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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 are cumulative for the year. 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. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

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>).

April 2007 through March 2008

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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 2, 2007 (Monday)	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
24:2	September 12, 2007	October 1, 2007
24:3	September 26, 2007	October 15, 2007
24:4	October 10, 2007	October 29, 2007
24:5	October 24, 2007	November 12, 2007
24:6	November 7, 2007	November 26, 2007
24:7	November 20, 2007 (Tuesday)	December 10, 2007
INDEX 1 Volume 24		January 2008
24:8	December 5, 2007	December 24, 2008
24:9	December 19, 2007	January 7, 2008
24:10	January 2, 2008	January 21, 2008
24:11	January 16, 2008	February 4, 2008
24:12	January 30, 2008	February 18, 2008
24:13	February 13, 2008	March 3, 2008
24:14	February 27, 2008	March 17, 2008

*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 5-195 (Form)	Added	23:15 VA.R. 2512	--
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 3. Alcoholic Beverages			
3 VAC 5-10-40	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-50	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-60	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-130	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-150	Amended	23:13 VA.R. 2117	5/19/07
3 VAC 5-10-230	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-360	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-400	Amended	23:13 VA.R. 2118	5/19/07
3 VAC 5-10-480	Amended	23:13 VA.R. 2129	5/19/07
3 VAC 5-40-20	Amended	23:13 VA.R. 2133	5/19/07
3 VAC 5-40-50	Amended	23:13 VA.R. 2134	5/19/07
3 VAC 5-60-20	Amended	23:13 VA.R. 2137	5/19/07
3 VAC 5-60-40	Amended	23:13 VA.R. 2138	5/19/07
3 VAC 5-60-80	Amended	23:13 VA.R. 2138	5/19/07
3 VAC 5-60-100	Added	23:13 VA.R. 2139	5/19/07
3 VAC 5-70-100	Amended	23:13 VA.R. 2142	5/19/07
3 VAC 5-70-150	Amended	23:13 VA.R. 2143	5/19/07
3 VAC 5-70-160	Amended	23:13 VA.R. 2143	5/19/07
3 VAC 5-70-230	Added	23:13 VA.R. 2143	5/19/07
Title 4. Conservation and Natural Resources			
4 VAC 5-36-50	Amended	23:6 VA.R. 845	1/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 5-36-60	Amended	23:6 VA.R. 848	1/1/07
4 VAC 5-36-70	Amended	23:6 VA.R. 849	1/1/07
4 VAC 5-36-90 through 4 VAC 5-36-120	Amended	23:6 VA.R. 850-856	1/1/07
4 VAC 5-36-150	Amended	23:6 VA.R. 856	1/1/07
4 VAC 5-36-170	Amended	23:6 VA.R. 857	1/1/07
4 VAC 5-36-200	Amended	23:6 VA.R. 858	1/1/07
4 VAC 5-36-210	Amended	23:6 VA.R. 862	1/1/07
4 VAC 15-20-220	Added	23:9 VA.R. 1382	12/15/06
4 VAC 15-320-40	Amended	23:9 VA.R. 1383	1/15/07
4 VAC 15-360-10	Amended	23:9 VA.R. 1383	1/15/07
4 VAC 20-20-20	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-20-20	Amended	23:8 VA.R. 1161	11/29/06
4 VAC 20-20-50	Amended	23:4 VA.R. 574	10/1/06
4 VAC 20-20-50	Amended	23:8 VA.R. 1161	11/29/06
4 VAC 20-70-100	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-150-70	Amended	22:23 VA.R. 3277	6/28/06
4 VAC 20-200-10	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-20	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-30	Amended	23:11 VA.R. 1659	2/1/07
4 VAC 20-200-40	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-200-50	Amended	23:11 VA.R. 1660	2/1/07
4 VAC 20-252-10	Amended	23:8 VA.R. 1162	1/1/07
4 VAC 20-252-20	Amended	23:8 VA.R. 1163	1/1/07
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 20-252-130	Amended	23:8 VA.R. 1163	1/1/07
4 VAC 20-252-135	Amended	23:8 VA.R. 1164	1/1/07
4 VAC 20-252-150	Amended	23:8 VA.R. 1165	1/1/07
4 VAC 20-252-155	Added	23:8 VA.R. 1165	1/1/07
4 VAC 20-252-160	Amended	23:8 VA.R. 1166	1/1/07
4 VAC 20-270-30 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-270-40 emer	Amended	23:14 VA.R. 2276	3/1/07-3/30/07
4 VAC 20-300-20 emer	Amended	23:14 VA.R. 2277	3/1/07-3/30/07
4 VAC 20-310-55	Added	23:15 VA.R. 2481	3/1/07
4 VAC 20-490-42 emer	Amended	23:8 VA.R. 1168	11/29/06-12/28/06
4 VAC 20-490-42	Amended	23:10 VA.R. 1540	12/21/06
4 VAC 20-510-10	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-510-20	Amended	23:12 VA.R. 1958	2/1/07
4 VAC 20-510-33	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-510-35	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-510-37	Added	23:12 VA.R. 1959	2/1/07
4 VAC 20-530-10 emer	Amended	23:12 VA.R. 1959	2/1/07-3/1/07
4 VAC 20-530-20 emer	Amended	23:12 VA.R. 1959	2/1/07-3/1/07
4 VAC 20-530-31 emer	Amended	23:12 VA.R. 1960	2/1/07-3/1/07
4 VAC 20-530-31	Added	23:13 VA.R. 2144	2/1/07-3/1/07
4 VAC 20-530-31	Amended	23:15 VA.R. 2482	3/1/07
4 VAC 20-530-32 emer	Amended	23:12 VA.R. 1960	2/1/07-3/1/07
4 VAC 20-530-32	Added	23:13 VA.R. 2145	2/1/07-3/1/07
4 VAC 20-530-32	Amended	23:15 VA.R. 2482	3/1/07
4 VAC 20-566-30	Amended	22:25 VA.R. 3877	8/1/06

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
4 VAC 20-610-30	Amended	23:4 VA.R. 575	10/1/06
4 VAC 20-610-30	Amended	23:11 VA.R. 1660	2/1/07
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 20-610-60	Amended	23:11 VA.R. 1662	2/1/07
4 VAC 20-620-50	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-620-60	Amended	23:15 VA.R. 2483	3/1/07
4 VAC 20-620-70	Amended	23:15 VA.R. 2483	3/1/07
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 20-720-40 emer	Amended	23:10 VA.R. 1540	1/1/07-1/30/07
4 VAC 20-720-50	Amended	23:4 VA.R. 579	10/1/06
4 VAC 20-720-50 emer	Amended	23:10 VA.R. 1541	1/1/07-1/30/07
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 20-910-45	Amended	23:6 VA.R. 865	11/1/06
4 VAC 20-910-45	Erratum	23:8 VA.R. 1290	--
4 VAC 20-950-40 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-40	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-47 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-47	Amended	23:15 VA.R. 2484	3/1/07
4 VAC 20-950-48.2 emer	Amended	23:12 VA.R. 1961	2/1/07-3/1/07
4 VAC 20-950-48.2	Amended	23:15 VA.R. 2484	3/1/07
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 20-1090-30	Amended	23:11 VA.R. 1663	2/1/07
4 VAC 25-20-420	Amended	23:13 VA.R. 2146	4/4/07
4 VAC 25-130-700.12	Amended	23:13 VA.R. 2146	4/4/07
4 VAC 25-130-773.21	Amended	23:13 VA.R. 2147	4/4/07
4 VAC 25-130-775.11	Amended	23:13 VA.R. 2147	4/4/07
4 VAC 25-130-775.13	Amended	23:13 VA.R. 2148	4/4/07
4 VAC 25-130-784.20	Amended	23:13 VA.R. 2148	4/4/07
4 VAC 25-130-785.25	Amended	23:16 VA.R. 2592	5/16/07
4 VAC 25-130-800.51	Amended	23:13 VA.R. 2149	4/4/07
4 VAC 25-130-816.11	Amended	22:24 VA.R. 3587	9/6/06
4 VAC 25-130-816.64	Amended	22:24 VA.R. 3588	9/6/06
4 VAC 25-130-816.105	Amended	23:13 VA.R. 2150	4/4/07
4 VAC 25-130-816.116	Amended	23:16 VA.R. 2592	5/16/07
4 VAC 25-130-817.11	Amended	23:13 VA.R. 2150	4/4/07
4 VAC 25-130-817.64	Amended	23:13 VA.R. 2151	4/4/07
4 VAC 25-140-817.116	Amended	23:16 VA.R. 2594	5/16/07
4 VAC 25-130-817.121	Amended	23:13 VA.R. 2151	4/4/07
4 VAC 25-130-842.15	Amended	23:13 VA.R. 2153	4/4/07
4 VAC 25-130-843.12	Amended	23:13 VA.R. 2153	4/4/07
4 VAC 25-130-843.13	Amended	23:13 VA.R. 2154	4/4/07
4 VAC 25-130-843.15	Amended	23:13 VA.R. 2155	4/4/07
4 VAC 25-130-843.16	Amended	23:13 VA.R. 2156	4/4/07

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4 VAC 25-130-845.13	Amended	23:13 VA.R. 2156	4/4/07
4 VAC 25-130-845.15	Amended	23:13 VA.R. 2158	4/4/07
4 VAC 25-130-845.18	Amended	23:13 VA.R. 2158	4/4/07
4 VAC 25-130-845.19	Amended	23:13 VA.R. 2159	4/4/07
4 VAC 25-130-846.14	Amended	23:13 VA.R. 2159	4/4/07
Title 6. Criminal Justice and Corrections			
6 VAC 20-30-10 through 6 VAC 20-30-60	Amended	23:9 VA.R. 1385-1388	2/9/07
6 VAC 20-30-80	Amended	23:9 VA.R. 1388	2/9/07
6 VAC 20-50-10 through 6 VAC 20-50-90	Amended	23:9 VA.R. 1392-1397	7/1/07
6 VAC 20-50-21	Added	23:9 VA.R. 1394	7/1/07
6 VAC 20-50-100	Repealed	23:9 VA.R. 1397	7/1/07
6 VAC 20-50-110	Added	23:9 VA.R. 1397	7/1/07
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 20-350-10 through 8 VAC 20-350-660	Repealed	23:12 VA.R. 1962	5/8/07

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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 20-700-10 through 8 VAC 20-700-50	Added	23:10 VA.R. 1541-1543	2/21/07
8 VAC 20-710-10 through 8 VAC 20-710-30	Added	23:10 VA.R. 1543-1544	2/21/07
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
8 VAC 103-20-10 through 8 VAC 103-20-50	Added	23:7 VA.R. 1045-1050	12/11/06
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
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

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9 VAC 5-50-280	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1100	Amended	22:23 VA.R. 3302	9/1/06
9 VAC 5-80-1110	Amended	22:23 VA.R. 3303	9/1/06
9 VAC 5-80-1310	Repealed	22:23 VA.R. 3308	9/1/06
9 VAC 5-80-1605	Added	22:23 VA.R. 3309	9/1/06
9 VAC 5-80-1615	Added	22:23 VA.R. 3310	9/1/06
9 VAC 5-80-1625	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1635	Added	22:23 VA.R. 3321	9/1/06
9 VAC 5-80-1645	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1655	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1665	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1675	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1685	Added	22:23 VA.R. 3322	9/1/06
9 VAC 5-80-1695	Added	22:23 VA.R. 3323	9/1/06
9 VAC 5-80-1700	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1705	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1710	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1715	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1720	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1725	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1730	Repealed	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1735	Added	22:23 VA.R. 3324	9/1/06
9 VAC 5-80-1740	Repealed	22:23 VA.R. 3325	9/1/06
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

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9 VAC 5-80-1935	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1940	Repealed	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1945	Added	22:23 VA.R. 3341	9/1/06
9 VAC 5-80-1950	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1955	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1960	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1965	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1970	Repealed	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1975	Added	22:23 VA.R. 3342	9/1/06
9 VAC 5-80-1985	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-1995	Added	22:23 VA.R. 3343	9/1/06
9 VAC 5-80-2000 through 9 VAC 5-80-2020	Amended	22:23 VA.R. 3343-3355	9/1/06
9 VAC 5-80-2040 through 9 VAC 5-80-2070	Amended	22:23 VA.R. 3355-3358	9/1/06
9 VAC 5-80-2090	Amended	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2091	Added	22:23 VA.R. 3358	9/1/06
9 VAC 5-80-2110 through 9 VAC 5-80-2140	Amended	22:23 VA.R. 3359-3362	9/1/06
9 VAC 5-80-2141 through 9 VAC 5-80-2143	Added	22:23 VA.R. 3362-3366	9/1/06
9 VAC 5-80-2144	Added	22:23 VA.R. 3367	9/1/06
9 VAC 5-80-2180	Amended	22:23 VA.R. 3372	9/1/06
9 VAC 5-80-2200 through 9 VAC 5-80-2240	Amended	22:23 VA.R. 3373-3375	9/1/06
9 VAC 5-140-1010 through 9 VAC 5-140-1080	Added	23:14 VA.R. 2279-2292	4/18/07
9 VAC 5-140-1100 through 9 VAC 5-140-1150	Added	23:14 VA.R. 2292-2295	4/18/07
9 VAC 5-140-1200 through 9 VAC 5-140-1240	Added	23:14 VA.R. 2295-2296	4/18/07
9 VAC 5-140-1400 through 9 VAC 5-140-1430	Added	23:14 VA.R. 2296-2302	4/18/07
9 VAC 5-140-1500 through 9 VAC 5-140-1570	Added	23:14 VA.R. 2302-2306	4/18/07
9 VAC 5-140-1600 through 9 VAC 5-140-1620	Added	23:14 VA.R. 2307	4/18/07
9 VAC 5-140-1700 through 9 VAC 5-140-1750	Added	23:14 VA.R. 2307-2312	4/18/07
9 VAC 5-140-1800 through 9 VAC 5-140-1880	Added	23:14 VA.R. 2312-2317	4/18/07
9 VAC 5-140-2010 through 9 VAC 5-140-2080	Added	23:14 VA.R. 2317-2333	4/18/07
9 VAC 5-140-2100 through 9 VAC 5-140-2150	Added	23:14 VA.R. 2333-2336	4/18/07
9 VAC 5-140-2200 through 9 VAC 5-140-2240	Added	23:14 VA.R. 2336-2337	4/18/07
9 VAC 5-140-2400 through 9 VAC 5-140-2430	Added	23:14 VA.R. 2337-2342	4/18/07
9 VAC 5-140-2500 through 9 VAC 5-140-2570	Added	23:14 VA.R. 2342-2347	4/18/07
9 VAC 5-140-2600 through 9 VAC 5-140-2620	Added	23:14 VA.R. 2347	4/18/07
9 VAC 5-140-2700 through 9 VAC 5-140-2750	Added	23:14 VA.R. 2347-2353	4/18/07
9 VAC 5-140-2800 through 9 VAC 5-140-2880	Added	23:14 VA.R. 2353-2359	4/18/07
9 VAC 5-140-3010 through 9 VAC 5-140-3080	Added	23:14 VA.R. 2359-2371	4/18/07
9 VAC 5-140-3100 through 9 VAC 5-140-3150	Added	23:14 VA.R. 2371-2374	4/18/07
9 VAC 5-140-3200 through 9 VAC 5-140-3240	Added	23:14 VA.R. 2374-2375	4/18/07
9 VAC 5-140-3400 through 9 VAC 5-140-3420	Added	23:14 VA.R. 2375	4/18/07
9 VAC 5-140-3500 through 9 VAC 5-140-3570	Added	23:14 VA.R. 2375-2380	4/18/07
9 VAC 5-140-3600 through 9 VAC 5-140-3620	Added	23:14 VA.R. 2380-2381	4/18/07
9 VAC 5-140-3700 through 9 VAC 5-140-3750	Added	23:14 VA.R. 2381-2386	4/18/07
9 VAC 5-140-3800 through 9 VAC 5-140-3880	Added	23:14 VA.R. 2386-2391	4/18/07
9 VAC 5-140-5010 through 9 VAC 5-140-5750	Added	23:13 VA.R. 2160-2186	4/4/07
9 VAC 5-140-1020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1061	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1130	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1420	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-1700	Erratum	23:16 VA.R. 2673	--

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9 VAC 5-140-1740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2020	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2030	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2040	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2060	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-2740	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3062	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-3840	Erratum	23:16 VA.R. 2673	--
9 VAC 5-140-5020	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5060	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5100	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5150	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5420	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5510	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5540	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5560	Erratum	23:16 VA.R. 2672	--
9 VAC 5-140-5600	Erratum	23:16 VA.R. 2672	--
9 VAC 5-240-10 through 9 VAC 5-240-50	Added	23:16 VA.R. 2595-2596	5/16/07
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 20-110-90	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-110-110	Amended	23:11 VA.R. 1665	3/21/07
9 VAC 20-200-10 through 9 VAC 20-200-70	Added	23:11 VA.R. 1666-1667	3/21/07
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 25-71-20	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-71-50	Amended	23:15 VA.R. 2485	5/2/07
9 VAC 25-71-70	Amended	23:15 VA.R. 2485	5/2/07
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	*

