use, the storage area shall have adequate illumination in order to read container labels [~~, but it shall remain darkened when closed~~].
5. The storage area shall not be located in the kitchen or bathroom, but in an area free of dampness or abnormal temperatures unless the medication requires refrigeration.
6. When required, medications shall be refrigerated.
 - a. It is permissible to store dietary supplements and foods and liquids used for medication administration in a refrigerator that is dedicated to medication storage, if the refrigerator is in a locked storage area.
 - b. When it is necessary to store medications in a refrigerator that is routinely used for food storage, the medications shall be stored together in a locked container in a clearly defined area.

B. A resident may be permitted to keep his own medication in a secure place in his room if the UAI has indicated that the resident is capable of self-administering medication. The medication and any dietary supplements shall be stored so that they are not accessible to other residents. This does not prohibit the facility from storing or administering all medication and dietary supplements [.]

22 VAC 40-72-660. Qualifications, training, and supervision of staff administering medications.

When staff administers medications to residents, the following standards shall apply:

1. Each staff person who administers medication shall be authorized by § 54.1-3408 of the Virginia Drug Control

Act. All staff responsible for medication administration shall:

- a. Be licensed by the Commonwealth of Virginia to administer medications; or
- b. (i) Have successfully completed one of the five requirements specified in 22 VAC 40-72-250 C 1 through 5 and (ii) have successfully completed the medication training program developed by the department and approved by the Board of Nursing.

EXCEPTION: Staff responsible for medication administration prior to [~~(insert the effective date of these standards)~~ December 28, 2006,] who would otherwise be subject to completion of one of the five requirements specified in 22 VAC 40-72-250 C 1 through 5 do not have to meet any of the requirements listed in 22 VAC 40-72-250 C 1 through 5 in order to administer medication.

2. All staff who have met the requirements of [~~subdivisions~~ subdivision] 1 b [~~and e~~] of this section shall be listed in the department's database for medication aides.

3. All staff who have successfully completed the medication training program approved by the Board of Nursing shall also successfully complete:

- a. Annual in-service training provided by a licensed health care professional, acting within the scope of the requirements of his profession, on side effects of the medications prescribed to the residents in care and on recognizing and reporting adverse medication reactions.
- b. The most current refresher course developed by the department that is based on the curriculum approved by the Board of Nursing. The refresher course shall be completed every three years.

4. [~~Staff who have successfully completed the medication training program approved by the Board of Nursing Medication aides~~] shall be supervised [~~on-site on all shifts~~] by:

- a. A licensed health care professional, acting within the scope of the requirements of his profession;
- b. The administrator who has successfully completed the medication training program approved by the Board of Nursing; [or]
- c. The designated assistant administrator [, who meets the qualifications of the administrator,] who has successfully completed the medication training program approved by the Board of Nursing [; .]

[~~d. The manager as specified in this chapter who has successfully completed the medication training program approved by the Board of Nursing; or~~

~~e. The person in charge as specified in this chapter who has successfully completed the medication training program approved by the Board of Nursing.]~~

22 VAC 40-72-670. Administration of medications and related provisions.

A. Drugs shall be administered to those residents who are dependent in medication administration as documented on the UAI.

B. All medications shall be removed from the pharmacy container by an authorized person and administered by the same authorized person [not earlier than one hour before and not later than one hour after the facility's standard dosing schedules, except those drugs that are ordered for specific times, such as before, after or with meals]. Pre-pouring [for later administration] is not permitted.

C. All medications shall be administered in accordance with the physician's [or other prescriber's] instructions and consistent with the standards of practice outlined in the current ["~~A Resource Guide for Medication Management for Persons Authorized Under the Drug Control Act,~~" curriculum] approved by the Virginia Board of Nursing.

D. All medications shall remain in the pharmacy issued container, with the legible prescription label or direction label attached, until administered.

E. Sample medications shall remain in the original packaging, labeled by a physician [or other prescriber] or pharmacist with the resident's name, the name of the medication, the strength, dosage, route and frequency of administration, until administered.

F. Over-the-counter medication shall remain in the original container, labeled with the resident's name, or in a pharmacy-issued container [~~if unit dose packaging is used~~], until administered.

G. In the event of an adverse drug reaction or a medication error:

1. First aid shall be administered as directed by a physician, pharmacist or the Virginia Poison Control Center.
2. The resident's physician of record shall be notified as soon as possible.
3. The direct care staff person shall document [actions taken] in the resident's record [~~actions taken~~].

H. The facility shall document on a medication administration record (MAR) all medications administered to residents, including over-the-counter medications, and dietary supplements. The MAR shall include:

1. Name of the resident;
2. Date prescribed;
3. Drug product name;

4. Strength of the drug;

5. Dosage;

6. Diagnosis, condition, or specific indications for administering the drug or supplement;

7. Route (for example, by mouth);

8. How often medication is to be taken;

9. Date and time given and initials of direct care staff administering the medication;

10. Dates the medication is discontinued or changed;

11. Any medication errors or omissions;

12. [~~Significant~~ Description of significant] adverse effects [suffered by the resident];

13. For PRN medications:

- a. Symptoms for which medication was given;
- b. Exact dosage given; and
- c. Effectiveness; and

14. The name, signature and initials of all [~~direct care~~] staff administering medications.

I. The performance of all medical procedures and treatments ordered by a physician [or other prescriber] shall be documented and the documentation shall be retained in the resident's record.

J. The use of PRN (as needed) medications is prohibited, unless one or more of the following conditions exist:

1. The resident is capable of determining when the medication is needed;
2. Licensed health care professionals are responsible for medication administration and management; or
3. The facility has obtained from the resident's physician [or other prescriber] detailed written instructions or a staff person as allowed in 22 VAC 40-72-640 D has telephoned the [~~doctor~~ physician or other prescriber] prior to administering the medication, explained the symptoms and received a documented oral order to assist the resident in self-administration. The physician's [or other prescriber's] instructions shall include symptoms that might indicate the use of the medication, exact dosage, the exact timeframes the medication is to be given in a 24-hour period, and directions as to what to do if symptoms persist.

K. Medications ordered for PRN administration shall be available, properly labeled [for the specific resident] and properly stored at the facility.

L. [~~An additional drug box called a stat drug box may be prepared by a pharmacy to provide for initiating therapy prior to the receipt of ordered drugs from the pharmacy. A stat~~

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~~drug box may be used in those facilities in which only those persons licensed to administer are administering drugs and shall be subject to the conditions specified in 18 VAC 110-20-550 of the regulations of the Virginia Board of Pharmacy. NOTE: Stat drug boxes may not be used in facilities in which medication aides administer medications. Medication aides hold a certificate, but are not licensed. Stat drug boxes may only be used when the following conditions are met:~~

- ~~1. There is an order from the prescriber for any drug removed from the stat-drug box; and~~
- ~~2. The drug is removed from the stat-drug box and administered by a nurse, pharmacist or prescriber licensed to administer medications.~~

~~A stat-drug box may be prepared by a pharmacy prior to the receipt of ordered drugs from the pharmacy. Stat-drug boxes are subject to the conditions specified in 18 VAC 110-20-550 of the Virginia Board of Pharmacy.]~~

22 VAC 40-72-680. Medication review.

A. For each resident assessed for residential living care, except for those who self-administer all of their medications, a licensed health care professional, acting within the scope of the requirements of his profession, shall perform an annual review of all the medications of the resident.

B. For each resident assessed for assisted living care, a licensed health care professional, acting within the scope of the requirements of his profession, shall perform a review every six months of all the medications of the resident.

C. The medication review shall include [both] prescription [and drugs,] over-the-counter medications and [dietary] supplements [ordered for the resident].

D. If deemed appropriate by the licensed health care professional, the review shall include observation of or interview with the resident.

E. The review shall include, but not be limited to, the following:

1. All medications that the resident is taking and medications that he could be taking if needed (PRNs).
2. An examination of the dosage, strength, route, how often, prescribed duration, and when the medication is taken.
3. Documentation of actual and consideration of potential interactions of drugs with one another.
4. Documentation of actual and consideration of potential interactions of drugs with foods or drinks.
5. Documentation of actual and consideration of potential negative affects of drugs resulting from a resident's medical condition other than the one the drug is treating.

6. Consideration of whether PRNs, if any, are still needed and if clarification regarding use is necessary.

7. Consideration of whether the resident needs additional monitoring or testing.

8. Documentation of actual and consideration of potential adverse effects or unwanted side effects of specific medications.

9. Identification of that which may be questionable, such as (i) similar medications being taken, (ii) different medications being used to treat the same condition, (iii) what seems an excessive number of medications, and (iv) what seems an exceptionally high drug dosage.

F. Any concerns or problems or potential problems shall be reported to the resident's attending physician and to the facility administrator.

G. The results of the review shall be documented, signed and dated by the health care professional, and retained in the resident's record. The health care professional shall also document any reports made as required in subsection F of this section. Action taken in response to the report shall also be documented. The documentation required by this subsection shall be retained in the resident's record.

22 VAC 40-72-690. Oxygen therapy.

When oxygen therapy is provided, the following safety precautions shall be met and maintained:

1. The facility shall have a valid physician's [or other prescriber's] order that includes the following:

- a. The oxygen source (such as compressed gas or concentrators);
- b. The delivery device (such as nasal cannula, reservoir nasal cannulas or masks); and
- c. The flow rate deemed therapeutic for the resident.

2. The facility shall post "No Smoking-Oxygen in Use" signs and enforce the smoking prohibition in any room of a building where oxygen is in use.

3. The facility shall ensure that only oxygen from a portable source shall be used by residents when they are outside their rooms. The use of long plastic tether lines to the source of oxygen is not permitted.

4. The facility shall make available to [employees staff] the emergency numbers to contact the resident's physician [or other prescriber] and the oxygen vendor for emergency service or replacement.

5. The facility shall demonstrate that all direct care staff responsible for assisting residents who use oxygen supplies have had training or instruction in the use and maintenance of resident-specific equipment.

22 VAC 40-72-700. Restraints.

A. Restraints shall not be used for purposes of discipline or convenience. Restraints may only be used to treat a resident's medical symptoms or symptoms from mental illness or mental retardation.

B. The facility may only impose physical restraints when the resident's medical symptoms or symptoms from mental illness or mental retardation warrant the use of restraints, if the restraint is:

1. Necessary to ensure the physical safety of the resident or others;
2. Imposed in accordance with a physician's written order that specifies the condition, circumstances and duration under which the restraint is to be used, except in emergency circumstances until such an order can reasonably be obtained; and
3. Not ordered on a standing, blanket, or "as needed" (PRN) basis.

C. Whenever physical restraints are used, the following conditions shall be met:

1. A restraint shall be used only to the minimum extent necessary to protect the resident or others;
2. Restraints shall only be applied by direct care staff who have received training in their use as specified by subdivision 2 of 22 VAC 40-72-310;
3. The facility shall closely monitor the resident's condition, which includes checking on the resident at least every 30 minutes;
4. The facility shall assist the resident as often as necessary, but no less than 10 minutes every hour, for his hydration, safety, comfort, range of motion, exercise, elimination, and other needs;
5. The facility shall release the resident from the restraint as quickly as possible;
6. Direct care staff shall keep a record of restraint usage, outcomes, checks, any assistance required in subdivision 4 of this subsection, and note any unusual occurrences or problems;

7. In nonemergencies (as defined in 22 VAC 40-72-10):

- a. Restraints shall be used as a last resort and only if the facility, after completing, implementing and evaluating the resident's comprehensive assessment and service plan, determines and documents that less restrictive means have failed;
- b. Restraints shall be used in accordance with the resident's service plan, which documents the need for the restraint and includes a schedule or plan of rehabilitation training enabling the progressive removal or the

progressive use of less restrictive restraints when appropriate;

c. The facility shall explain the use of the restraint and potential negative outcomes to the resident or his legal representative and the resident's right to refuse the restraint; and shall obtain the written consent of the resident or his legal representative;

d. Restraints shall be applied so as to cause no physical injury and the least possible discomfort; and

e. The facility shall notify the resident's legal representative or designated contact person as soon as practicable, but no later than 24 hours after the initial administration of a nonemergency restraint. The facility shall keep the legal representative or designated contact person informed about any changes in restraint usage. A notation shall be made in the resident's record of such notice, including the date, time, caller and person notified.

8. In emergencies (as defined in 22 VAC 40-72-10):

a. Restraints shall not be used unless they are necessary to alleviate an unanticipated immediate and serious danger to the resident or other individuals in the facility;

b. An oral or written order shall be obtained from a physician within one hour of administration of the emergency restraint and the order shall be documented;

c. In the case of an oral order, a written order shall be obtained from the physician as soon as possible;

d. The resident shall be within sight and sound of direct care staff at all times;

e. If the emergency restraint is necessary for longer than two hours, the resident shall be transferred to a medical or psychiatric inpatient facility or monitored in the facility by a mental health crisis team until his condition has stabilized to the point that the attending physician documents that restraints are not necessary; and

f. The facility shall notify the resident's legal representative or designated contact person as soon as practicable, but no later than 12 hours after administration of an emergency restraint. A notation shall be made in the resident's record of such notice, including the date, time, caller and person notified.

D. The use of chemical restraints is prohibited.

22 VAC 40-72-710. Do Not Resuscitate (DNR) Orders.

A. Do Not Resuscitate Orders for withholding cardiopulmonary resuscitation from an individual in the event of cardiac or respiratory arrest shall only be carried out in a licensed assisted living facility when:

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1. A valid written order has been issued by the resident's attending physician;

2. The written order is included in the individualized service plan; and

3. There is [~~an employee~~ a staff person] with a current certification in cardiopulmonary resuscitation (CPR) (See provision from § 63.2-1807 of the Code of Virginia in this section) or a licensed nurse available to implement the order.

B. Durable DNR Orders shall not authorize the withholding of other medical interventions, such as intravenous fluids, oxygen or other therapies deemed necessary to provide comfort care or to alleviate pain.

C. Section 63.2-1807 of the Code of Virginia states that the owners or operators of any assisted living facility may provide that their [~~employees~~ staff] who are certified in CPR shall not be required to resuscitate any resident for whom a valid written order not to resuscitate in the event of cardiac or respiratory arrest has been issued by the resident's attending physician and has been included in the resident's individualized service plan.

PART VII.

RESIDENT ACCOMMODATIONS AND RELATED PROVISIONS.

22 VAC 40-72-720. Personal possessions.

A. Each resident shall be permitted to keep reasonable personal property in his possession at a facility in order to maintain individuality and personal dignity. These possessions may include, but are not limited to:

1. Clothing. A facility shall ensure that each resident has his own clothing.

a. The use of a common clothing pool is prohibited.

b. If necessary, resident's clothing shall be inconspicuously marked with his name to avoid getting mixed with others.

c. Residents shall be allowed and encouraged to select their daily clothing and wear clothing to suit their activities and appropriate to weather conditions.

2. Personal care items. Each resident shall have his own personal care items. Toilet paper and soap shall be provided for residents at all commonly shared face/hand washing sinks and bathrooms at no additional charge.

B. Each facility shall develop and implement a written policy regarding procedures to be followed when a resident's clothing or other personal possession, such as jewelry, television, radio or other durable property, is reported missing. Attempts shall be made to determine the reason for the loss and any reasonable actions shall be taken to recover the item and to prevent or discourage future losses.

Documentation shall be maintained [for at least two years] regarding [~~all~~] items that were reported missing and resulting actions that were taken.

22 VAC 40-72-730. Resident rooms.

A. The resident shall be encouraged to furnish or decorate his room as space and safety considerations permit and in accordance with this chapter.

B. Bedrooms shall contain the following items:

1. A separate bed with comfortable mattress, springs and pillow for each resident. Provisions for a double bed for a married couple shall be optional;

2. A table or its equivalent accessible to each bed;

3. An operable bed lamp or bedside light accessible to each resident;

4. A sturdy chair for each resident (wheelchairs do not meet the intent of this standard);

5. Drawer space for clothing and other personal items. If more than one resident occupies a room, ample drawer space shall be assigned to each individual;

6. At least one mirror; and

7. Window coverings for privacy.

C. Adequate and accessible closet or wardrobe space shall be provided for each resident. [As of December 28, 2006, in all buildings approved for construction of change in use and occupancy classification, the closet or wardrobe space shall be in the resident's bedroom.]

D. The facility shall have sufficient bed and bath linens in good repair so that residents always have clean:

1. Sheets;

2. Pillowcases;

3. Blankets;

4. Bedspreads;

5. Towels;

6. Washcloths; and

7. Waterproof mattress covers when needed.

22 VAC 40-72-740. Living room or multipurpose room.

A. Sitting rooms or recreation areas or both shall be equipped with:

1. Comfortable chairs (e.g., overstuffed, straight-backed, and rockers);

2. Tables;

3. Lamps;

- 4. Television (if not available in other areas of the facility);
- 5. Radio (if not available in other areas of the facility);
- 6. Current newspaper; and
- 7. Materials appropriate for the implementation of the planned activity program, such as books or games.

B. Space other than sleeping areas shall be provided for residents for sitting, for visiting with one another or with guests, for social and recreational activities, and for dining. These areas may be used interchangeably.

22 VAC 40-72-750. Dining areas.

Dining areas shall have a sufficient number of sturdy dining tables and chairs to serve all residents, either all at one time or in reasonable shifts.

22 VAC 40-72-760. Laundry and linens.

- A. Residents' clothing shall be kept clean and in good repair.
- B. Table coverings and napkins shall be clean at all times.
- C. Bed and bath linens shall be changed at least every seven days and more often if needed. In facilities with common bathing areas, bath linens shall be changed after each use.
- D. Table and kitchen linens shall be laundered separately from other washable goods.
- E. When bed, bath, table and kitchen linens are washed, the water shall be above 140°F or the dryer shall heat the linens above 140°F as verified by the manufacturer or a sanitizing agent shall be used according to the manufacturer's instructions.

22 VAC 40-72-770. Transportation.

The resident shall be assisted in making arrangements for transportation as necessary.

22 VAC 40-72-780. Incoming and outgoing mail.

- A. Incoming and outgoing mail shall not be censored.
- B. Incoming mail shall be delivered promptly.
- C. Mail shall not be opened by [~~employees staff~~] or volunteers except upon request of the resident or written request of the legal representative.

22 VAC 40-72-790. Telephones.

- A. Each building shall have at least one operable, nonpay telephone easily accessible to [~~employees staff~~]. There shall be additional telephones or extensions as may be needed to summon help in an emergency.
- B. The resident shall have reasonable access to a nonpay telephone on the premises.
- C. Privacy shall be provided for residents to use a telephone.

22 VAC 40-72-800. Smoking.

A. Smoking by residents, [~~employees staff~~], volunteers, and visitors shall be done only in areas designated by the facility and approved by the State Fire Marshal or local fire official. Smoking shall not be allowed in a kitchen or food preparation areas. [~~NOTE:~~] A facility may prohibit smoking on its premises.

B. All designated smoking areas shall be provided with suitable ashtrays.

C. Residents shall not be permitted to smoke in or on their beds.

D. All common areas shall have smoke-free areas designated for nonsmokers.

22 VAC 40-72-810. Resident councils.

A. The facility shall permit and encourage the formation of a resident council by residents, and shall assist the residents in its establishment.

B. The resident council shall be composed of residents of the facility and the council may extend membership to family members, advocates, friends, and others. Residents shall be encouraged, but shall not be compelled [,] to attend meetings.

C. The facility shall assist residents in maintaining the resident council, including, but not limited to:

- 1. Scheduling regular meetings;
- 2. Providing space for meetings;
- 3. Posting notice for meetings;
- 4. Providing assistance in attending meetings for those residents who request it; and
- 5. Preparing written reports of meetings for dissemination to all residents.

D. In order to promote a free exchange of ideas, at least part of each meeting shall be allowed to be conducted without the presence of any facility personnel.

E. The purposes of the resident council shall be to:

- 1. Work with the administration in improving the quality of life for all residents [~~by enriching the activity program~~];
- 2. Discuss the services offered by the facility and make recommendations for resolution of identified problems or concerns; [and]
- [~~3. Review the facility's policies and procedures, and recommend changes or additions; and~~
- ~~4. 3.] Perform other functions as determined by the council.~~

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F. If there is no council, the facility shall annually remind residents that they may establish a resident council and that the facility would assist in its formation and maintenance. The general purpose of the council shall also be explained at this time.

22 VAC 40-72-820. Pets living in the assisted living facility.

If an assisted living facility allows pets to live on the premises, the facility shall:

1. Develop, implement and disclose to potential and current residents policies regarding:
 - a. The types of pets that are permitted in the assisted living facility; and
 - b. The conditions under which pets may be in the assisted living facility.
2. Maintain documentation of disclosure of pet policies in the resident's record.
3. Ensure that before being allowed to live on the premises, the animal shall have had all recommended or required immunizations and shall be certified by a licensed veterinarian to be free of diseases transmittable to humans.
4. Ensure that animals living on the assisted living facility premises:
 - a. Have regular examinations and immunizations, appropriate for the species, by a licensed veterinarian.
 - b. Are restricted from central food preparation areas.
5. Ensure that common household pets, exotic pets, animals, birds, insects, reptiles, and fish are well treated and cared for in compliance with state regulations and local ordinances.
6. Ensure that any resident's rights, preferences, and medical needs are not compromised by the presence of an animal.
7. Ensure any animal living on the premises has a suitable temperament, is healthy, and otherwise poses no significant health or safety risks to residents, [~~employees~~ staff], volunteers, or visitors.
- [8. Maintain documentation of immunizations and examinations at the facility.]

22 VAC 40-72-830. Pets visiting the assisted living facility.

If an assisted living facility allows pets to visit the premises, the [~~facility shall~~ following shall apply]:

1. [~~Ensure that any~~ Any] pet or animal present at the [~~home, indoors or outdoors,~~ is facility shall be] in good health and [~~shows~~ show] no evidence of carrying any disease;

2. [~~Ensure~~ The facility shall ensure] that any resident's rights, preferences, and medical needs are not compromised by the presence of an animal; and

3. [~~Ensure~~ The facility shall ensure] any animal is well-treated while visiting on the premises, has a suitable temperament and otherwise poses no significant health or safety risks to residents, [~~employees~~ staff], volunteers, or visitors.

PART VIII. BUILDINGS AND GROUNDS.

22 VAC 40-72-840. General requirements.

A. Buildings licensed for ambulatory residents or nonambulatory residents shall be classified by and meet the specifications for the proper use [~~group~~ and occupancy classification] as required by the Virginia [Uniform] Statewide Building Code (13 VAC 5-63).

B. A certificate of occupancy shall be obtained as evidence of compliance with the applicable edition of the Virginia [Uniform] Statewide Building Code.

C. Before construction begins or contracts are awarded for any new construction, remodeling, or alterations, plans shall be submitted to the department for review.

D. Doors and windows.

1. All doors shall open and close readily and effectively.
2. Any doorway or window that is used for ventilation shall be effectively screened.

E. There shall be enclosed walkways between residents' rooms and dining and sitting areas that are adequately lighted, heated, and ventilated.

F. There shall be an ample supply of hot and cold water from an approved source available to the residents at all times.

G. Hot water at taps available to residents shall be maintained within a range of 105°F to 120°F.

H. Where there is an outdoor area accessible to residents, such as a porch or lawn, it shall be equipped with furniture in season.

I. Cleaning supplies and other hazardous materials shall be stored in a locked area. This safeguard shall be optional in an independent living environment.

J. Each facility shall develop and implement a written policy regarding weapons on the premises of the facility that will ensure the safety and well-being of all residents and staff. Any facility permitting any type of firearm on the premises must include procedures to ensure that ammunitions and firearms are stored separately and in locked locations.

22 VAC 40-72-850. Maintenance of buildings and grounds.

A. The interior and exterior of all buildings shall be maintained in good repair.

B. The interior and exterior of all buildings shall be kept clean and shall be free of rubbish.

C. All buildings shall be well-ventilated and free from foul, stale and musty odors.

D. Adequate provisions for the collection and legal disposal of garbage, ashes and waste material shall be made.

1. Covered, vermin-proof, watertight containers shall be used.

2. Containers shall be emptied and cleaned at least once a week.

E. Buildings shall be kept free of flies, roaches, rats and other vermin. The grounds shall be kept free of their breeding places.

F. All furnishings and equipment, including [, but not limited to, furniture, window coverings,] sinks, toilets, bathtubs, and showers, shall be kept clean and in good repair.

G. Heating, cooling, and lighting features required by 22 VAC 40-72-860 and 22 VAC 40-72-870 shall be kept in safe, operable condition.