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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 25-720-50	Amended	23:11 VA.R. 1669	3/21/07
9 VAC 25-720-50	Amended	23:15 VA.R. 2486	5/2/07
9 VAC 25-720-60	Amended	23:12 VA.R. 1966	5/21/07
9 VAC 25-720-70	Amended	23:6 VA.R. 869	2/26/07
9 VAC 25-720-80	Amended	23:11 VA.R. 1670	3/21/07
9 VAC 25-720-90	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-720-100	Amended	23:11 VA.R. 1671	3/21/07
9 VAC 25-720-130	Amended	23:15 VA.R. 2487	5/2/07
9 VAC 25-820-10 through 9 VAC 25-820-70	Added	23:2 VA.R. 231-251	11/1/06
Title 10. Finance and Financial Institutions			
10 VAC 5-160-40	Amended	23:13 VA.R. 2187	2/10/07
Title 11. Gaming			
11 VAC 5-20-200	Amended	22:25 VA.R. 3907	11/6/06
11 VAC 5-20-210 through 11 VAC 5-20-520	Repealed	22:25 VA.R. 3907-3914	11/6/06
11 VAC 10-70-20	Amended	22:25 VA.R. 3916	11/4/06
11 VAC 10-70-20	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-30	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-30	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-40	Amended	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-40	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-50	Repealed	22:25 VA.R. 3917	11/4/06
11 VAC 10-70-50	Repealed	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-60 through 11 VAC 10-70-90	Amended	22:25 VA.R. 3917-3918	11/4/06
11 VAC 10-70-60	Amended	22:26 VA.R. 4144	9/4/06-11/3/06
11 VAC 10-70-70	Amended	22:26 VA.R. 4145	9/4/06-11/3/06
11 VAC 10-70-80	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-90	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-70-170	Amended	22:25 VA.R. 3918	11/4/06
11 VAC 10-70-170	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-10	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-10	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
11 VAC 10-90-30	Amended	22:25 VA.R. 3919	11/4/06
11 VAC 10-90-30	Amended	22:26 VA.R. 4146	9/4/06-11/3/06
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
11 VAC 10-130-10	Amended	23:11 VA.R. 1672	1/10/07
11 VAC 10-130-60	Amended	23:11 VA.R. 1673	1/10/07
Title 12. Health			
12 VAC 5-31-10	Amended	23:6 VA.R. 870	12/13/06
12 VAC 5-31-50	Amended	23:6 VA.R. 876	12/13/06
12 VAC 5-31-60	Amended	23:6 VA.R. 876	12/13/06
12 VAC 5-31-110	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-140	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-190	Amended	23:6 VA.R. 877	12/13/06
12 VAC 5-31-220	Amended	23:6 VA.R. 878	12/13/06
12 VAC 5-31-230	Amended	23:6 VA.R. 878	12/13/06

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
12 VAC 5-31-1610	Amended	23:5 VA.R. 745	12/13/06
12 VAC 5-31-2000 through 12 VAC 5-31-2260	Repealed	23:6 VA.R. 879-888	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 5-70-10 through 12 VAC 5-70-50	Repealed	23:13 VA.R. 2187	4/4/07
12 VAC 5-71-10 through 12 VAC 5-71-190	Added	23:13 VA.R. 2188-2195	4/4/07
12 VAC 5-90-10	Amended	23:15 VA.R. 2488	5/2/07
12 VAC 5-90-40	Amended	23:15 VA.R. 2493	5/2/07
12 VAC 5-90-80	Amended	23:15 VA.R. 2493	5/2/07
12 VAC 5-90-90	Amended	23:15 VA.R. 2497	5/2/07
12 VAC 5-90-100	Amended	23:15 VA.R. 2500	5/2/07
12 VAC 5-90-103	Added	23:15 VA.R. 2500	5/2/07
12 VAC 5-90-107	Added	23:15 VA.R. 2502	5/2/07
12 VAC 5-90-110	Amended	23:15 VA.R. 2503	5/2/07
12 VAC 5-90-130	Amended	23:15 VA.R. 2504	5/2/07
12 VAC 5-90-225	Amended	23:15 VA.R. 2504	5/2/07
12 VAC 5-90-250 through 12 VAC 5-90-280	Amended	23:15 VA.R. 2505-2506	5/2/07
12 VAC 5-90-330	Amended	23:15 VA.R. 2506	5/2/07
12 VAC 5-90-350	Amended	23:15 VA.R. 2507	5/2/07
12 VAC 5-90-360	Amended	23:15 VA.R. 2507	5/2/07
12 VAC 5-371-10	Amended	23:10 VA.R. 1544	3/1/07
12 VAC 5-371-20	Repealed	23:10 VA.R. 1546	3/1/07
12 VAC 5-371-30	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-40	Amended	23:10 VA.R. 1547	3/1/07
12 VAC 5-371-50	Repealed	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-60	Amended	23:10 VA.R. 1548	3/1/07
12 VAC 5-371-70 through 12 VAC 5-371-130	Amended	23:10 VA.R. 1548-1551	3/1/07
12 VAC 5-371-150	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-160	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-190	Amended	23:10 VA.R. 1551	3/1/07
12 VAC 5-371-200	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-400	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-371-410	Amended	23:10 VA.R. 1552	3/1/07
12 VAC 5-410-10	Amended	23:10 VA.R. 1554	3/1/07
12 VAC 5-410-30	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-70	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-80	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-100	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-110	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-130	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-140	Amended	23:10 VA.R. 1555	3/1/07
12 VAC 5-410-150	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-180	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-210	Amended	23:10 VA.R. 1556	3/1/07
12 VAC 5-410-220	Amended	23:10 VA.R. 1557	3/1/07
12 VAC 5-410-270	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-442	Amended	23:10 VA.R. 1558	3/1/07
12 VAC 5-410-445	Amended	23:10 VA.R. 1559	3/1/07
12 VAC 5-410-650	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-720	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-760	Amended	23:10 VA.R. 1560	3/1/07
12 VAC 5-410-1150	Amended	23:10 VA.R. 1560	3/1/07

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12 VAC 5-410-1170	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1350	Amended	23:10 VA.R. 1561	3/1/07
12 VAC 5-410-1380	Amended	23:10 VA.R. 1561	3/1/07
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 5-585-310	Amended	23:9 VA.R. 1406	2/9/07
12 VAC 5-585-460	Amended	23:9 VA.R. 1406	2/9/07
12 VAC 5-585-480	Amended	23:9 VA.R. 1407	2/9/07
12 VAC 5-585-490	Amended	23:9 VA.R. 1408	2/9/07
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, Appendix O	Erratum	23:7 VA.R. 1112	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 30-10-140	Amended	23:16 VA.R. 2653	7/1/07
12 VAC 30-10-560	Amended	23:14 VA.R. 2396	9/1/07
12 VAC 30-20-140	Amended	23:14 VA.R. 2397	9/1/07
12 VAC 30-30-60	Added	23:11 VA.R. 1673	3/7/07
12 VAC 30-40-10	Amended	22:23 VA.R. 3376	8/23/06
12 VAC 30-40-10	Amended	23:11 VA.R. 1674	3/7/07
12 VAC 30-40-290	Amended	22:23 VA.R. 3377	8/23/06
12 VAC 30-40-290	Amended	23:14 VA.R. 2398	9/1/07
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 30-50-20	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-35	Added	23:11 VA.R. 1675	3/7/07
12 VAC 30-50-60	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-75	Added	23:11 VA.R. 1676	3/7/07
12 VAC 30-50-190	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-50-320	Amended	23:16 VA.R. 2654	7/1/07
12 VAC 30-50-321	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-325	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-328	Added	23:16 VA.R. 2655	7/1/07
12 VAC 30-50-530	Amended	23:11 VA.R. 1676	3/7/07
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 30-80-75 emer	Added	23:7 VA.R. 1067	11/21/06-11/20/07
12 VAC 30-90-19	Amended	22:23 VA.R. 3395	8/23/06
12 VAC 30-90-264	Amended	23:14 VA.R. 2400	4/18/07

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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 30-120-61	Amended	23:16 VA.R. 2655	7/1/07
12 VAC 30-120-62	Amended	23:16 VA.R. 2657	7/1/07
12 VAC 30-120-64	Amended	23:16 VA.R. 2659	7/1/07
12 VAC 30-120-65	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-66	Amended	23:16 VA.R. 2660	7/1/07
12 VAC 30-120-68	Amended	23:16 VA.R. 2661	7/1/07
12 VAC 30-120-215	Amended	22:24 VA.R. 3718	9/6/06
12 VAC 30-120-280	Amended	22:26 VA.R. 4170	11/20/06
12 VAC 30-120-290	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-310	Amended	22:26 VA.R. 4172	11/20/06
12 VAC 30-120-320	Amended	22:26 VA.R. 4173	11/20/06
12 VAC 30-120-380	Amended	22:23 VA.R. 3386	8/23/06
12 VAC 30-120-720	Amended	22:24 VA.R. 3721	9/6/06
12 VAC 30-120-920	Amended	22:24 VA.R. 3724	9/6/06
12 VAC 30-130-900	Amended	23:12 VA.R. 1967	3/21/07
12 VAC 30-130-910	Amended	23:12 VA.R. 1968	3/21/07
12 VAC 30-130-930	Amended	23:12 VA.R. 1968	3/21/07
12 VAC 30-141-10	Amended	22:26 VA.R. 4147	10/4/06
12 VAC 30-141-10	Amended	23:7 VA.R. 1083	1/10/07
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 30-141-100	Amended	23:7 VA.R. 1085	1/10/07
12 VAC 30-141-120	Amended	23:7 VA.R. 1086	1/10/07
12 VAC 30-141-150	Amended	23:7 VA.R. 1087	1/10/07
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 30-141-180	Amended	23:7 VA.R. 1088	1/10/07
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 30-141-650	Amended	23:7 VA.R. 1088	1/10/07
12 VAC 30-141-670 through 12 VAC 30-141-880	Added	23:7 VA.R. 1089-1098	1/10/07
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 35-45-10	Amended	23:10 VA.R. 1562	2/21/07
12 VAC 35-45-25	Added	23:10 VA.R. 1565	2/21/07
12 VAC 35-45-70	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-80	Amended	23:10 VA.R. 1564	2/21/07
12 VAC 35-45-210	Added	23:10 VA.R. 1564	2/21/07
12 VAC 35-105-20	Amended	23:10 VA.R. 1567	2/21/07
12 VAC 35-105-30	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-115 emer	Added	23:10 VA.R. 1566	1/3/07-1/2/08

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12 VAC 35-105-590	Amended	23:10 VA.R. 1575	2/21/07
12 VAC 35-105-660	Amended	23:10 VA.R. 1576	2/21/07
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 5-111-10 through 13 VAC 5-111-400	Repealed	23:12 VA.R. 1971	3/21/07
13 VAC 5-112-10 through 13 VAC 5-112-560	Added	23:12 VA.R. 1971-1994	3/21/07
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 5-30-10 through 14 VAC 5-30-40	Amended	23:9 VA.R. 1409-1413	4/1/07
14 VAC 5-30-20	Erratum	22:24 VA.R. 3755	--
14 VAC 5-30-50	Repealed	23:9 VA.R. 1413	4/1/07
14 VAC 5-30-51	Added	23:9 VA.R. 1413	4/1/07
14 VAC 5-30-55	Added	23:9 VA.R. 1413	4/1/07
14 VAC 5-30-60 through 14 VAC 5-30-90	Amended	23:9 VA.R. 1414-1416	4/1/07
14 VAC 5-30-80	Erratum	22:24 VA.R. 3755	--
14 VAC 5-30-100 and Exhibit A	Repealed	23:9 VA.R. 1416	4/1/07
14 VAC 5-45-10 through 14 VAC 5-45-50	Added	23:9 VA.R. 1423-1424	4/1/07
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
14 VAC 5-321-10	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-20	Amended	23:10 VA.R. 1577	1/1/07
14 VAC 5-321-30	Amended	23:10 VA.R. 1578	1/1/07
14 VAC 5-321-70	Added	23:10 VA.R. 1578	1/1/07
14 VAC 5-322-10 through 14 VAC 5-322-50	Added	23:10 VA.R. 1579-1581	1/1/07
Title 16. Labor and Employment			
16 VAC 25-55-10 and 16 VAC 25-55-20	Added	23:12 VA.R. 1995-1996	3/22/07
16 VAC 25-60-10	Amended	22:25 VA.R. 3878	9/21/06
16 VAC 25-60-30	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-40	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-80	Amended	22:25 VA.R. 3879	9/21/06
16 VAC 25-60-90	Amended	22:25 VA.R. 3880	9/21/06
16 VAC 25-60-100	Amended	22:25 VA.R. 3881	9/21/06
16 VAC 25-60-120 through 16 VAC 25-60-150	Amended	22:25 VA.R. 3882-3883	9/21/06
16 VAC 25-60-190	Amended	22:25 VA.R. 3883	9/21/06
16 VAC 25-60-260	Amended	22:25 VA.R. 3884	9/21/06
16 VAC 25-60-300	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-320	Amended	22:25 VA.R. 3885	9/21/06
16 VAC 25-60-340	Amended	22:25 VA.R. 3886	9/21/06
16 VAC 25-90-1910.95	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.134	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.134	Amended	23:12 VA.R. 1997	3/21/07

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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 25-90-1910.1000	Amended	23:12 VA.R. 1996	3/21/07
16 VAC 25-90-1910.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1001	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1017	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1017	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1018	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1018	Amended	23:12 VA.R. 1997	3/21/07
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 25-90-1910.1025	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1027	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1027	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1028	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1028	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1029	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1029	Amended	23:12 VA.R. 1997	3/21/07
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 25-90-1910.1043	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1044	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1045	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1045	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1047	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1047	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1048	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1048	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1050	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-90-1910.1050	Amended	23:12 VA.R. 1997	3/21/07
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 25-90-1910.1052	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-90-1910.1450	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.5	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.505	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.507	Amended	23:12 VA.R. 1998	3/21/07
16 VAC 25-100-1915.1000	Amended	23:12 VA.R. 1996	3/21/07
16 VAC 25-100-1915.1001	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-100-1915.1001	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.55	Added	23:12 VA.R. 1996	3/21/07
16 VAC 25-175-1926.60	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.60	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.62	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.62	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.754	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1002, Appendix A of Subpart W	Amended	23:12 VA.R. 1999	3/21/07
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

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16 VAC 25-175-1926.1101	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-175-1926.1127	Amended	22:23 VA.R. 3396	9/1/06
16 VAC 25-175-1926.1127	Amended	23:12 VA.R. 1997	3/21/07
16 VAC 25-190-1928.52	Amended	23:12 VA.R. 1999	3/21/07
16 VAC 25-190-1928.53, Appendix B to Subpart C	Amended	23:12 VA.R. 1999	3/21/07
Title 18. Professional and Occupational Licensing			
18 VAC 5-10-10 through 18 VAC 5-10-90	Amended	23:11 VA.R. 1678-1680	4/23/07
18 VAC 10-20-10	Amended	23:1 VA.R. 96	2/1/07
18 VAC 10-20-15	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-17	Added	23:1 VA.R. 97	2/1/07
18 VAC 10-20-20	Amended	23:1 VA.R. 97	2/1/07
18 VAC 10-20-25	Added	23:1 VA.R. 98	2/1/07
18 VAC 10-20-30	Repealed	23:1 VA.R. 98	2/1/07
18 VAC 10-20-60	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-35 through 18 VAC 10-20-55	Amended	23:1 VA.R. 98-99	2/1/07
18 VAC 10-20-70	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-75	Amended	23:1 VA.R. 99	2/1/07
18 VAC 10-20-80	Repealed	23:1 VA.R. 99	2/1/07
18 VAC 10-20-85	Added	23:1 VA.R. 99	2/1/07
18 VAC 10-20-90 through 18 VAC 10-20-420	Amended	23:1 VA.R. 99-110	2/1/07
18 VAC 10-20-440 through 18 VAC 10-20-560	Amended	23:1 VA.R. 110-113	2/1/07
18 VAC 10-20-565	Repealed	23:1 VA.R. 114	2/1/07
18 VAC 10-20-570 through 18 VAC 10-20-620	Amended	23:1 VA.R. 113-116	2/1/07
18 VAC 10-20-625	Repealed	23:1 VA.R. 116	2/1/07
18 VAC 10-20-630 through 18 VAC 10-20-660	Amended	23:1 VA.R. 116-117	2/1/07
18 VAC 10-20-665	Repealed	23:1 VA.R. 117	2/1/07
18 VAC 10-20-670 through 18 VAC 10-20-795	Amended	23:1 VA.R. 117-122	2/1/07
18 VAC 15-20 (Forms)	Added	23:15 VA.R. 2514	--
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

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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 (Forms)	Amended	23:15 VA.R. 2514	--
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 41-60-10 through 18 VAC 41-60-220	Added	23:12 VA.R. 2000-2009	4/1/07
18 VAC 45-20-10	Amended	23:9 VA.R. 1425	3/1/07
18 VAC 45-20-20	Amended	23:9 VA.R. 1425	3/1/07
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 50-30-10 through 18 VAC 50-30-50	Amended	23:12 VA.R. 2020-2025	4/1/07
18 VAC 50-30-60	Repealed	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-70	Amended	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-80	Repealed	23:12 VA.R. 2025	4/1/07
18 VAC 50-30-90 through 18 VAC 50-30-150	Amended	23:12 VA.R. 2026-2028	4/1/07
18 VAC 50-30-180	Repealed	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-185	Added	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-190	Amended	23:12 VA.R. 2028	4/1/07
18 VAC 50-30-200	Amended	23:12 VA.R. 2029	4/1/07
18 VAC 50-30-210 through 18 VAC 50-30-260	Added	23:12 VA.R. 2030-2031	4/1/07
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 60-20-20	Amended	23:7 VA.R. 1098	1/10/07
18 VAC 60-20-30	Amended	23:7 VA.R. 1099	1/10/07
18 VAC 60-20-71	Added	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-100	Amended	22:24 VA.R. 3749	10/23/06
18 VAC 60-20-105	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-106	Amended	22:23 VA.R. 3399	8/23/06
18 VAC 60-20-108	Amended	22:26 VA.R. 4175	11/18/06
18 VAC 60-20-180	Amended	23:15 VA.R. 2510	5/2/07
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

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18 VAC 60-20-250	Amended	23:7 VA.R. 1099	1/10/07
18 VAC 60-20 (Forms)	Amended	23:7 VA.R. 1100	1/10/07
18 VAC 65-20-70	Amended	23:7 VA.R. 1102	1/10/07
18 VAC 65-20-130	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20-140	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20-154	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-20 (Forms)	Amended	23:7 VA.R. 1103	1/10/07
18 VAC 65-40-10	Amended	23:12 VA.R. 2031	3/21/07
18 VAC 65-40-40	Amended	23:12 VA.R. 2031	3/21/07
18 VAC 65-40-90	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-110	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-130	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-160	Repealed	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-220	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-250	Amended	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-300	Repealed	23:12 VA.R. 2032	3/21/07
18 VAC 65-40-320	Amended	23:12 VA.R. 2033	3/21/07
18 VAC 65-40-340	Amended	23:12 VA.R. 2033	3/21/07
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 85-20-235	Amended	23:11 VA.R. 1692	4/21/07
18 VAC 85-20-290	Amended	23:13 VA.R. 2206	4/4/07
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 85-40-35	Amended	23:9 VA.R. 1429	2/7/07
18 VAC 85-40-65	Amended	23:9 VA.R. 1429	2/7/07
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 85-50-35	Amended	23:9 VA.R. 1429	2/7/07
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 85-80-26	Amended	23:9 VA.R. 1430	2/7/07
18 VAC 85-80-73 emer	Added	22:26 VA.R. 4191	9/1/06-8/31/07
18 VAC 85-80-80	Amended	23:9 VA.R. 1430	2/7/07
18 VAC 85-101-25 emer	Amended	22:26 VA.R. 4192	9/1/06-8/31/07
18 VAC 85-101-25	Amended	23:9 VA.R. 1430	2/7/07
18 VAC 85-101-50	Amended	23:15 VA.R. 2511	5/2/07
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 85-110-35	Amended	23:9 VA.R. 1431	2/7/07
18 VAC 85-110-161 emer	Added	22:26 VA.R. 4193	9/1/06-8/31/07

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18 VAC 85-120-100	Amended	23:9 VA.R. 1431	2/7/07
18 VAC 85-120-150	Amended	23:9 VA.R. 1431	2/7/07
18 VAC 85-130-10 through 18 VAC 85-130-170	Added	23:10 VA.R. 1582-1586	2/21/07
18 VAC 90-20-60	Amended	23:12 VA.R. 2033	3/21/07
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 90-30-120	Amended	23:14 VA.R. 2404	4/18/07
18 VAC 90-30-121 emer	Added	22:26 VA.R. 4195	9/1/06-8/31/07
18 VAC 90-30-230	Amended	23:12 VA.R. 2034	3/21/07
18 VAC 90-40-140	Amended	23:12 VA.R. 2034	3/21/07
18 VAC 95-20-220	Amended	22:26 VA.R. 4157	10/4/06
18 VAC 95-20-221	Added	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-310	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-330	Amended	22:26 VA.R. 4158	10/4/06
18 VAC 95-20-340	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-380	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 95-20-390	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 105-20-20	Amended	22:26 VA.R. 4159	10/4/06
18 VAC 110-20-20	Amended	22:15 VA.R. 2321	5/3/06
18 VAC 110-20-20	Erratum	22:16 VA.R. 2399	--
18 VAC 110-20-20	Amended	22:24 VA.R. 3726	9/6/06
18 VAC 110-20-20	Erratum	22:25 VA.R. 3935	--
18 VAC 110-20-20	Amended	23:4 VA.R. 635	11/29/06
18 VAC 110-20-70	Amended	22:24 VA.R. 3751	10/23/06
18 VAC 110-20-630	Amended	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-640	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-660	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-670	Repealed	22:24 VA.R. 3728	9/6/06
18 VAC 110-20-720	Amended	23:4 VA.R. 634	11/29/06
18 VAC 110-30-15	Amended	23:4 VA.R. 637	11/29/06
18 VAC 110-50-10 through 18 VAC 110-50-150	Added	22:24 VA.R. 3729-3735	9/6/06
18 VAC 110-50-20	Amended	23:4 VA.R. 637	11/29/06
18 VAC 112-20-50	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 112-20-65	Amended	22:23 VA.R. 3404	8/23/06
18 VAC 115-20-20	Amended	23:14 VA.R. 2404	4/18/07
18 VAC 115-30-30	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-40-20	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-50-20	Amended	23:14 VA.R. 2405	4/18/07
18 VAC 115-60-20	Amended	23:14 VA.R. 2406	4/18/07
18 VAC 120-30-100	Amended	23:3 VA.R. 497	12/11/06
18 VAC 125-20-30	Amended	23:12 VA.R. 2035	3/21/07
18 VAC 125-30-20	Amended	23:12 VA.R. 2035	3/21/07
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

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
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 19. Public Safety			
19 VAC 30-20-80	Amended	23:10 VA.R. 1587	3/1/07
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 15-10-40	Amended	23:10 VA.R. 1587	3/1/07
22 VAC 15-10-50	Amended	23:10 VA.R. 1587	3/1/07
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 40-71	Repealed	23:6 VA.R. 892	12/28/06
22 VAC 40-72-10 through 22 VAC 40-72-1160	Added	23:6 VA.R. 893-952	12/28/06
22 VAC 40-72-789	Erratum	22:26 VA.R. 4207	--
22 VAC 40-72-1060	Erratum	22:26 VA.R. 4207	--
22 VAC 40-80-60	Amended	23:6 VA.R. 952	12/28/06
22 VAC 40-80-120	Amended	23:6 VA.R. 952	12/28/06
22 VAC 40-80-340	Amended	23:6 VA.R. 953	12/28/06
22 VAC 40-80-345	Added	23:6 VA.R. 954	12/28/06
22 VAC 40-80-370	Amended	23:6 VA.R. 955	12/28/06
22 VAC 40-80-430	Amended	23:6 VA.R. 955	12/28/06
22 VAC 40-325-10	Amended	22:25 VA.R. 3901	10/1/06
22 VAC 40-325-20	Amended	22:25 VA.R. 3902	10/1/06
22 VAC 40-740-10	Amended	23:10 VA.R. 1588	3/1/07
22 VAC 40-740-15	Added	23:10 VA.R. 1591	3/1/07
22 VAC 40-740-20	Repealed	23:10 VA.R. 1592	3/1/07

Cumulative Table of VAC Sections Adopted, Amended, or Repealed

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22 VAC 40-740-21	Added	23:10 VA.R. 1592	3/1/07
22 VAC 40-740-30	Repealed	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-31	Added	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-40	Amended	23:10 VA.R. 1593	3/1/07
22 VAC 40-740-50	Amended	23:10 VA.R. 1594	3/1/07
22 VAC 40-740-60	Amended	23:10 VA.R. 1595	3/1/07
22 VAC 40-740-70	Added	23:10 VA.R. 1596	3/1/07
22 VAC 40-740-80	Added	23:10 VA.R. 1596	3/1/07
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
22 VAC 42-10-10 emer	Amended	23:9 VA.R. 1451	12/28/06-12/27/07
22 VAC 42-10-15 emer	Added	23:9 VA.R. 1455	12/28/06-12/27/07
22 VAC 42-10-30 emer	Amended	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-32 emer	Added	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-35 emer	Amended	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-40 emer	Amended	23:9 VA.R. 1456	12/28/06-12/27/07
22 VAC 42-10-85 emer	Added	23:9 VA.R. 1457	12/28/06-12/27/07
22 VAC 42-10-180 emer	Amended	23:9 VA.R. 1458	12/28/06-12/27/07
22 VAC 42-10-200 through 22 VAC 42-10-230 emer	Amended	23:9 VA.R. 1458-1459	12/28/06-12/27/07
22 VAC 42-10-255 emer	Added	23:9 VA.R. 1459	12/28/06-12/27/07
22 VAC 42-10-260 emer	Amended	23:9 VA.R. 1459	12/28/06-12/27/07
22 VAC 42-10-270 emer	Amended	23:9 VA.R. 1459	12/28/06-12/27/07
22 VAC 42-10-330 emer	Amended	23:9 VA.R. 1460	12/28/06-12/27/07
22 VAC 42-10-530 emer	Amended	23:9 VA.R. 1460	12/28/06-12/27/07
22 VAC 42-10-570 emer	Amended	23:9 VA.R. 1460	12/28/06-12/27/07
22 VAC 42-10-580 emer	Amended	23:9 VA.R. 1461	12/28/06-12/27/07
22 VAC 42-10-600 emer	Amended	23:9 VA.R. 1461	12/28/06-12/27/07
22 VAC 42-10-690 through 22 VAC 42-10-720 emer	Amended	23:9 VA.R. 1461	12/28/06-12/27/07
22 VAC 42-10-740 emer	Amended	23:9 VA.R. 1463	12/28/06-12/27/07
22 VAC 42-10-750 emer	Amended	23:9 VA.R. 1464	12/28/06-12/27/07
22 VAC 42-10-780 emer	Amended	23:9 VA.R. 1464	12/28/06-12/27/07
22 VAC 42-10-790 emer	Amended	23:9 VA.R. 1465	12/28/06-12/27/07
22 VAC 42-10-800 emer	Amended	23:9 VA.R. 1465	12/28/06-12/27/07
22 VAC 42-10-820 emer	Amended	23:9 VA.R. 1466	12/28/06-12/27/07
22 VAC 42-10-850 emer	Amended	23:9 VA.R. 1466	12/28/06-12/27/07
22 VAC 42-10-870 emer	Amended	23:9 VA.R. 1466	12/28/06-12/27/07
22 VAC 42-10-880 emer	Amended	23:9 VA.R. 1467	12/28/06-12/27/07
22 VAC 42-10-970 emer	Amended	23:9 VA.R. 1467	12/28/06-12/27/07
22 VAC 42-10-980 emer	Repealed	23:9 VA.R. 1469	12/28/06-12/27/07
22 VAC 42-10-990 emer	Repealed	23:9 VA.R. 1469	12/28/06-12/27/07
22 VAC 42-10-1000 emer	Repealed	23:9 VA.R. 1469	12/28/06-12/27/07
Title 23. Taxation			
23 VAC 10-20-40	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-50	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-70	Repealed	23:8 VA.R. 1196	3/10/07
23 VAC 10-20-100	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-20-120	Repealed	23:8 VA.R. 1197	3/10/07

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SECTION NUMBER	ACTION	CITE	EFFECTIVE DATE
23 VAC 10-20-150	Repealed	23:8 VA.R. 1197	3/10/07
23 VAC 10-55-10	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-20	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-30	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-55-60 through 23 VAC 10-55-90	Repealed	23:8 VA.R. 1199	3/10/07
23 VAC 10-60-10	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-20	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-30	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-60-60 through 23 VAC 10-60-100	Repealed	23:8 VA.R. 1201	3/10/07
23 VAC 10-65-10	Repealed	23:8 VA.R. 1204	3/10/07
23 VAC 10-65-20	Repealed	23:8 VA.R. 1203	3/10/07
23 VAC 10-65-30	Repealed	23:8 VA.R. 1204	3/10/07
23 VAC 10-65-50 through 23 VAC 10-65-100	Repealed	23:8 VA.R. 1204-1205	3/10/07
23 VAC 10-75-10	Repealed	23:8 VA.R. 1206	3/10/07
23 VAC 10-75-30 through 23 VAC 10-75-60	Repealed	23:6 VA.R. 958-959	2/10/07
23 VAC 10-110-10	Repealed	23:8 VA.R. 1208	3/10/07
23 VAC 10-110-50	Repealed	23:8 VA.R. 1208	3/10/07
23 VAC 10-110-100	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-120	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-140	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-150 through 23 VAC 10-110-167	Repealed	23:8 VA.R. 1212-1221	3/10/07
23 VAC 10-110-200	Repealed	23:8 VA.R. 1221	3/10/07
23 VAC 10-110-210	Repealed	23:8 VA.R. 1209	3/10/07
23 VAC 10-110-260	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-110-290	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-110-300	Repealed	23:8 VA.R. 1210	3/10/07
23 VAC 10-112-50 through 23 VAC 10-112-90	Repealed	23:6 VA.R. 960-961	2/10/07
23 VAC 10-115-30	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-115-120	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-115-130	Repealed	23:6 VA.R. 962	2/10/07
23 VAC 10-120-50 through 23 VAC 10-120-67	Repealed	23:8 VA.R. 1223-1232	3/10/07
23 VAC 10-120-85	Repealed	23:8 VA.R. 1238	3/10/07
23 VAC 10-120-87	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-290	Repealed	23:8 VA.R. 1232	3/10/07
23 VAC 10-120-340	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-360 through 23 VAC 10-120-364	Repealed	23:8 VA.R. 1233-1236	3/10/07
23 VAC 10-120-370	Repealed	23:8 VA.R. 1239	3/10/07
23 VAC 10-120-450	Repealed	23:8 VA.R. 1240	3/10/07
23 VAC 10-130	Repealed	23:8 VA.R. 1240	3/10/07
23 VAC 10-140-20	Repealed	23:6 VA.R. 963	2/10/07
23 VAC 10-140-30	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-80	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-90	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-120	Repealed	23:6 VA.R. 964	2/10/07
23 VAC 10-140-140 through 23 VAC 10-140-180	Repealed	23:6 VA.R. 964-965	2/10/07
23 VAC 10-140-210	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-140-220	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-140-240 through 23 VAC 10-140-270	Repealed	23:6 VA.R. 965	2/10/07
23 VAC 10-210-60	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-110	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-150	Repealed	23:8 VA.R. 1243	3/10/07

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23 VAC 10-210-180	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-200	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-210	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-240	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-260	Repealed	23:8 VA.R. 1243	3/10/07
23 VAC 10-210-270	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-300	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-330	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-370	Repealed	23:8 VA.R. 1251	3/10/07
23 VAC 10-210-460	Repealed	23:8 VA.R. 1244	3/10/07
23 VAC 10-210-510	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-520	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-540	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-640	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-710	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-740	Repealed	23:8 VA.R. 1245	3/10/07
23 VAC 10-210-890	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-950	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1000	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1010	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1040	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-1050	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2000	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2010	Repealed	23:8 VA.R. 1246	3/10/07
23 VAC 10-210-2030	Repealed	23:8 VA.R. 1247	3/10/07
23 VAC 10-210-2034	Repealed	23:8 VA.R. 1247	3/10/07
23 VAC 10-210-2040	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-3020	Repealed	23:8 VA.R. 1253	3/10/07
23 VAC 10-210-4000	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4030	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4060	Repealed	23:8 VA.R. 1248	3/10/07
23 VAC 10-210-4080 through 23 VAC 10-210-5050	Repealed	23:8 VA.R. 1248-1249	3/10/07
23 VAC 10-210-5080	Repealed	23:8 VA.R. 1249	3/10/07
23 VAC 10-210-5090 through 23 VAC 10-210-5094	Repealed	23:8 VA.R. 1255-1257	3/10/07
23 VAC 10-220-80 and 23 VAC 10-220-90	Repealed	23:6 VA.R. 967	2/10/07
23 VAC 10-230-10	Repealed	23:8 VA.R. 1258	3/10/07
23 VAC 10-230-60	Repealed	23:8 VA.R. 1258	3/10/07
23 VAC 10-230-70	Repealed	23:8 VA.R. 1259	3/10/07
23 VAC 10-230-100	Repealed	23:8 VA.R. 1259	3/10/07
23 VAC 10-230-130	Repealed	23:8 VA.R. 1260	3/10/07
23 VAC 10-230-50	Repealed	23:6 VA.R. 968	2/10/07
23 VAC 10-250	Repealed	23:8 VA.R. 1260	3/10/07
23 VAC 10-300-10	Repealed	23:8 VA.R. 1262	3/10/07
23 VAC 10-300-40	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-300-60	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-300-70	Repealed	23:8 VA.R. 1263	3/10/07
23 VAC 10-310-10	Repealed	23:6 VA.R. 970	2/10/07
23 VAC 10-310-40	Repealed	23:6 VA.R. 970	2/10/07
23 VAC 10-330-1 through 23 VAC 10-330-10	Repealed	23:8 VA.R. 1264-1265	3/10/07
23 VAC 10-330-40 through 23 VAC 10-330-130	Repealed	23:8 VA.R. 1265-1267	3/10/07
23 VAC 10-340-10	Repealed	23:8 VA.R. 1268	3/10/07