H. All inside and outside steps, stairways and ramps shall have nonslip surfaces.

I. Grounds shall be properly maintained to include mowing of grass and removal of snow and ice.

J. Handrails shall be provided on all stairways, ramps, elevators, and at changes of floor level.

K. Elevators, where used, shall be kept in good running condition and shall be inspected at least annually. [Elevators shall be inspected in accordance with the Virginia Uniform Statewide Building Code (13 VAC 5-63).] The signed and dated certificate of inspection issued by the local authority, by the insurance company, or by the elevator company shall be evidence of such inspection.

[L. The facility shall develop and implement a schedule of inspection and preventive maintenance and a schedule for inspection and cleaning and housekeeping tasks to ensure that the requirements of this section are met.]

22 VAC 40-72-860. Heating, ventilation, and cooling.

A. Rooms extending below ground level shall not be used for residents unless they are dry and well-ventilated. Bedrooms below ground level shall have required window space and ceiling height.

B. At least one movable thermometer shall be available in each building for measuring temperatures in individual rooms

that do not have a fixed thermostat that shows the temperature in the room.

C. Heat.

1. Heat shall be supplied from a central heating plant or by an approved electrical heating system.

2. Provided their installation or operation has been approved by the state or local [building or] fire authorities, space heaters, such as but not limited to, wood burning stoves, coal burning stoves, and oil heaters, or portable heating units either vented or unvented, may be used only to provide or supplement heat in the event of a power failure or similar emergency. These appliances shall be used in accordance with the manufacturer's instructions.

3. When outside temperatures are below 68°F, a temperature of at least 72°F shall be maintained in all areas used by residents during hours when residents are normally awake. During night hours, when residents are asleep, a temperature of at least 68°F shall be maintained. This standard applies unless otherwise mandated by federal or state authorities.

D. Cooling devices.

1. Cooling devices shall be made available in those areas of buildings used by residents when inside temperatures exceed [~~82~~ 80]°F.

2. Cooling devices shall be placed to minimize drafts.

3. Any electric fans shall be screened and placed for the protection of the residents.

4. When air conditioners are not provided in all areas used by residents, the facility shall develop and implement a plan to protect residents from heat-related illnesses.

5. As of [~~(insert six months after the effective date of these regulations)~~ June 28, 2007,] the largest common area used by residents shall have air conditioning equipment. The temperature in this common area shall not exceed [~~82~~ 80] °F.

6. As of [~~(insert the effective date of these regulations)~~ December 28, 2006], in all buildings approved for [~~new~~] construction or change in use [~~group~~ and occupancy classification], [~~or in additions approved for new construction~~ as referenced in the Virginia Uniform Statewide Building Code (13 VAC 5-63)], the facility shall provide an air conditioning system for all areas used by residents, including residents' bedrooms and common areas. Temperatures in all areas used by residents shall not exceed [~~82~~ 80] °F.

7. As of [~~six years after the effective of these regulations~~ December 28, 2012], the facility shall provide in all buildings an air conditioning system for all areas used by residents, including residents' bedrooms and common

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areas. Temperatures in all areas used by residents shall not exceed [~~82~~ 80] °F.

a. The facility shall develop an implementation plan, which includes the type of system to be utilized [~~; and~~] equipment needed [~~; and costs and funding resources for equipment, installation and operation~~].

b. The implementation plan shall be filed with the department's licensing inspector by [~~(insert two years after the effective date of these standards)~~ December 28, 2008].

22 VAC 40-72-870. Lighting and lighting fixtures.

A. Artificial lighting shall be by electricity.

B. All areas shall be well lighted for the safety and comfort of the residents according to the nature of activities.

C. Outside entrances and parking areas shall be lighted for protection against injuries and intruders.

D. Hallways, stairwells, foyers, doorways, and exits utilized by residents shall be kept well-lighted at all times residents are present in the building.

E. Additional lighting, as necessary to provide and ensure presence of contrast, shall be available for immediate use in areas that may present safety hazards, such as, but not limited to, stairways, doorways, passageways, changes in floor level, kitchen, bathrooms and basements.

F. Glare shall be kept at a minimum in rooms used by residents. When necessary to reduce glare, coverings shall be used for windows and lights.

G. If used, fluorescent lights shall be replaced if they flicker or make noise.

22 VAC 40-72-880. Sleeping areas.

Resident sleeping quarters shall provide:

1. For not less than 450 cubic feet of air space per resident;

2. For square footage as provided in this subdivision:

a. As of February 1, 1996, all buildings approved for construction or change in use [~~group~~ and occupancy classification], as referenced in the Virginia [Uniform] Statewide Building Code (13 VAC 5-63), shall have not less than 100 square feet of floor area in bedrooms accommodating one resident; otherwise not less than 80 square feet of floor area in bedrooms accommodating one resident shall be required.

b. As of February 1, 1996, all buildings approved for construction or change in use [~~group~~ and occupancy classification], as referenced in the Virginia Uniform Statewide Building Code, shall have not less than 80 square feet of floor area per person in bedrooms accommodating two or more residents; otherwise not less

than 60 square feet of floor area per person in bedrooms accommodating two or more persons shall be required;

3. For ceilings at least 7-1/2 feet in height;

4. For window areas as provided in this subdivision:

a. There shall be at least eight square feet of glazed window area above ground level in a room housing one person; and

b. There shall be at least six square feet of glazed window area above ground level per person in rooms occupied by two or more persons;

5. For occupancy as provided in this subdivision:

a. As of [~~(insert the effective date of these regulations)~~ December 28, 2006], in all buildings approved for [~~new~~] construction or change in use [~~group~~ and occupancy classification], [~~or in additions approved for new construction~~ as referenced in the Virginia Uniform Statewide Building Code (13 VAC 5-63)], there shall be no more than two residents residing in a bedroom.

b. Unless the provisions of subdivision a of this subdivision apply, there shall be no more than four residents residing in a bedroom;

6. For at least three feet of space between sides and ends of beds that are placed in the same room;

7. That no bedroom shall be used as a corridor to any other room;

8. That all beds shall be placed only in bedrooms; and

9. That household members and [~~employees~~ staff] shall not share bedrooms with residents.

22 VAC 40-72-890. Toilet, face/hand washing and bathing facilities.

A. In determining the number of toilets, face/hand washing sinks, bathtubs or showers required, the total number of persons residing on the premises shall be considered. Unless there are separate facilities for household members or [~~employees~~ staff], they shall be counted in determining the required number of fixtures, except that for bathtubs or showers, the [~~employee~~ staff] count shall include only live-in [~~employees~~ staff].

1. As of [~~(insert the effective date of these standards)~~ December 28, 2006], in all buildings [~~or parts thereof~~] approved for [~~new~~] construction or change in use [~~group~~ and occupancy classification], [as referenced in the Virginia Uniform Statewide Building Code (13 VAC 5-63),] on each floor where there are residents' bedrooms, there shall be:

a. At least one toilet for each four persons, or portion thereof;

b. At least one face/hand washing sink for each four persons, or portion thereof;

c. At least one bathtub or shower for each seven persons, or portion thereof;

d. Toilets, face/hand washing sinks and bathtubs or showers in separate rooms for men and women where more than four persons live on a floor. Bathrooms equipped to accommodate more than one person at a time shall be labeled by gender. Gender designation of bathrooms shall remain constant during the course of a day.

2. Unless the provisions of subdivision 1 of this subsection apply, on each floor where there are residents' bedrooms, there shall be:

a. At least one toilet for each seven persons, or portion thereof;

b. At least one face/hand washing sink for each seven persons, or portion thereof;

c. At least one bathtub or shower for each 10 persons, or portion thereof;

d. Toilets, face/hand washing sinks and bathtubs or showers in separate rooms for men and women where more than seven persons live on a floor. Bathrooms equipped to accommodate more than one person at a time shall be labeled by gender. Gender designation of bathrooms shall remain constant during the course of a day.

3. As of [~~insert the effective date of these standards~~ December 28, 2006], in all buildings [~~or parts thereof~~] approved for [~~new~~] construction or change in use [~~group and occupancy classification~~], [~~as referenced in the Virginia Uniform Statewide Building Code (13 VAC 5-63),] when residents' rooms are located on the same floor as the main living or dining area, in addition to the requirements of subdivision 1 of this [~~section~~ subsection], there shall be at least one more toilet and face/hand washing sink, which is available for common use. The provisions of subdivision 4 c of this subsection shall also apply.~~

4. On floors used by residents where there are no residents' bedrooms there shall be:

a. At least one toilet;

b. At least one face/hand washing sink;

c. Toilets and face/hand washing sinks in separate rooms for men and women in facilities where there are 10 or more residents. Bathrooms equipped to accommodate more than one person at a time shall be designated by gender. Gender designation of bathrooms must remain constant during the course of a day.

B. Bathrooms shall provide for privacy for such activities as bathing, toileting, and dressing.

C. There shall be ventilation to the outside in order to eliminate foul odors.

D. The following sturdy safeguards shall be provided [, with installation in compliance with the Virginia Uniform Statewide Building Code (13 VAC 5-63)]:

1. Handrails by bathtubs;

2. Grab bars by toilets; and

3. Handrails inside and stools available to stall showers.

EXCEPTION: These safeguards shall be optional for individuals with independent living status.

E. Bathtubs and showers shall have nonskid surfacing or strips.

F. The face/hand washing sink shall be in the same room as the toilet or in an adjacent private area that is not part of a common use area of the assisted living facility.

G. The assisted living facility shall provide private or common-use toilet, face/hand washing and bathing facilities to meet the needs of each resident.

22 VAC 40-72-900. Toilet and face/hand washing sink supplies.

A. The facility shall have an adequate supply of toilet tissue and soap. Toilet tissue shall be accessible to each commode and soap shall be accessible to each face/hand washing sink.

B. Common face/hand washing sinks shall have paper towels or an air dryer, and liquid soap for hand washing.

22 VAC 40-72-910. Provisions for signaling/call systems.

A. All assisted living facilities shall have a signaling device that is easily accessible to the resident in his bedroom or in a connecting bathroom that alerts the direct care staff that the resident needs assistance.

B. In facilities licensed to care for 20 or more residents under one roof, there shall be a signaling device that terminates at a central location that is continuously staffed and permits [~~employees~~ staff] to determine the origin of the signal or is audible and visible in a manner that permits [~~employees~~ staff] to determine the origin of the signal.

C. In facilities licensed to care for 19 or fewer residents, if the signaling device does not permit [~~employees~~ staff] to determine the origin of the signal as specified in subsection B of this section, direct care staff shall make rounds at least once each hour to monitor for emergencies or other unanticipated resident needs. These rounds shall begin when the majority of the residents have gone to bed each evening and shall terminate when the majority of the residents have arisen each morning, and shall be documented as follows:

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1. A written log shall be maintained showing the date and time rounds were made and the signature of the direct care staff member who made rounds.

2. Logs for the past [~~three months~~ two years] shall be retained.

22 VAC 40-72-920. Fire safety: compliance with state regulations and local fire ordinances.

A. An assisted living facility shall comply with the Virginia Statewide Fire Prevention Code (13 VAC 5-51) as determined by at least an annual inspection by the appropriate fire official. Reports of the annual inspections shall be retained at the facility for at least two years.

B. An assisted living facility shall comply with any local fire ordinance.

PART IX. EMERGENCY PREPAREDNESS.

22 VAC 40-72-930. Emergency preparedness and response plan.

A. The facility shall develop [~~in accordance with a department approved manual.~~] a written emergency preparedness and response plan that shall address:

1. Documentation of contact with the local emergency coordinator to determine local disaster risks and communitywide plans to address different disasters and emergency situations.

2. Analysis of the facility's potential hazards, including severe weather, fire, loss of utilities, flooding, work place violence or terrorism, severe injuries, or other emergencies that would disrupt the normal course of service delivery.

3. Written emergency management policies outlining specific responsibilities for provision of:

a. Administrative direction and management of response activities;

b. Coordination of logistics during the emergency;

c. Communications;

d. Life safety of residents, [~~employees~~ staff], volunteers, and visitors;

e. Property protection;

f. Continued provision of services to residents;

g. Community [~~outreach~~ resource accessibility]; and

h. Recovery and restoration.

4. Written emergency response procedures for assessing the situation; protecting residents, [~~employees~~ staff], volunteers, visitors, equipment, medications, and vital records; and restoring services. Emergency procedures shall address:

a. Alerting emergency personnel and [~~employees~~ facility staff];

b. Warning and notification of residents, including sounding of alarms when appropriate;

c. Providing emergency access to secure areas and opening locked doors;

d. Conducting evacuations or sheltering in place, as appropriate, and accounting for all residents;

e. Locating and shutting off utilities when necessary;

f. Operating the emergency generator, and if available on-site, testing it periodically;

g. Communicating with [~~employees~~ staff] and community emergency responders during the emergency; and

h. Conducting relocations to emergency shelters or alternative sites when necessary and accounting for all residents.

5. Supporting documents that would be needed in an emergency, including emergency call lists, building and site maps necessary to shut off utilities, memoranda of understanding with relocation sites, and list of major resources such as suppliers of emergency equipment.

[~~6. Written procedures for quarterly testing of the implementation of the plan. The testing shall be divided evenly among shifts and the facility shall maintain a record of the dates of the tests for two years.~~]

[~~7. Written procedures for an evaluation immediately following each quarterly test of the plan in order to determine the effectiveness of the test. The licensee or administrator shall immediately correct any problems identified in the evaluation.]~~]

B. [~~Employees~~ Staff] and volunteers shall be knowledgeable in and prepared to implement the emergency preparedness plan in the event of an emergency.

C. The [~~provider~~ facility] shall develop and implement an orientation and quarterly review on [the] emergency preparedness and response [plan] for all [~~employees~~ staff], residents, and volunteers. The orientation and review shall cover responsibilities for:

1. Alerting emergency personnel and sounding alarms;

2. Implementing evacuation, shelter in place, and relocation procedures;

3. Using, maintaining, and operating emergency equipment;

4. Accessing emergency medical information, equipment, and medications for residents;

5. Locating and shutting off utilities; and

6. Utilizing community support services.

D. The [provider facility] shall review the emergency preparedness plan annually or more often as needed and make necessary revisions. Such revisions shall be communicated to [employees staff], residents, and volunteers and incorporated into the orientation and quarterly review for [employees staff], residents, and volunteers.

E. In the event of a disaster, fire, emergency or any other condition that may jeopardize the health, safety and welfare of residents, the [provider facility] shall take appropriate action to protect the health, safety and welfare of the residents and take appropriate actions to remedy the conditions as soon as possible.

F. After the disaster/emergency is stabilized, the [provider facility] shall:

1. Notify family members and legal representatives; and
2. Report the disaster/emergency to the licensing office by the next working day as specified in 22 VAC 40-72-100.

22 VAC 40-72-940. [Emergency Fire and emergency] evacuation plan.

A. Assisted living facilities shall have a written plan for [fire and] emergency [building] evacuation that is to be followed in the event of a fire or other emergency [that requires evacuation]. The plan shall be approved by the appropriate fire official.

B. [~~A~~ A fire and] emergency evacuation drawing shall be posted in a conspicuous place on each floor of each building used by residents. The drawing shall show primary and secondary escape routes, areas of refuge, assembly areas, telephones, fire alarm boxes, and fire extinguishers, as appropriate.

C. The telephone numbers for the fire department, rescue squad or ambulance, [and] police [, and Poison Control Center] shall be posted by each telephone shown on the [fire and emergency] evacuation plan.

[NOTE: D.] In assisted living facilities where all outgoing telephone calls must be placed through a central switchboard located on the premises, this information may be posted by the switchboard rather than by each telephone, providing this switchboard is manned 24 hours each day.

[~~D. Employees~~ E. Staff] and volunteers shall be fully informed of the approved [fire and emergency] evacuation plan, including their duties, and the location and operation of fire extinguishers, fire alarm boxes, and any other available emergency equipment.

22 VAC 40-72-950. [Evacuation Fire and emergency] drills.

[~~A. At least one evacuation drill shall be held each month for the staff on duty and all residents who are in the building at~~

the time of the drill to practice meeting the requirements of the approved emergency evacuation plan. During a three month period:

1. At least one evacuation drill shall be held between the hours of 7 a.m. and 3 p.m.;
2. At least one evacuation drill shall be held between the hours of 3 p.m. and 11 p.m.; and
3. At least one evacuation drill shall be held between the hours of 11 p.m. and 7 a.m.

[A. Fire and emergency evacuation drill frequency and participation shall be in accordance with the current edition of the Virginia Statewide Fire Prevention Code (13 VAC 5-51). The drills required for each shift in a quarter shall not be conducted in the same month.]

B. Additional [fire and emergency] evacuation drills may be held at the discretion of the administrator or licensing inspector and must be held when there is any reason to question whether [all residents can meet] the requirements of the approved [fire and] emergency evacuation plan [can be met].

C. Each required [fire and emergency evacuation] drill shall be unannounced.

D. Immediately following each required [fire and emergency] evacuation drill, there shall be an evaluation of the drill by the staff in order to determine the effectiveness of the drill. The licensee or administrator shall immediately correct any problems identified in the evaluation.

E. A record of the required [fire and emergency] evacuation drills shall be kept in the facility for two years. Such record shall include:

1. The date and time of the drill;
2. The number of [employees staff] participating;
3. The number of residents participating;
- [~~4. The names of any residents who were present in the facility who did not take part in the drill, and the reasons;~~
- ~~5. 4.] The time it took to complete the drill;~~
- [~~6. 5.] Weather conditions; and~~
- [~~7. 6.] Problems encountered, if any.~~

22 VAC 40-72-960. Emergency equipment and supplies.

A. A complete first aid kit shall be on hand at the facility, located in a designated place that is easily accessible to [employees staff] but not to residents. The kit shall include, but not be limited to, the following items:

1. Activated charcoal (use only if instructed by physician or Poison Control Center);
2. Adhesive tape;

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3. Antiseptic ointment;
4. Band-aids (assorted sizes);
5. Blankets (disposable or other);
6. Disposable single use breathing barriers/shields for use with rescue breathing or CPR (CPR mask or other type);
7. Cold pack;
8. Disposable single use waterproof gloves;
9. Gauze pads and roller gauze (assorted sizes);
10. Hand cleaner (e.g., waterless hand sanitizer or antiseptic towelettes);
11. Plastic bags;
12. Scissors;
13. Small flashlight and extra batteries;
14. Syrup of ipecac (use only if instructed by physician or Poison Control Center);
15. Thermometer;
16. Triangular bandages;
17. Tweezers; and
18. The first aid instructional manual.

[Items with expiration dates must not have dates that have already passed.]

B. In facilities that have a motor vehicle that is used to transport residents [and in a motor vehicle used for a field trip], there shall be a first aid kit on the vehicle, located in a designated place that is accessible to [~~employees~~ staff] but not residents, that includes items as specified in subsection A of this section.

C. First aid kits shall be checked at least [~~quarterly~~ monthly] to assure that all items are present and items with expiration dates are [~~replaced as necessary~~ not past their expiration date].

D. Each facility with six or more residents shall be able to connect by July 1, 2007, to a temporary emergency electrical power source for the provision of electricity to provide the services listed below in the event of an emergency that disrupts electrical power to the facility. The installation of the emergency power source shall be in compliance with the Virginia [Uniform] Statewide Building Code, 13 VAC 5-63.

1. The emergency electrical power shall be sufficient to provide the following services:
 - a. Heating and cooling as required by 22 VAC 40-72-860 in an area that provides no less than 40 square feet of floor area per resident;

- b. Lighting as required by 22 VAC 40-72-870 in an area that provides no less than 40 square feet of floor area per resident;

- c. Refrigeration adequate to preserve food and medications that require refrigeration; and

- d. Operation of any necessary medical equipment.

2. The provision of emergency electrical power may be supplied by:

- a. An emergency generator available on-site; or

- b. A written [~~contractual~~] agreement with a company [or other entity] that will provide an emergency generator within four hours of notification.

E. The following emergency lighting shall also be available at all times:

1. Flashlights or battery lanterns with one light for each employee directly responsible for resident care who is on duty between [6 5] p.m. and [6 7] a.m.

2. One operable flashlight or battery lantern for each bedroom used by residents and for the living and dining area unless there is a provision for emergency lighting in the adjoining hallways.

3. Open flame lighting is prohibited.

F. There shall be an alternative form of communication in addition to the telephone such as a cell phone, two-way radio, or ham radio.

G. The facility shall ensure the availability of a 96-hour supply of emergency food and drinking water, emergency generator fuel, and oxygen for residents using oxygen.

22 VAC 40-72-970. Plan for resident emergencies and practice exercise.

A. Assisted living facilities shall have a [written] plan for resident emergencies that includes:

1. Procedures for handling medical emergencies including identifying the [~~employee~~ staff person] responsible for (i) calling the rescue squad, ambulance service, [~~or~~] resident's physician [, or Poison Control Center,] and (ii) providing first aid and CPR, [~~if appropriate~~ when indicated].

2. Procedures for handling mental health emergencies such as, but not limited to, catastrophic reaction or the need for a temporary detention order.

3. Procedures for making pertinent medical information and history available to the rescue squad and hospital, including but not limited to information on medications and any advance directives.

4. Procedures to be followed in the event that a resident is missing, including but not limited to (i) involvement of

facility [employees staff], appropriate law-enforcement agency, and others as needed; (ii) areas to be searched; (iii) expectations upon locating the resident; and (iv) documentation of the event.

5. Procedures for notifying the resident's family, legal representative, designated contact person, and any responsible social agency.

6. Procedures for notifying the licensing office as specified in 22 VAC 40-72-100.

B. At least once every six months, all [employees staff] on each shift shall participate in [a an] exercise in which the procedures for resident emergencies are practiced. Documentation of each exercise shall be maintained in the facility for at least two years.

C. The plan for resident emergencies shall be readily available to all [employees staff].

PART X.

ADDITIONAL REQUIREMENTS FOR FACILITIES THAT CARE FOR ADULTS WITH SERIOUS COGNITIVE IMPAIRMENTS WHO CANNOT RECOGNIZE DANGER OR PROTECT THEIR OWN SAFETY AND WELFARE.

Article 1.

Subjectivity.

22 VAC 40-72-980. Subjectivity.

All facilities that care for residents with serious cognitive impairments due to a primary psychiatric diagnosis of dementia who cannot recognize danger or protect their own safety and welfare shall be subject to either Article 2 (22 VAC 40-72-990 et seq.) or Article 3 (22 VAC 40-72-1060 et seq.) of this part. All facilities that care for residents with serious cognitive impairments due to any other diagnosis who cannot recognize danger or protect their own safety and welfare shall be subject to Article 2 of this part. [NOTE: Serious cognitive impairment is defined in 22 VAC 40-72-10.]

Article 2.

Mixed Population.

22 VAC 40-72-990. Applicability.

The requirements in this article apply when there is a mixed population consisting of any combination of (i) residents who have serious cognitive impairments due to a primary psychiatric diagnosis of dementia who are unable to recognize danger or protect their own safety and welfare and who are not in a special care unit as provided for in Article 3 (22 VAC 40-72-1060 et seq.) of this part; (ii) residents who have serious cognitive impairments due to any other diagnosis who cannot recognize danger or protect their own safety and welfare; and (iii) other residents. The requirements in this article also apply when all the residents have serious cognitive impairments due to any diagnosis other than a

primary psychiatric diagnosis of dementia and cannot recognize danger or protect their own safety and welfare. Except for special care units covered by Article 3 of this part, these requirements apply to the entire facility unless specified otherwise.

EXCEPTION: The requirements in this article do not apply when facilities are licensed for 10 or fewer residents if no more than three of the residents have serious cognitive impairments, when the residents cannot recognize danger or protect their own safety and welfare. Each prospective resident or his legal representative shall be notified of this exception prior to admission.

22 VAC 40-72-1000. Staffing.

A. When residents are present, there shall be at least two direct care staff members awake and on duty at all times in each building who shall be responsible for the care and supervision of the residents.

B. During trips away from the facility, there shall be sufficient direct care staff to provide sight and sound supervision to all residents who cannot recognize danger or protect their own safety and welfare.

22 VAC 40-72-1010. [Employee Staff] training.

A. Commencing immediately upon employment and within three months, the administrator shall attend 12 hours of training in cognitive impairment that meets the requirements of subsection C of this section. This training is counted toward the annual training requirement for the first year. Previous training that meets the requirements of subsection C of this section and was completed in the year prior to employment is transferable if there is documentation of the training. The documented previous training is counted toward the required 12 hours but not toward the annual training requirement.

B. Commencing immediately upon employment and within [~~six~~ four] months, direct care staff shall attend four hours of training in cognitive impairment that meets the requirements of subsection C of this section. This training is counted toward meeting the annual training requirement for the first year. Previous training that meets the requirements of subsection C of this section and was completed in the year prior to employment is transferable if there is documentation of the training. The documented previous training is counted toward the required four hours but not toward the annual training requirement.