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23 VAC 10-340-50 through 23 VAC 10-340-190	Repealed	23:8 VA.R. 1268-1271	3/10/07
23 VAC 10-350-10 through 23 VAC 10-350-40	Repealed	23:8 VA.R. 1272-1273	3/10/07
23 VAC 10-350-50	Repealed	23:6 VA.R. 971	2/10/07
23 VAC 10-350-60	Repealed	23:6 VA.R. 973	2/10/07
23 VAC 10-350-70	Repealed	23:8 VA.R. 1273	3/10/07
23 VAC 10-350-80	Repealed	23:8 VA.R. 1273	3/10/07
23 VAC 10-350-90	Repealed	23:6 VA.R. 974	2/10/07
23 VAC 10-350-100	Repealed	23:6 VA.R. 974	2/10/07
23 VAC 10-350-110 through 23 VAC 10-350-190	Repealed	23:8 VA.R. 1273-1275	3/10/07
23 VAC 10-360	Repealed	23:6 VA.R. 975	2/10/07
23 VAC 10-370-10	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-30	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-50	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-60	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-130	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-140	Repealed	23:8 VA.R. 1277	3/10/07
23 VAC 10-370-150	Repealed	23:6 VA.R. 977	2/10/07
23 VAC 10-370-160	Repealed	23:8 VA.R. 1278	3/10/07
23 VAC 10-370-170	Repealed	23:8 VA.R. 1278	3/10/07
23 VAC 10-370-190 through 23 VAC 10-370-230	Repealed	23:8 VA.R. 1278-1279	3/10/07
23 VAC 10-380	Repealed	23:8 VA.R. 1279	3/10/07
23 VAC 10-390-10	Repealed	23:6 VA.R. 979	2/10/07
23 VAC 10-390-30	Repealed	23:6 VA.R. 979	2/10/07
23 VAC 10-390-50	Repealed	23:6 VA.R. 979	2/10/07
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 30-280-10	Repealed	23:8 VA.R. 1281	12/1/06
24 VAC 30-280-20 through 24 VAC 30-280-70	Amended	23:8 VA.R. 1281-1287	12/1/06
24 VAC 30-280-25	Added	23:8 VA.R. 1282	12/1/06
24 VAC 30-280-65	Added	23:8 VA.R. 1287	12/1/06
24 VAC 30-320	Repealed	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-10	Added	23:16 VA.R. 2665	3/22/07
24 VAC 30-325-20	Added	23:16 VA.R. 2666	3/22/07
24 VAC 30-330	Repealed	23:16 VA.R. 2665	3/22/07
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 NURSING

Agency Decision

Title of Regulation: **18 VAC 90-25. Regulations Governing Certified Nurse Aides.**

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

Name of Petitioner: Lorrene Maynard.

Nature of Petitioner's Request: To establish an inactive license for certified nurse aides.

Agency Decision: Request denied.

Statement of Reasons for Decision: Federal law and regulation requires a certified nurse aide to perform nursing-related activities for compensation during the two years preceding the expiration date of certification in order to remain on the Nurse Aide Registry. If the aide does not work in that capacity during the two years, he is required to repeat and pass the competency evaluation in order to be recertified. Therefore, an inactive certification would be inconsistent with the federal rules.

Agency Contact: Jay P. Douglas, Executive Director, Board of Nursing, 6603 West Broad Street, Richmond, VA 23230-1712, telephone (804) 662-9909, FAX (804) 662-9512, or email jay.douglas@dhp.virginia.gov.

VA.R. Doc. No. R07-85; Filed April 10, 2007, 3:44 p.m.

NOTICES OF INTENDED REGULATORY ACTION

Symbol Key

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

TITLE 24. TRANSPORTATION AND MOTOR VEHICLES

COMMONWEALTH TRANSPORTATION BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Commonwealth Transportation Board intends to considering repealing regulations entitled **24 VAC 30-91, Subdivision Street Requirements**, and promulgating regulations entitled **24 VAC 30-92, Secondary Street Acceptance Requirements**. The purpose of the proposed action is to develop and promulgate, by regulation, secondary street requirements to determine the conditions and standards that must be met before secondary streets constructed by developers, localities and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT, pursuant to the mandate set by Chapter 382 (SB 1181) of the 2007 Acts of Assembly. The new regulation will replace and supersede the current Subdivision Street Requirements (24 VAC 30-91). The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) do not apply to initial regulations promulgated pursuant to Chapter 382.

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

Statutory Authority: Chapter 382 of the 2007 Acts of Assembly (§ 33.1-70.3 of the Code of Virginia).

Public comments may be submitted until May 16, 2007.

Contact: Nick Donohue, Special Assistant, Office of the Secretary of Transportation, Patrick Henry Bldg., 1111 E. Broad St., 3rd Floor, Richmond, VA 23219, telephone (804) 786-8032, FAX (804) 786-6683 or email nicholas.donohue@drpt.virginia.gov.

VA.R. Doc. No. R07-181; Filed March 28, 2007, 10 a.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

MARINE RESOURCES COMMISSION

REGISTRAR'S NOTICE: The following regulations filed by the Marine Resources Commission are 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.

Final Regulation

Title of Regulation: 4 VAC 20-270. Pertaining to Crabbing (amending 4 VAC 20-270-30 and 4 VAC 20-270-40).

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

Effective Date: March 30, 2007.

Agency Contact: Brandy L. Battle, Agency 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 amendments (i) modify the dates when it is lawful to harvest crabs by crab pot or peeler pot during the hours of 6 a.m. to 2 p.m., (ii) extend the fishing season for crabs by crab pot or peeler pot, and (iii) modify the dates when fish pots are prohibited in Virginia waters.

4 VAC 20-270-30. Daily time limits.

A. It shall be unlawful for any person licensed to catch and sell crabs taken by crab pot or peeler pot to take and harvest crabs from any crab pot or peeler pot, or to retrieve, bait or set any crab pot or peeler pot, except during the lawful daily time periods described in this subsection or subsection B of this section. The lawful daily time periods for the commercial harvesting of crabs by crab pot or peeler pot shall be from 6 a.m. to 2 p.m. ~~during the months of April, September, October, and November~~ from March 17 through April 30 and September 1 through November 30, and from 5 a.m. to 1 p.m. during the months of May, June, July, and August, except as specified in subsection B of this section. Crab pots or peeler pots already on board a boat at the end of the lawful daily time period, as defined in this subsection or subsection B of this section, may be set during the period starting immediately following the lawful daily time period and ending one hour after the lawful daily time period.

B. Any licensed crab pot or peeler pot fisherman who provides an opinion and supporting documentation from an attending physician to the commissioner of an existing medical condition that prevents him from adhering to the daily time limit established in subsection A of this section may be permitted by the commissioner or his designee to take and harvest crabs from his crab pot or peeler pot, or to retrieve, bait or set his crab pot or peeler pot during an alternate eight-hour daily time limit. That alternative eight-hour daily time limit will be prescribed by the commissioner or his designee in accordance with the medical condition that forms a basis for the exception to the daily time limit as described in subsection A of this section.

Nothing in this regulation shall prohibit any licensed crab pot or peeler pot fisherman, who has been granted an exception to the eight-hour work schedule, on a medical basis, from using another licensed crab pot or peeler pot fisherman as a mate, provided; however, during the designated alternate work hours, only the crab pots or peeler pots of the fisherman receiving the exception shall be fished. Further, it shall be unlawful for the licensed crab fisherman, who has been granted an exception, or his mate, who is a licensed crab pot or peeler pot fisherman, to fish, set, retrieve, or bait, during the alternate work hours, any crab pot or peeler pot that is not owned and licensed by the fisherman granted the exception.

C. It shall be unlawful to take or harvest crabs by crab dredge between sunset and sunrise.

D. The lawful daily time periods for the commercial harvest of crabs by crab pot or peeler pot may be rescinded by the Commissioner of Marine Resources when he determines that a pending weather event is sufficient cause for the removal of crab pots from the tidal waters of the Commonwealth.

4 VAC 20-270-40. Season limits.

A. It shall be unlawful for any person knowingly to place, set, fish or leave any hard crab pot or peeler crab pot in any tidal waters of Virginia from December 1 through March ~~31~~ 16.

B. It shall be unlawful for any person knowingly to place, set, fish or leave any fish pot in any tidal waters from March ~~27~~ 12 through March ~~31~~ 16, except as provided in subdivisions 1 and 2 of this subsection.

1. It shall be lawful for any person to place, set, or fish any fish pot in those waters located upriver of the following boundary lines:

Regulations

- a. In the James River the boundary shall be a line connecting Hog Point and the downstream point at the mouth of College Creek.
 - b. In the York River the boundary lines shall be the Route 33 bridges at West Point.
 - c. In the Rappahannock River the boundary line shall be the Route 360 bridge at Tappahannock.
2. This subsection shall not apply to lawful eel pots as described in 4 VAC 20-500-50.

VA.R. Doc. No. R07-184; Filed March 29, 2007, 1:46 p.m.

Final Regulation

Title of Regulation: 4 VAC 20-300. Pertaining to Crab Catch Limits (amending 4 VAC 20-300-20).

Statutory Authority: §§ 28.2-201 and 28.2-713 of the Code of Virginia.

Effective Date: March 30, 2007.

Agency Contact: Brandy L. Battle, Agency 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 extends the time period when the crab pot catch per vessel or boat is limited to 51 bushels or 17 barrels by starting that limit on March 17 instead of April 1.

4 VAC 20-300-20. Catch limit and season.

A. During the period ~~April 1~~ March 17 through May 31, no boat or vessel shall take or catch by crab pot, or have in possession more than 51 bushels or 17 barrels of crabs in any one day.

B. In examining a particular boat's catch, if the marine ~~patrol~~ police officer finds crabs in excess of the 51 bushel or 17 barrel limit, the quantity of crabs in excess shall be immediately returned to the water by the person who possessed such crabs. The refusal to return the crabs to the water shall constitute a separate violation of this chapter.

VA.R. Doc. No. R07-185; Filed March 29, 2007, 1:50 p.m.

Final Regulation

Title of Regulation: 4 VAC 20-430. Pertaining to the Marking and Minimum Mesh Size of Gill Nets (amending 4 VAC 20-430-20; adding 4 VAC 20-430-45).

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

Effective Date: March 30, 2007.

Agency Contact: Brandy L. Battle, Agency 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 amendments (i) specify that maximum recreational anchored gill net lengths shall be 110 feet; (ii) require that the ends of recreational anchored gill nets to be marked with floating buoys of at least 3-1/2" diameter and be of blaze-orange color; and (iii) set designated boundary lines on the James, York and Rappahannock rivers where the 110-foot restriction and marking requirements apply.

4 VAC 20-430-20. Marking procedures for drift and anchored gill nets.

Except as provided in 4 VAC 20-430-40, 4 VAC 20-430-45, and 4 VAC 20-430-50, it shall be unlawful for any person to place, set or fish any gill net, except when licensed as a fixed fishing device, that is not marked in the following manner:

1. One end of each gill net shall be marked by a flag of square dimensions, which shall measure at least 144 square inches.
2. The end of each gill net opposite the square flag marker shall be marked by either a triangular flag of at least 144 square inches or a floating ball of at least 50 inches circumference.
3. Each flag described in subdivisions 1 and 2 of this section shall be supported on a staff sufficient to maintain the bottom of the flag at least three feet above the surface of the water.
4. The end-marker flags on the same net or flag and floating ball on the same net shall be of identical color.
5. All flag staffs shall be marked with two stripes of two-inch wide reflective material that shall be visible from all sides; all end-marker floating balls shall be marked on three sides with patches of approximately two-inch by two-inch reflective material that shall be visible from all sides above the water line.

4 VAC 20-430-45. Recreational anchored gill net exemptions.

It shall be unlawful for any person to place, set or fish any anchored gill net up to 110 feet in length and licensed for recreational purposes upstream of the designated boundary lines listed below that is not marked in the following manner:

1. Both ends of each gill net shall be marked by a floating buoy of at least 3-1/2" in diameter.
2. Both end-marker buoys shall be of blaze-orange color.
3. Designated boundary lines.

a. James River and its tributaries: a line connecting Hog Point and the downstream point of the mouth of College Creek;

b. York River and its tributaries: the Route 33 bridges; and

c. Rappahannock River and its tributaries: the Route 360 Bridge.

VA.R. Doc. No. R07-186; Filed March 29, 2007, 1:53 p.m.

Final Regulation

Title of Regulation: 4 VAC 20-450. **Pertaining to the Taking of Bluefish (amending 4 VAC 20-450-30).**

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

Effective Date: March 30, 2007.

Agency Contact: Brandy L. Battle, Agency 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 establishes the 2007 commercial bluefish quota as 1,018,660 pounds.

4 VAC 20-450-30. Commercial landings quota.

A. During the period of January 1 through December 31, commercial landings of bluefish shall be limited to ~~4,124,334~~ 1,018,660 pounds.

B. When it is projected that 95% of the commercial landings quota has been realized, a notice will be posted to close commercial harvest and landings from the bluefish fishery within five days of posting.

C. It shall be unlawful for any person to harvest or land bluefish for commercial purposes after the closure date set forth in the notice described in subsection B of this section.

VA.R. Doc. No. R07-187; Filed March 29, 2007, 1:55 p.m.

Final Regulation

Title of Regulation: 4 VAC 20-670. **Pertaining to Recreational Gear Licenses (amending 4 VAC 20-670-30; adding 4 VAC 20-670-15).**

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

Effective Date: March 30, 2007.

Agency Contact: Brandy L. Battle, Agency 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 amendments (i) define saltwater-freshwater boundary lines on the James, York and Rappahannock rivers; (ii) restrict the use of any recreational gill net to no more than 110 feet in tidal waters upriver of these boundary lines; (iii) limit soak time of anchored gill net in these areas to one hour; and (iv) require any 110-foot recreational anchored gill net be attended within 100 yards; and (v) allow any unattended gill net to be confiscated.

4 VAC 20-670-15. Definitions.

"Saltwater-freshwater boundary" means those lines on the James, York and Rappahannock rivers, specified as follows:

1. For the James River and its tributaries: a line connecting Hog Point and the downstream point of the mouth of College Creek;

2. For the York River and its tributaries: the Route 33 bridges; and

3. For the Rappahannock River and its tributaries: the Route 360 Bridge.

4 VAC 20-670-30. Gear restrictions.

A. It shall be unlawful for any person to use any gill net greater than 300 feet in length when licensed for recreational purposes under this chapter except as described in subsection B of this section. Any person licensed to use a recreational gill net up to 300 feet in length shall stay within 100 yards of such net when it is overboard. Failure to attend such net in this fashion is a violation of this chapter.

B. It shall be unlawful for any person to use any anchored gill net when licensed for recreational purposes under this chapter that is greater than 110 feet in length in any of the tidal waters upriver of the saltwater-freshwater boundaries. Any anchored gill net set or placed in areas upriver of the saltwater-freshwater boundaries shall be retrieved within one hour of setting or placing that gill net. Any person licensed to use a recreational anchored gill net shall stay within 100 yards of such net when it is overboard. Failure to attend such net in this fashion is a violation of this chapter, and any unattended anchored gill net shall be confiscated by the marine police officer.

~~B. C.~~ It shall be unlawful for any person to use more than five crab pots or more than two eel pots when licensed for recreational purposes under this chapter.

~~C. D.~~ Any law or chapter applying to the setting or fishing of commercial gill nets, cast nets, dip nets, crab pots, crab traps, or crab trot lines shall also apply to the gear licensed under this chapter when set or fished for recreational purposes, except that (i) certain commercial gear used for recreational purposes shall be marked in accordance with the provisions described in 4 VAC 20-670-40, (ii) the daily time limits for

Regulations

commercial crab potting and peeler potting established in 4 VAC 20-270-30 shall not apply to the setting and fishing of recreational crab pots licensed under this chapter, and (iii) the closed season and area established in § 28.2-709 of the Code of Virginia shall not apply to the setting and fishing of recreational crab pots licensed under this chapter.

~~D.~~ E. It shall be unlawful for any person to use any recreational gill net to catch and possess any species of fish whose commercial fishery is regulated by an annual harvest quota.

~~E.~~ F. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess more than the recreational possession limit for any species regulated by such a limit. When fishing from any boat, using gear licensed under this chapter, the total possession limit shall be equal to the number of persons on board legally eligible to fish multiplied by the individual possession limit for the regulated species, and the captain or operator of the boat shall be responsible for adherence to the possession limit.

~~F.~~ G. It shall be unlawful for any person using a recreational gill net, fish cast net, or fish dip net to take and possess any fish which is less than the lawful minimum size established for that species. When the taking of any fish is regulated by different size limits for commercial and recreational fishermen, that size limit applicable to recreational fishermen or to hook-and-line fishermen shall apply to the taking of that species by persons licensed under this chapter.

~~G.~~ H. It shall be unlawful for any person licensed to use five crab pots under this chapter to fish these crab pots on Sunday.

~~H.~~ I. It shall be unlawful for any person to use any ordinary crab trot line greater than 300 feet in length when licensed for recreational purposes under this chapter.

VA.R. Doc. No. R07-188; Filed March 29, 2007, 1:57 p.m.

Final Regulation

Title of Regulation: 4 VAC 20-950. **Pertaining to Black Sea Bass (amending 4 VAC 20-950-47 and 4 VAC 20-950-48).**

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

Effective Date: March 30, 2007.

Agency Contact: Brandy L. Battle, Agency 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 amendments establish (i) the 2007 commercial black sea bass directed fishery quota shall be 425,300 pounds and the bycatch fishery quota shall be 40,000 pounds; (ii) that 10,000 pounds of the annual commercial fishery black

sea bass quota shall be distributed to all qualified applicants granted an exception by the commission; and (iii) the 2007 directed fishery quota shall be equal to an individual's current share of quota multiplied by 385,889 pounds, and an additional portion of 39,411 pounds shall be distributed to each directed fishery permit holder.

4 VAC 20-950-47. Commercial harvest quotas.

A. The 2007 commercial black sea bass directed fishery quota is ~~412,470~~ 425,300 pounds. When it has been announced that the directed fishery quota has been projected as reached and the directed fishery has been closed, it shall be unlawful for any directed commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass.

B. The 2007 commercial black sea bass bycatch fishery quota is ~~45,830~~ 40,000 pounds. When it has been announced that the bycatch fishery quota has been projected as reached and the bycatch fishery has been closed, it shall be unlawful for any bycatch commercial black sea bass fishery permittee to possess aboard any vessel or land in Virginia any black sea bass. In the event the bycatch fishery quota is exceeded, the amount the quota overage shall be deducted from the following year's bycatch fishing quota.

4 VAC 20-950-48. Individual fishery quotas; bycatch limit; at sea harvesters; exceptions.

A. Each person possessing a directed fishery permit shall be assigned an individual fishery quota, in pounds, for each calendar year. Except as provided in subsection F of this section, a person's individual fishery quota shall be equal to that person's percentage of the total landings of black sea bass in Virginia from July 1, 1997, through December 31, 2001, multiplied by the directed commercial fishery black sea bass quota for the calendar year. Any directed fishery permittee shall be limited to landings in the amount of his individual fishery quota, in pounds, in any calendar year and it shall be unlawful for any permittee to exceed his individual fishery quota. In addition to the penalties prescribed by law, any overages of an individual's fishery quota shall be deducted from that permittee's individual fishery quota for the following year.

B. In the determination of a person's percentage of total landings, the commission shall use the greater amount of landings from either the National Marine Fisheries Service Dealer Weigh-out Reports or National Marine Fisheries Service Vessel Trip Reports that have been reported and filed as of November 26, 2002. If a person's percentage of the total landings of black sea bass is determined by using the Vessel Trip Reports as the greater amount, then the person shall provide documentation to the Marine Resources Commission to verify the Vessel Trip Reports as accurate. This documentation may include dealer receipts of sales or other pertinent documentation, and such documentation shall be

submitted to the commission by December 1, 2004. In the event the commission is not able to verify the full amount of the person's Vessel Trip Reports for the qualifying period, the commission shall use the greater amount of landings, from either the Dealer Weigh-Out Reports or the verified portion of the Vessel Trip Reports to establish that person's share of the quota.

C. It shall be unlawful for any person permitted for the bycatch fishery to possess aboard a vessel, or to land in Virginia, in any one day, more than 200 pounds of black sea bass, except that any person permitted in the bycatch fishery may possess aboard a vessel, or land in Virginia, more than 200 pounds of black sea bass, in any one day, provided the total weight of black sea bass on board the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Loligo squid and Atlantic mackerel on board the vessel. When it is projected and announced that 85% of the bycatch fishery quota has been taken, it shall be unlawful for any person permitted for the bycatch fishery to possess aboard a vessel, or to land in Virginia, more than 200 pounds of black sea bass, except that any person permitted in the bycatch fishery may possess aboard a vessel, or land in Virginia, more than 200 pounds of black sea bass, in any one day, but not more than 1,000 pounds, provided the total weight of black sea bass aboard the vessel does not exceed 10%, by weight, of the total weight of summer flounder, scup, Loligo squid and Atlantic mackerel on board the vessel.

D. It shall be unlawful for any person to transfer black sea bass from one vessel to another while at sea.

E. The commission sets aside ~~47,000~~ 10,000 pounds of the annual commercial fishery black sea bass quota for distribution to all qualified applicants granted an exception by the commission from the requirements of 4 VAC 20-950-46 B based upon medical conditions, or other hardship, which limited the applicant's ability to fish for black sea bass during the qualifying period. In granting an exception, the commission will give preference to those applicants who can demonstrate the greater levels of participation in the black sea bass fishery during and after the qualifying period or document an apprenticeship or helper status in the black sea bass fishery. Any applicant who is granted an exception by the commission shall receive a portion of the ~~47,000~~ 10,000 pounds; however, no portion shall exceed the lowest individual fishery quota, in pounds, at the beginning of the season. There shall be no transfer of quota received by applicants to the exception process for a period of five years after receipt of that quota. Any portion of the ~~47,000~~ 10,000 pounds not allotted by the commission to the qualified applicants as of November 1 shall be added to the annual bycatch quota described in 4 VAC 20-950-47 B.

F. The 2007 directed fishery quota shall be equal to an individual's current share of that quota multiplied by 385,889 pounds. Further, a percentage of 39,411 pounds shall be

distributed to each directed fishery permit holder that is equal to each permittee's average percentage of the 2004-2006 harvest quota of black sea bass.

VA.R. Doc. No. R07-189; Filed March 29, 2007, 1:59 p.m.



TITLE 9. ENVIRONMENT

STATE AIR POLLUTION CONTROL BOARD

Final Regulation

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

Titles of Regulations: **9 VAC 5-50. New and Modified Stationary Sources (amending 9 VAC 5-50-400 and 9 VAC 5-50-410).**

9 VAC 5-60. Hazardous Air Pollutant Sources (amending 9 VAC 5-50-60, 9 VAC 5-50-90 and 9 VAC 5-50-100).

Statutory Authority: § 10.1-1308 of the Code of Virginia; § 112 of the Clear Air Act; and 40 CFR Parts 61 and 63.

Effective Date: June 1, 2007.

Summary:

The amendments update state regulations that incorporate by reference certain federal regulations to reflect the Code of Federal Regulations as published on July 1, 2006. Below is a list of the new standards the department is recommending be incorporated into the state regulations by reference:

1. Incorporation an NSPS: Subpart EEEE - Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced On or After June 16, 2006 (40 CFR 60.2880 through 60.2977). The date of the Code of Federal Regulations book being incorporated by reference is also being updated to the latest version.

2. No new NESHAP are being incorporated; however, the date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version.

Regulations

3. No new NESHAP are being incorporated; however, the date of the Code of Federal Regulations book being incorporated by reference is being updated to the latest version. In addition, the reference to Subpart EEE (Hazardous Waste Incinerators) has been revised to include references to several new sections. Finally, Subpart C (list of hazardous air pollutants, petitions process, lesser quantity designations, and source category list) has been revised to include the deletion of methyl ethyl ketone (MEK, 2-Butanone) at 40 CFR 63.61.

9 VAC 5-50-400. General.

The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (NSPSs), as promulgated in 40 CFR Part 60 and designated in 9 VAC 5-50-410 are, unless indicated otherwise, incorporated by reference into the regulations of the board as amended by the word or phrase substitutions given in 9 VAC 5-50-420. The complete text of the subparts in 9 VAC 5-50-410 incorporated herein by reference is contained in 40 CFR Part 60. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-50-410 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~2005~~ 2006) in effect July 1, ~~2005~~ 2006. In making reference to the Code of Federal Regulations, 40 CFR Part 60 means Part 60 of Title 40 of the Code of Federal Regulations; 40 CFR 60.1 means 60.1 in Part 60 of Title 40 of the Code of Federal Regulations.

9 VAC 5-50-410. Designated standards of performance.

Subpart A--General Provisions.

40 CFR 60.1 through 40 CFR 60.3, 40 CFR 60.7, 40 CFR 60.8, 40 CFR 60.11 through 40 CFR 60.15, 40 CFR 60.18 through 40 CFR 60.19

(applicability, definitions, units and abbreviations, notification and recordkeeping, performance tests, compliance, circumvention, monitoring requirements, modification, reconstruction, general control device requirements, and general notification and reporting requirements)

Subpart B--Not applicable.

Subpart C--Not applicable.

Subpart Ca--Reserved.

Subpart Cb--Not applicable.

Subpart Cc--Not applicable.

Subpart Cd--Not applicable.

Subpart Ce--Not applicable.

Subpart D--Fossil-Fuel Fired Steam Generators for which Construction is Commenced after August 17, 1971.

40 CFR 60.40 through 40 CFR 60.46

(fossil-fuel fired steam generating units of more than 250 million Btu per hour heat input rate, and fossil-fuel fired and wood-residue fired steam generating units capable of firing fossil fuel at a heat input rate of more than 250 million Btu per hour)

Subpart Da--Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978.

40 CFR 60.40a through 40 CFR 60.49a

(electric utility steam generating units capable of combusting more than 250 million Btu per hour heat input of fossil fuel (either alone or in combination with any other fuel); electric utility combined cycle gas turbines capable of combusting more than 250 million Btu per hour heat input in the steam generator)

Subpart Db--Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40b through 40 CFR 60.49b

(industrial-commercial-institutional steam generating units which have a heat input capacity from combusted fuels of more than 100 million Btu per hour)

Subpart Dc--Small Industrial-Commercial-Institutional Steam Generating Units.

40 CFR 60.40c through 40 CFR 60.48c

(industrial-commercial-institutional steam generating units which have a heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour)

Subpart E--Incinerators.

40 CFR 60.50 through 40 CFR 60.54

(incinerator units of more than 50 tons per day charging rate)

Subpart Ea--Municipal Waste Combustors for which Construction is Commenced after December 20, 1989, and on or before September 20, 1994

40 CFR 60.50a through 40 CFR 60.59a

(municipal waste combustor units with a capacity greater than 250 tons per day of municipal-type solid waste or refuse-derived fuel)

Subpart Eb--Large Municipal Combustors for which Construction is Commenced after September 20, 1994, or for which Modification or Reconstruction is Commenced after June 19, 1996

40 CFR 60.50b through 40 CFR 60.59b

(municipal waste combustor units with a capacity greater than 250 tons per day of municipal-type solid waste or refuse-derived fuel)

Subpart Ec--Hospital/Medical/Infectious Waste Incinerators for which Construction is Commenced after June 20, 1996

40 CFR 60.50c through 40 CFR 60.58c

(hospital/medical/infectious waste incinerators that combust any amount of hospital waste and medical/infectious waste or both)

Subpart F--Portland Cement Plants.

40 CFR 60.60 through 40 CFR 60.64

(kilns, clinker coolers, raw mill systems, finish mill systems, raw mill dryers, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems)

Subpart G--Nitric Acid Plants.

40 CFR 60.70 through 40 CFR 60.74

(nitric acid production units)

Subpart H--Sulfuric Acid Plants.

40 CFR 60.80 through 40 CFR 60.85

(sulfuric acid production units)

Subpart I--Hot Mix Asphalt Facilities.

40 CFR 60.90 through 40 CFR 60.93

(dryers; systems for screening, handling, storing and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt; and the loading, transfer and storage systems associated with emission control systems)

Subpart J--Petroleum Refineries.

40 CFR 60.100 through 40 CFR 60.106

(fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers and fuel gas combustion devices)

Subpart K--Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973, and prior to May 19, 1978.

40 CFR 60.110 through 40 CFR 60.113

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Ka--Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978, and prior to July 23, 1984.

40 CFR 60.110a through 40 CFR 60.115a

(storage vessels with a capacity greater than 40,000 gallons)

Subpart Kb--Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for which

Construction, Reconstruction, or Modification Commenced after July 23, 1984.

40 CFR 60.110b through 40 CFR 60.117b

(storage vessels with capacity greater than or equal to 10,566 gallons)

Subpart L--Secondary Lead Smelters.

40 CFR 60.120 through 40 CFR 60.123

(pot furnaces of more than 550 pound charging capacity, blast (cupola) furnaces and reverberatory furnaces)

Subpart M--Secondary Brass and Bronze Production Plants.

40 CFR 60.130 through 40 CFR 60.133

(reverberatory and electric furnaces of 2205 pound or greater production capacity and blast (cupola) furnaces of 550 pounds per hour or greater production capacity)

Subpart N--Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973.

40 CFR 60.140 through 40 CFR 60.144

(basic oxygen process furnaces)

Subpart Na--Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for which Construction is Commenced after January 20, 1983.

40 CFR 60.140a through 40 CFR 60.145a

(facilities in an iron and steel plant: top-blown BOPFs and hot metal transfer stations and skimming stations used with bottom-blown or top-blown BOPFs)

Subpart O--Sewage Treatment Plants.

40 CFR 60.150 through 40 CFR 60.154

(incinerators that combust wastes containing more than 10% sewage sludge (dry basis) produced by municipal sewage treatment plants or incinerators that charge more than 2205 pounds per day municipal sewage sludge (dry basis))

Subpart P--Primary Copper Smelters.

40 CFR 60.160 through 40 CFR 60.166

(dryers, roasters, smelting furnaces, and copper converters)

Subpart Q--Primary Zinc Smelters.

40 CFR 60.170 through 40 CFR 60.176

(roasters and sintering machines)

Subpart R--Primary Lead Smelters

40 CFR 60.180 through 40 CFR 60.186

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(sintering machines, sintering machine discharge ends, blast furnaces, dross reverberatory furnaces, electric smelting furnaces and converters)

Subpart S--Primary Aluminum Reduction Plants.

40 CFR 60.190 through 40 CFR 60.195

(potroom groups and anode bake plants)

Subpart T--Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

40 CFR 60.200 through 40 CFR 60.204

(reactors, filters, evaporators, and hot wells)

Subpart U--Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

40 CFR 60.210 through 40 CFR 60.214

(evaporators, hot wells, acid sumps, and cooling tanks)

Subpart V--Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

40 CFR 60.220 through 40 CFR 60.224

(reactors, granulators, dryers, coolers, screens, and mills)

Subpart W--Phosphate Fertilizer Industry: Triple Superphosphate Plants.

40 CFR 60.230 through 40 CFR 60.234

(mixers, curing belts (dens), reactors, granulators, dryers, cookers, screens, mills, and facilities which store run-of-pile triple superphosphate)

Subpart X--Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

40 CFR 60.240 through 40 CFR 60.244

(storage or curing piles, conveyors, elevators, screens and mills)

Subpart Y--Coal Preparation Plants.

40 CFR 60.250 through 40 CFR 60.254

(plants which process more than 200 tons per day: thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems)

Subpart Z--Ferroalloy Production Facilities.

40 CFR 60.260 through 40 CFR 60.266

(electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese,

ferromanganese silicon or calcium carbide; and dust-handling equipment)

Subpart AA--Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974, and on or before August 17, 1983.

40 CFR 60.270 through 40 CFR 60.276

(electric arc furnaces and dust-handling systems that produce carbon, alloy or specialty steels)

Subpart AAa--Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983.

40 CFR 60.270a through 40 CFR 60.276a

(electric arc furnaces, argon-oxygen decarburization vessels, and dust-handling systems that produce carbon, alloy, or specialty steels)

Subpart BB--Kraft Pulp Mills.

40 CFR 60.280 through 40 CFR 60.285

(digester systems, brown stock washer systems, multiple effect evaporator systems, black liquor oxidation systems, recovery furnaces, smelt dissolving tanks, lime kilns, condensate strippers and kraft pulping operations)

Subpart CC--Glass Manufacturing Plants.