C. Curriculum for the training in cognitive impairment for direct care staff and administrators shall be developed by a qualified health professional or by a licensed social worker, shall be relevant to the population in care and shall include, but need not be limited to:

1. Explanation of cognitive impairments;

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2. Resident care techniques;
3. Behavior management;
4. Communication skills;
5. Activity planning; and
6. Safety considerations.

D. Within the first month of employment, [employees staff] other than the administrator and direct care staff shall complete one hour of training on the nature and needs of residents with cognitive impairments relevant to the population in care.

22 VAC 40-72-1020. Doors and windows.

A. Doors leading to the outside shall have a system of security monitoring of residents with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare, such as door alarms, cameras, constant [employee staff] oversight, security bracelets that are part of an alarm system, or delayed egress mechanisms. Residents with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare may be limited but not prohibited from exiting the facility or any part thereof. Before limiting any resident from freely leaving the facility, the resident's record shall reflect the behavioral observations or other bases for determining that the resident has a serious cognitive impairment and an inability to recognize danger or protect his own safety and welfare.

B. There shall be protective devices on the bedroom and the bathroom windows of residents with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare and on windows in common areas accessible to these residents to prevent the windows from being opened wide enough for a resident to crawl through.

22 VAC 40-72-1030. Outdoor area.

The facility shall have a secured outdoor area for the residents' use or provide direct care staff supervision while residents with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare are outside.

22 VAC 40-72-1040. Indoor walking area.

The facility shall provide to residents free access to an indoor walking corridor or other indoor area that may be used for walking.

22 VAC 40-72-1050. Environmental precautions.

A. Special environmental precautions shall be taken by the facility to eliminate hazards to the safety and well-being of residents with serious cognitive impairments who cannot recognize danger or protect their own safety and welfare. Examples of environmental precautions include signs, carpet

patterns and arrows that point the way, and reduction of background noise.

B. When there are indications that ordinary materials or objects may be harmful to a resident with a serious cognitive impairment who cannot recognize danger or protect his own safety and welfare, these materials or objects shall be inaccessible to the resident except under [employee staff] supervision.

Article 3.

Safe, Secure Environment.

22 VAC 40-72-1060. Applicability.

In order to be admitted or retained in a safe, secure environment as defined in 22 VAC 40-72-10, a resident must have a serious cognitive impairment due to a primary psychiatric diagnosis of dementia and be unable to recognize danger or protect his own safety and welfare. The requirements in this article apply when such residents reside in a safe, secure environment. These requirements apply only to the safe, secure environment.

EXCEPTION: A resident's spouse, parent, adult sibling or adult child who otherwise would not meet the criteria to reside in a safe, secure environment may reside in the special care unit if the spouse, parent, sibling or child so requests in writing, the facility agrees in writing and the resident, if capable of making the decision, agrees in writing. The written request and agreements must be maintained in the resident's file. The spouse, parent, sibling or child is considered a resident of the facility and as such 22 VAC 40-72 applies. The requirements of this article do not apply for the spouse, parent, adult sibling, or adult child since the individual does not have a serious cognitive impairment due to a primary psychiatric diagnosis of dementia with an inability to recognize danger or protect his own safety and welfare.

22 VAC 40-72-1070. Assessment.

A. Prior to his admission to a safe, secure environment, the resident shall have been assessed by an independent clinical psychologist licensed to practice in the Commonwealth or by an independent physician as having a serious cognitive impairment due to a primary psychiatric diagnosis of dementia with an inability to recognize danger or protect his own safety and welfare. The physician shall be board certified or board eligible in a specialty or subspecialty relevant to the diagnosis and treatment of serious cognitive impairments, e.g., family practice, geriatrics, internal medicine, neurology, neurosurgery, or psychiatry. The assessment shall be in writing and shall include, but not be limited to, the following areas:

1. Cognitive functions, e.g., orientation, comprehension, problem-solving, attention/concentration, memory, intelligence, abstract reasoning, judgment, insight;
2. Thought and perception, e.g., process, content;

- 3. Mood/affect;
- 4. Behavior/psychomotor;
- 5. Speech/language; and
- 6. Appearance.

B. The assessment required in subsection A of this section shall be maintained in the resident's record.

22 VAC 40-72-1080. Approval.

A. Prior to placing a resident with a serious cognitive impairment due to a primary psychiatric diagnosis of dementia in a safe, secure environment, the facility shall obtain the written approval of one of the following persons, in the following order of priority:

- 1. The resident, if capable of making an informed decision;
- 2. A guardian or other legal representative for the resident if one has been appointed;
- 3. A relative who is willing and able to take responsibility to act as the resident's representative, in the following specified order: (i) spouse, (ii) adult child, (iii) parent, (iv) adult sibling, (v) adult grandchild, (vi) adult niece or nephew, (vii) aunt or uncle; or
- 4. If the resident is not capable of making an informed decision and a guardian, legal representative or relative is unavailable, an independent physician who is skilled and knowledgeable in the diagnosis and treatment of dementia.

B. The obtained written approval shall be retained in the resident's file.

C. The facility shall document that the order of priority specified in subsection A of this section was followed and the documentation shall be retained in the resident's file.

[NOTE: D.] As soon as one of the persons in the order as prioritized above disapproves of placement or retention in the safe, secure environment, then the assisted living facility shall not place or retain the resident or prospective resident in the special care unit. If the resident is not to be retained in the unit, the discharge requirements specified in 22 VAC 40-72-420 apply.

22 VAC 40-72-1090. Appropriateness of placement and continued residence.

A. Prior to admitting a resident with a serious cognitive impairment due to a primary psychiatric diagnosis of dementia to a safe, secure environment, the licensee/administrator or designee shall determine whether placement in the special care unit is appropriate. The determination and justification for the decision shall be in writing and shall be retained in the resident's file.

B. Six months after the completion of the initial uniform assessment instrument and thereafter at the time of

completion of each subsequent uniform assessment instrument as required in 22 VAC 40-72-430, the licensee/administrator or designee shall perform a review of the appropriateness of each resident's continued residence in the special care unit. The licensee/administrator or designee shall also perform a review of the appropriateness of continued residence in the unit whenever warranted by a change in a resident's condition. The review shall be performed in consultation with the following persons, as appropriate: (i) the resident, (ii) a responsible family member, (iii) a guardian or other legal representative, (iv) designated contact person, (v) direct care staff who provide care and supervision to the resident, (vi) the resident's mental health provider, (vii) the licensed health care professional required in 22 VAC 40-72-480, (viii) the resident's physician, and (ix) any other professional involved with the resident. The licensee/administrator or designee shall make a determination as to whether continued residence in the special care unit is appropriate at the time of each review required by this subsection. The determination and justification for the decision shall be in writing and shall be retained in the resident's file.

22 VAC 40-72-1100. Activities.

A. Each week [there shall be at least 16 hours of] a variety of scheduled activities [shall be] available [that to the residents. The 16-hour activity requirement replaces the number of hours per week specified in 22 VAC 40-72-520. The activities] shall include, but not necessarily be limited to, the following categories:

- 1. Cognitive/mental stimulation/creative activities, e.g., discussion groups, reading, story telling, writing;
- 2. Physical activities (both gross and fine motor skills), e.g., exercise, dancing, gardening, cooking;
- 3. Productive/work activities, e.g., practicing life skills, setting the table, making decorations, folding clothes;
- 4. Social activities, e.g., games, music, arts and crafts;
- 5. Sensory activities, e.g., auditory, visual, scent and tactile stimulation;
- 6. Reflective/contemplative activities, e.g., meditation, reminiscing, and poetry readings;
- 7. Outdoor activities, weather permitting; e.g., walking outdoors, field trips; and
- 8. Nature/natural world activities, such as interaction with pets, making flower arrangements, watering indoor plants, and having a picnic.

[NOTE: Several of the examples listed above may fall under more than one category.

NOTE: These activities do not require additional hours beyond those specified in 22 VAC 40-72-520.]

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B. If appropriate to meet the needs of the resident with a short attention span, there shall be multiple short activities.

C. [~~Employees~~ Staff] shall regularly encourage residents to participate in activities and provide guidance and assistance, as needed.

D. In addition to the [required] scheduled activities [~~required by 22 VAC 40-72-520~~], there shall be unscheduled [~~employee~~ staff] and resident interaction throughout the day that fosters an environment that promotes socialization opportunities for residents.

E. Residents shall be given the opportunity to be outdoors on a daily basis, weather permitting.

F. As appropriate, residents shall be encouraged to participate in supervised activities or programs outside the special care unit.

G. There shall be a designated [~~employee~~ staff person] responsible for managing or coordinating the structured activities program. This [~~employee~~ staff person] shall be on-site in the special care unit at least 20 hours a week, shall maintain personal interaction with the residents and familiarity with their needs and interests, and shall meet at least one of the following qualifications:

1. Be a qualified therapeutic recreation specialist or an activities professional;
2. Be eligible for certification as a therapeutic recreation specialist or an activities professional by a recognized accrediting body;
3. Have one year full-time work experience, within the last five years, in an activities program in an adult care setting;
4. Be a qualified occupational therapist or an occupational therapy assistant; or
5. Prior to or within six months of employment, have successfully completed 40 hours of department-approved training in adult group activities and in recognizing and assessing the activity needs of residents.

[~~NOTE: 6.~~] The required 20 hours on-site does not have to be devoted solely to managing or coordinating activities [~~3.~~] neither is it required that the person responsible for managing or coordinating the activities program conduct the activities.

H. The facility shall obtain documentation of the qualifications as specified in subsection G of this section for the designated [~~employee~~ staff person] responsible for managing or coordinating the structured activities program. The documentation shall be retained in the [~~employee's~~ staff person's] file. Written confirmation of department approval of training provided for in subdivision G 5 of this section shall also be retained in the [~~employee's~~ staff person's] file, as appropriate.

22 VAC 40-72-1110. Staffing.

A. When residents are present, there shall be at least two direct care staff members awake and on duty at all times in each special care unit who shall be responsible for the care and supervision of the residents.

EXCEPTION: Only one direct care staff member has to be awake and on duty in the unit if sufficient to meet the needs of the residents, if (i) there are no more than five residents present in the unit and (ii) there are at least two other direct care staff members in the building, one of whom is readily available to assist with emergencies in the special care unit, provided that supervision necessary to ensure the health, safety and welfare of residents throughout the building is not compromised.

B. During trips away from the facility, there shall be sufficient direct care staff to provide sight and sound supervision to residents.

22 VAC 40-72-1120. [~~Employee~~ Staff] training.

A. Commencing immediately upon employment and within two months, the administrator and direct care staff shall attend at least four hours of training in cognitive impairments due to dementia. This training is counted toward meeting the annual training requirement for the first year. The training shall cover the following topics:

1. Information about the cognitive impairment, including areas such as cause, progression, behaviors, management of the condition;
2. Communicating with the resident;
3. Managing dysfunctional behavior; and
4. Identifying and alleviating safety risks to residents with cognitive impairment.

Previous training that meets the requirements of this subsection and subsections C and D of this section that was completed in the year prior to employment is transferable if there is documentation of the training. The documented previous training is counted toward the required four hours but not toward the annual training requirement. [~~NOTE:~~] In this subsection, for direct care staff, employment means employment in the safe, secure environment.

B. Within the first year of employment, the administrator and direct care staff shall attend at least six more hours of training, in addition to that required in subsection A of this section, in caring for residents with cognitive impairments due to dementia. The training is counted toward meeting the annual training requirement for the first year. The training shall cover the following topics:

1. Assessing resident needs and capabilities and understanding and implementing service plans;

2. Resident care techniques for persons with physical, cognitive, behavioral and social disabilities;
3. Creating a therapeutic environment;
4. Promoting resident dignity, independence, individuality, privacy and choice;
5. Communicating with families and other persons interested in the resident;
6. Planning and facilitating activities appropriate for each resident; and
7. Common behavioral problems and behavior management techniques.

Previous training that meets the requirements of this subsection and subsections C and D of this section that was completed in the year prior to employment is transferable if there is documentation of the training. The documented previous training is counted toward the required six hours but not toward the annual training requirement. [NOTE:] In this subsection, for direct care staff, employment means employment in the safe, secure environment.

C. The training required in subsections A and B of this section shall be developed by:

1. A licensed health care professional acting within the scope of the requirements of his profession who has at least 12 hours of training in the care of individuals with cognitive impairments due to dementia; or
2. A person who has been approved by the department to develop the training.

D. The training required in subsections A and B of this section shall be provided by a person qualified under subdivision C 1 of this section or a person who has been approved by the department to provide the training.

E. Within the first month of employment, [employees staff], other than the administrator and direct care staff, who will have contact with residents in the special care unit shall complete one hour of training on the nature and needs of residents with cognitive impairments due to dementia.

22 VAC 40-72-1130. Doors and windows.

A. Doors that lead to unprotected areas shall be monitored or secured through devices that conform to applicable building and fire codes, including but not limited to, door alarms, cameras, constant [employee staff] oversight, security bracelets that are part of an alarm system, pressure pads at doorways, delayed egress mechanisms, locking devices or perimeter fence gates. Residents who reside in safe, secure, environments may be prohibited from exiting the facility or the special care unit, if applicable building and fire codes are met.

B. There shall be protective devices on the bedroom and bathroom windows of residents and on windows in common areas accessible to residents to prevent the windows from being opened wide enough for a resident to crawl through.

C. As of October 9, 2001, buildings approved for construction or change in use [group and occupancy classification], as referenced in 13 VAC 5-63, the Virginia [Uniform] Statewide Building Code, shall have a glazed window area above ground level in at least one of the common rooms, e.g., living room, multipurpose room, dining room. The square footage of the glazed window area shall be at least 8.0% of the square footage of the floor area of the common room.

22 VAC 40-72-1140. Outdoor area.

The facility shall have a secured outdoor area for the residents' use or provide direct care staff supervision while residents are outside.

22 VAC 40-72-1150. Indoor walking area.

The facility shall provide to residents free access to an indoor walking corridor or other indoor area that may be used for walking.

22 VAC 40-72-1160. Environmental precautions.

A. Special environmental precautions shall be taken by the facility to eliminate hazards to the safety and well-being of residents. Examples of environmental precautions include signs, carpet patterns and arrows that point the way, high visual contrast between floors and walls, and reduction of background noise.

B. When there are indications that ordinary materials or objects may be harmful to a resident, these materials or objects shall be inaccessible to the resident except under [employee staff] supervision.

C. Special environmental enhancements, tailored to the population in care, shall be provided by the facility to enable residents to maximize their independence and to promote their dignity in comfortable surroundings. Examples of environmental enhancements include memory boxes, activity centers, rocking chairs, and visual contrast between plates/eating utensils and the table.

[DOCUMENTS INCORPORATED BY REFERENCE

Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DMS IV TR), Copyright 2000, American Psychiatric Association, 1400 K Street NW, Washington, DC 20005, www.psych.org.]

NOTICE: The forms used in administering 22 VAC 40-72, Standards and Regulations for Licensed Assisted Living Facilities, are not being published; however, the name of each form is listed below. The forms are available for public inspection at the Department of Social Services, 7 North Eighth Street, Richmond, Virginia, or at the office of the

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Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Initial Application for a State License to Operate an Assisted Living Facility, 032-05-009/4 (rev. 9/02).

Renewal Application for a State License to Operate an Assisted Living Facility, 032-05-025/4 (rev. 9/02).

VA.R. Doc. No. R05-134; Filed November 8, 2006, 10:43 a.m.

Final Regulation

Title of Regulation: **22 VAC 40-80. General Procedures and Information for Licensure (amending 22 VAC 40-80-60, 22 VAC 40-80-120, 22 VAC 40-80-340, 22 VAC 40-80-370, 22 VAC 40-80-430; adding 22 VAC 40-80-345).**

Statutory Authority: §§ 63.2-217, 63.2-1732, 63.2-1733 and 63.2-1734 of the Code of Virginia.

Effective Date: December 28, 2006.

Agency Contact: Richard Martin, Manager, Office of Legislative and Regulatory Affairs, Department of Social Services, 7 North Eighth Street, Richmond, VA 23219, telephone (804) 726-7902, FAX (804) 726-7906.

Summary:

The amendments add a requirement regarding notification to the department when a licensee plans to close or sell a facility; add additional items to the list of documents that must be posted in a facility; add additional administrative sanctions that the commissioner may impose upon licensed facilities when they fail to maintain compliance with regulations or laws; and add a new section that provides procedures for summary orders of suspension. Also included are minor changes to procedures for consent agreements, for clarification and to remove unnecessary detail. One change was made to the proposed regulation in order to update a Code of Virginia citation.

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

22 VAC 40-80-60. General.

A. A license to operate a facility or agency is issued to a specific person or organization to provide out-of-home care to children or adults. An organization may be a partnership, association, corporation, limited liability company, or public entity.

B. Pursuant to § 63.2-1712 of the Code of Virginia, any person, officer, or member of a governing board of any association or corporation that operates an assisted living

facility, adult day care center, or child welfare agency shall be guilty of a Class 1 misdemeanor if he:

1. Interferes with any representative of the commissioner in the discharge of his licensing duties;
2. Makes to the commissioner or any representative of the commissioner any report or statement with respect to the operation of any assisted living facility, adult day care center, or child welfare agency that is known by such person to be false or untrue;
3. Operates or engages in the conduct of these facilities without first obtaining a license as required or after such license has been revoked or has expired and not been renewed; or
4. Operates or engages in the conduct of one of these facilities serving more persons than the maximum stipulated in the license.

C. When a licensee plans to close or sell a facility, the licensee shall notify the appropriate licensing office at least 60 days prior to the anticipated closure or sale date. When the facility closes or the sale is finalized, the license shall be returned to the appropriate licensing office.

22 VAC 40-80-120. Terms of the license.

A. A facility or agency shall operate within the terms of its license, which are:

1. The operating name of the facility or agency;
2. The name of the individual, partnership, association, corporation, limited liability company, or public entity sponsoring the facility or agency;
3. The physical location of the facility or agency;
4. The maximum number of children or adults who may be in care at any time;
5. The period of time for which the license is effective;
6. For child care facilities or agencies, the age range of children for whom care may be provided; and
7. Any other limitations that the department may prescribe within the context of the regulations for any facility or agency.

B. The provisional license cites the standards with which the licensee is not in compliance.

C. The conditional license cites the standards with which the licensee must demonstrate compliance when operation begins, and also any standards with which the licensee is not in compliance.

D. Prior to changes in operation that would affect the terms of the license, the licensee shall secure a modification to the terms of the license from the department. (See 22 VAC 40-80-190.)

~~E. The following documents shall be posted, when applicable, in a conspicuous place on the licensed premises so that they are visible to the public: Certain documents related to the terms of the license are required to be posted on the premises of each facility. These are:~~

- ~~1. The most recently issued license. Any provisional license shall be posted at each public entrance of the facility and a notice shall be prominently displayed next to the license that states that a description of specific violations of licensing standards to be corrected and the deadline for completion of such corrections is available for inspection at the facility or on the facility's website, if applicable;~~
- ~~2. The most recent violation notice findings of the most recent inspection of the facility;~~
- ~~3. Probationary status announcements;~~
- ~~4. Denial and revocation notices; and~~ 3. Notice of the commissioner's intent to revoke or deny renewal of the license of an assisted living facility. Such notice will be provided by the department and shall be posted in a prominent place at each public entrance of the facility to advise consumers of serious or persistent violations.
- ~~4. A copy of any final order of summary suspension of all or part of an assisted living facility's license shall be prominently displayed by the provider at each public entrance of the facility, or the provider may display a written statement summarizing the terms of the order, printed in clear and legible size and typeface, in a prominent location and identifying the location within the facility where the final order of summary suspension may be reviewed.~~
- ~~5. Notice of the commissioner's intent to take any of the actions enumerated in subdivisions B 1 through B 6 of § 63.2-1709.2 of the Code of Virginia. Such notice will be provided by the department and a copy of the notice shall be posted in a prominent place at each public entrance of the facility to advise consumers of serious or persistent violations.~~
- ~~6. A copy of any special order issued by the department shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations.~~
- ~~5-7. Any other documents required by the commissioner.~~

22 VAC 40-80-340. Administrative sanctions.

The commissioner may impose administrative sanctions or initiate court proceedings, severally or jointly, when appropriate in order to ensure prompt correction of violations involving noncompliance with state law or regulation in assisted living facilities, adult day care centers and child welfare agencies as discovered through any inspection or

investigation conducted by the Department of Social Services, the Virginia Department of Health, the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, or by state and local building or fire prevention officials. These administrative sanctions include:

1. Petitioning the court to appoint a receiver for any assisted living facility or adult day care center;
2. Revoking or denying renewal of a license for any assisted living facility or adult day care center that fails to comply with the limitations and standards set forth in its license for violation that adversely affects, or is an imminent and substantial threat to, the health, safety or welfare of residents, or for permitting, aiding or abetting the commission of any illegal act in an adult care facility;
3. Revoking or denying renewal of a license for any child welfare agency that fails to comply with the limitations and standards set forth in its license;
4. Requiring an assisted living facility to contract with an individual licensed by the Board of Long-Term Care Administrators to administer, manage or operate the facility on an interim basis if the commissioner receives information from any source indicating imminent and substantial risk of harm to residents. This action shall be an attempt to bring the facility into compliance with all relevant requirements of law, regulation or any plan of correction approved by the commissioner. The contract shall be negotiated in accordance with the provisions of § 63.2-1709 of the Code of Virginia;
5. Issuing a summary order of suspension of the license to operate an assisted living facility pursuant to proceedings set forth in § 63.2-1709 C of the Code of Virginia in conjunction with any proceedings for revocation, denial, or other action when conditions or practices exist that pose an imminent and substantial threat to the health, safety and welfare of residents; and
- 4- ~~6.~~ Imposing administrative sanctions through the issuance of a special order as provided in § [~~63.2-1709 D~~ 63.2-1709.2] of the Code of Virginia. These include:
 - a. Placing a licensee on probation upon finding that the licensee is substantially out of compliance with the terms of the license and that the health and safety of residents, participants or children are at risk;
 - b. Reducing the licensed capacity or prohibiting new admissions when the commissioner has determined that the licensee cannot make necessary corrections to achieve compliance with the regulations except by a temporary restriction of its scope of service;
 - ~~e. Requiring that probationary status announcements, provisional licenses and denial and revocation notices be posted in a conspicuous place on the licensed premises~~

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~~and be of sufficient size and distinction to advise consumers of serious or persistent violation;~~

~~d. c.~~ Mandating training for the licensee or licensee's employees, with any costs to be borne by the licensee, when the commissioner has determined that the lack of such training has led directly to violations of regulations;

~~e. d.~~ Assessing civil penalties of not more than \$500 per inspection upon finding that the licensee of an adult day care center or child welfare agency is substantially out of compliance with the terms of its license and the health and safety of residents, participants or children are at risk;

e. Assessing a civil penalty for each day an assisted living facility is or was out of compliance with the terms of its license and the health, safety, and welfare of residents are at risk. The aggregate amount of such civil penalties shall not exceed \$10,000 in any 24-month period. Criteria for imposition of civil penalties and amounts, expressed in ranges, are developed by the board and are based upon the severity, pervasiveness, duration and degree of risk to the health, safety, or welfare of residents. Such civil penalties shall be applied by the commissioner in a consistent manner;

f. Requiring licensees to contact parents, guardians or other responsible persons in writing regarding health and safety violations; and

g. Preventing licensees who are substantially out of compliance with the licensure terms or in violation of the regulations from receiving public funds.

22 VAC 40-80-345. Summary suspension procedures.

A. In conjunction with any proceeding for revocation, denial, or other action when conditions or practices exist that pose an imminent and substantial threat to the health, safety and welfare of the residents, the commissioner may issue a summary suspension of the license to operate an assisted living facility or of certain authority of the licensee to provide certain services or perform certain functions.

B. Upon determining that summary suspension is appropriate, the hearing coordinator will select a hearing officer from a list prepared by the Executive Secretary of the Supreme Court of Virginia and will schedule the time, date, and location of the hearing to determine whether the suspension is appropriate as required by § 63.2-1709 C of the Code of Virginia.

C. Simultaneously with the issuance of a notice of revocation, denial or other action, the commissioner will issue to the licensee a notice of summary order of suspension setting forth the following:

1. The procedures for the summary order of suspension;
2. The hearing and appeal rights as set forth below;

3. Facts and evidence that formed the basis for which the summary order of suspension is sought; and

4. The time, date, and location of the hearing.

D. Notice of the summary order of suspension will be served on the licensee or his designee by personal service or by certified mail, return receipt requested, to the address of record of the licensee as soon as practicable after issuance thereof.

E. The hearing shall take place in the locality where the assisted living facility operates unless the licensee or his designee expressly waives this venue provision.

1. The hearing shall be held no later than 15 business days after service of notice on the licensee. The hearing officer may grant a continuance upon written request and for good cause shown. In no event shall any continuance exceed 10 business days after the initial hearing date.

2. The hearing coordinator will forward a copy of the relevant licensing standards to the hearing officer.

3. The hearing will be conducted in accordance with the procedures set forth in 22 VAC 40-80-480 through 22 VAC 40-80-500.

4. The department may be represented either by counsel or by agency staff authorized by § 2.2-509 of the Code of Virginia.

F. Within 10 days of the conclusion of the hearing, the hearing officer shall provide to the commissioner written findings and conclusions, together with a recommendation as to whether the license should be summarily suspended. The department shall have the burden of proof in any summary suspension hearing. The decision of the hearing officer shall be based on the preponderance of the evidence presented by the record and relevant to the basic law under which the agency is operating.

G. Within 10 days of receipt of the hearing officer's report and recommendation, the commissioner shall either (i) adopt the hearing officer's recommendation or (ii) reject the hearing officer's recommendation if it would be an error of law or department policy to accept it.

H. The commissioner shall issue and shall serve on the licensee or his designee by personal service or by certified mail, return receipt requested either:

1. A final order of summary suspension including (i) a detailed statement of the basis for rejecting the hearing officer's recommendation, if applicable, and (ii) notice that the licensee may appeal the commissioner's decision to the appropriate circuit court no later than 10 days following service of the order; or

2. A final order that summary suspension is not warranted by the facts and circumstances presented.

I. A copy of any final order of suspension shall be prominently displayed at each public entrance of the facility as required in 22 VAC 40-80-120.

J. The signed, original case decision shall remain in the custody of the agency as a public record, subject to the agency's records retention policy.

22 VAC 40-80-370. Appeal process.

A. The applicant or licensee will receive a notice of the department's intent to impose an administrative sanction. This notice will describe the sanction or sanctions and the reasons for the imposition. Service of the notice of adverse action is achieved by certified mailing of the notice to the applicant or licensee, unless service is made by other means and acknowledged by the applicant or licensee. If the applicant or licensee wishes to appeal the notice of adverse action, he shall have 15 days after service receipt of the notice to note his appeal. ~~If service is accomplished by mail, three days shall be added to the 15-day period.~~

B. Upon receipt of the notice to impose an administrative sanction, the applicant or licensee has the right to appeal the decision in accordance with the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The procedures for filing an appeal will be outlined in the notice. The applicant or licensee shall submit any appeal of imposition of an administrative sanction in writing within 15 days of receipt of the notice.

C. If the applicant or licensee fails to appeal the notice of adverse action within 15 days of receipt of the notice, ~~the notice will constitute the department's final decision~~ final order will be entered. The decision will take effect 30 days after receipt of the notice.

D. The appeal process available is governed by law. Where the sanction is imposed by means of a special order as provided in § 63.2-1709 of the Code of Virginia, the case decision is issued by the commissioner following findings and conclusions resulting from the informal conference. Other sanctions include a provision for an administrative hearing, which is described in § 2.2-4020 of the Code of Virginia, prior to the issuance of the case decision. For ease of reference, the process steps are displayed in the following chart:

List of Sanctions with Appeal Provisions

	Informal Conference	Administrative Hearing	Circuit Court Review of Case Decision
ADMINISTRATIVE SANCTION			
Place licensee on probation	X		X
Reduce licensed capacity	X		X
Restrict admissions	X		X

Mandate training for licensee or staff	X		X
Assess civil penalty	X		X
Require written contact with responsible persons	X		X
Prevent receipt of public funds	X		X
Deny application for new or renewal license	X	X	X
Revoke license	X	X	X
File petition for appointment of a receiver			X
Require assisted living facility to contract with administrator	X	X	X

22 VAC 40-80-430. Consent agreements.

A. A consent agreement may be proposed by a licensee in lieu of adverse action. The proposed consent agreement shall be submitted no later than five work days prior to the conference unless different arrangements are agreed upon with the chair. In no case may a proposed consent agreement be submitted later than the day of the informal conference. ~~The duration and terms of the consent agreement are negotiable. A licensing representative will negotiate the proposed agreement with the licensee and submit the proposed agreement to the division director, who will make the decision to accept or reject the consent agreement on behalf of the department or recommend such acceptance or rejection to the commissioner.~~

B. An acceptable consent agreement shall contain the following specific elements:

1. Dates of key actions, such as letter of sanction, timely appeal, the informal conference (if already held), and the names of the parties;
2. The assertion that all violations detailed in the letter of denial or revocation have been corrected or will be corrected by a time specified in the proposed agreement;
3. A description in detail of the case-specific systemic solution proposed that addresses the causes of the past history of violations, including the methods the licensee has in place to prevent violations and to monitor results;
4. ~~A statement agreeing to future maintenance of substantial compliance with all regulations;~~
5. ~~Statements outlining and acknowledging the process and timelines for moving the proposed agreement through the steps that will follow submission of the proposal signed by the provider, including statements that (i) the Director of the Division of Licensing Programs will evaluate the proposal and respond by letter and (ii) the licensee understands that if the proposal is conditionally accepted, final approval and the division director's signature will be withheld until after satisfactory on-site verification of results, including the information that the duration of the~~

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~~agreement will begin when the director accepts and signs the document;~~

~~4. A stipulation by the licensee to the validity of the violations enumerated in the specified correspondence and waiver of right to hearing under the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) solely with respect to those violations.~~

~~6- 5. The duration of the consent agreement, including the information that the period begins when the division director signs;~~

~~7- 6. A statement that when the division director signs the agreement, signifying final acceptance, the division director is also agreeing to rescind the outstanding adverse action and that the licensee is agreeing to withdraw all appeals to that action; and~~

~~8- 7. A statement outlining conditions for termination of the final agreement for cause and the nature of the licensee's appeal rights in that event.~~

~~C. Recommendation and approval process.~~

~~1. The department appointed negotiator will review the draft agreement and either make a final suggestion or advise the licensee that a recommendation will be made to the division director.~~

~~2. Two originals of the final proposal, signed by the licensee and dated, shall be mailed to the negotiator.~~

~~3. The negotiator will review the submissions to assure conformity with his expectations and return them to the division director with any recommendations.~~

~~4. The division director will review the proposal and write to the licensee, copying the negotiator, either affirming conditional approval to proceed to verification stage or stating changes required before the proposal will be conditionally approved.~~

~~5. Licensing staff will perform on-site verification, advise the division director of results, and submit a written recommendation with rationale.~~

~~6. If the results warrant it, the division director will prepare a cover letter enclosing one of the original signed consent agreements, and will forward a copy to the licensing unit and all other parties who were copied on the adverse action letter.~~

~~7. If the on site inspection is unsatisfactory, the division director will advise the licensee by letter.~~

~~D- C. Throughout the duration of the consent agreement, licensing staff will make frequent inspections to determine whether the terms of the consent agreement are being implemented and whether its intended results are being achieved.~~

TITLE 23. TAXATION

DEPARTMENT OF TAXATION

Fast-Track Regulation

Title of Regulation: **23 VAC 10-70. Virginia Slaughter Hog and Feeder Pig Excise Tax Regulations (Repealed).**

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that have been made obsolete by changes in state and federal law. As these regulations are obsolete, they are being repealed. As these regulations are obsolete, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are obsolete, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal the Virginia Slaughter Hog and Feeder Pig Excise Tax Regulations.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating obsolete regulations. As these regulations are obsolete their repeal will result in no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. Effective November 1, 1986, the federal "Pork, Promotion, Research, and Consumer Information Act of 1985," 7 USC § 4801, ceded to the federal government the sole right to levy an excise tax on pork. As a result, the Virginia Slaughter Hog and Feeder Pig Excise Tax provided for by § 3.1-763.9 of the Code of Virginia has not been imposed since that date. Consequently, the department's proposal to repeal these regulations will have no impact, other than perhaps to prevent confusion for those who find and read the regulations.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

Effective November 1, 1986, federal law (The Pork, Promotion, Research, and Consumer Information Act of 1985, 7 USC § 4801) ceded to the federal government the sole right to levy an excise tax on pork. As a result, the Virginia Slaughter Hog and Feeder Pig Excise Tax provided for by § 3.1-763.9 of the Code of Virginia is no longer imposed. This regulatory action will repeal the Virginia Slaughter Hog and Feeder Pig Excise Tax Regulations.

V.A.R. Doc. No. R07-36; Filed November 8, 2006, 10:32 a.m.

Fast-Track Regulation

Title of Regulation: **23 VAC 10-75. Virginia Soybean Excise Tax Regulations (repealing 23 VAC 10-75-30 through 23 VAC 10-75-60).**

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

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Substance: This regulatory action will repeal four Soybean Excise Tax Regulations that address statutes that are clear and unambiguous.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these regulations are unnecessary their repeal will result in no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal four sections of these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The department proposes to repeal 23 VAC 10-75-30, 23 VAC 10-75-40, 23 VAC 10-75-50, and 23 VAC 10-75-60 of these regulations. 23 VAC 10-75-40 and 23 VAC 10-75-50 are "reserved" and have no content. Thus repealing 23 VAC 10-75-40 and 23 VAC 10-75-50 will have no impact.

Regulation 23 VAC 10-75-30 and 23 VAC 10-75-60 pertain to Code of Virginia Sections 3.1-684.16 and 3.1-684.19, respectively. None of these regulation sections contain rules that either go beyond or contradict their respective related Code of Virginia sections. Repealing these regulation sections will therefore have no impact.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not significantly affect small businesses.

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 agency agrees with the Department of Planning and Budget's Economic Impact Analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

23 VAC 10-75-30. ~~Interest on assessment; collection of delinquent assessment.~~ (Repealed.)

~~A. If the handler fails to timely pay the soybean excise tax due, interest shall accrue on the unpaid tax.~~

~~B. Interest at a rate determined in accordance with § 58.1-15 of the Code of Virginia will accrue on the unpaid amount of the tax from the due date until the time of payment.~~

~~C. If any person defaults in paying the tax or interest, the amount shall be collected by civil action in the name of the Commonwealth.~~

~~1. The person adjudged in default shall pay the cost of the civil action.~~

~~2. The Tax Commissioner shall request the Attorney General to institute the civil action for collection in the proper court and such action shall be in the amount of the past due tax and interest.~~

23 VAC 10-75-40. [~~Reserved~~] (Repealed.)

23 VAC 10-75-50. [~~Reserved~~] (Repealed.)

23 VAC 10-75-60. Misdemeanors. (Repealed.)

~~It shall be a misdemeanor if any handler knowingly files a false report to the Virginia Department of Taxation on the quantity of soybeans handled by him or falsifies the records of the soybeans handled by him, or fails to preserve the records for a period of not less than two years from the time the soybeans are handled.~~

VA.R. Doc. No. R07-37; Filed November 8, 2006, 10:31 a.m.

Fast-Track Regulation

Title of Regulation: 23 VAC 10-112. Declaration of Estimated Income Tax by Individuals (repealing 23 VAC 10-112-50 through 23 VAC 10-112-90).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal selected Declaration of Estimated Income Tax By Individuals Tax Regulations that provide no additional guidance to clear and unambiguous statutes.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these

regulations are unnecessary, their repeal will result in no disadvantage to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal 23 VAC 10-112-50 (Declarations of estimated tax to be filed with commissioner of revenue of county or city), 23 VAC 10-112-60 (Payment of estimated tax; notice of installment due), 23 VAC 10-112-70 (Reserved), 23 VAC 10-112-80 (Virginia Code Section 58.1-306 applicable to declaration of estimated tax), and 23 VAC 10-112-90 (Oaths or affirmations unnecessary on returns, declarations and reports; misdemeanor to subscribe false return, declaration or report; penalty) of these regulations.

Result of Analysis. The proposed amendments are not likely to have any significant impact.

Estimated Economic Impact. 23 VAC 10-112-60 (Payment of estimated tax; notice of installment due), 23 VAC 10-112-80 (Virginia Code Section 58.1-306 applicable to declaration of estimated tax) and 23 VAC 10-112-90 (Oaths or affirmations unnecessary on returns, declarations and reports; misdemeanor to subscribe false return, declaration or report; penalty) are essentially identical in meaning to Code § 58.1-495, § 58.1-497, and § 58.1-498, respectively. Repealing 23 VAC 10-112-60, 23 VAC 10-112-80, and 23 VAC 10-112-90 will therefore have no impact. 23 VAC 10-112-70 is "reserved" and has no content. Thus repealing 23 VAC 10-112-70 will have no impact.

Section 50 of these regulations concerns the declaration of estimated tax to be filed with the commissioner of revenue of counties and cities. It is essentially identical in meaning to Code § 58.1-493, except for one clarifying sentence. The Code states that "every nonresident individual who is required by this article to file a declaration of estimated tax shall file his declaration with the commissioner of the revenue for the county or city in which all or a part of his income from sources within the Commonwealth was derived." Section 50 of these regulations, but not the Code, further states that "A declaration is not required to be filed with more than one commissioner of the revenue." Without this clarifying sentence a nonresident taxpayer could reasonably misunderstand the Code to mean that a declaration of estimated tax is required for each county or city commissioner of the revenue in which income was derived. According to the department, individuals filing declarations of estimated tax are provided with instructions that make it clear that it is not necessary to file with more than one local commissioner of the revenue. Thus, repealing Section 50 will most likely not have a significant impact.

Regulations

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not significantly affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance,

these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

~~23 VAC 10-112-50. Declarations of estimated tax to be filed with commissioner of revenue of county or city. (Repealed.)~~

~~Every resident individual who is required by these regulations to file a declaration of estimated tax shall file his declaration with the commissioner of the revenue for the county or city in which he resides. Every nonresident individual who is required by these regulations to file a declaration of estimated tax shall file such declaration with the commissioner of the revenue for the county or city in which all or a part of his income from sources within Virginia was derived. A declaration is not required to be filed with more than one commissioner of the revenue. The Department of Taxation will supply forms for preparing declarations of estimated tax. The commissioners of the revenue shall mail or deliver them not later than January 15 of each year to the taxpayers needing them as far as can be determined. Failure of any taxpayer to receive any such form shall not relieve him of his obligation to file a declaration of estimated tax.~~

~~23 VAC 10-112-60. Payment of estimated tax; notice of installment due. (Repealed.)~~

~~The estimated tax with respect to which a declaration is required by these regulations shall be paid as specified in 23 VAC 10-112-30 to the treasurer of the county or city with whose commissioner of the revenue the taxpayer files his declaration of estimated tax.~~

~~In every case the taxpayer may make his first payment to the treasurer of the county or city by attaching such payment to the declaration when the taxpayer files it with the commissioner of the revenue.~~

~~23 VAC 10-112-70. [Reserved] (Repealed.)~~

~~23 VAC 10-112-80. Virginia Code Section 58.1-306 applicable to declaration of estimated tax. (Repealed.)~~

~~Va. Code § 58.1-306 (relating to special instances in which an individual taxpayer may file an income tax return with the Department of Taxation) shall also apply to a declaration of estimated tax.~~

~~23 VAC 10-112-90. Oaths or affirmations unnecessary on returns, declarations and reports; misdemeanor to subscribe false return, declaration or report; penalty. (Repealed.)~~

~~Returns, declarations, and reports filed under these regulations do not need to be verified by the oath or affirmation of the person or persons who are required by law to sign the same. The signature of such person or persons to any such return, declaration or report is sufficient. It is a Class 1 misdemeanor for any such person willfully to subscribe any~~

~~such return, declaration or report which he does not believe to be true and correct as to every material matter.~~

V.A.R. Doc. No. R07-38; Filed November 8, 2006, 10:29 a.m.

Fast-Track Regulation

Title of Regulation: **23 VAC 10-115. Fiduciary Income Tax (repealing 23 VAC 10-115-30, 23 VAC 10-115-120 and 23 VAC 10-115-130).**

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal selected Fiduciary Income Tax Regulations that provide no additional guidance to clear and unambiguous statutes.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these regulations are unnecessary, their repeal will result in no disadvantage to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal 23 VAC 10-115-30 (Imposition of tax), 23 VAC 10-115-120

(Place of filing), and 23 VAC 10-115-130 (Extension of time for filing returns) of these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. 23 VAC 10-115-30 of these regulations addresses the tax on the Virginia taxable income for each taxable year of estates and trusts. The tax rates in the regulation are identical to the tax rates listed in Code of Virginia § 58.1-320, except for taxable income in excess of \$12,000 but not in excess of \$17,000. The tax rate for this range of taxable income is lower in the Code than in the regulation. When there is a conflict between the Code of Virginia and regulations, the Code of Virginia applies. Thus, eliminating this regulation section will not change applicable tax rates. The repeal will be beneficial nonetheless since the current contradictory information is misleading.

23 VAC 10-115-120 (Place of filing) and 23 VAC 10-115-130 (Extension of time for filing returns) of these regulations are essentially identical in meaning to Code § 58.1-382 and § 58.1-383, respectively. Repealing 23 VAC 10-115-120 and 23 VAC 10-115-130 will therefore have no impact.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not significantly affect small businesses.

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

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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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

23 VAC 10-115-30. Imposition of tax. (Repealed.)

~~A tax is hereby annually imposed, at the following rates, on the Virginia taxable income for each taxable year of every estate and trust:~~

Va. Taxable Income	Tax Rate
\$ 0 - \$ 3,000	2%
\$3,001 - \$ 5,000	\$ 60 + 3% of excess over \$3,000
\$5,001 - \$12,000	\$120 + 5% of excess over \$5,000
Over \$12,000	\$470 + 5.75% of excess over \$12,000

23 VAC 10-115-120. Place of filing. (Repealed.)

~~Every fiduciary required to file a return on behalf of an estate or trust must file such return with the commissioner of the revenue having jurisdiction in the county or city in which the fiduciary qualified or, if there has been no qualification in Virginia, in the county or city in which such fiduciary resides, does business or has an office or wherein the beneficiary or any of them may reside.~~

23 VAC 10-115-130. Extension of time for filing returns. (Repealed.)

~~The provisions of § 58.1-344 of the Code of Virginia will apply to the extension of time for filing returns by a fiduciary on behalf of an estate or trust. See also Individual Income Tax Regulations, 23 VAC 10-110-270.~~

VA.R. Doc. No. R07-39; Filed November 8, 2006, 10:30 a.m.

Fast-Track Regulation

Title of Regulation: **23 VAC 10-140. Income Tax Withholding (repealing 23 VAC 10-140-20, 23 VAC 10-140-30, 23 VAC 10-140-80, 23 VAC 10-140-90, 23 VAC 10-140-120, 23 VAC 10-140-140 through 23 VAC 10-140-180, 23 VAC 10-140-210, 23 VAC 10-140-220 and 23 VAC 10-140-240 through 23 VAC 10-140-270).**

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal selected Income Tax Withholding Regulations.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these regulations are unnecessary, their repeal will result in no disadvantage to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal numerous sections of these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The department proposes to repeal 23 VAC 10-140-20, 23 VAC 10-140-30, 23 VAC 10-140-80, 23 VAC 10-140-90, 23 VAC 10-140-120, 23 VAC 10-140-140, 23 VAC 10-140-150, 23 VAC 10-140-160, 23 VAC 10-140-170, 23 VAC 10-140-180, 23 VAC 10-140-210, 23 VAC 10-140-220, 23 VAC 10-140-250, 23 VAC 10-140-260 and 23 VAC 10-140-270 of these regulations. 23 VAC 10-140-120, 23 VAC 10-140-260 and 23 VAC 10-140-270 were "reserved" and had no content. Thus repealing 23 VAC 10-140-120, 23 VAC 10-140-260 and 23 VAC 10-140-270 will have no impact.

Regulation 23 VAC 10-140-20, 23 VAC 10-140-30, 23 VAC 10-140-80, 23 VAC 10-140-90, 23 VAC 10-140-140, 23 VAC 10-140-150, 23 VAC 10-140-170, 23 VAC 10-140-180, 23 VAC 10-140-210, 23 VAC 10-140-220 and 23 VAC 10-140-250 pertain to Code of Virginia Sections 58.1-461, 58.1-462, 58.1-467, 58.1-468, 58.1-473, 58.1-474, 58.1-476, 58.1-477, 58.1-480, 58.1-481, 58.1-484, respectively. None of these regulation sections contain rules that either go beyond or contradict their respective related Code of Virginia sections. Repealing these regulation sections will therefore have no impact.

23 VAC 10-140-160 addresses the penalty rates for employers who are required to deduct and withhold from wages and make returns and payments to the Tax Commissioner, but who fail to do so. The penalty rates differ from those listed in Code of Virginia Section 58.1-475. The penalty rates in the Code are higher. When there is a conflict between the Code of Virginia and regulations, the Code of Virginia applies. Thus the repealing of these regulations will not change penalty rates. The repeal will be beneficial nonetheless since the current contradictory information is misleading.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not significantly affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

23 VAC 10-140-20. Requirement of withholding. (Repealed.)

~~Every employer making payment of wages is required to deduct and withhold with respect to the wages of each employee for each payroll period the following amount (and on the assumption that an equal amount will be collected for each similar payroll period with respect to a similar amount of wages for each payroll period during an entire calendar year): An amount approximately equal to the Virginia income tax liability of such employee after allowing for the personal exemptions and standard deduction to which such employee could be entitled on the basis of his status during such payroll period and after allowing for any credit available to the employee as provided by § 58.1-332 of the Code of Virginia, but without allowing for any other deductions. In determining the amount to be deducted and withheld under these~~

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regulations, the employer is permitted to compute wages to the nearest dollar.

An employer shall not be required to deduct any amount upon a payment of wages to an employee if there is in effect with respect to such payment a withholding exemption certificate, in such form and containing such other information as the Commissioner may prescribe (currently Form VA 4a), furnished by the employee to the employer, certifying that the employee: (i) incurred no liability for Virginia income tax for his preceding taxable year; and (ii) anticipates that he will incur no liability for Virginia income tax for his current taxable year.

23 VAC 10-140-30. Withholding tables. (Repealed.)

The amount of tax to be withheld for each individual shall be based upon tables prepared and distributed by the Commissioner.

Example: Employer A pays his employees every month. Employee Z, who is single and claimed one personal exemption on Form VA 4 filed with Employer A, earns an annual gross salary of \$12,000, payable \$1,000 per month. From each of Employee Z's monthly paychecks Employer A withholds Virginia income tax of \$34.90, based on the monthly withholding table contained in the Employer Income Tax Withholding Instructions issued by the Department of Taxation.

23 VAC 10-140-80. Failure of employer to withhold tax; payment by recipient of wages. (Repealed.)

If an employer fails to deduct and withhold the tax under this chapter, and thereafter the income tax against which the withholding tax may be credited is paid, the employer will not be liable for the withholding tax. However, despite such payment of the withholding tax, the employer will still be liable for any penalties or additions to the tax otherwise applicable to the employer's failure to deduct and withhold.

23 VAC 10-140-90. Failure of employer to pay over tax withheld. (Repealed.)

If any employer deducts and withholds taxes from the compensation of an employee but fails to pay over the money so deducted and withheld to Virginia, such employee shall not be held liable for the payment of such taxes but shall be entitled to a credit for the moneys so deducted and withheld as if the same had been paid over by the employer as required by law. The burden of proving that such an employer deducted and lawfully withheld Virginia income tax shall rest upon the employee.

23 VAC 10-140-120. [Reserved] (Repealed.)

23 VAC 10-140-140. Jeopardy assessments. (Repealed.)

If the Commissioner has reason to believe that the collection of moneys, required to be withheld by the employer, is in jeopardy, he may require the employer to make such return

and pay to the Commissioner such amounts required to be withheld at any time the Commissioner may designate therefor after the time when such amounts should have been deducted from wages and withheld.

23 VAC 10-140-150. Liability of employer for failure to withhold. (Repealed.)

An employer shall be personally and individually liable for sums required to be withheld and paid to the Commissioner which the employer fails to withhold or pay. Any sum or sums withheld in accordance with the provisions of these regulations shall be deemed to be held in trust for the Commonwealth.

23 VAC 10-140-160. Penalty for failure to withhold. (Repealed.)

A. Any employer required under the provisions of this chapter to deduct and withhold from wages and make returns and payments of amounts withheld to the Commissioner, who fails to withhold such amounts, or to make such returns, or who fails to remit amounts collected to the Commissioner, or otherwise fails to remit to the Commissioner as required by these regulations, shall be subject to a penalty equal to 5% of the amount that should have been properly withheld and paid over to the Commissioner for each month or fraction thereof, until paid, not to exceed 25%. In no case shall the penalty be less than \$10, even if no tax is due for the period for which the filing of such return was required.

Interest at a rate determined in accordance with § 58.1-15 of the Code of Virginia, shall accrue on the tax until paid, or until an assessment is made, after which interest shall accrue as provided in § 58.1-15 of the Code of Virginia. Such penalty and interest shall be assessed by the Commissioner and shall be collected by him in the same manner as the collection of taxes may be enforced under Title 58.1, Code of Virginia.