40 CFR 60.290 through 40 CFR 60.296

(glass melting furnaces)

Subpart DD--Grain Elevators.

40 CFR 60.300 through 40 CFR 60.304

(grain terminal elevators/grain storage elevators: truck unloading stations, truck loading stations, barge and ship unloading stations, barge and ship loading stations, railcar unloading stations, railcar loading stations, grain dryers, and all grain handling operations)

Subpart EE--Surface Coating of Metal Furniture.

40 CFR 60.310 through 40 CFR 60.316

(metal furniture surface coating operations in which organic coatings are applied)

Subpart FF--(Reserved)

Subpart GG--Stationary Gas Turbines.

40 CFR 60.330 through 40 CFR 60.335

(stationary gas turbines with a heat input at peak load equal to or greater than 10 million Btu per hour, based on the lower heating value of the fuel fired)

Subpart HH--Lime Manufacturing Plants.

40 CFR 60.340 through 40 CFR 60.344

(each rotary lime kiln)

Subparts II through JJ--(Reserved)

Subpart KK--Lead-Acid Battery Manufacturing Plants.

40 CFR 60.370 through 40 CFR 60.374

(lead-acid battery manufacturing plants that produce or have the design capacity to produce in one day (24 hours) batteries containing an amount of lead equal to or greater than 6.5 tons: grid casting facilities, paste mixing facilities, three-process operation facilities, lead oxide manufacturing facilities, lead reclamation facilities, and other lead-emitting operations)

Subpart LL--Metallic Mineral Processing Plants.

40 CFR 60.380 through 40 CFR 60.386

(each crusher and screen in open-pit mines; each crusher, screen, bucket elevator, conveyor belt transfer point, thermal dryer, product packaging station, storage bin, enclosed storage area, truck loading station, truck unloading station, railcar loading station, and railcar unloading station at the mill or concentrator with the following exceptions. All facilities located in underground mines are exempted from the provisions of this subpart. At uranium ore processing plants, all facilities subsequent to and including the beneficiation of uranium ore are exempted from the provisions of this subpart)

Subpart MM--Automobile and Light Duty Truck Surface Coating Operations.

40 CFR 60.390 through 40 CFR 60.397

(prime coat operations, guide coat operations, and top-coat operations)

Subpart NN--Phosphate Rock Plants.

40 CFR 60.400 through 40 CFR 60.404

(phosphate rock plants which have a maximum plant production capacity greater than 4 tons per hour: dryers, calciners, grinders, and ground rock handling and storage facilities, except those facilities producing or preparing phosphate rock solely for consumption in elemental phosphorous production)

Subpart OO--(Reserved)

Subpart PP--Ammonium Sulfate Manufacture.

40 CFR 60.420 through 40 CFR 60.424

(ammonium sulfate dryer within an ammonium sulfate manufacturing plant in the caprolactum by-product, synthetic, and coke oven by-product sectors of the ammonium sulfate industry)

Subpart QQ--Graphic Arts Industry: Publication Rotogravure Printing.

40 CFR 60.430 through 40 CFR 60.435

(publication rotogravure printing presses, except proof presses)

Subpart RR--Pressure Sensitive Tape and Label Surface Coating Operations.

40 CFR 60.440 through 40 CFR 60.447

(pressure sensitive tape and label material coating lines)

Subpart SS--Industrial Surface Coating: Large Appliances.

40 CFR 60.450 through 40 CFR 60.456

(surface coating operations in large appliance coating lines)

Subpart TT--Metal Coil Surface Coating.

40 CFR 60.460 through 40 CFR 60.466

(metal coil surface coating operations: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously)

Subpart UU--Asphalt Processing and Asphalt Roofing Manufacture.

40 CFR 60.470 through 40 CFR 60.474

(each saturator and each mineral handling and storage facility at asphalt roofing plants; and each asphalt storage tank and each blowing still at asphalt processing plants, petroleum refineries, and asphalt roofing plants)

Subpart VV--Equipment Leaks of Volatile Organic Compounds in the Synthetic Organic Chemicals Manufacturing Industry.

40 CFR 60.480 through 40 CFR 60.489

(all equipment within a process unit in a synthetic organic chemicals manufacturing plant)

Subpart WW--Beverage Can Surface Coating Industry.

40 CFR 60.490 through 40 CFR 60.496

(beverage can surface coating lines: each exterior base coat operation, each overvarnish coating operation, and each inside spray coating operation)

Subpart XX--Bulk Gasoline Terminals.

40 CFR 60.500 through 40 CFR 60.506

(total of all loading racks at a bulk gasoline terminal which deliver liquid product into gasoline tank trucks)

Subparts YY through ZZ--(Reserved)

Subpart AAA--New Residential Wood Heaters.

40 CFR 60.530 through 40 CFR 60.539b

(wood heaters)

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Subpart BBB--Rubber Tire Manufacturing Industry.

40 CFR 60.540 through 40 CFR 60.548

(each undertread cementing operation, each sidewall cementing operation, each tread end cementing operation, each bead cementing operation, each green tire spraying operation, each Michelin-A operation, each Michelin-B operation, and each Michelin-C automatic operation)

Subpart CCC--(Reserved)

Subpart DDD--Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

40 CFR 60.560 through 40 CFR 60.566

(for polypropylene and polyethylene manufacturing using a continuous process that emits continuously or intermittently: all equipment used in the manufacture of these polymers. For polystyrene manufacturing using a continuous process that emits continuously: each material recovery section. For poly(ethylene terephthalate) manufacturing using a continuous process that emits continuously: each polymerization reaction section; if dimethyl terephthalate is used in the process, each material recovery section is also an affected facility; if terephthalic acid is used in the process, each raw materials preparation section is also an affected facility. For VOC emissions from equipment leaks: each group of fugitive emissions equipment within any process unit, excluding poly(ethylene terephthalate) manufacture.)

Subpart EEE--(Reserved)

Subpart FFF--Flexible Vinyl and Urethane Coating and Printing.

40 CFR 60.580 through 40 CFR 60.585

(each rotogravure printing line used to print or coat flexible vinyl or urethane products)

Subpart GGG--Equipment Leaks of VOC in Petroleum Refineries.

40 CFR 60.590 through 40 CFR 60.593

(each compressor, valve, pump pressure relief device, sampling connection system, open-ended valve or line, and flange or other connector in VOC service)

Subpart HHH--Synthetic Fiber Production Facilities.

40 CFR 60.600 through 40 CFR 60.604

(each solvent-spun synthetic fiber process that produces more than 500 megagrams of fiber per year)

Subpart III--Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

40 CFR 60.610 through 40 CFR 60.618

(each air oxidation reactor not discharging its vent stream into a recovery system and each combination of an air oxidation reactor or two or more air oxidation reactors and the recovery system into which the vent streams are discharged)

Subpart JJJ--Petroleum Dry Cleaners.

40 CFR 60.620 through 40 CFR 60.625

(facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 84 pounds: petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks)

Subpart KKK--Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

40 CFR 60.630 through 40 CFR 60.636

(each compressor in VOC service or in wet gas service; each pump, pressure relief device, open-ended valve or line, valve, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart)

Subpart LLL--Onshore Natural Gas Processing: Sulfur Dioxide Emissions.

40 CFR 60.640 through 40 CFR 60.648

(facilities that process natural gas: each sweetening unit, and each sweetening unit followed by a sulfur recovery unit)

Subpart MMM--(Reserved)

Subpart NNN--Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

40 CFR 60.660 through 40 CFR 60.668

(each distillation unit not discharging its vent stream into a recovery system, each combination of a distillation unit or of two or more units and the recovery system into which their vent streams are discharged)

Subpart OOO--Nonmetallic Mineral Processing Plants.

40 CFR 60.670 through 40 CFR 60.676

(facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station)

Subpart PPP--Wool Fiberglass Insulation Manufacturing Plants.

40 CFR 60.680 through 40 CFR 60.685

(each rotary spin wool fiberglass insulation manufacturing line)

Subpart QQQ--VOC Emissions from Petroleum Refinery Wastewater Systems.

40 CFR 60.690 through 40 CFR 60.699

(individual drain systems, oil-water separators, and aggregate facilities in petroleum refineries)

Subpart RRR--Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.

40 CFR 60.700 through 40 CFR 60.708

(each reactor process not discharging its vent stream into a recovery system, each combination of a reactor process and the recovery system into which its vent stream is discharged, and each combination of two or more reactor processes and the common recovery system into which their vent streams are discharged)

Subpart SSS--Magnetic Tape Coating Facilities.

40 CFR 60.710 through 40 CFR 60.718

(each coating operation and each piece of coating mix preparation equipment)

Subpart TTT--Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

40 CFR 60.720 through 40 CFR 60.726

(each spray booth in which plastic parts for use in the manufacture of business machines receive prime coats, color coats, texture coats, or touch-up coats)

Subpart UUU--Calciners and Dryers in Mineral Industries.

40 CFR 60.730 through 40 CFR 60.737

(each calciner and dryer at a mineral processing plant)

Subpart VVV--Polymeric Coating of Supporting Substrates Facilities.

40 CFR 60.740 through 40 CFR 60.748

(each coating operation and any onsite coating mix preparation equipment used to prepare coatings for the polymeric coating of supporting substrates)

Subpart WWW--Municipal Solid Waste Landfills.

40 CFR 60.750 through 40 CFR 60.759

(municipal solid waste landfills for the containment of household and RCRA Subtitle D wastes)

Subpart AAAA--Small Municipal Waste Combustors for which Construction is Commenced after August 30, 1999, or for which Modification or Reconstruction is Commenced after June 6, 2001

40 CFR 60.1000 through 40 CFR 60.1465

(municipal waste combustor units with a capacity less than 250 tons per day and greater than 35 tons per day of municipal solid waste or refuse-derived fuel)

Subpart BBBB-- Not applicable.

Subpart CCCC--Commercial/Industrial Solid Waste Incinerators for which Construction is Commenced after November 30, 1999, or for which Modification or Construction is Commenced on or after June 1, 2001

40 CFR 60.2000 through 40 CFR 60.2265

(an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility, or an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility)

Subpart DDDD-- Not applicable.

Subpart EEEE - Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction Is Commenced on or After June 16, 2006.

40 CFR 60.2880 through 40 CFR 60.2977

(very small municipal waste combustion units with the capacity to combust less than 35 tons per day of municipal solid waste or refuse-derived fuel, and institutional waste incineration units owned or operated by an organization having a governmental, educational, civic, or religious purpose)

Appendix A--Test methods.

Appendix B--Performance specifications.

Appendix C--Determination of Emission Rate Change.

Appendix D--Required Emission Inventory Information.

Appendix E--(Reserved)

Appendix F--Quality Assurance Procedures.

Appendix G--(Not applicable)

Appendix H--(Reserved)

Appendix I--Removable label and owner's manual.

9 VAC 5-60-60. General.

The Environmental Protection Agency (EPA) Regulations on National Emission Standards for Hazardous Air Pollutants (NESHAP), as promulgated in 40 CFR Part 61 and designated in 9 VAC 5-60-70 are, unless indicated otherwise, incorporated by reference into the regulations of the board as amended by the word or phrase substitutions given in 9 VAC 5-60-80. The complete text of the subparts in 9 VAC 5-60-70 incorporated herein by reference is contained in 40 CFR Part 61. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-60-70 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~2005~~ 2006) in effect July 1, ~~2005~~ 2006. In making

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reference to the Code of Federal Regulations, 40 CFR Part 61 means Part 61 of Title 40 of the Code of Federal Regulations; 40 CFR 61.01 means 61.01 in Part 61 of Title 40 of the Code of Federal Regulations.

9 VAC 5-60-90. General.

The Environmental Protection Agency (EPA) National Emission Standards for Hazardous Air Pollutants for Source Categories (Maximum Achievable Control Technologies, or MACTs) as promulgated in 40 CFR Part 63 and designated in 9 VAC 5-60-100 are, unless indicated otherwise, incorporated by reference into the regulations of the board as amended by the word or phrase substitutions given in 9 VAC 5-60-110. The complete text of the subparts in 9 VAC 5-60-100 incorporated herein by reference is contained in 40 CFR Part 63. The 40 CFR section numbers appearing under each subpart in 9 VAC 5-60-100 identify the specific provisions of the subpart incorporated by reference. The specific version of the provision adopted by reference shall be that contained in the CFR (~~2005~~ 2006) in effect July 1, ~~2005~~ 2006. In making reference to the Code of Federal Regulations, 40 CFR Part 63 means Part 63 of Title 40 of the Code of Federal Regulations; 40 CFR 63.1 means 63.1 in Part 63 of Title 40 of the Code of Federal Regulations.

9 VAC 5-60-100. Designated emission standards.

Subpart A--General Provisions.

40 CFR 63.1 through 40 CFR 63.11; 40 CFR 63.16 (applicability, definitions, units and abbreviations, prohibited activities and circumvention, construction and reconstruction, compliance with standards and maintenance requirements, performance testing requirements, monitoring requirements, notification requirements, recordkeeping and reporting requirements, control device requirements, performance track provisions)

Subpart B--Not applicable.

Subpart C--List of Hazardous Air Pollutants, Petitions Process, Lesser Quantity Designations, Source Category List.

40 CFR 63.60, 40 CFR 63.61, 40 CFR 63.62 and 40 CFR 63.63

(deletion of caprolactam from the list of hazardous air pollutants, deletion of methyl ethyl ketone from the list of hazardous air pollutants, redefinition of glycol ethers listed as hazardous air pollutants, deletion of ethylene glycol monobutyl ether)

Subpart D--Not applicable.

Subpart E--Not applicable.

Subpart F--Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

40 CFR 63.100 through 40 CFR 63.106

(chemical manufacturing process units that manufacture as a primary product one or more of a listed chemical; use as a reactant or manufacture as a product, by-product, or co-product, one or more of a listed organic hazardous air pollutant; and are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart G--Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.

40 CFR 63.110 through 40 CFR 63.152

(all process vents, storage vessels, transfer operations, and wastewater streams within a source subject to Subpart F, 40 CFR 63.100 through 40 CFR 63.106)

Subpart H--Organic Hazardous Air Pollutants for Equipment Leaks.

40 CFR 63.160 through 40 CFR 63.182

(pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, surge control vessels, bottoms receivers, instrumentation systems, and control devices or systems that are intended to operate in organic hazardous air pollutant service 300 hours or more during the calendar year within a source subject to the provisions of a specific subpart in 40 CFR Part 63)

Subpart I--Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

40 CFR 63.190 through 40 CFR 63.192

(emissions of designated organic hazardous air pollutants from processes specified in this subpart that are located at a plant site that is a major source as defined in § 112 of the federal Clean Air Act)

Subpart J--Polyvinyl Chloride and Copolymers Production.

40 CFR 63.210 through 40 CFR 63.217

(production of PVC and copolymers)

Subpart K--Reserved.

Subpart L--Coke Oven Batteries.

40 CFR 63.300 through 40 CFR 63.313

(existing by-product coke oven batteries at a coke plant, and existing nonrecovery coke oven batteries located at a coke plant)

Subpart M--Perchloroethylene Dry Cleaning Facilities.

40 CFR 63.320 through 40 CFR 63.325

(each dry cleaning facility that uses perchloroethylene)

Subpart N--Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

40 CFR 63.340 through 40 CFR 63.347

(each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing)

Subpart O--Ethylene Oxide Commercial Sterilization and Fumigation Operations.

40 CFR 63.360 through 40 CFR 63.367

(sterilization sources using ethylene oxide in sterilization or fumigation operations)

Subpart P--Reserved.

Subpart Q--Industrial Process Cooling Towers.

40 CFR 63.400 through 40 CFR 63.406

(industrial process cooling towers that are operated with chromium-based water treatment chemicals)

Subpart R--Gasoline Distribution Facilities.

40 CFR 63.420 through 40 CFR 63.429

(bulk gasoline terminals and pipeline breakout stations)

Subpart S--Pulp and Paper Industry.

40 CFR 63.440 through 40 CFR 63.458

(processes that produce pulp, paper, or paperboard, and use the following processes and materials: kraft, soda, sulfite, or semi-chemical pulping processes using wood; or mechanical pulping processes using wood; or any process using secondary or nonwood fibers)

Subpart T--Halogenated Solvent Cleaning.

40 CFR 63.460 through 40 CFR 63.469

(each individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machine that uses any solvent containing methylene chloride, perchlorethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, or chloroform)

Subpart U--Group I Polymers and Resins.

40 CFR 63.480 through 40 CFR 63.506

(elastomer product process units that produce butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, HypalonTM, neoprene, nitrile butadiene rubber, nitrile butadiene latex, polysulfide rubber, polybutadiene rubber/styrene butadiene rubber by solution, styrene butadiene latex, and styrene butadiene rubber by emulsion)

Subpart V--Reserved.

Subpart W--Epoxy Resins Production and Non-Nylon Polyamides Production.

40 CFR 63.520 through 40 CFR 63.527

(manufacturers of basic liquid epoxy resins and wet strength resins)

Subpart X--Secondary Lead Smelting.