Example: Employer W is a monthly filer and has a liability of \$300 for the monthly period ending January 31, and \$0 for the monthly period ending February 28. He files no returns until April 6. At that time he is liable for penalty and interest (assume an annual interest rate of 12%) as follows:

Monthly period ending January 31 _____
—(return due February 20; return filed _____
—April 6) \$300 liability _____

Penalty—deemed to be 2 months late, _____
at 5% per month _____ 10% x \$300 = \$30.00
Interest over a 45-day period between _____
February 20 and April 6 1.5% x \$300 = \$4.50 _____

_____ \$34.50 _____

Monthly period ending February 28 _____
—(return due March 20; return filed _____
—April 6) \$0 liability _____

Penalty deemed to be 1 month late	
at 5% per month, but 5% x \$0 = \$0,	
so \$10 minimum penalty applies	\$10.00
Interest applied against \$0 liability	0.00
	\$10.00
Total as of April 6:	\$44.50

~~B. Upon failure of any employer to pay over any amounts withheld or required to be withheld by the employer under this chapter, the Commissioner may make assessments and enforce the collection of such amounts, including penalties, by any legal process provided for the enforcement of the collection of taxes under Title 58.1 of the Code of Virginia.~~

~~**23 VAC 10-140-170. Continuation of employer liability until notice. (Repealed.)**~~

~~Once an employer has become liable to file a return of withholding, he must continue to file a return even though no tax has been withheld, until such time as he notifies the Commissioner, in writing, that he no longer has employees or that he is no longer required to file such returns. If an employer requests in writing that he be permitted to change from one filing status to another on the ground that his withholding liability has changed in dollar amount to the requirements of a different filing status, such change shall be permitted only at the beginning of a calendar year which is after the calendar year during which the request was made.~~

~~**23 VAC 10-140-180. Extensions. (Repealed.)**~~

~~The Commissioner may grant an employer a reasonable extension of time for filing any return under this chapter whenever in the Commissioner's judgment good cause exists. Whenever under the terms of such an extension the payment of any amount or amounts of money to the Commissioner by the employer is postponed for a longer period than 10 days from the time the same would be otherwise due and payable, the employer shall be charged with interest on such amount or amounts at a rate determined in accordance with § 58.1-15 of the Code of Virginia, from the time such amount or amounts were originally due and payable to the date of payment under the terms of the extension.~~

~~**23 VAC 10-140-210. Withheld amounts credited to individual taxpayer; withholding statement to be filed with return. (Repealed.)**~~

~~The amount deducted and withheld under this chapter during any calendar year from the wages of any individual shall be allowed to the recipient of the income as a credit against the individual income tax imposed for the taxable year beginning in such calendar year. If more than one taxable year begins in a calendar year, such amount shall be allowed as a credit against the tax for the last taxable year so beginning. As a prerequisite to obtaining such credit the individual taxpayer must file with his income tax return one copy of the~~

withholding statement provided for by § 58.1-478 of the Code of Virginia:

~~**23 VAC 10-140-220. Withheld taxes not deductible in computing taxable income. (Repealed.)**~~

~~The tax deducted and withheld under this chapter shall not be allowed as a deduction either to the employer or to the recipient of the income in computing Virginia taxable income.~~

~~**23 VAC 10-140-240. Withholding state income taxes of federal employees by federal agencies. (Repealed.)**~~

~~Beginning January, 1983, federal civil service retirees who reside in Virginia are eligible to have Virginia income tax withheld from regular, recurring, monthly civil service annuity payments. The amount of withholding must be at least \$5.00 and must be in whole dollar amounts. A retiree authorizes the amount of withholding by sending written notice to the Virginia Department of Taxation. The amount withheld can be changed or canceled at any time by the retiree's sending written notice to the department.~~

~~State taxes can be withheld for only one state at a time and taxes can be withheld for no more than two states in any one calendar year. To change from one state to another, the retiree must first contact the old state to cancel his old request and contact the new state to request the new state to begin withholding.~~

~~Amounts withheld under this provision are treated in the same manner as any other withholding. For example, any excess of withholding over liability for a taxable year can be refunded to a retiree only upon his filing an income tax return for such taxable year.~~

~~**23 VAC 10-140-250. Liability of employer for payment of tax required to be withheld. (Repealed.)**~~

~~The employer shall be liable for the payment to the Commissioner of the amounts required to be deducted and withheld under this chapter, whether or not the employer collects such amounts from the employee. An employer who has withheld and paid such amounts to the Commissioner is relieved of liability to any person for the amount of any such payment, and any excess of withholding over liability for a taxable year can be refunded to an employee only upon the employee's filing an income tax return for such taxable year.~~

~~**23 VAC 10-140-260. [Reserved]-(Repealed.)**~~

~~**23 VAC 10-140-270. [Reserved] (Repealed.)**~~

VA.R. Doc. No. R07-40; Filed November 8, 2006, 10:30 a.m.

Regulations

Fast-Track Regulation

Title of Regulation: 23 VAC 10-220. Aircraft Sales and Use Tax (repealing 23 VAC 10-220-80 and 23 VAC 10-220-90).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal two Aircraft Sales and Use Tax Regulations that address statutes that are clear and unambiguous.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these regulations are unnecessary their repeal will result in no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The department proposes to repeal 23 VAC 10-220-80 and 23 VAC 10-220-90 of these

regulations. 23 VAC 10-220-80 is repetitive of Code of Virginia § 58.1-1509. Repealing 23 VAC 10-220-50 will have no impact.

23 VAC 10-220-90 lists civil penalties for non-compliance with aircraft sales and use tax requirements. These include penalties for failing to make the return, failing to pay the tax, penalties for false or fraudulent return, and interest on unpaid taxes. However, the penalties in § 58.1-1510 of Code of Virginia are higher. When there is a conflict between the Code of Virginia and regulations, the Code of Virginia applies. Thus, the repealing of these regulations will not change penalties. The repeal will be beneficial nonetheless since the current contradictory information is misleading.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

23 VAC 10-220-80. Disposition of funds. (Repealed.)

~~All funds collected under this chapter by the Commissioner will be paid forthwith into the State Treasury and the revenue derived from the collections, net of refunds, will be credited to the special fund created under § 5.1-51 of the Code of Virginia. The special fund is created for the purpose of the administration of the aviation laws, for the construction, maintenance and improvement of airports and landing fields and for the promotion of aviation in the interest of operators and in the interest of the public.~~

23 VAC 10-220-90. Civil penalties. (Repealed.)

~~A. Generally. When any person, firm or corporation fails to make any return or pay the full amount of tax due thereon or willfully files a false or fraudulent return with willful intent to defraud the state, penalties will be imposed.~~

~~B. Failure to file or pay. When any person fails to file a return or pay the full amount of tax due thereon within thirty days from the time the aircraft was required to be licensed in Virginia, a specific penalty of five percent of the amount of unpaid tax will be added to the tax. An additional five percent penalty will be added to the tax for each additional thirty day period or fraction thereof during which the failure to file the return or pay the full amount of tax continues, such penalty not to exceed twenty five percent in the aggregate. There is no minimum penalty.~~

~~1. If the person fails to file a monthly return or pay the tax due in a timely manner and the Tax Commissioner is satisfied that such failure is due to providential or other good cause, the return may be accepted exclusive of penalties, but interest determined in accordance with § 58.1-15 of the Code of Virginia must be paid. Requests for waiver of penalty must be made in writing to the Department of Taxation and must include all pertinent facts to support the request.~~

~~C. False or fraudulent return. Where willful intent exists to defraud the state of any tax due under this chapter, or in the case of willful failure to file a return with the intent to defraud the state of any such tax, a specific penalty of fifty percent of the amount of the proper tax will be assessed. It will be prima facie evidence of intent to defraud when a purchaser or user of an aircraft reports the sale price or current market value of his aircraft, as the case may be, at fifty percent or less of the actual amount.~~

~~D. Collection of penalties. All penalties and interest imposed by this chapter will be payable by the dealer, purchaser or user of the aircraft and collectible by the Commissioner in the same manner as if they were a part of the tax imposed.~~

~~E. Interest. Interest at a rate determined in accordance with § 58.1-15 of the Code of Virginia on the unpaid amount of the tax will accrue from the original due date of the tax until the time of payment.~~

VA.R. Doc. No. R07-41; Filed November 8, 2006, 10:31 a.m.

Fast-Track Regulation

Title of Regulation: **23 VAC 10-230. Watercraft Sales and Use Tax (repealing 23 VAC 10-230-50).**

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that have been made obsolete by changes in state or federal law. As this regulation is obsolete, it is being repealed. As this regulation is obsolete, its repeal will have no effect on the health, safety and welfare of citizens. Repeal of this regulation does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulation being repealed is obsolete, its repeal is not expected to be controversial.

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Substance: This regulatory action will repeal this Watercraft Sales and Use Tax Regulation that is obsolete due to a statutory change.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating obsolete regulations that do not reflect the current law. As these regulations are obsolete their repeal will result in no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal the civil penalties section of these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. 23 VAC 10-230-50 of these regulations addresses civil penalties when a person fails to file a return or pay the full amount of the tax due for the purchase of watercraft. Code of Virginia § 58.1-1408 addresses the same issue. The penalty rates for failure to file a return or pay the full amount of the tax due for the purchase of watercraft are higher in the Code. When there is a conflict between the Code of Virginia and regulations, the Code of Virginia applies. Thus the repealing of these regulations will not change applicable penalty rates. The repeal will be beneficial nonetheless since the current contradictory information is misleading.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not significantly affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that have been made obsolete by changes in state or federal law. As these regulations are obsolete, they are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

Effective July 1, 1991, the civil penalty for failure to pay the Watercraft Sales and Use Tax beyond the 30-day deadline increased from 5.0% of the tax amount to 6.0% (1991 Acts, Chapters 316, 331). This regulatory action will repeal this regulation that is obsolete due to the statutory change.

23 VAC 10-230-50. Civil penalties. (Repealed.)

~~A. Failure to file or pay. When any person fails to file a return or pay the full amount of tax due thereon within 30 days from the time the watercraft was purchased in Virginia or required to be titled in Virginia, a specific penalty of 5.0% of the amount of unpaid tax will be added to the tax. An additional 5.0% penalty will be added to the tax for each additional 30 day period or fraction thereof during which the failure to file the return or pay the full amount of tax continues, such penalty not to exceed 25% in the aggregate. There is no minimum penalty.~~

~~As to a purchaser of watercraft from a dealer authorized by the Commissioner to collect the two percent tax on his taxable transfers, payment of the tax made in good faith by~~

~~the purchaser to the dealer shall be deemed payment to the Department of Taxation. Accordingly, a purchaser having made such tax payment in good faith will not be subject to penalty because of the dealer's delinquency in remitting such tax to the Department of Taxation. See 23 VAC 10-230-90 for penalties applicable to dealers.~~

~~B. False or fraudulent return. Where willful intent exists to defraud the state of any tax due under this chapter, or in the case of willful failure to file a return with the intent to defraud the state of any such tax, a specific penalty of 50% of the amount of the proper tax will be assessed. It will be prima facie evidence of intent to defraud when a purchaser or user of a watercraft reports the sale price or current market value of his watercraft, as the case may be, at 50% or less of the actual amount.~~

~~C. Collection of penalties. All penalties and interest imposed by this chapter will be payable by the purchaser or user of the watercraft and collectible by the Commissioner in the same manner as if they were a part of the tax imposed.~~

~~D. Interest. Interest at a rate determined in accordance with § 58.1-15 of the Code of Virginia on the unpaid amount of the tax will accrue from the day after the original due date until the time of payment.~~

VA.R. Doc. No. R07-42; Filed November 8, 2006, 10:31 a.m.

Fast-Track Regulation

Title of Regulation: 23 VAC 10-310. Tax on Wills and Administration (repealing 23 VAC 10-310-10 and 23 VAC 10-310-40).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health,

safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal two sections of the Tax on Wills and Administration Regulation:

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these regulations are unnecessary, their repeal will result in no disadvantage to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal Sections 10 (Preface) and 40 (Filing of return) of these regulations.

Result of Analysis. The proposed amendments are not likely to have any significant impact.

Estimated Economic Impact. 23 VAC 10-310-10 (Preface) of these regulations describes information pertaining to Code of Virginia §§ 58.1-1712 and 58.1-1713, while 23 VAC 10-310-40 (Filing of return) describes information pertaining to Code of Virginia § 58.1-1714. Neither 23 VAC 10-310-10 nor 23 VAC 10-310-40 contain text that is significantly different in meaning from text in the Code. Thus, repeal of these sections will produce no significant impact.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not affect small businesses.

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

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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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

23 VAC 10-310-10. Preface. (Repealed.)

~~The tax is on the privilege of submitting a will for probate or requesting a grant of administration. It is measured by the decedent's gross estate, within the Commonwealth's jurisdiction, passing by will or intestacy. It is imposed as a precedent to qualification of a personal representative.~~

23 VAC 10-310-40. Filing of return. (Repealed.)

~~The return is to be filed by the person submitting the will for probate or requesting the grant of administration.~~

VA.R. Doc. No. R07-43; Filed November 8, 2006, 10:29 a.m.

Fast-Track Regulation

Title of Regulation: **23 VAC 10-350. Forest Products Tax Regulations (repealing 23 VAC 10-350-50, 23 VAC 10-350-60, 23 VAC 10-350-90 and 23 VAC 10-350-100).**

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that have been made obsolete by changes in state or federal law. As these regulations are obsolete, they are being repealed. As these regulations are obsolete, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are obsolete, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal four Forest Products Tax Regulations that are obsolete due to a statutory change.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating obsolete regulations that do not reflect the current law. As these regulations are obsolete their repeal will result in no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (TAX) proposes to repeal 23 VAC 10-350-50, 23 VAC 10-350-60, 23 VAC 10-350-90, and 23 VAC 10-350-100 of the Forest Product Tax Regulations (23 VAC 10-350). These sections do not address changes in the statutes and have been obsolete.

Result of Analysis. The proposed repeals are not likely to have any significant impact

Estimated Economic Impact. TAX proposes to repeal 23 VAC 10-350-50, 23 VAC 10-350-60, 23 VAC 10-350-90, and 23 VAC 10-350-100 of the existing Forest Product Tax Regulations (23 VAC 10-350) that do not address the previous statutory changes.

House Bill 657 passed by the 1998 General Assembly provided an alternative method of paying the forest products tax based on weight. Previously, the tax was based on various volume measurements, such as board footage, cords, number of pieces, bundle size, etc. 23 VAC 10-350-50 and 23 VAC 10-350-60 of the existing Forest Product Tax Regulations (23 VAC 10-350) do not address this alternative method, rendering these sections obsolete.

House Bill 657 passed by the 1998 General Assembly also changed the method used by the State Forester in determining the revenues to be collected from the tax each biennium from an estimate of future revenues to the actual past revenues collected. At the election of the taxpayer, the amounts credited to the Reforestation of Timberlands State Fund may be based on weight. 23 VAC 10-350-90 and 23 VAC 10-350-100 of the existing Forest Product Tax Regulations (23 VAC 10-350) do not address these changes and have been obsolete.

Repeals of these obsolete regulations do not reflect a change in existing TAX policy and will likely not have any significant impact.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not significantly affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that were made obsolete by changes in state or federal law. Chapter 420 of the 1998 Acts of Assembly provided alternative methods for the computation of the Forest Products Tax. As these regulations are obsolete, they are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

23 VAC 10-350-50 and 23 VAC 10-350-60 do not address an alternative method for computing the Forest Products Tax authorized by Chapter 420, rendering the existing regulations obsolete.

23 VAC 10-350-90 and 23 VAC 10-350-100 are silent regarding a modified standard, created by Chapter 420, for calculating the General Fund appropriation for reforestation, from estimated tax collections to actual tax collections, rendering the existing regulations obsolete.

23 VAC 10-350-50. Tax rates. (Repealed.)

~~A. Generally. The rates herein set forth are effective July 1, 1984, and shall continue, unless subsequently amended, until July 1, 1990.~~

~~B. Tax rates. The statutory classifications of forest products and the tax rates imposed thereon are set forth below:~~

Kind of Products	Tax Rates
1. Lumber in various sizes, and forms including railroad switch ties, bridge timber and dimension stock	a. Pine \$1.15 per 1000 feet board measure
	b. Hardwood, cypress, and other species 22 1/2¢ per 1000 feet board measure

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2. Logs:
- Note: Applicable only to timber sold as logs and not converted into lumber or other products in this state
- a. Pine—\$1.15 per 1000 feet log scale, International 1/4 Kerf Rule
 - b. Other Species—22 1/2¢ per 1000 feet log scale, international 1/4 Kerf Rule
3. Veneer Logs:
- a. Pine—\$1.15 per 1000 board feet log scale, International 1/4 Kerf Rule
 - b. Other Species—22 1/2¢ per 1000 board feet log scale, International 1/4 Kerf Rule
4. Pulpwood, excelsior wood, chemical wood, wood, bolts and billets, fuel wood, and other other products customarily sold by the cord: of 128 cubic feet cord:
- a. Pine—47 1/2¢ per standard cord of 128 cubic feet
 - b. Other Species—11 1/4¢ per standard cord of 128 cubic feet
5. Chips manufactured from round wood and customarily sold by the pound:
- a. Pine—0.986¢ per 100 lbs
 - b. Other Species—0.234¢ per 100 lbs.
6. Railroad crossties
- a. Pine—3.8¢ per piece
 - b. Other Species—1¢ per piece
7. Posts, and mine ties, mine props, round mine collars and other types of timber used in connection with mining and ordinarily sold by the piece:
- a. Pine—4' length or less, 38¢ per 100 pieces
 - b. Other Species—4' length or less, 9¢ per 100 pieces
 - c. Pine—over 4' but not over 8', 61 3/4¢ per 100 pieces
 - d. Other Species—over 4' but not over 8',

- 14 1/4¢ per 100 pieces
 - e. Pine—over 8', 76¢ per 100 pieces
 - f. Other Species—over 8', 18¢ per 100 pieces
 - g. Pine—\$1.045 per 1000 lineal ft.
 - h. Other Species—24 3/4¢ per 1000 lineal ft.
8. Piling and poles of all types: 2.31% invoice value f.o.b. loading point
9. Keg staves:
- a. Pine—3.8¢ per standard 400 inch bundle
 - b. Other Species—1 1/2¢ per standard 400 inch bundle
- Keg heads:
- c. Pine—11 1/2¢ per 100 heads
 - d. Other Species—4 1/2¢ per 100 heads
- Tight cooperage:
- e. 4 1/2¢ per 100 staves
 - f. 9¢ per 100 heads
10. Any other type of forest products not above enumerated: The Tax Commissioner shall determine a fair unit tax rate, based on the cubic foot wood volume relationship between the product and the cubic foot volume of 1000 feet board measure of pine when the product is pine or on the unit rate of hardwood lumber when the product is a species other than pine.
11. Annual tax for small manufacturers of rough lumber: of
- a. 300,000 to 500,000 board feet—\$460.
 - b. less than 300,000 board feet—\$230.

Note: The above alternative rates are applicable only in the event that the General Assembly fails to appropriate Forest Products Tax revenue for reforestation of pine timberland

activity. In such event, notification of applicable rates will be provided by the Department of Taxation.

23 VAC 10-350-60. Alternative for rates. (Repealed.)

A. Generally. The contingent alternative rates are set out for information purposes only. In the event the General Assembly fails to appropriate from the state's general fund an amount which at least equals the revenue estimated to be collected from the pine reforestation program, the alternative rates shall be imposed in lieu of the tax rates in 23VAC10-350-50.

B. Alternative rates. (For information purposes only)

- | Kind of Products | Tax Rates |
|--|---|
| 1. Logs: | a. Pine 15¢ per 1000 feet log scale, International 1/4 Kerf Rule |
| Note: Applicable only to timber sold as logs and not converted into lumber or other products in this state. | |
| | b. Other species 22 1/2¢ per 1000 feet log scale, International 1/4 Kerf Rule |
| 2. Veneer Logs: | a. Pine 15¢ per 1000 board feet log scale, International 1/4 Kerf Rule |
| | b. Other Species 22 1/2¢ per 1000 board feet log scale, International 1/4 Kerf Rule |
| 3. Pulpwood, excelsior wood, chemical wood, bolts and billets, fuel wood, and other products customarily sold by the cord: | a. Pine 7 1/2¢ per standard cord of 128 cubic feet |
| | b. Other species 11 1/4¢ per standard cord of 128 cubic feet |
| 4. Chips manufactured from round wood and customarily sold by the pound: | a. Pine 0.156¢ per 100 lbs. |
| | b. Other Species 0.234¢ per 100 lbs. |
| 5. Railroad crossties: | a. Pine 1/2¢ per piece |

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|--|--|
| | b. Other Species 1¢ per piece |
| 6. Posts, and mine ties, mine props, round mine collars and other types of timber used in connection with mining and ordinarily sold by the piece: | a. Pine 4' length or less, 6¢ per 100 pieces |
| | b. Other Species 4' length or less, 9¢ per 100 pieces |
| | c. Pine over 4' but not over 8', 9 3/4¢ per 100 pieces |
| | d. Other Species over 4' but not over 8', 14 1/4¢ per 100 pieces |
| | e. Pine over 8', 12¢ per 100 pieces |
| | f. Other Species over 8', 18¢ per 100 pieces |
| Taxpayer may elect to pass taxes on products in this item as follows: | |
| | g. Pine 16 1/2¢ per 1000 lineal ft. |
| | h. Other Species 24 3/4¢ per 1000 lineal ft. |
| 7. Piling and poles of all types: | 286% invoice value f.o.b. loading point |
| 8. Keg staves: | a. Pine 1 1/2¢ per standard 400 inch bundle |
| | b. Other Species 1 1/2¢ per standard 400 inch bundle |
| Keg heads: | c. Pine 4 1/2¢ per 100 heads |
| | d. Other Species 4 1/2¢ per 100 heads |
| Tight cooperage: | e. 4 1/2¢ per 100 staves |
| Tight cooperage: | f. 9¢ per 100 heads |
| 9. Any other type of forest products not above enumerated: | The Tax Commissioner shall determine a fair unit tax rate, based on the cubic foot wood volume relationship between the product and the cubic foot volume of 1000 feet board measure |

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of pine lumber when the product is pine or on the unit rate of hardwood lumber when the product is a species other than pine.

11. Annual tax for small manufacturers of rough lumber
- a. 300,000 to 500,000 board feet — \$60.
 - b. less than 300,000 board feet — \$30.

Note: The above alternative rates are applicable only in the event that the General Assembly fails to appropriate Forest Products Tax revenue for reforestation of pine timberland activity. In such event, notification of applicable rates will be provided by the Department of Taxation.

23 VAC 10-350-90. Payment, collection and disposition of tax. (Repealed.)

A. Generally. The tax imposed upon forest products is payable to the Department of Taxation by the manufacturer or shipper as defined by 23 VAC 10-350-20. The tax is payable quarterly except by a manufacturer or severer who qualifies and elects to pay an annual tax under the alternative provisions of 23 VAC 10-350-70.

B. Disposition of tax. The tax collected by the Department of Taxation shall be paid into the State Treasury and the specific amounts as listed below for pine shall be credited to a special fund titled "Reforestation of Timberlands State Fund," and shall be used for reforesting the privately owned pine timberlands of the state. The remainder of the tax as regulated in 23 VAC 10-350-50 shall be credited by the Comptroller to the "Protection and Development of Forest Resources of the State Fund." Taxes credited as special revenues for protection and development of forest resources shall be used for the purpose of raising, planting and propagating seedling trees, both hardwood and softwood. In addition, the protection and development funds will be used for forest fire protection, forestry education of the public in the use of forest harvesting methods, and rendering forestry service to the timber landowners of the state.

The proceeds of the tax imposed by § 58.1-602 of the Code of Virginia which are used in pine reforestation of timberlands are as follows:

Kind of Pine Products	Tax Rates
Pine lumber	\$1.00 per 1000 feet board measure

Pine Logs — \$1.00 per 1000 board feet, —
 NOTE: Applicable only to the timber International 1/4 Kerf Rule sold as logs and not converted into lumber or other products in this state.

Pine veneer logs — \$1.00 per 1000 board feet — scale, International 1/4 Kerf Rule.

Pine pulpwood, excelsior wood, chemical wood, bolts or billets, fuel wood, and other products customarily sold by the cord. — 40¢ per standard cord of 128 cubic feet

Pine chips manufactured from round wood and customarily sold by the pound. — .83¢ per 100 pounds

Pine railroad crossties — 3.3¢ per piece

Pine posts, and mine ties, mine props, round mine collars and other types of timber used in connection with mining and ordinarily sold by the piece — 4' length or less, 32¢ per 100 pieces, over 4' but not over 8', 52¢ per 100 pieces, over 8' but not over 100 pieces or 88¢ per 1000 lineal feet

Pine piling and poles — 2.02% invoice value f.o.b. loading out point
 Pine keg staves — 3.3¢ per standard 400 inch bundle

Pine keg heads — 10¢ per 100 heads

Any other type of pine forest products not above enumerated: — A proportionate amount between tax paid per item as in 23VAC10-350-50 and the rate per item above.

23 VAC 10-350-100. Alternative payment, collection and disposition of tax. (Repealed.)

A. Generally. The alternative tax imposed upon forest products is payable to the Department of Taxation in the same manner as the tax regulated in 23 VAC 10-350-90.

B. Disposition of alternative tax. The tax collected by the Department of Taxation shall be paid into the State Treasury and credited to a special fund titled "Protection and Development of Forest Resources of the State Fund." Taxes credited as special revenues for protection and development of forest revenues will be used for the purpose of raising, planting, and propagating seedling trees, both hardwood and softwood. In addition, the protection and development funds will be used for forest fire protection, forestry education of the public in the use of forest harvesting methods, and rendering forestry service to timber landowners by the state.

VA.R. Doc. No. R07-44; Filed November 8, 2006, 10:31 a.m.

Fast-Track Regulation

Title of Regulation: 23 VAC 10-360. Litter Tax Regulations (Repealed).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal Virginia's Litter Tax Regulations.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these regulations are unnecessary, their repeal will result in no disadvantage to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (TAX) proposes to repeal the Litter Tax Regulations (23 VAC 10-360-10) that provide no additional guidance to clear and unambiguous statutes (Virginia Code Section 58.1-1706).

Result of Analysis. The proposed amendments are not likely to have any significant impact.

Estimated Economic Impact. The current Litter Tax Regulations (23 VAC 10-360-10) address the statutory

languages in the Virginia Code Section 58.1-1706 that are clear and unambiguous. Since the current regulations provide no additional guidance to the statutes, TAX proposes to repeal these regulations. Repeal of these unnecessary regulations does not reflect a change in existing TAX policy and will likely not have any significant impact.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not significantly affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not significantly affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not significantly affect small businesses.

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 agency agrees with

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the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

VA.R. Doc. No. R07-45; Filed November 8, 2006, 10:30 a.m.

Fast-Track Regulation

Title of Regulation: 23 VAC 10-370. Cigarette Tax Regulations (repealing 23 VAC 10-370-50, 23 VAC 10-370-60, and 23 VAC 10-370-150).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that have been made obsolete by changes in state or federal law. As these regulations are obsolete, they are being repealed and their repeal will have no effect on the health, safety or welfare of the public. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are obsolete, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal the following sections of the cigarette tax regulations:

23 VAC 10-370-50 Retail dealers receiving cigarettes from outside state to mail duplicate invoice to department; penalty

23 VAC 10-370-60 Duties of carriers, etc., transporting cigarettes; penalty

23 VAC 10-370-150 Permits required for transporting or distributing cigarettes; penalty

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating obsolete regulations that do not reflect the current law. As these regulations are obsolete their repeal will result in no disadvantages to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal 23 VAC 10-370-50 (Retail dealers receiving cigarettes from outside state to mail duplicate invoice to department; penalty), 23 VAC 10-370-60 (Duties of carriers, etc., transporting cigarettes; penalty), and 23 VAC 10-370-150 (Permits required for transporting or distributing cigarettes; penalty) of these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The 2004 Virginia Acts of Assembly, Chapter 1029 repealed Code of Virginia §§ 58.1-1004, 58.1-1005 and 58.1-1014. 23 VAC 10-370-50, 23 VAC 10-370-60, and 23 VAC 10-370-150 of these regulations are interpretations of the formally existing Code §§ 58.1-1004, 58.1-1005 and 58.1-1014, respectively. As a consequence of the repeal of the above mentioned Code sections, these regulations are obsolete and do not reflect current department policy. Thus, repeal of these regulations will have no impact other than perhaps to prevent confusion for those who find and read the regulations.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that have been made obsolete by changes in state or federal law. As these regulations are obsolete, they are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy. Chapter 1029 of the 2004 Acts of Assembly repealed §§ 58.1-1004, 58.1-1005 and 58.1-1014 of the Code of Virginia, which were interpreted by the regulations being repealed.

~~23 VAC 10-370-50. Retail dealers receiving cigarettes from outside state to mail duplicate invoice to department; penalty. (Repealed.)~~

~~A. Generally. Any retail dealer purchasing or receiving unstamped cigarettes from without Virginia shall mail, by registered mail, a duplicate invoice for such purchase or receipt to the Department.~~

- ~~1. The duplicate invoice shall be required regardless of whether such cigarettes have been ordered or purchased through a wholesaler in this State, received by drop shipment or otherwise.~~
- ~~2. The duplicate invoice shall be mailed to the Department of Taxation within twelve hours of receipt of such out of state cigarettes.~~

~~3. The invoice shall contain the following information: (a) the name of the person from whom or through whom the purchase or shipment of the cigarettes was received, (b) kinds and quantities of cigarettes purchased or shipped.~~

~~B. Penalty for failure to comply. Any retail dealer who fails or refuses to furnish duplicate invoices for out of state purchases or receipt of cigarettes, in both manner and time allowed, shall be, upon conviction, guilty of a Class 2 misdemeanor.~~

~~23 VAC 10-370-60. Duties of carriers, etc., transporting cigarettes; penalty. (Repealed.)~~

~~A. Generally. All commercial transporters of cigarettes shall maintain a statement or record of all consignments or deliveries of cigarettes.~~

~~Such statement or record shall show date, point of origin, point of delivery, to whom delivered, and the time of delivery.~~

~~B. Periodic statement of consignments or deliveries. The Department of Taxation may request transporters of cigarettes to report such information relative to the transportation of cigarettes.~~

~~C. Penalty for failure to comply. Any person who fails to maintain the statements or records required by this section or refuses to transmit to the Department of Taxation the statements requested on the transportation of cigarettes shall be, upon conviction, guilty of a Class 3 misdemeanor.~~

~~23 VAC 10-370-150. Permits required for transporting or distributing cigarettes; penalty. (Repealed.)~~

~~A. Generally. Any person who is not properly licensed to purchase and stamp cigarettes as regulated in 23 VAC 10-370-120 may be required to secure a permit or other authorization from the Department before transporting or distributing cigarettes in or through Virginia.~~

- ~~1. A permit may be required for each vehicle used in transporting cigarettes.~~
- ~~2. Prior to receiving the permit, the applicant must furnish to the Department the nature of his business, the names of each county or city where he desires to transport or distribute cigarettes.~~
- ~~3. Such permit, when issued, must be conspicuously displayed on the vehicle for which it is specifically issued. Failure to properly display the permit is a violation of the requirements of this section.~~
- ~~4. Upon application, duplicate permit cards will be issued to replace lost or damaged permits.~~

~~B. Interstate transportation of cigarettes. The permit for transporting cigarettes through Virginia in interstate commerce may not be required when such transportation is done by a common carrier or by a vehicle owned and~~

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~~operated by a manufacturer of cigarettes, so long as the driver of the vehicle has in his possession full documentation as to the nature and identity of the shipment. Full documentation includes, but is not limited to, bill of lading, transfer sheets, and shipping documents.~~

~~C. Penalty for failure to obtain permit to transport or distribute cigarettes. Any person, required to obtain a permit, found transporting or distributing cigarettes without first obtaining such permit shall be, upon conviction, guilty of a Class 1 misdemeanor.~~

~~D. Revocation of permit for transporting or distributing. The Department may revoke any issued permit if the practices of the person receiving the permit are deemed to jeopardize the collection of the tobacco tax.~~

~~If a person's permit is revoked, no further permit shall be issued for six months. After such time, the Department must be satisfied that issuing another permit to such person is advisable.~~

VA.R. Doc. No. R07-46; Filed November 8, 2006, 10:28 a.m.

Fast-Track Regulation

Title of Regulation: 23 VAC 10-390. Virginia Soft Drink Excise Tax Regulations (repealing 23 VAC 10-390-10, 23 VAC 10-390-30 and 23 VAC 10-390-50).

Statutory Authority: § 58.1-203 of the Code of Virginia.

Public Hearing Date: N/A -- Public comments may be submitted until 5 p.m. on January 26, 2007.

(See Calendar of Events section for additional information)

Effective Date: February 10, 2007.

Agency Contact: Mark Haskins, Director, Policy Development, Department of Taxation, 600 East Main Street, Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Basis: Section 58.1-203 of the Code of Virginia provides that the "Tax Commissioner shall have the power to issue regulations relating to the interpretation and enforcement of the laws of this Commonwealth governing taxes administered by the Department." The authority for the current regulatory action is discretionary.

Purpose: As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. As these regulations are unnecessary, their repeal will have no effect on the health, safety and welfare of citizens. Repeal of these regulations does not reflect a change in existing departmental policy.

Rationale for Using Fast-Track Process: As the regulations being repealed are unnecessary, their repeal is not expected to be controversial.

Substance: This regulatory action will repeal selected Soft Drink Excise Tax Regulations.

Issues: This regulatory action will ease voluntary taxpayer compliance and the department's administration of the state tax laws by eliminating unnecessary regulations. As these regulations are unnecessary, their repeal will result in no disadvantage to the public or the Commonwealth.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. The Department of Taxation (department) proposes to repeal these regulations.

Result of Analysis. The benefits likely exceed the costs for all proposed changes.

Estimated Economic Impact. The department proposes to repeal 23 VAC 10-390-10, 23 VAC 10-390-30, and 23 VAC 10-390-50 of these regulations. 23 VAC 10-390-10 was "reserved" and had no content. Thus repealing 23 VAC 10-390-10 will have no impact.

23 VAC 10-390-30 lists taxes owed by wholesalers and distributors of carbonated soft drinks set by ranges of gross receipts. The listed taxes owed by gross receipts in 23 VAC 10-390-30 differ from the listed taxes owed by gross receipts in the Code of Virginia § 58.1-1702 for wholesalers and distributors who have soft drink receipts in excess of \$10,000,000. The tax rates in the Code of Virginia are higher.¹ When there is a conflict between the Code of Virginia and regulations, the Code of Virginia applies. Thus the repealing of these regulations will not change tax rates. The repeal will be beneficial nonetheless since the current contradictory information is misleading.

23 VAC 10-390-50 is entirely repetitive of Code of Virginia § 58.1-1704. Repealing 23 VAC 10-390-50 will have no impact.

Businesses and Entities Affected. The proposed repeal of these regulations will not significantly affect businesses and entities.

Localities Particularly Affected. No localities are particularly affected.

Projected Impact on Employment. The proposed repeal of these regulations will not affect employment.

¹ The regulations set taxes owed at \$6,000 for wholesalers and distributors with sales of soft drinks in excess of \$10,000,000. The Code of Virginia assesses \$7,200 for gross receipts in excess of \$10,000,000 but not above \$25,000,000; \$18,000,000 for gross receipts in excess of \$25,000,000 but not above \$50,000,000; and \$33,000 for gross receipts in excess of \$50,000,000.

Effects on the Use and Value of Private Property. The proposed repeal of these regulations will not affect the use and value of private property.

Small Businesses: Costs and Other Effects. The proposed repeal of these regulations will not affect small businesses.

Small Businesses: Alternative Method that Minimizes Adverse Impact. The proposed repeal of these regulations will not affect small businesses.

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 agency agrees with the Department of Planning and Budget's economic impact analysis.

Summary:

As the result of a comprehensive review of all of its regulations, the department has identified numerous regulations that address statutes that are clear and unambiguous. As they provide no additional guidance, these regulations are being repealed. Repeal of these regulations does not reflect a change in existing departmental policy.

23 VAC 10-390-10. ~~[Reserved]~~ (Repealed.)

23 VAC 10-390-30. ~~Tax levied.~~ (Repealed.)

~~A. In addition to all other taxes levied upon wholesalers or distributors of carbonated soft drinks, there is imposed an annual state soft drink excise tax.~~

~~1. The tax is imposed on every wholesaler or distributor of carbonated soft drinks sold for consumption or use in Virginia.~~

~~2. The tax is applicable to the gross receipts from all sales of carbonated soft drinks for consumption or use in Virginia regardless of the physical location of the business selling such soft drinks.~~

~~3. The tax is imposed upon soft drinks only once and is imposed upon the first handler of such drinks who qualifies as a wholesaler or distributor as defined in 23VAC10-390-20.~~

~~B. The tax rate schedule applicable to the gross receipts from the wholesaler or distributor's sale of carbonated soft drinks is as follows:~~

Bracket of Gross Receipts	Tax
\$100,000 or less	\$ 50
100,001 250,000	100
250,001 500,000	250
500,001 1,000,000	750
1,000,001 3,000,000	1,500
3,000,001 5,000,000	3,000
5,000,001 10,000,000	4,500
10,000,001 and above	6,000

~~23 VAC 10-390-50. Tax segregated for state taxation. (Repealed.)~~

~~The soft drink excise tax is segregated for Commonwealth taxation only and no county, city, town or other political subdivision of this Commonwealth shall impose a tax on such businesses measured by their gross receipts except for the tax authorized under Chapter 37, Title 58.1, Code of Virginia.~~

V.A.R. Doc. No. R07-47; Filed November 8, 2006, 10:32 a.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Total Maximum Daily Load (TMDL) - Beaver Creek and Little Creek Watersheds

The Department of Conservation and Recreation and the Department of Environmental Quality (DEQ) are seeking written and oral comments from interested persons on the development of a total maximum daily load (TMDL) implementation plan (IP) to address water quality impairments in the Beaver Creek and Little Creek watersheds. Little Creek was listed as impaired on Virginia's 1998 303(d) Total Maximum Daily Load Priority List and Report due to violations of the state's water quality standard for fecal coliform bacteria. Beaver Creek was listed as impaired on Virginia's Section 303(d) Total Maximum Daily Load and Priority List and Report 1998 and 2002 due to violations of the state's water quality standards for fecal coliform bacteria and violations of the general standard (benthics).

The impairments are as follows: Beaver Creek segment (13.46 miles) extends from the Route 611 bridge near the headwaters to the Tennessee state line. Little Creek (4.81 miles) segment consists of the mainstem from its headwaters to the Tennessee state line. Beaver Creek and Little Creek flow through the City of Bristol. Total length of both impaired stream segments is 18.27 miles.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia requires DEQ to develop TMDLs for pollutants responsible for each impaired water body contained in Virginia's 303(d) TMDL Priority List and Report. The TMDLs were completed and are available at www.deq.virginia.gov/tmdl.

Sections 62.1-44.19:7 A and 62.1-44.19:7 C of the Code of Virginia requires the development of an IP for approved TMDLs. The IP should provide measurable goals and the date of expected achievement of water quality objectives. The IP should also include the corrective actions needed and their associated costs, benefits, and environmental impacts.

A public meeting on the development of the TMDL IP for Beaver Creek and Little Creek will be held on Thursday, December 7, 2006, at 7 p.m. in the new Bristol Public Library. The library is located on 701 Goode Street, Bristol, Virginia (276) 645-8780. The purpose of the meeting is to discuss the proposed reductions needed in fecal bacteria and sediment and to present the draft IP.

The public comment period for this phase of the IP development will end on January 12, 2007. A fact sheet on the development of the Beaver Creek and Little Creek TMDL IP is available upon request or can be viewed on the DEQ website at www.deq.virginia.gov/tmdl. Questions or information requests should be addressed to Theresa Carter. Written comments should include the name, address, and

telephone number of the person submitting the comments and should be sent to Theresa Carter, Department of Conservation and Recreation, 252 West Main Street, Ste. 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527 or email theresa.carter@dcr.virginia.gov.

DEPARTMENT FOR THE DEAF AND HARD OF HEARING

Notice of Periodic Review of Regulation

The Virginia Department for the Deaf and Hard of Hearing (VDDHH) invites public comment on 22 VAC 20-10, Public Participation Guidelines. This review is being conducted under Executive Order 36 (2006). The department welcomes written comments on the performance and effectiveness of this regulation in achieving the following goals:

1. To protect public health, safety, and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth.
2. To increase the number of Virginians who regularly receive information about VDDHH regulatory actions.

The department also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful to affected constituents.

Copies of the regulation may be obtained from the department. Written or faxed comments may be submitted through 5 p.m. on January 5, 2007. Comments or questions should be sent to Leslie Hutcheson Prince, Regulatory Coordinator, Virginia Department for the Deaf and Hard of Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012, or via email to leslie.prince@vddhh.virginia.gov, or telephone (800) 552-7917 (V/TTY).

Notice of Periodic Review of Regulation

The Virginia Department for the Deaf and Hard of Hearing (VDDHH) invites public comment on 22 VAC 20-20, Regulations Governing Eligibility Standards and Application Procedures of the Distribution of Technological Assistive Devices. This review is being conducted under Executive Order 36 (2006) The department welcomes written comments on the performance and effectiveness of this regulation in achieving the following goals:

1. To protect public health, safety, and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth.
2. To provide a program of technology assistance in which the financial contribution of program participants is based on clear economic guidelines.

3. To provide an application procedure for the program which requires minimal information needed to make a determination of eligibility.

The department also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful to affected constituents.

Copies of the regulation may be obtained from the department. Written or faxed comments may be submitted through 5 p.m. on January 5, 2007. Comments or questions should be sent to Leslie Hutcheson Prince, Regulatory Coordinator, Virginia Department for the Deaf and Hard of Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012, or via email to leslie.prince@vddhh.virginia.gov, or telephone (800) 552-7917 (V/TTY).

Notice of Periodic Review of Regulation

The Virginia Department for the Deaf and Hard of Hearing (VDDHH) invites public comment on 22 VAC 20-30, Regulations Governing Interpreter Services for the Deaf and Hard of Hearing. This review is being conducted under Executive Order 36 (2006) The department welcomes written comments on the performance and effectiveness of this regulation in achieving the following goals:

1. To protect public health, safety, and welfare with the least possible costs and intrusiveness to the citizens and businesses of the Commonwealth.
2. To provide a mechanism that ensures that only Code-defined qualified interpreters are listed in the Statewide Directory of Qualified Interpreters.
3. To provide a framework for screening interpreters and transliterators that allows for maximum participation in a cost-effective manner.

The department also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful to affected constituents.

Copies of the regulation may be obtained from the department. Written or faxed comments may be submitted through 5 p.m. on January 5, 2007. Comments or questions should be sent to Leslie Hutcheson Prince, Regulatory Coordinator, Virginia Department for the Deaf and Hard of Hearing, 1602 Rolling Hills Drive, Suite 203, Richmond, VA 23229-5012, or via email to leslie.prince@vddhh.virginia.gov, or telephone (800) 552-7917 (V/TTY).

DEPARTMENT OF ENVIRONMENTAL QUALITY

Study to Restore Water Quality in Lick Creek in Russell, Dickenson, and Wise Counties

Public meeting location: Dante Lives On Community Center, off Route 63 in Dante, Virginia, on November 28, 2006, from 7 p.m. to 9 p.m.

Purpose of notice: The Virginia Department of Environmental Quality, Department of Mines, Minerals and Energy and the Department of Conservation and Recreation are announcing a study to restore water quality, a public comment opportunity, and public meeting.

Meeting description: Final public meeting on a study to restore water quality.

Description of study: DEQ is working to identify sources of pollutants affecting the aquatic organisms and sources of bacteria contamination in the waters of Lick Creek. Lick Creek is in Russell County and flows along Route 63 to Clinch River near St. Paul, Virginia; tributaries are in Wise and Dickenson Counties. The "impaired" stream segments are estimated to be approximately 9.5 miles of Lick Creek, from the headwaters to the confluence with Clinch River, including Cigarette Hollow, Laurel Branch, and Right Fork. The stream is impaired for failing to meet the Aquatic Life Use based on violations of the general standard for aquatic organisms and failure to meet the recreational use because of fecal coliform bacteria violations, additionally 2006 data indicates violation of the E. coli standard.

During the study, the pollutants impairing the aquatic community will be identified and total maximum daily loads, or TMDLs, developed for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. DEQ will also determine the sources of bacteria contamination and develop a TMDL for bacteria. To restore water quality, contamination levels must be reduced to the TMDL amount.

How a decision is made: The development of a TMDL includes public meetings and a public comment period once the study report is drafted. 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 of November 28, 2006, to December 28, 2006. DEQ also accepts written and oral comments at the public meeting announced in this notice.

To review fact sheets: Fact sheets are available on the impaired waters from the contacts below or on the DEQ website at www.deq.virginia.gov/tmdl.

General Notices/Errata

Contact for additional information: Allen J. Newman, P.E., Regional Water Permit Manager, Virginia Department of Environmental Quality-Southwest Regional Office, 355 Deadmore Street, P.O. Box 1688, Abingdon, VA 24212-1688, telephone (276) 676-4804, FAX (276) 676-4899, or email ajnewman@deq.virginia.gov.

Total Maximum Daily Load (TMDL) - Looney Creek Watershed

The Department of Conservation and Recreation and the Virginia Department of Environmental Quality (DEQ) invite citizens to a public meeting to discuss the development of water quality implementation plan (IP) to address fecal bacteria impairments in the Looney Creek watershed. The Looney Creek watershed includes Mill Creek and Back Creek in Botetourt County. Water quality monitoring indicates that bacteria levels in portions of the watershed violate Virginia's water quality standards. A total maximum daily load (TMDL) study for the impairments was approved by EPA in 2004 and is available on DEQ's website at www.deq.virginia.gov/TMDL. The IP will identify ways to meet the pollution reductions outlined in the TMDL study.

The public meeting to begin the development of the IP for the Looney Creek watershed will be held on Thursday, December

7, 2006, at 7 p.m., Buchanan Elementary School, 225 Schoolhouse Road, Buchanan, Virginia.

The purpose of the meeting is to discuss the proposed reductions in bacteria needed in the Looney Creek watershed and to solicit public participation for the IP development.

The IP will include the corrective actions needed to reduce bacteria and the associated costs, benefits and environmental impacts. The IP will also provide measurable goals and a timeline of expected achievement of water quality objectives. A fact sheet on the development of the IP is available upon request.

How to comment: The public comment period on the IP will end on January 7, 2007. Oral comments will be accepted and addressed at the public meeting. Additional questions or information requests should be addressed to Jason Ericson. Written comments and inquires should include the name, address, and telephone number of the person submitting the comments and should be sent to Jason Ericson, Virginia Department of Conservation and Recreation, 101 N. 14th Street, 11th Floor, Richmond, VA 23219, telephone (804) 225-3389, FAX (804) 371-0771, or email jason.ericson@dcr.virginia.gov.