40 CFR 63.541 through 40 CFR 63.550

(at all secondary lead smelters: blast, reveratory, rotary, and electric smelting furnaces; refining kettles; agglomerating furnaces; dryers; process fugitive sources; and fugitive dust sources)

Subpart Y--Marine Tank Vessel Tank Loading Operations.

40 CFR 63.560 through 40 CFR 63.567

(marine tank vessel unloading operations at petroleum refineries)

Subpart Z--Reserved.

Subpart AA--Phosphoric Acid Manufacturing Plants.

40 CFR 63.600 through 40 CFR 63.610

(wet-process phosphoric acid process lines, evaporative cooling towers, rock dryers, rock calciners, superphosphoric acid process lines, purified acid process lines)

Subpart BB--Phosphate Fertilizers Production Plants.

40 CFR 63.620 through 40 CFR 63.631

(diammonium and monoammonium phosphate process lines, granular triple superphosphate process lines, and granular triple superphosphate storage buildings)

Subpart CC--Petroleum Refineries.

40 CFR 63.640 through 40 CFR 63.654

(storage tanks, equipment leaks, process vents, and wastewater collection and treatment systems at petroleum refineries)

Subpart DD--Off-Site Waste and Recovery Operations.

40 CFR 63.680 through 40 CFR 63.697

(operations that treat, store, recycle, and dispose of waste received from other operations that produce waste or recoverable materials as part of their manufacturing processes)

Subpart EE--Magnetic Tape Manufacturing Operations.

40 CFR 63.701 through 40 CFR 63.708

(manufacturers of magnetic tape)

Subpart FF--Reserved.

Subpart GG--Aerospace Manufacturing and Rework Facilities.

40 CFR 63.741 through 40 CFR 63.752

(facilities engaged in the manufacture or rework of commercial, civil, or military aerospace vehicles or components)

Subpart HH--Oil and Natural Gas Production Facilities.

40 CFR 63.760 through 40 CFR 63.779

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(facilities that process, upgrade, or store hydrocarbon liquids or natural gas; ancillary equipment and compressors intended to operate in volatile hazardous air pollutant service)

Subpart II--Shipbuilding and Ship Repair (Surface Coating).

40 CFR 63.780 through 40 CFR 63.788
(shipbuilding and ship repair operations)

Subpart JJ--Wood Furniture Manufacturing Operations.

40 CFR 63.800 through 40 CFR 63.819
(finishing materials, adhesives, and strippable spray booth coatings; storage, transfer, and application of coatings and solvents)

Subpart KK--Printing and Publishing Industry.

40 CFR 63.820 through 40 CFR 63.831
(publication rotogravure, product and packaging rotogravure, and wide-web printing processes)

Subpart LL--Primary Aluminum Reduction Plants.

40 CFR 63.840 through 40 CFR 63.859
(each pitch storage tank, potline, paste production plant, or anode bulk furnace associated with primary aluminum production)

Subpart MM--Chemical Recovery Combustion Sources at Kraft, Soda, Sulfit e and Stand-Alone Semic hemical Pulp Mills.

40 CFR 63.860 through 40 CFR 63.868
(chemical recovery systems, direct and nondirect contact evaporator recovery furnace systems, lime kilns, sulfite combustion units, semic hemical combustion units)

Subpart NN--Reserved.

Subpart OO--Tanks--Level 1.

40 CFR 63.900 through 40 CFR 63.907
(for off-site waste and recovery operations, fixed-roof tanks)

Subpart PP--Containers.

40 CFR 63.920 through 40 CFR 63.928
(for off-site waste and recovery operations, containers)

Subpart QQ--Surface Impoundments.

40 CFR 63.940 through 40 CFR 63.948
(for off-site waste and recovery operations, surface impoundment covers and vents)

Subpart RR--Individual Drain Systems.

40 CFR 63.960 through 40 CFR 63.966
(for off-site waste and recovery operations, inspection and maintenance of individual drain systems)

Subpart SS--Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

40 CFR 63.980 through 40 CFR 63.999
(closed vent systems, control devices, recovery devices, and routing to a fuel gas system or a process, when associated with facilities subject to a referencing subpart)

Subpart TT--Equipment Leaks--Control Level 1.

40 CFR 63.1000 through 40 CFR 63.1018
(control of air emissions from equipment leaks when associated with facilities subject to a referencing subpart)

Subpart UU--Equipment Leaks--Control Level 2.

40 CFR 63.1019 through 40 CFR 63.1039
(control of air emissions from equipment leaks when associated with facilities subject to a referencing subpart: pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, closed vent systems and control devices)

Subpart VV--Oil-Water Separators and Organic-Water Separators.

40 CFR 63.1040 through 40 CFR 63.1049
(for off-site waste and recovery operations, oil-water separators and organic-water separator roofs and vents)

Subpart WW--Storage Vessels (Tanks)--Control Level 2.

40 CFR 63.1060 through 40 CFR 63.1066
(storage vessels associated with facilities subject to a referencing subpart)

Subpart XX--Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste.

40 CFR 63.1080 through 40 CFR 63.1098
(any cooling tower system or once-through cooling water system)

Subpart YY--Generic Maximum Achievable Control Technology Standards.

40 CFR 63.1100 through 40 CFR 63.1113
(acetal resins production, acrylic and modacrylic fibers production, hydrogen fluoride production, polycarbonate production)

Subpart ZZ--Reserved.

Subpart AAA--Reserved.

Subpart BBB--Reserved.

Subpart CCC--Steel Pickling--Hydrogen Chloride Process Facilities and Hydrochloric Acid Regeneration Plants.

40 CFR 63.1155 through 40 CFR 63.1174

(steel pickling facilities that pickle carbon steel using hydrochloric acid solution, hydrochloric acid regeneration plants)

Subpart DDD--Mineral Wool Production.

40 CFR 63.1175 through 40 CFR 63.1199

(cupolas and curing ovens at mineral wool manufacturing facilities)

Subpart EEE--Hazardous Waste Combustors.

40 CFR 63.1200 through 40 CFR ~~63.1213~~ 63.1221

(hazardous waste combustors)

Subpart FFF--Reserved.

Subpart GGG--Pharmaceutical Production.

40 CFR 63.1250 through 40 CFR 63.1261

(pharmaceutical manufacturing operations)

Subpart HHH--Natural Gas Transmission and Storage Facilities.

40 CFR 63.1270 through 40 CFR 63.1289

(natural gas transmission and storage facilities that transport or store natural gas prior to entering the pipeline to a local distribution company or to a final end user)

Subpart III--Flexible Polyurethane Foam Production.

40 CFR 63.1290 through 40 CFR 63.1309

(flexible polyurethane foam or rebond processes)

Subpart JJJ--Group IV Polymers and Resins.

40 CFR 63.1310 through 40 CFR 63.1335

(facilities which manufacture acrylonitrile butadiene styrene resin, styrene acrylonitrile resin, methyl methacrylate butadiene styrene resin, polystyrene resin, poly(ethylene terephthalate) resin, or nitrile resin)

Subpart KKK--Reserved.

Subpart LLL--Portland Cement Manufacturing.

40 CFR 63.1340 through 40 CFR 63.1359

(kilns; in-line kilns/raw mills; clinker coolers; raw mills; finish mills; raw material dryers; raw material, clinker, or finished product storage bins; conveying system transfer points; bagging systems; bulk loading or unloading systems)

Subpart MMM--Pesticide Active Ingredient Production.

40 CFR 63.1360 through 40 CFR 63.1369

(pesticide active ingredient manufacturing process units, waste management units, heat exchange systems, and cooling towers)

Subpart NNN--Wool Fiberglass Manufacturing.

40 CFR 63.1380 through 40 CFR 63.1399

(glass melting furnaces, rotary spin wool fiberglass manufacturing lines producing bonded wool fiberglass building insulation or bonded heavy-density product)

Subpart OOO--Amino/Phenolic Resins Production.

40 CFR 63.1400 through 40 CFR 63.1419

(unit operations, process vents, storage vessels, equipment subject to leak provisions)

Subpart PPP--Polyether Polyols Production.

40 CFR 63.1420 through 40 CFR 63.1439

(polyether polyol manufacturing process units)

Subpart QQQ--Primary Copper Smelting.

40 CFR 63.1440 through 40 CFR 63.1-1459

(batch copper converters, including copper concentrate dryers, smelting furnaces, slag cleaning vessels, copper converter departments, and the entire group of fugitive emission sources)

Subpart RRR--Secondary Aluminum Production.

40 CFR 63.1500 through 40 CFR 63.1520

(scrap shredders; thermal chip dryers; scrap dryers/delacquering kilns/decoating kilns; group 2, sweat, dross-only furnaces; rotary dross coolers; processing units)

Subpart SSS--Reserved.

Subpart TTT--Primary Lead Smelting.

40 CFR 63.1541 through 40 CFR 63.1550

(sinter machines, blast furnaces, dross furnaces, process fugitive sources, fugitive dust sources)

Subpart UUU--Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.

40 CFR 63.1560 through 40 CFR 63.1579

(petroleum refineries that produce transportation and heating fuels or lubricants, separate petroleum, or separate, crack, react, or reform an intermediate petroleum stream, or recover byproducts from an intermediate petroleum stream)

Subpart VVV--Publicly Owned Treatment Works.

40 CFR 63.1580 through 40 CFR 63.1595

(intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment)

Subpart WWW--Reserved.

Subpart XXX--Ferroalloys Production: Ferromanganese and Silicomanganese.

40 CFR 63.1620 through 40 CFR 63.1679

(submerged arc furnaces, metal oxygen refining processes, crushing and screening operations, fugitive dust sources)

Subpart YYY--Reserved.

Subpart ZZZ--Reserved.

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Subpart AAAA--Municipal Solid Waste Landfills.

40 CFR 63.1930 through 40 CFR 63.1990
(municipal solid waste landfills that have accepted waste since November 8, 1987, or have additional capacity for waste deposition)

Subpart BBBB--Reserved.

Subpart CCCC--Manufacturing of Nutritional Yeast.

40 CFR 63.2130 through 40 CFR 63.2192
(fermentation vessels)

Subpart DDDD--Plywood and Composite Wood Products.

40 CFR 63.2230 through 40 CFR 63.2292
(manufacture of plywood and composite wood products by bonding wood material or agricultural fiber with resin under heat and pressure to form a structural panel or engineered wood product)

Subpart EEEE--Organic Liquids Distribution (Nongasoline).

40 CFR 63.2330 through 40 CFR 63.2406
(transfer of noncrude oil liquids or liquid mixtures that contain organic hazardous air pollutants, or crude oils downstream of the first point of custody, via storage tanks, transfer racks, equipment leak components associated with pipelines, and transport vehicles)

Subpart FFFF--Miscellaneous Organic Chemical Manufacturing.

40 CFR 63.2430 through 40 CFR 63.2550
(reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment that are used to produce a product or isolated intermediate)

Subpart GGGG--Solvent Extraction for Vegetable Oil Production.

40 CFR 63.2830 through 40 CFR 63.2872
(vegetable oil production processes)

Subpart HHHH--Wet-formed Fiberglass Mat Production.

40 CFR 63.2980 through 63.3079
(wet-formed fiberglass mat drying and curing ovens)

Subpart IIII--Surface Coating of Automobiles and Light-Duty Trucks.

40 CFR 63.3080 through 40 CFR 63.3176.
(application of topcoat to new automobile or new light-duty truck bodies or body parts)

Subpart JJJJ--Paper and Other Web Coating.

40 CFR 63.3280 through 40 CFR 63.3420
(web coating lines engaged in the coating of metal webs used in flexible packaging and in the coating of fabric substrates for use in pressure-sensitive tape and abrasive materials)

Subpart KKKK--Surface Coating of Metal Cans.

40 CFR 63.3480 through 40 CFR 63.3561
(application of coatings to a substrate using spray guns or dip tanks, including one- and two-piece draw and iron can body coating; sheetcoating; three-piece can body assembly coating; and end coating)

Subpart LLLL--Reserved.

Subpart MMMM--Surface Coating of Miscellaneous Metal Parts and Products.

40 CFR 63.3880 through 40 CFR 63.3981
(application of coatings to industrial, household, and consumer products)

Subpart NNNN--Surface Coating of Large Appliances.

40 CFR 63.4080 through 40 CFR 63.4181
(surface coating of a large appliance part or product, including cooking equipment; refrigerators, freezers, and refrigerated cabinets and cases; laundry equipment; dishwashers, trash compactors, and water heaters; and HVAC units, air-conditioning, air-conditioning and heating combination units, comfort furnaces, and electric heat pumps)

Subpart OOOO--Printing, Coating, and Dyeing of Fabrics and Other Textiles.

40 CFR 63.4280 through 40 CFR 63.4371
(printing, coating, slashing, dyeing, or finishing of fabric and other textiles)

Subpart PPPP--Surface Coating of Plastic Parts and Products.

40 CFR 63.4480 through 40 CFR 63.4581
(application of coating to a substrate using spray guns or dip tanks, including motor vehicle parts and accessories for automobiles, trucks, recreational vehicles; sporting and recreational goods; toys; business machines; laboratory and medical equipment; and household and other consumer products)

Subpart QQQQ--Surface Coating of Wood Building Products.

40 CFR 63.4680 through 40 CFR 63.4781
(finishing or laminating of wood building products used in the construction of a residential, commercial, or institutional building)

Subpart RRRR--Surface Coating of Metal Furniture.

40 CFR 63.4880 through 40 CFR 63.4981
(application of coatings to substrate using spray guns and dip tanks)

Subpart SSSS--Surface Coating of Metal Coil.

40 CFR 63.5080 through 40 CFR 63.5209

(organic coating to surface of metal coil, including web unwind or feed sections, work stations, curing ovens, wet sections, and quench stations)

Subpart TTTT--Leather Finishing Operations.

40 CFR 63.5280 through 40 CFR 63.5460

(multistage application of finishing materials to adjust and improve the physical and aesthetic characteristics of leather surfaces)

Subpart UUUU--Cellulose Products Manufacturing.

40 CFR 63.5480 through 40 CFR 63.5610

(cellulose food casing, rayon, cellulosic sponge, cellophane manufacturing, methyl cellulose, hydroxypropyl methyl cellulose, hydroxypropyl cellulose, hydroxyethyl cellulose, and carboxymethyl cellulose manufacturing industries)

Subpart VVVV--Boat Manufacturing.

40 CFR 63.5680 through 40 CFR 63.5779

(resin and gel coat operations, carpet and fabric adhesive operations, aluminum recreational boat surface coating operations)

Subpart WWW--Reinforced Plastic Composites Production.

40 CFR 63.5780 through 40 CFR 63.5935

(reinforced or nonreinforced plastic composites or plastic molding compounds using thermostat resins and gel coats that contain styrene)

Subpart XXXX--Rubber Tire Manufacturing.

40 CFR 63.5980 through 63.6015

(production of rubber tires and components including rubber compounds, sidewalls, tread, tire beads, tire cord and liners)

Subpart YYYYY--Stationary Combustion Turbines.

40 CFR 63.6080 through 40 CFR 63.6175

(simple cycle, regenerative/recuperative cycle, cogeneration cycle, and combined cycle stationary combustion turbines)

Subpart ZZZZ--Stationary Reciprocating Internal Combustion Engines.

40 CFR 63.6580 through 40 CFR 63.6675.

(any stationary internal combustion engine that uses reciprocating motion to convert heat energy into mechanical work)

Subpart AAAAA--Lime Manufacturing Plants.

40 CFR 63.7080 through 40 CFR 63.7143.

(manufacture of lime product, including calcium oxide, calcium oxide with magnesium oxide, or dead burned dolomite, by calcination of limestone, dolomite, shells or other calcareous substances)

Subpart BBBB--Semiconductor Manufacturing.

40 CFR 63.7180 through 63.7195

(semiconductor manufacturing process units used to manufacture p-type and n-type semiconductors and active solid-state devices from a wafer substrate)

Subpart CCCC--Coke Ovens: Pushing, Quenching, and Battery Stacks.

40 CFR 63.7280 through 40 CFR 63.7352

(pushing, soaking, quenching, and battery stacks at coke oven batteries)

Subpart DDDD-- Industrial, Commercial, and Institutional Boilers and Process Heaters.

40 CFR 63.7480 through 40 CFR 63.7575

(boilers that consist of an enclosed device using controlled flame combustion and having the primary purpose of recovering thermal energy in the form of steam or hot water; process heaters that consist of an enclosed device using controlled flame, that is not a boiler, whose primary purpose is to transfer heat indirectly to a process material or to a heat transfer material for use in a process unit, instead of generating steam)

Subpart EEEE--Iron and Steel Foundries.

40 CFR 63.7680 through 40 CFR 63.7765

(metal melting furnaces, scrap preheaters, pouring areas, pouring stations, automated conveyor and pallet cooling lines, automated shakeout lines, and mold and core making lines)

Subpart FFFF--Integrated Iron and Steel Manufacturing.