DEPARTMENT OF FORENSIC SCIENCE

Updated List of Approved Field Tests for Detection of Drugs

In accordance with 6 VAC 40-30, the Regulations for the Approval of Field Tests for Detection of Drugs, and under the authority of the Code of Virginia, the following field tests for detection of drugs are approved field tests:

O D V INCORPORATED
13386 INTERNATIONAL PARKWAY
JACKSONVILLE, FLORIDA 32218-2383

ODV NarcoPouch

Drug or Drug Type:

Heroin
Amphetamine
Methamphetamine
3,4 – Methylendioxyamphetamine (MDMA)
Cocaine Hydrochloride
Cocaine Base
Barbiturates
Lysergic Acid Diethylamide (LSD)
Marijuana
Hashish Oil
Marijuana
Hashish Oil
Phencyclidine (PCP)
Heroin
Methamphetamine
3,4–Methylendioxyamphetamine (MDMA)

Manufacturer's Field Test:

902 – Marquis Reagent
902 – Marquis Reagent
902 – Marquis Reagent
902 – Marquis Reagent
904 or 904B – Cocaine HCl and Base Reagent
904 or 904B – Cocaine HCl and Base Reagent
905 – Dille-Koppanyi Reagent
907 – Ehrlich's (Modified) Reagent
908 – Duquenois – Levine Reagent
908 – Duquenois – Levine Reagent
909 – K N Reagent
909 – K N Reagent
914 – PCP Methaqualone Reagent
922 – Opiates Reagent
923 – Methamphetamine/Ecstasy Reagent
923 – Methamphetamine/Ecstasy Reagent

Heroin	924 – Mecke’s (Modified) Reagent
Diazepam	925 – Valium/Ketamine Reagent
Ketamine	925 – Valium/Ketamine Reagent
Ephedrine	927 – Ephedrine Reagent
gamma – Hydroxybutyrate (GHB)	928 – GHB Reagent

ODV NarcoTest

Drug or Drug Type:

Heroin
 Amphetamine
 Methamphetamine
 3,4-Methylenedioxymethamphetamine (MDMA)
 Barbiturates
 Lysergic Acid Diethylamide (LSD)
 Marijuana
 Hashish Oil
 Marijuana
 Hashish Oil
 Cocaine Hydrochloride
 Cocaine Base
 Phencyclidine (PCP)
 Heroin
 Methamphetamine
 3,4-Methylenedioxymethamphetamine (MDMA)
 Heroin
 Diazepam
 Ketamine
 Ephedrine
 gamma – Hydroxybutyrate (GHB)

Manufacturer’s Field Test:

7602 – Marquis Reagent
 7602 – Marquis Reagent
 7602 – Marquis Reagent
 7602 – Marquis Reagent
 7605 – Dille-Koppanyi Reagent
 7607 – Ehrlich’s (Modified) Reagent
 7608 – Duquenois Reagent
 7608 – Duquenois Reagent
 7609 – K N Reagent
 7609 – K N Reagent
 7613 – Scott (Modified) Reagent
 7613 – Scott (Modified) Reagent
 7614 – PCP Methaqualone Reagent
 7622 – Opiates Reagent
 7623– Methamphetamine/Ecstasy Reagent
 7623– Methamphetamine/Ecstasy Reagent
 7624 – Mecke’s Reagent
 7625 – Valium/Ketamine Reagent
 7625 – Valium/Ketamine Reagent
 7627 – Chen’s Reagent - Ephedrine
 7628 – GHB Reagent

SIRCHIE FINGERPRINT LABORATORIES
 100 HUNTER PLACE
 YOUNGSVILLE, NORTH CAROLINA 27596

NARK

Drug or Drug Type:

Narcotic Alkaloids
 Heroin
 Morphine
 Amphetamine
 Methamphetamine
 Opium Alkaloids
 Heroin
 Morphine
 Amphetamine
 Methamphetamine
 3,4-Methylenedioxymethamphetamine (MDMA)
 Meperidine (Demerol) (Pethidine)
 Heroin
 Morphine
 Cocaine Hydrochloride
 Cocaine Base
 Procaine
 Tetracaine
 Barbiturates

Manufacturer’s Field Test:

1 – Mayer’s Reagent
 1 – Mayer’s Reagent
 1 – Mayer’s Reagent
 1 – Mayer’s Reagent
 1 – Mayer’s Reagent
 2 – Marquis Reagent
 2 – Marquis Reagent
 2 – Marquis Reagent
 2 – Marquis Reagent
 2 – Marquis Reagent
 2 – Marquis Reagent
 2 – Marquis Reagent
 2 – Marquis Reagent
 3 – Nitric Acid
 3 – Nitric Acid
 4 – Cobalt Thiocyanate Reagent
 4 – Cobalt Thiocyanate Reagent
 4 – Cobalt Thiocyanate Reagent
 4 – Cobalt Thiocyanate Reagent
 5 – Dille-Koppanyi Reagent

General Notices/Errata

Heroin
Morphine
Amphetamine
Methamphetamine
Lysergic Acid Diethylamide (LSD)
Marijuana
Hashish
Hashish Oil
Tetrahydrocannabinol (THC)
Marijuana
Hashish
Hashish Oil
Tetrahydrocannabinol (THC)
Cocaine Base

6 – Mandelin Reagent
6 – Mandelin Reagent
6 – Mandelin Reagent
6 – Mandelin Reagent
7 – Ehrlich’s Reagent
8 – Duquenois Reagent
8 – Duquenois Reagent
8 – Duquenois Reagent
8 – Duquenois Reagent
9 – NDB (Fast Blue B Salt) Reagent
9 – NDB (Fast Blue B Salt) Reagent
9 – NDB (Fast Blue B Salt) Reagent
9 – NDB (Fast Blue B Salt) Reagent
13 – Cobalt Thiocyanate/Crack Test

NARK II

Drug or Drug Type:

Narcotic Alkaloids
Heroin
Morphine
Amphetamine
Methamphetamine
3,4–Methylenedioxyamphetamine (MDMA)
Morphine
Heroin
Barbiturates
Lysergic Acid Diethylamide (LSD)
Marijuana
Hashish
Hashish Oil
Tetrahydrocannabinol (THC)
Cocaine Hydrochloride
Cocaine Base
Phencyclidine (PCP)
Opiates
Heroin
Morphine
Heroin
3,4–Methylenedioxyamphetamine (MDMA)
Pentazocine
Ephedrine
Diazepam
Methamphetamine
Narcotic Alkaloids
Heroin
Morphine
Amphetamine
Methamphetamine

Manufacturer’s Field Test:

01 – Marquis Reagent
01 – Marquis Reagent
01 – Marquis Reagent
01 – Marquis Reagent
01 – Marquis Reagent
01 – Marquis Reagent
02 – Nitric Acid
02 – Nitric Acid
03 – Dille-Koppanyi Reagent
04 – Ehrlich’s Reagent
05 – Duquenois – Levine Reagent
05 – Duquenois – Levine Reagent
05 – Duquenois – Levine Reagent
05 – Duquenois – Levine Reagent
07 – Scott’s (Modified) Reagent
07 – Scott’s (Modified) Reagent
09 – Phencyclidine Reagent
10 – Opiates Reagent
10 – Opiates Reagent
10 – Opiates Reagent
11 – Mecke’s Reagent
11 – Mecke’s Reagent
12 – Talwin/ Pentazocine Reagent
13 – Ephedrine Reagent
14 – Valium Reagent
15 – Methamphetamine (Secondary Amines Reagent)
19 – Mayer’s Reagent
19 – Mayer’s Reagent
19 – Mayer’s Reagent
19 – Mayer’s Reagent
19 – Mayer’s Reagent

ARMOR HOLDINGS, INCORPORATED
13386 INTERNATIONAL PARKWAY
JACKSONVILLE, FLORIDA 32218-2383

NIK

Drug or Drug Type:

Heroin
Amphetamine
Methamphetamine
3,4-Methylenedioxymethamphetamine (MDMA)
Morphine
Barbiturates
Lysergic Acid Diethylamide (LSD)
Marijuana
Hashish Oil
Tetrahydrocannabinol
Cocaine Hydrochloride
Cocaine Base
Cocaine Hydrochloride
Cocaine Base
Phencyclidine (PCP)
Heroin
Heroin
gamma – Hydroxybutyrate (GHB)
Ephedrine
Pseudoephedrine
Diazepam
Methamphetamine
3,4 – Methylenedioxymethamphetamine (MDMA)
Methadone

Manufacturer’s Field Test:

Test A 6071 – Marquis Reagent
Test A 6071 – Marquis Reagent
Test A 6071 – Marquis Reagent
Test A 6071 – Marquis Reagent
Test B 6072 – Nitric Acid Reagent
Test C 6073 – Dille-Koppanyi Reagent
Test D 6074 – LSD Reagent System
Test E 6075 – Duquenois – Levine Reagent
Test E 6075 – Duquenois – Levine Reagent
Test E 6075 – Duquenois – Levine Reagent
Test G 6077 – Scott (Modified) Reagent
Test G 6077 – Scott (Modified) Reagent
6500 or 6501 – Cocaine ID Swab
6500 or 6501 – Cocaine ID Swab
Test J 6079 – PCP Reagent System
Test K 6080 – Opiates Reagent
Test L 6081 – Brown Heroin Reagent System
Test O 6090 – GHB Reagent
Test Q 6085 – Ephedrine Reagent
Test Q 6085 – Ephedrine Reagent
Test R 6085 – Valium Reagent
Test U 6087 – Methamphetamine Reagent
Test U 6087 – Methamphetamine Reagent
Test W 6088 – Mandelin Reagent System

MISTRAL SECURITY INCORPORATED
7910 WOODMONT AVENUE SUITE 820
BETHESDA, MARYLAND 20814

Drug or Drug Type:

Heroin
Amphetamine
Methamphetamine
Marijuana
Hashish Oil
Methamphetamine
Heroin
Marijuana
Hashish Oil
Cocaine Hydrochloride
Cocaine Base

Manufacturer’s Field Test:

Detect 4 Drugs Aerosol
Detect 4 Drugs Aerosol
Detect 4 Drugs Aerosol
Detect 4 Drugs Aerosol
Detect 4 Drugs Aerosol
Meth 1 and 2 Aerosol
Herol Aerosol
Cannabispray 1 and 2 Aerosol
Cannabispray 1 and 2 Aerosol
Coca-Test Aerosol
Coca-Test Aerosol

MILLENNIUM SECURITY GROUP
8300 GREENSBORO DRIVE
MCLEAN, VA 22102

IDenta

Drug or Drug Type:

Marijuana

Manufacturer’s Field Test:

Marijuana/Hashish (Duquenois-Levine Reagent)

General Notices/Errata

Hashish Oil
Heroin
Cocaine Hydrochloride
Cocaine Base
3,4-Methylenedioxymethamphetamine (MDMA)
Methamphetamine

Marijuana/Hashish (Duquenois-Levine Reagent)
Heroin Step 1 and Step 2
Cocaine/Crack Step 1 and Step 2
Cocaine/Crack Step 1 and Step 2
MDMA Step 1 and Step 2
Methamphetamine ("Crystal") Step 1 and Step 2

COZART PLC
92 MILTON PARK
ABINGDON, OXFORDSHIRE ENGLAND OX14 4RY

Drug or Drug Type:

Cocaine

Manufacturer's Field Test:

Cocaine Solid Field Test

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, FAX (804) 692-0625.

Forms for Filing Material for Publication in the Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01
NOTICE of COMMENT PERIOD-RR02
PROPOSED (Transmittal Sheet)-RR03
FINAL (Transmittal Sheet)-RR04
EMERGENCY (Transmittal Sheet)-RR05
NOTICE of MEETING-RR06
AGENCY RESPONSE TO LEGISLATIVE
OBJECTIONS-RR08
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.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 28, 2006 - 9 a.m.** -- Open Meeting
Richmond Marriott West/Innsbrook, 4240 Dominion Boulevard, Glen Allen, Virginia.

A meeting of the Enforcement Committee to ascertain the fact basis for the board's decisions of cases through informal conference or consultation proceedings.

Contact: Jean Grant, Agency Enforcement Manager, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0725, FAX (804) 367-2174, (804) 367-9753/TTY☎, email jean.grant@boa.virginia.gov.

† **November 28, 2006 - 10 a.m.** -- Open Meeting
Richmond Marriott West, 4240 Dominion Boulevard, Salon A, Glen Allen, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business matters and to conduct regulatory review. A public comment period will be held at the beginning of the meeting. All meetings are subject to change. 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 D'Amato, Agency Regulatory Coordinator, Board of Accountancy, 3600 W. Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-0502, FAX (804) 367-2174, (804) 367-9753/TTY☎, email mark.damato@boa.virginia.gov.

DEPARTMENT FOR THE AGING

† **December 6, 2006 - 10 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A quarterly business meeting beginning to discuss legislative advocacy and set meeting dates and locations for 2007.

Contact: Bill Peterson, Policy Analyst, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9325, toll-free (800) 552-3402, email bill.peterson@vda.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.

Calendar of Events

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES


Virginia Corn Board

† **December 12, 2006 - 9 a.m.** -- Open Meeting
Wallace Manor, 3821 North Courthouse Road, Providence Forge, Virginia. 

A meeting to (i) hear and approve previous meeting minutes; (ii) review checkoff revenues and the financial status resulting from sale of the 2006 Corn Crop; (iii) hear reports from the chairman, board member representation to the U.S. Grains Council, the National Corn Growers Association, and the Virginia Corn Growers' Association; and (iv) nominate and elect 2007 officers. 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 the person identified in this notice at least five days before the meeting date so that suitable arrangements can be made.

Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 102 Governor St., 3rd Floor, Room 319, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, email phil.hickman@vdacs.virginia.gov.


Virginia Soybean Board

† **November 30, 2006 - 3 p.m.** -- Open Meeting
Virginia Soybean Association, 11 Kristiansand Drive, Suite E, Williamsburg, Virginia. 

A meeting to (i) hear and approve previous meeting minutes; (ii) review checkoff revenues and the financial status resulting from sale of the 2006 Virginia Soybean crop; (iii) hear reports from the chairman, the United Soybean Board representative, and the Virginia Soybean Association; and (iv) nominate and elect 2007 officers. 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 the Philip T. Hickman at least five days before the meeting date so that suitable arrangements can be made.


Contact: Philip T. Hickman, Program Director, Department of Agriculture and Consumer Services, 102 Governor St., 3rd Floor, Room 319, Richmond, VA 23219, telephone (804) 371-6157, FAX (804) 371-7786, email phil.hickman@vdacs.virginia.gov.

STATE AIR POLLUTION CONTROL BOARD

† **November 29, 2006 - 6:30 p.m.** -- Public Hearing
Department of Environmental Quality, South Central Regional Office, 7705 Timberlake Road, Lynchburg, Virginia. 

A public hearing to receive comments on a draft construction permit to modify the Norcraft Companies facility in Lynchburg. The facility is a manufacturer of wooden kitchen and bath cabinetry. The public comment period began on October 31, 2006, and ends on December 14, 2006.

Contact: Patrick Corbett, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-6230, FAX (434) 582-5125, email pcorbett@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 cberndt@deq.virginia.gov.


ALCOHOLIC BEVERAGE CONTROL BOARD

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.


ALZHEIMER'S DISEASE AND RELATED DISORDERS COMMISSION

† **December 12, 2006 - 10 a.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 102, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting to discuss the ongoing activities of the Commonwealth's virtual Alzheimer's center and set the meeting schedule for 2007.


Contact: Bill Peterson, Department for the Aging, 1610 Forest Avenue, Suite 102, Richmond, VA 23229, telephone (804) 662-9325, toll-free (800) 552-3402, email bill.peterson@vda.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.

† February 15, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Land Surveyors 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

Calendar of Events


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 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 OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY

† **November 27, 2006 - 10 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A general business meeting to discuss matters as they relate to the practice of audiology and speech-language pathology.

Contact: Lisa R. Hahn, Executive Director, Board of Audiology and Speech-Language Pathology, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9930, FAX (804) 662-9523, (804) 662-7197/TTY , email lisa.hahn@dhp.virginia.gov.

VIRGINIA AVIATION BOARD

† **December 12, 2006 - 3 p.m.** -- Open Meeting


† **December 13, 2006 - 9 a.m.** -- Open Meeting

Wyndham Richmond Airport, 4700 South Laburnum Avenue, Richmond, Virginia. 

A regular bimonthly meeting. Applications for state funding will be presented to the board and other matters of interest to the Virginia aviation community will be discussed. Individuals with disabilities should contact Carolyn Toth 10 days prior to the meeting if assistance is needed.

Contact: Carolyn Toth, Executive Assistant, Virginia Aviation Board, 5702 Gulfstream Rd., Richmond, VA 23250, telephone (804) 236-3626, FAX (804) 236-3635, email carolyn.toth@doav.virginia.gov.


BOARD FOR BARBERS AND COSMETOLOGY

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.

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: Harry M. Durham, Interim Director, Department of Charitable Gaming, James Monroe Bldg., 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2598, FAX (804) 786-1079, email clyde.cristman@dcg.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.

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. 

Calendar of Events


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


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

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.


DEPARTMENT OF CONSERVATION AND RECREATION


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 p.m. -- 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.

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.llewellyn@dcr.virginia.gov.

† **November 27, 2006 - 10 a.m.** -- Open Meeting
Chippokes Mansion, Chippokes Plantation State Park, 695 Chippokes Park Road, Board Room, Surry, Virginia. ♿

A general business meeting of the Chippokes Plantation Farm Foundation.

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.

BOARD FOR CONTRACTORS

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 Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation,

Calendar of Events

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 - 1:30 p.m. -- Open Meeting

† **November 30, 2006 - 9 a.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.

BOARD OF CORRECTIONAL EDUCATION

† **December 15, 2006 - 10 a.m.** -- Open Meeting

James Monroe Building, 101 North 14th Street, 7th Floor, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to discuss general business.

Contact: Patty Ennis, Board Clerk, Board of Correctional Education, 101 N. 14th St., 7th Floor, Richmond, VA 23219, telephone (804) 225-3314, FAX (804) 786-7642, (804) 371-8647/TTY ☎, email patricia.ennis@dce.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

December 1, 2006 - 9 a.m. -- Open Meeting

† **February 2, 2007 - 9 a.m.** -- Open Meeting

† **February 9, 2007 - 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 (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. ♿

Formal hearings. 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 (804) 662-7246, (804) 662-7197/TTY ☎, email sandra.reen@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.

December 15, 2006 - 9 a.m. -- Open Meeting

† **February 2, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting of the Special Conference Committee A 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 (804) 662-7246, (804) 662-7197/TTY ☎, email sandra.reen@dhp.virginia.gov.

† **January 5, 2007 - 9 a.m.** -- Open Meeting

† **February 23, 2007 - 9 a.m.** -- Open Meeting


Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

Informal conferences of Special Conference Committee B. 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 (804) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

† **January 19, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


Informal conferences of Special Conference Committee C. 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 (804) 662-7246, (804) 662-7197/TTY , email sandra.reen@dhp.virginia.gov.

DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


† **December 21, 2006 - 10 a.m.** -- Open Meeting
Department of General Services, 202 North Ninth Street, Room 412, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A general business meeting.

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.

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.

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP

† **December 14, 2006 - 9 a.m.** -- Open Meeting
Riverfront Plaza, 901 East Byrd Street, West Tower, 19th Floor Board Room, Richmond, Virginia.

A discussion of the Finance Committee will focus on financial matters pertaining to the Virginia Economic Development Partnership.

Contact: Kimberly M. Ellett, Senior Executive Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218, telephone (804) 545-5610, FAX (804) 545-5611, email kellett@yesvirginia.org.


† **December 14, 2006 - 10 a.m.** -- Open Meeting
901 East Byrd Street, Riverfront Plaza, West Tower, 20th Floor, Richmond, Virginia. 

Discussion will focus on issues pertaining to the Virginia Economic Development Partnership.

Contact: Kimberly M. Ellett, Senior Executive Assistant, Virginia Economic Development Partnership, P.O. Box 798, Richmond, VA 23218, telephone (804) 545-5610, FAX (804) 545-5611, email kellett@yesvirginia.org.

BOARD OF EDUCATION

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.

† **December 5, 2006 - 6:30 p.m.** -- Public Hearing
Robinson Secondary School 5035 Sideburn Road Burke, Virginia.

Calendar of Events

A public hearing regarding Foreign Language Standards of Learning. 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 Helen Small, Department of Education, P.O. Box 2120, Richmond, VA 23218; helen.small@doe.virginia.gov; Fax: (804) 225-2524. The revisions may be viewed at: http://www.doe.virginia.gov/VDOE/VA_Board/Meetings/2006/ItemL-oct.pdf.

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 5, 2006 - 7 p.m.** -- Public Hearing
3109 Prices Fork Road, Auditorium, Blacksburg, Virginia.

† **December 7, 2006 - 7 p.m.** -- Public Hearing
Hampton High School, 1491 West Queen Street, Auditorium, Hampton, 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 5, 2006 - 7 p.m.** -- Public Hearing
Robinson Secondary School Recital Hall 5035 Sideburn Rd Fairfax, Virginia.

† **December 5, 2006 - 7 p.m.** -- Public Hearing
3109 Prices Fork Road, Auditorium, Blacksburg, Virginia.

† **December 7, 2006 - 7 p.m.** -- Public Hearing
Hampton High School, 1491 West Queen Street, Auditorium, Hampton, 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.

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.


SECRETARY OF EDUCATION

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 28, 2006 - 7 p.m.** -- Open Meeting
Dante Lives On Community Center, Route 63, Dante, Virginia. 

A public meeting on the development of TMDLs to address impairments of Lick Creek in Russell, Dickenson and Wise Counties for failing to meet the Aquatic Life Use based on violations of the general standard for aquatic organisms and failure to meet the Recreational Use because of fecal coliform bacteria violations. The public notice appears in the Virginia Register of Regulations on November 27, 2006. The public comment period begins on November 28, 2006, and ends on December 28, 2006.


Contact: Allen J. Newman, Department of Environmental Quality, 355 Deadmore St., P.O. Box 1688, Abingdon, VA 24212, telephone (276) 676-4804, FAX (276) 676-4899, email ajnewman@deq.virginia.gov.

† **November 29, 2006 - 1:30 p.m.** -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 1st Floor Conference Room, Richmond, Virginia. 

The fifth meeting with stakeholders to discuss implementation of HB447/SB88, Removal of Mercury Switches from Automobiles Prior to Demolition. For more information go to <http://www.deq.virginia.gov/waste/mercuryswitch.html>.


The meeting will focus on regulation language in support of the mercury switch program.

Contact: Steven E. Fraxier, HW Technical Advisory and Compliance Coordinator, Department of Environmental Quality, 629 E. Main St., P. O. Box 1105, Richmond, VA 23218, telephone (804) 698-4199, email sefraxier@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 rbrent@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.

† **December 7, 2006 - 7 p.m.** -- Open Meeting
Bristol Public Library, 701 Goode Street, Bristol, Virginia. 

A public meeting on the development of the TMDL implementation plan to address fecal bacteria and sediment impairments in the Beaver Creek and Little Creek watersheds. The public notice appears in the Virginia Register of Regulations on November 27, 2006. The public comment period begins on December 7, 2006, and ends on January 12, 2007.

Contact: Theresa Carter, Department of Environmental Quality, 252 W. Main St., Suite 3, Abingdon, VA 24210, telephone (276) 676-5418, FAX (276) 676-5527, email theresa.carter@deq.virginia.gov.

† **December 7, 2006 - 7 p.m.** -- Open Meeting
Buchanan Elementary School, 225 Schoolhouse Road, Buchanan, Virginia. 


A public meeting on the development of the TMDL implementation plan to address bacteria impairments in the Looney Creek watershed, which includes Mill Creek and Back Creek in Botetourt County. The public notice appears in the Virginia Register of Regulations on November 27,

Calendar of Events

2006. The public comment period begins on December 7, 2006, and ends on January 8, 2007.


Contact: Jason Ericson, Department of Environmental Quality, 101 N. 14th St., 11th Floor, Richmond, VA 23291, telephone (804) 225-3389, FAX (804) 371-0771, email jason.ericson@dcr.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

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.


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

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


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


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 10, 2006 - 10 a.m. -- Open Meeting

Patrick Henry Building, House Room 1, Richmond, Virginia.

The initial organizational meeting of the Virginia Cord Blood Bank Initiative Consortium to provide recommendations for the establishment of a Virginia Cord Blood Bank.

Contact: Kim Barnes, Policy Analyst, Department of Health, 109 Governor St., 7th Floor, Richmond, VA 23219, telephone (804) 864-7661, FAX (804) 864-7670, email kim.barnes@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.

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 20, 2006 - 11 a.m. -- Open Meeting

Department of Health, 109 Governor Street, 12th Floor, Conference Room 1218, Richmond, Virginia.


The annual meeting of the Minority Health Advisory Committee.

Contact: Karen Reed, Health Workforce and Minority Health Manager, Department of Health, 109 Governor St., Suite 1016 East, Richmond, VA 23219, telephone (804) 864-7427, FAX (804) 864-7440, toll-free (800) 694-7349, email karen.reed@vdh.virginia.gov.

DEPARTMENT OF HISTORIC RESOURCES

Historic Resources Board and State Review Board

† December 6, 2006 - 10 a.m. -- Open Meeting


Virginia Historical Society, 428 North Boulevard, Halsey Lecture Hall, Richmond, Virginia. 

At a joint session in the morning, the Board of Historic Resources will consider proposed nominations to the Virginia Landmarks Register. The State Review Board will review the same nominations for possible designation on the National Register of Historic Places list. The boards will meet in separate sessions in the afternoon. The Historic Resources Board will consider proposed historic preservation easements and proposed historic highway markers. The State Review Board will consider preliminary applications for the state and federal registers. All meetings are open to the public.


Contact: Marc Wagner, State and National Registers Manager, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, email marc.wagner@dhr.virginia.gov.

Calendar of Events


BOARD OF HOUSING AND COMMUNITY DEVELOPMENT

† **November 29, 2006 - 11 a.m.** -- Open Meeting
Norfolk Waterside Marriott, Hampton Room II, Norfolk, Virginia. 


A regular business meeting.

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.

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.


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

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

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.

STATE LIBRARY BOARD

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.

LONGWOOD UNIVERSITY

† **December 1, 2006 - 8:45 a.m.** -- Open Meeting

† **December 2, 2006 - 9 a.m.** -- Open Meeting

Longwood University, Lancaster Hall 102, 201 High Street, Farmville, Virginia. 


A meeting to conduct routine business of the Board of Visitors.

Contact: Jeanne Hayden, Longwood University, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.


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.

Calendar of Events


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.


DEPARTMENT OF MEDICAL ASSISTANCE SERVICES


† **December 7, 2006 - 1 p.m.** -- Open Meeting
Capital One, West Creek Town Center, University Hall, 15075 Capital One Drive, Richmond, Virginia. 

A quarterly meeting of the Children's Health Insurance Program Advisory Committee. Time will be scheduled at the end of the meeting for public comment.


Contact: Diane Howard, FAMIS Marketing and Outreach Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-3359, FAX (804) 786-5799, email diane.howard@dmas.virginia.gov.

BOARD OF MEDICINE

November 29, 2006 - 9 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia. 

† **December 6, 2006 - 8:45 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, 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.


† **December 5, 2006 - 8 a.m.** -- Open Meeting


† **December 6, 2006 - 8 a.m.** -- Open Meeting

† **December 7, 2006 - 8 a.m.** -- Open Meeting


Inn at Virginia Tech and Skelton Conference Center, 901 Prices Fork Road, Blacksburg, Virginia. 

A formal hearing to inquire into allegations that a certain practitioner may have violated certain laws and regulations governing the practice of medicine and other healing arts. Further, the board may review cases with staff for case disposition, including consideration of consent orders for settlement of matter pending before the board. The board will meet in open and closed session pursuant to § 2.2-3711 A(7),(15), and/or (28). Public comment will not be received.

Contact: Renee S. Dixon, Discipline Case Manager, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY , email renee.dixon@dhp.virginia.gov.


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.

† **February 22, 2007 - 8:30 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ♿

The board will consider regulatory and disciplinary matters as may be presented on the agenda. 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 ☎, e-mail william.harp@dhp.virginia.gov.

Advisory Board on Athletic Training

† **February 8, 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 athletic training. 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

† **December 4, 2006 - 10 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Fifth Floor, Board Room 4, Richmond, Virginia. ♿

The workgroup will identify the laws and regulations of agencies other than the Board of Medicine about which midwives need to be knowledgeable and follow. A draft guidance document is the work product for the group. Public comment on agenda items will be received at the beginning of the meeting.

Contact: William L. Harp, M.D., Executive Director, Board of Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9908, FAX (804) 662-9943, (804) 662-7197/TTY ☎, e-mail william.harp@dhp.virginia.gov.

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 Occupational Therapy

† **February 6, 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 occupational therapy. 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

NOTE: CHANGE IN MEETING TIME

February 7, 2007 - 1 p.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 4, Richmond, Virginia. ♿

Calendar of Events

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.

Advisory Board on Respiratory Care

† **February 6, 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 respiratory care. 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

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.

Virginia Interagency Coordinating Council

† **November 28, 2006 - 9:30 a.m.** -- Open Meeting
Henrico Area Mental Health's East Center, East Wing 23, 4825 South Laburnum Avenue, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

The VICC meets quarterly to advise and assist the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) as lead agency for Part C (of IDEA), early intervention for infants and toddlers with disabilities and their families. Discussion focuses on issues related to Virginia's implementation of the Part C program.

Contact: LaKeishia White, Child and Family Services Office Services Specialist, Department of Mental Health, Mental Retardation and Substance Abuse Services, Child and Family Services, 9th Floor, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-3710, FAX (804) 371-7959.

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 MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

† **December 7, 2006 - 2 p.m.** -- Open Meeting
1200 Bank Street, 13th Floor, Richmond, Virginia.

A meeting of the Development and Evaluation Committee to review and evaluate policies.


Contact: Wendy V. Brown, Policy Analyst, Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Bldg., 1220 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 225-2252, FAX (804) 371-0092, email wendy.brown@co.dmhmrzas.virginia.gov.

† **December 8, 2006 - 10 a.m.** -- Open Meeting
Rappahannock CSB Stafford Clinic, 15 Hope Road, Stafford, Virginia. ♿

A regular business meeting.

Contact: Jewel Booker, Executive Secretary, Department of Mental Health, Mental Retardation and Substance Abuse Services, Jefferson Bldg., 1220 Bank St., 13th Floor, Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, email jewel.booker@co.dmhmrsas.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 7, 2006 - 1:30 p.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, U.S. Route 23 South, Big Stone Gap, Virginia. 


A meeting of the Governor's Mined Land Reclamation Advisory Committee to review and discuss recent Interstate Mining Compact Commission issues with the coal industry, and to provide conflict of interest training for board members. Public comments will not be received at this meeting. Special accommodations for the disabled will be made available at the meeting on request. Anyone needing special accommodations should contact the Division of Mined Land Reclamation or the Virginia Relay Center at least seven days prior to the meeting.

Contact: Leslie S. Vincent, Customer Services Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, P.O. Drawer 900, Big Stone Gap, VA 24219, telephone (276) 523-8156, FAX (276) 523-8163, (800) 828-1120/TTY , email les.vincent@dmme.virginia.gov.


December 11, 2006 - 9 a.m. -- Open Meeting
Oxbow Center, 16620 East Riverside Drive, St. Paul, Virginia.  (Interpreter for the deaf provided upon request)

The Permit Enhancement Work Group will meet first, followed with Regulatory Work Group to discuss potential enhancement to the Division of Mined Land Reclamation (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 (276) 523-8163, (800) 828-1120/TTY , email les.vincent@dmme.virginia.gov.

Coal Surface Mining Reclamation Fund Advisory Board


† December 7, 2006 - 9:30 a.m. -- Open Meeting
Department of Mines, Minerals and Energy, Buchanan-Smith Building, 3405 Mountain Empire Road, U.S. Route 23 South, Big Stone Gap, Virginia.  (Interpreter for the deaf provided upon request)

A meeting to review and discuss the current status and administration of the Reclamation Fund and to provide mandatory conflict of interest training for board members. Public comments will not be received at this meeting. Special accommodations for the disabled will be made available at the public meeting. Anyone needing special accommodations should contact the Division of Mined Land Reclamation or Virginia Relay Center at least seven days prior to the meeting.


Contact: Gerald D. Collins, Technical Services Manager, Department of Mines, Minerals and Energy, Division of Mined Land Reclamation, Big Stone Gap, VA 24219, telephone (276) 523-8166, FAX (276) 523-8141, (800) 828-1120/TTY , email gerald.collins@dmme.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES

Governor's Motorcycle Advisory Council

† December 12, 2006 - 10 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. 

A regular meeting.

Contact: Audrey Odum, Management Analyst, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-6339, toll-free (800) 272-9268, (800) 272-9268/TTY , email audrey.odum@dmv.virginia.gov.

Calendar of Events

VIRGINIA MUSEUM OF FINE ARTS

† **November 27, 2006 - 9 a.m.** -- Open Meeting
Virginia Museum of Fine Arts, The Pauley Center Parlor, 200 North Boulevard, Richmond, Virginia. ♿

A meeting of the Robinson House Architect Search Committee 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, 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.

† **December 15, 2006 - 10:30 a.m.** -- Open Meeting

Virginia Museum of Fine Arts, Pauley Center 2, 200 North Boulevard, Richmond, Virginia. ♿

A meeting of the Nominating and Governance Committee 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, email suzanne.broyles@vmfa.museum.

† **January 17, 2007 - 2:30 p.m.** -- Open Meeting

Virginia Museum of Fine Arts, 201 North Boulevard, Conference Room, Richmond, Virginia. ♿

A meeting of the Partnership for Virginia Task Force 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, email suzanne.broyles@vmfa.museum.

BOARD OF NURSING

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.

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.


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

December 8, 2006 - 1:30 p.m. -- Open Meeting
† February 19, 2007 - Noon -- 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.

BOARD OF OPTOMETRY


† December 13, 2006 - 9 a.m. -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. 


A meeting of the Professional Designation Committee to review and consider disciplinary sanctions with regard to noncompliance with the professional designation regulations. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , email elizabeth.carter@dhp.virginia.gov.


† December 13, 2006 - 9:30 a.m. -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A meeting to receive Professional Designation and CE Committee Reports, consider amendments to the CE Regulations, Sanction Reference Study Update and conduct other general board business as required. Public comment will be received at the beginning of the meeting.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , email elizabeth.carter@dhp.virginia.gov.

† December 13, 2006 - 11 a.m. -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. 

A formal hearing. Public comment will not be received.

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY , email elizabeth.carter@dhp.virginia.gov.

† December 13, 2006 - 2 p.m. -- Open Meeting
Alcoa Building, 6603 West Broad Street, 5th Floor, Room 4, Richmond, Virginia. 

An informal conference hearing. Public comment will not be received.

Calendar of Events

Contact: Elizabeth A. Carter, Ph.D., Executive Director, Board of Optometry, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9910, FAX (804) 662-7098, (804) 662-7197/TTY ☎, email elizabeth.carter@dhp.virginia.gov.

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. ♿

Formal hearings to 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 1, 2006 - 9 a.m.** -- Open Meeting

† **December 6, 2006 - 9 a.m.** -- Open Meeting

† **December 7, 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 Special Conference Committee to discuss disciplinary matters. This is a public meeting; however, public comments will not 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.

BOARD OF PHYSICAL THERAPY

† **December 1, 2006 - 9 a.m.** -- Open Meeting
Department of Health Professions 6603 West Broad Street,
5th Floor, Conference Room 4, Richmond, Virginia. ☎

A meeting of the Special Conference Committee will hear possible violations of the laws and regulations that govern the practice of physical therapy.

Contact: Elizabeth Young, Executive Director, Board of Physical Therapy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9924, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@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.

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 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.


† **December 7, 2006 - 2 p.m.** -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia. ☎

A meeting of the Ad Hoc Committee on Health Care Medical Decisions - Authority of Public Guardians.


Contact: Faye D. Cates, MSSW, Human Services Program Coordinator, Virginia Public Guardian and Conservator Advisory Board, Department for the Aging, 1610 Forest Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-9310, FAX (804) 662-9354, toll-free (800) 552-3402, (804) 662-9333/TTY ☎, email faye.cates@vda.virginia.gov.

NOTE: CHANGE IN MEETING DESCRIPTION


Calendar of Events

January 25, 2007 - 10 a.m. -- Open Meeting
Department for the Aging, 1610 Forest Avenue, Suite 100,
Richmond, Virginia. 


An Executive Committee meeting.

Contact: Faye D. Cates, MSSW, Human Services Program
Coordinator, Virginia Public Guardian and Conservator
Advisory Board, Department for the Aging, 1610 Forest
Ave., Suite 100, Richmond, VA 23229, telephone (804) 662-
9310, FAX (804) 662-9354, toll-free (800) 552-3402, (804)
662-9333/TTY , email faye.cates@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


† December 11, 2006 - 6 p.m. -- Open Meeting
Fairfax County Government Center, 12000 Government
Center Parkway, Rooms 2 and 3, Fairfax, Virginia. 
(Interpreter for the deaf provided upon request)

A meeting to receive comments on the Department of
Rehabilitative Services' Vocational Rehabilitation and
Supported Employment Programs. Materials in alternate
format will be provided upon prior request. Comments will
be received until 8 p.m.


Contact: Elizabeth Smith, Policy and Planning Director,
Department of Rehabilitative Services, 8004 Franklin Farms
Dr., Richmond, VA 23229, telephone (804) 662-7071, FAX
(804) 662-7696, toll-free (800) 552-5019, (804) 662-
9040/TTY , email elizabeth.smith@drs.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@drs.virginia.gov.

Virginia Assistive Technology System Advisory Council

† December 6, 2006 - 10 a.m. -- Open Meeting
Woodrow Wilson Rehabilitation Center, Fishersville,
Virginia. 

A quarterly meeting. Public comments will be received at
approximately 10:15 a.m. Interpreters and materials in
alternate format are provided upon prior request.

Contact: Jane Lively, Program Administrative Specialist,
Department of Rehabilitative Services, 8004 Franklin Farms
Dr., Richmond, VA 23229, telephone (804) 726-1904, FAX

(804) 662-9478, toll-free (800) 552-5019, (804) 662-9040/TTY ☎, email jane.lively@dss.virginia.gov.

SAFETY AND HEALTH CODES BOARD

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.

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**
- 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.

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

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-70, Virginia Slaughter Hog and Feeder Pig Excise Tax Regulations.** The purpose of the proposed action is to repeal the regulation that has become obsolete due to statutory changes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-75, Virginia Soybean Excise Tax Regulations.** The purpose of the proposed action is to repeal certain sections of the Virginia Soybean Excise Tax Regulation that provide no additional guidance to clear and unambiguous statutes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

Calendar of Events

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-112, Declaration of Estimated Income Tax by Individuals**. The purpose of the proposed action is to amend certain sections of the Declaration of Estimated Income Tax by Individuals Tax Regulations that provide no additional guidance to clear and unambiguous statutes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-115, Fiduciary Income Tax Regulations**. The purpose of the proposed action is to amend certain sections of the Fiduciary Income Tax Regulations that provide no additional guidance to clear and unambiguous statutes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-140, Income Tax Withholding**. The purpose of the proposed action is to amend certain sections of the Income Tax Withholding Regulations that provide no additional guidance to clear and unambiguous statutes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-220, Aircraft Sales and Use Tax Regulations**. The purpose of the proposed action is to amend certain sections of the Aircraft Sales and Use Tax Regulation that provides no additional guidance to clear and unambiguous statutes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-230, Watercraft Sales and Use Tax Regulations**. The purpose of the proposed action is to repeal one Water Sales and Use Tax regulation that is obsolete due to a statutory change.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-310, Tax on Wills and Administration**. The purpose of the proposed action is to amend certain sections of the Tax on Wills and Administration Regulations that provide no additional guidance to clear and unambiguous statutes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-350, Forest Products Tax Regulations**. The purpose of the proposed action is to amend certain sections of the Forest Products Tax Regulations that are obsolete due to statutory changes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-360, Litter Tax Regulations**. The purpose of the proposed action is to repeal the Litter Tax Regulations, which provide no additional guidance to clear and unambiguous statutes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-370, Cigarette Tax**. The purpose of the proposed action is to amend certain sections of the Cigarette Tax Regulations that are obsolete due to statutory changes.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.


† **January 26, 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 Department of Taxation intends to repeal regulations entitled **23 VAC 10-390, Soft Drink Excise Tax Regulations**. The purpose of the proposed action is to amend the Soft Drink Excise Tax Regulations that provide no additional guidance to clear and unambiguous statutes.


Statutory Authority: § 58.1-203 of the Code of Virginia.

Contact: Mark C. Haskins, Director of Policy Development, Department of Taxation, 600 E. Main St., Richmond, VA 23219, telephone (804) 371-2296, FAX (804) 371-2355, or email mark.haskins@tax.virginia.gov.

COMMONWEALTH TRANSPORTATION BOARD

† **November 27, 2006 - 5:30 p.m.** -- Open Meeting
Southwest Virginia Community College, Route 19, Richlands, Virginia. 

† **November 28, 2006 - 9 a.m.** -- Open Meeting
Wytheville Residency, 2843 Chapman Road, Wytheville, Virginia. 

† **November 28, 2006 - 5 p.m.** -- Open Meeting
Mountain Empire Community College, 3341 Mountain Empire Road, Big Stone Gap, Virginia. 

A meeting to explain VDOT's plan to consolidate 91 maintenance facilities by July 1, 2008, and discuss the local impacts and collect feedback from local elected officials and citizens. For more information, go to <http://www.virginiadot.org/news/consol.asp>

Contact: Donna Purcell Mayes, Assistant Public Affairs Director, Commonwealth Transportation Board, Public Affairs Division, 1401 E. Broad St., Richmond, VA 23219, telephone (804) 786-2717, FAX (804) 786-6250, email donna.mayes@vdot.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.

Veterans Services Foundation

† **December 6, 2006 - 11 a.m.** -- Open Meeting
American Legion Building, 1708 Commonwealth Avenue, Richmond, Virginia. 

Calendar of Events


A regular meeting. Public comment will be heard at the conclusion of the meeting. Anyone wishing to provide comments should contact Roz Trent. Please list name and/or organization, telephone number and the nature of the comment.

Contact: Roz J. Trent, DVS Coordinator of Program Operations, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0220, FAX (804) 786-0302, email roz.trent@dvs.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 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

† February 21, 2007 - 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 for the triennial review. The notice of intent appeared 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 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 appeared 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 cberndt@deq.virginia.gov.

† **January 4, 2007 - 1 p.m.** -- Public Hearing
Regional Library Headquarters, 1201 Caroline Street, Fredericksburg, Virginia.

† **January 26, 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 State Water Control Board intends to amend regulations entitled **9 VAC 25-720, Water Quality Management Planning Regulation**. The purpose of the proposed action is to amend the City of Fredericksburg nitrogen and phosphorus allocation in the water quality management planning regulation.

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

Contact: John M. Kennedy, Department of Environmental Quality, P.O. Box 1105, 629 East Main Street, Richmond, VA 23240, telephone (804) 698-4312 or email: jmkennedy@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.

INDEPENDENT


VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY

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.

Calendar of Events


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.

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
† February 14, 2007 - 10 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
† February 15, 2007 - 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.


CHESAPEAKE BAY RESTORATION FUND ADVISORY COMMITTEE

† **December 1, 2006 - 9:30 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 4th Floor
West Conference Room, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, please contact Martin Farber or Gwen Foley, 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: Patty Lung, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.


VIRGINIA COMMISSION ON COAL AND ENERGY

† **November 28, 2006 - 10 a.m.** - Open Meeting
General Assembly Building, 9th and Broad Streets,
Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agency please contact Frank Munyan, 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.


HOUSE COMMITTEE FOR COURTS OF JUSTICE

† **December 1, 2006 - 8:30 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 Mary Kate Felch, Division of Legislative Services at (804) 786-3591.

Contact: Pam Burnham, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.


VIRGINIA CODE COMMISSION

† **December 15, 2006 - 1 p.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, 6th Floor,
Speaker's Conference Room, Richmond, Virginia. 
(Interpreter for the deaf provided upon request)

A regular meeting. Public comment will be received at the end of the meeting.

Contact: Jane Chaffin, Registrar of Regulations, Division of Legislative Services, 910 Capitol St., 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591, FAX (804) 692-0625, email jchaffin@leg.state.va.us.


COMMITTEE ON EDUCATION

† **November 28, 2006 - 10 a.m.** - Open Meeting
General Assembly Building, 9th and Broad Streets, 9th Floor,
Appropriations Room, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agency please contact Nikki Seeds, 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.


COMMITTEE ON EDUCATION AND HEALTH

† **November 28, 2006 - 10 a.m.** -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate
Room B, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda, please contact Jessica Eades, 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: Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

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

Calendar of Events

Assembly Bldg., 910 Capitol Street, 2nd Floor, Richmond, VA 23219, telephone (804) 225-3056, FAX (804) 371-8705, toll-free (866) 448-4100, email foiaocouncil@leg.state.va.us.

HEALTH, WELFARE AND INSTITUTIONS

† **December 15, 2006 - 1 p.m.** - Open Meeting
General Assembly Building, 9th and Broad Streets, House Room D, Richmond, Virginia. ♿

A regular meeting of the COPN task force. For questions regarding the meeting agency please contact Sarah Stanton, 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.

MANUFACTURING DEVELOPMENT COMMISSION

† **November 30, 2006 - 2:30 p.m.** -- Open Meeting
Kingsmill Resort, 1010 Kingsmill Road, Williamsburg, Virginia. ♿

A regular meeting. For questions regarding the meeting agenda, please contact Frank Munyan, 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: Hobie Lehman, Senate Committee Operations, General Assembly Bldg., 910 Capitol St., Richmond, VA 23219, telephone (804) 698-7410.

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 MEDICAL, ETHICAL AND SCIENTIFIC ISSUES RELATING TO STEM CELL RESEARCH

NOTE: CHANGE IN MEETING DATE

† **November 27, 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 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.

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.

CHRONOLOGICAL LIST

OPEN MEETINGS

November 27

† Audiology and Speech-Language Pathology, Board of
† Conservation and Recreation, Department of
† Museum of Fine Arts, Virginia
Stem Cell Research, Joint Subcommittee Studying
Medical, Ethical and Scientific Issues Relating to

† Transportation Board, Commonwealth

November 28

† Accountancy, Board of
† Coal and Energy, Virginia Commission on
Conservation and Recreation, Department of
Contractors, Board for
† Education, Committee on
† Education and Health, Committee on
† Environmental Quality, Department of
Marine Resources Commission
† Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Open Space and Farmland Preservation
Technology and Science, Joint Commission on
† Transportation Board, Commonwealth

November 29

Commonwealth Preparedness, Office of
Conservation and Recreation, Department of
Education, Board of
† Environmental Quality, Department of
† Housing and Community Development, Board of
Housing Development Authority, Virginia
Medicine, Board of
Technology and Science, Joint Commission on
Water Control Board, State

November 30

† Agriculture and Consumer Services, Department of
- Virginia Soybean Board
† Conservation and Recreation, Board of
Conservation and Recreation, Department of
† Contractors, Board for
Environmental Quality, Department of
† Manufacturing Development Commission
Nursing, Board of
Pharmacy, Board of
Technology and Science, Joint Commission on
Virginia Military Institute

December 1

Art and Architectural Review Board
† Chesapeake Bay Restoration Fund Advisory Committee
† Courts of Justice
Dentistry, Board of
† Longwood University
Nursing, Board of
† Pharmacy, Board of
† Physical Therapy, Board of
Virginia Military Institute
Water Control Board, State

December 2

† Longwood University

December 4

Alcoholic Beverage Control Board
Branch Pilots, Board for
Conservation and Recreation, Department of
† Medicine, Board of

- Advisory Board on Midwifery
Nursing, Board of
Real Estate Board

December 5

Branch Pilots, Board for
Charitable Gaming Board
Conservation and Recreation, Department of
Contractors, Board for
† Education, Board of
† Medicine, Board of
Museum of Fine Arts, Virginia
Nursing, Board of
Real Estate Board
Water Control Board, State

December 6

Administrative Rules, Joint Commission on
† Aging, Commonwealth Council on
Air Pollution Control Board, State
Conservation and Recreation, Department of
Education, Secretary of
George Mason University
† Historic Resources, Department of
Information Technologies Agency, Virginia
Jamestown-Yorktown Foundation
† Medicine, Board of
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing and Medicine, Joint Boards of
† Pharmacy, Board of
† Rehabilitative Services, Department of
Safety and Health Codes Board
† Veterans Services, Department of
Waterworks and Wastewater Works Operators, Board for

December 7

Agriculture and Consumer Services, Board of
Arts, Virginia Commission for the
Dentistry, Board of
† Education, Board of
† Environmental Quality, Department of
† Medical Assistance Services, Department of
† Medicine, Board of
† Mental Health, Mental Retardation and Substance Abuse
Services Board, State
† Mines, Minerals and Energy, Department of
- Coal Surface Mining Reclamation Fund Advisory
Board
Nursing, Board of
People with Disabilities, Virginia Board for
† Pharmacy, Board of
Polygraph Examiners Advisory Board
Public Guardian and Conservator Advisory Board

December 8

Dentistry, Board of
Health, Department of
Medicine, Board of

Calendar of Events

† Mental Health, Mental Retardation and Substance Abuse Services Board, State
Old Dominion University
Opticians, Board for
People with Disabilities, Virginia Board for

December 10

† Health, Department of

December 11

Branch Pilots, Board for
Chesapeake Bay Local Assistance Board
Mines, Minerals and Energy, Department of
Protection and Advocacy, Virginia Office for
† Rehabilitative Services, Department of

December 12

† Agriculture and Consumer Services, Department of
- Virginia Corn Board
† Alzheimer's Disease and Related Disorders Commission
† Aviation Board, Virginia
Medical Assistance Services, Board of
† Motor Vehicles, Department of
Nursing, Board of
Retirement System, Virginia

December 13

† Aviation Board, Virginia
Fire Services, Virginia
Milk Commission, State
Museum of Fine Arts, Virginia
Nursing, Board of
† Optometry, 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
† Economic Development Partnership, Virginia
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
† Code Commission, Virginia
† Correctional Education, Board of
† Dentistry, Board of
Fire Services Board, Virginia
Freedom of Information Advisory Council, Virginia
Future, Council on Virginia's
Health, Department of
† Health, Welfare and Institutions
† Museum of Fine Arts, Virginia

December 18

Alcoholic Beverage Control Board

December 19

Contractors, Board for
Marine Resources Commission

December 20

Compensation Board
† Health, Department of
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 5

† Dentistry, Board of

January 8

Department of Veterans Services
- Board of Veterans Services

January 10

Education, Board of

January 17

Community Colleges, State Board for
† Museum of Fine Arts, Virginia

January 18

Auctioneers Board
Community Colleges, State Board for

January 19

† Dentistry, Board of
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
† Dentistry, Board of

February 6

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care
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 Athletic Training
- Advisory Board on Physician Assistants

February 9

† Dentistry, Board of

February 13

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for

February 14

† Retirement System, Virginia

February 15

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Retirement System, Virginia

February 19

† Old Dominion University

February 21

† Water Control Board State

February 22

Medicine, Board of

February 23

† Dentistry, Board of

PUBLIC HEARINGS

November 29

† Air Pollution Control Board, State
† Education, Board of

December 5

† Education, Board of

December 7

† 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

January 4

† Water Control Board, State

March 8

Criminal Justice Services Board

Calendar of Events