40 CFR 63.7780 through 40 CFR 63.7852

(each sinter plant, blast furnace, and basic oxygen process furnace at an integrated iron and steel manufacturing facility)

Subpart GGGG--Site Remediation.

40 CFR 63.7880 through 40 CFR 63.7957

(activities or processes used to remove, destroy, degrade, transform, immobilize, or otherwise manage remediation material)

Subpart HHHH--Miscellaneous Coating Manufacturing.

40 CFR 63.7980 through 40 CFR 63.8105

(process vessels; storage tanks for feedstocks and products; pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, and instrumentation systems; wastewater tanks and transfer racks)

Subpart IIII--Mercury Cell Chlor-Alkali Plants.

40 CFR 63.8180 through 40 CFR 63.8266

(byproduct hydrogen streams, end box ventilation system vents, and fugitive emission sources associated with cell rooms, hydrogen systems, caustic systems, and storage areas for mercury-containing wastes)

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Subpart JJJJ--Brick and Structural Clay Products Manufacturing.

40 CFR 63.8380 through 40 CFR 63.8515
(manufacture of brick, clay pipe, roof tile, extruded floor and wall tile, and other extruded, dimensional clay products)

Subpart KKKKK--Clay Ceramics Manufacturing.

40 CFR 63.8530 through 40 CFR 63.8665
(manufacture of pressed floor tile, pressed wall tile, other pressed tile, or sanitaryware)

Subpart LLLLL--Asphalt Processing and Asphalt Roof Manufacturing.

40 CFR 63.8680 through 40 CFR 63.8698
(preparation of asphalt flux at stand-alone asphalt processing facilities, petroleum refineries, and asphalt roofing facilities)

Subpart MMMMM--Flexible Polyurethane Foam Fabrication Operations.

40 CFR 63.8780 through 40 CFR 63.8830
(flexible polyurethane foam fabrication plants using flame lamination or loop slitter adhesives)

Subpart NNNNN--Hydrochloric Acid Production.

40 CFR 63.8980 through 40 CFR 63.9075
(HCl production facilities that produce a liquid HCl product)

Subpart OOOOO--Reserved.

Subpart PPPPP--Engine Test Cells and Stands.

40 CFR Subpart 63.9280 through 40 CFR 63.9375
(any apparatus used for testing uninstalled stationary or uninstalled mobile (motive) engines)

Subpart QQQQQ--Friction Materials Manufacturing Facilities.

40 CFR 63.9480 through 40 CFR 63.9579
(friction materials manufacturing facilities that use a solvent-based process)

Subpart RRRRR--Taconite Iron Ore Processing.

40 CFR 63.9580 through 40 CFR 63.9652
(ore crushing and handling, ore dryer stacks, indurating furnace stacks, finished pellet handling, and fugitive dust)

Subpart SSSSS--Refractory Products Manufacturing.

40 CFR 63.9780 through 40 CFR 63.9824
(manufacture of refractory products, including refractory bricks and shapes, monolithics, kiln furniture, crucibles, and other materials for liming furnaces and other high temperature process units)

Subpart TTTTT--Primary Magnesium Refining.

40 CFR 63.9880 through 40 CFR 63.9942

(spray dryer, magnesium chloride storage bin scrubber, melt/reactor system, and launder off-gas system stacks)

Subpart UUUUU--Reserved.

Subpart VVVVV--Reserved.

Subpart WWWW--Reserved.

Subpart XXXXX--Reserved.

Subpart YYYYY--Reserved.

Subpart ZZZZZ--Reserved.

Appendix A--Test Methods.

Appendix B--Sources Defined for Early Reduction Provisions.

Appendix C--Determination of the Fraction Biodegraded (F_{bio}) in a Biological Treatment Unit.

Appendix D--Alternative Validation Procedure for EPA Waste and Wastewater Methods.

VA.R. Doc. No. R07-191; Filed March 30, 2007, 10:27 a.m.

Final Regulation

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

Title of Regulation: 9 VAC 5-151. Regulation for Transportation Conformity (adding 9 VAC 5-151-10 through 9 VAC 5-151-70).

Statutory Authority: § 10.1-1308 of the Code of Virginia; § 176 (c) of the federal Clean Air Act.

Effective Date: May 31, 2007.

Agency Contact: Mary E. Major, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4423, FAX (804) 698-4510 or email memajor@deq.virginia.gov.

Summary:

The regulation requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national

ambient air quality standards. In particular, 9 VAC 5-151-70 outlines specifically how the various government agencies, federal, state and local, will interact and consult with each other and the public in developing transportation plans and projects.

**PART I.
GENERAL DEFINITIONS.**

9 VAC 5-151-10. Definitions.

A. For the purpose of this chapter and subsequent amendments or any orders issued by the board, the words or terms shall have the meanings given them in this section.

B. Unless specifically defined in the Virginia Air Pollution Control Law or in this chapter, terms used shall have the meanings given them by the federal Clean Air Act, Titles 23 and 49 of the United States Code, 40 CFR 93.101, other U.S. Environmental Protection Agency regulations, other USDOT regulations, 9 VAC 5-170-20 (definitions, Regulation for General Administration), or commonly ascribed to them by recognized authorities, in that order of priority.

C. Terms defined.

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

"Applicable implementation plan" or "implementation plan" means, as defined in § 302(q) of the federal Clean Air Act, the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under § 110, or promulgated under § 110(c), or promulgated or approved pursuant to regulations promulgated under § 301(d) and which implements the relevant requirements of the federal Clean Air Act.

"Board" means the State Air Pollution Control Board or its designated representative.

"Control strategy implementation plan revision" means the implementation plan that contains specific strategies for controlling the emissions of and reducing ambient levels of pollutants in order to satisfy the federal Clean Air Act requirements for demonstrations of reasonable further progress and attainment (including implementation plan revisions submitted to satisfy §§ 172(c), 182(b)(1), 182(c)(2)(A), 182(c)(2)(B), 187(a)(7), 187(g), 189(a)(1)(B), 189(b)(1)(A), and 189(d); §§ 192(a) and 192(b), for nitrogen dioxide; and any other applicable provision of the federal Clean Air Act requiring a demonstration of reasonable further progress or attainment).

"Criteria pollutant" means any pollutant for which a national ambient air quality standard is established in 40 CFR Part 50.

"DEQ" means any employee or other representative of the Virginia Department of Environmental Quality, as designated by the director.

"DEQ Director" means the director of the Virginia Department of Environmental Quality or a designated representative.

"Donut areas" means geographic areas outside a metropolitan planning area boundary, but inside the boundary of a nonattainment or maintenance area that contains any part of one or more metropolitan areas. These areas are not isolated rural nonattainment and maintenance areas.

"Emergency" means a situation that immediately and unreasonably affects, or has the potential to immediately and unreasonably affect, public health, safety, or welfare; the health of animal or plant life; or property, whether used for recreational, commercial, industrial, agricultural or other reasonable use.

"EPA" means the U.S. Environmental Protection Agency.

"Federal Clean Air Act" means 42 USC § 7401 et seq.

"FHWA" means the Federal Highway Administration of U.S. Department of Transportation (USDOT).

"FHWA/FTA project" means any highway or transit project that is proposed to receive funding assistance and approval through the Federal-Aid Highway Program or the federal mass transit program, or requires FHWA or FTA approval for some aspect of the project, such as connection to an interstate highway or deviation from applicable design standards on the interstate system.

"FTA" means the Federal Transit Administration of USDOT.

"Highway project" means an undertaking to implement or modify a highway facility or highway-related program. Such an undertaking consists of all required phases necessary for implementation. For analytical purposes, it must be defined sufficiently to:

1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
2. Have independent utility or significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

"Isolated rural nonattainment and maintenance areas" means areas that do not contain or are not part of any metropolitan planning area as designated under the transportation planning regulations. Isolated rural areas do not have federally required metropolitan transportation plans or TIPs and do not have projects that are part of the emissions analysis of any MPO's metropolitan transportation plan or TIP. Projects in such areas are instead included in statewide transportation improvements programs. These areas are not donut areas.

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"LPO" or "Lead Planning Organization" means the organization certified by the state as being responsible for the preparation of control strategy implementation plan revisions for nonattainment areas under § 174 of the federal Clean Air Act. The organization includes elected officials of local governments in the affected nonattainment area, and representatives of DEQ, VDOT, the MPO(s) for the affected area, and other agencies and organizations that have responsibilities for developing, submitting or implementing any of the plan revisions. It is the forum for cooperative air quality planning decisionmaking.

"Maintenance area" means any geographic region of the United States previously designated nonattainment under § 107 of the federal Clean Air Act and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan.

"Maintenance plan" means a revision to the applicable implementation plan, meeting the requirements of § 175A of the federal Clean Air Act.

"MPO" or "Metropolitan Planning Organization" means the organization designated as being responsible, together with the state, for conducting the continuing, cooperative, and comprehensive planning process under 23 USC § 134 and 49 USC § 5303. It is the forum for cooperative transportation decision-making.

"NEPA" means the National Environmental Policy Act of 1969 as amended (42 USC § 4321 et seq.)

"NEPA process completion" means, with respect to FHWA or FTA, the point at which there is a specific action to make a determination that a project is categorically excluded, to make a Finding of No Significant Impact, or to issue a record of decision on a Final Environmental Impact Statement under NEPA.

"Nonattainment area" means any geographic region of the United States that has been designated as nonattainment under § 107 of the federal Clean Air Act for any pollutant for which a national ambient air quality standard exists.

"PM₁₀" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by the applicable reference method or an equivalent method.

"Project" means a highway project or transit project.

"Recipient of funds designated under Title 23 USC or the Federal Transit Laws" means any agency at any level of state, county, city, or regional government that routinely receives Title 23 USC or Federal Transit Laws funds to construct FHWA/FTA projects, operate FHWA/FTA projects or equipment, purchase equipment, or undertake other services or operations via contracts or agreements. This definition does not include private landowners or developers, or

contractors or entities that are only paid for services or products created by their own employees.

"Regionally significant project" means a transportation project (other than an exempt project) that is on a facility that serves regional transportation needs (such as access to and from the area outside of the region, major activity centers in the region, major planned developments such as new retail malls, sports complexes, etc., or transportation terminals as well as most terminals themselves) and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative to regional highway travel.

"TCM" or "transportation control measure" means any measure that is specifically identified and committed to in the applicable implementation plan that is either one of the types listed in § 108 of the federal Clean Air Act, or any other measure for the purpose of reducing emissions or concentrations of air pollutants from transportation sources by reducing vehicle use or changing traffic flow or congestion conditions. Notwithstanding the first sentence of this definition, vehicle technology-based, fuel-based, and maintenance-based measures that control the emissions from vehicles under fixed traffic conditions are not TCMs for the purposes of this chapter.

"TIP" or "transportation improvement program" means a staged, multiyear, intermodal program of transportation projects covering a metropolitan planning area that is consistent with the metropolitan transportation plan, and developed pursuant to 23 CFR Part 450.

"Transit" means mass transportation by bus, rail, or other conveyance that provides general or special service to the public on a regular and continuing basis. It does not include school buses or charter or sightseeing services.

"Transit project" means an undertaking to implement or modify a transit facility or transit-related program; purchase transit vehicles or equipment; or provide financial assistance for transit operations. It does not include actions that are solely within the jurisdiction of local transit agencies, such as changes in routes, schedules, or fares. It may consist of several phases. For analytical purposes, it must be defined inclusively enough to:

1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
2. Have independent utility or independent significance, i.e., be a reasonable expenditure even if no additional transportation improvements in the area are made; and
3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

"Transportation plan" means the official intermodal metropolitan transportation plan that is developed through the metropolitan planning process for the metropolitan planning area, developed pursuant to 23 CFR Part 450.

"Transportation project" means a highway project or a transit project.

"USDOT" means the U.S. Department of Transportation.

"VDOT" means the Virginia Department of Transportation.

"VDRPT" means the Virginia Department of Rail and Public Transportation.

"Welfare" means that language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being.

PART II.
GENERAL PROVISIONS.

9 VAC 5-151-20. Applicability.

A. The provisions of this chapter shall apply to the following actions:

1. Except as provided for in subsection C of this section or 40 CFR 93.126, conformity determinations are required for:

a. The adoption, acceptance, approval or support of transportation plans and transportation plan amendments developed pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a MPO or USDOT;

b. The adoption, acceptance, approval or support of TIPs and TIP amendments developed pursuant to 23 CFR Part 450 or 49 CFR Part 613 by a MPO or USDOT; and

c. The approval, funding, or implementation of FHWA/FTA projects.

2. Conformity determinations are not required under this chapter for individual projects that are not FHWA/FTA projects. However, 40 CFR 93.121 applies to the projects if they are regionally significant.

3. This chapter shall apply to conformity determinations for which the final decision is made on or after the program approval date. For purposes of applying this subdivision, the program approval date of the regulation adopted by the board on March 26, 2007, shall be the date 30 days after the date on which a notice is published in the Virginia Register acknowledging that the administrator has approved the regulation adopted by the board on March 26, 2007.

B. The provisions of this chapter shall apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

1. The provisions of this chapter apply with respect to emissions of the following criteria pollutants: ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM₁₀); and particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM_{2.5}).

2. The provisions of this chapter also apply with respect to emissions of the following precursor pollutants:

a. Volatile organic compounds (VOCs) and nitrogen oxides (NO_x) in ozone areas;

b. NO_x in nitrogen dioxide areas;

c. VOCs or NO_x or both, in PM₁₀ areas:

(1) If the EPA Regional Administrator or the DEQ Director has made a finding that transportation-related emissions of one or both of these precursors within the nonattainment area are a significant contributor to the PM₁₀ nonattainment problem and has so notified the MPO and USDOT; or

(2) If the applicable implementation plan (or implementation plan submission) establishes an approved (or adequate) budget for such emissions as part of the reasonable further progress, attainment or maintenance strategy;

d. NO_x in PM_{2.5} areas:

(1) Unless both the EPA Regional Administrator and the DEQ Director have made a finding that transportation-related emissions of NO_x within the nonattainment area are not a significant contributor to the PM_{2.5} nonattainment problem and have so notified the MPO and USDOT, or

(2) The applicable implementation plan (or implementation plan submission) does not establish an approved (or adequate) budget for such emissions as part of the reasonable further progress, attainment or maintenance strategy; and

e. VOC, sulfur oxides (SO_x) and/or ammonia (NH₃) in PM_{2.5} areas either:

(1) If the EPA Regional Administrator or the DEQ Director has made a finding that transportation-related emissions of any of these precursors within the nonattainment area are a significant contributor to the PM_{2.5} nonattainment problem and has so notified the MPO and USDOT, or

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(2) If the applicable implementation plan (or implementation plan submission) establishes an approved (or adequate) budget for such emissions as part of the reasonable further progress, attainment or maintenance strategy.

3. The provisions of this chapter apply to PM_{2.5} nonattainment and maintenance areas with respect to PM_{2.5} from re-entrained road dust if the EPA Regional Administrator or the DEQ Director has made a finding that re-entrained road dust emissions within the area are a significant contributor to the PM_{2.5} nonattainment problem and has so notified the MPO and USDOT, or if the applicable implementation plan (or implementation plan submission) includes re-entrained road dust in the approved (or adequate) budget as part of the reasonable further progress, attainment or maintenance strategy. Re-entrained road dust emissions are produced by travel on paved and unpaved roads (including emissions from anti-skid and deicing materials).

4. The provisions of this chapter apply to maintenance areas for 20 years from the date EPA approves the area's request under § 107(d) of the federal Clean Air Act for redesignation to attainment, unless the applicable implementation plan specifies that the provisions of this chapter shall apply for more than 20 years.

C. In order to receive any FHWA/FTA approved or funding actions, including NEPA approvals, for a project phase subject to this chapter, a currently conforming transportation plan and TIP must be in place at the time of project approval as described in 40 CFR 93.114, except as provided by 40 CFR 93.114(b).

D. For areas or portions of areas that have been continuously designated attainment or not designated for any National Ambient Air Quality Standard for ozone, CO, PM₁₀, PM_{2.5} or NO₂ since 1990 and are subsequently redesignated to nonattainment or designated nonattainment for any National Ambient Air Quality Standard for any of these pollutants, the provisions of this chapter shall not apply with respect to that National Ambient Air Quality Standard for 12 months following the effective date of final designation to nonattainment for each National Ambient Air Quality Standard for such pollutant.

9 VAC 5-151-30. Authority of board and DEQ.

A. No provision of this chapter shall limit the power of the board to take such appropriate action as necessary to control and abate air pollution in emergency situations.

B. In accordance with the Virginia Air Pollution Control Law (§ 10.1-1300 et seq. of the Code of Virginia) and the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and by the adoption of this chapter, the board

confers upon the DEQ the administrative, enforcement and decision making authority enumerated in this chapter.

C. The board reserves the right to exercise its authority in any of the powers delegated in this chapter should it choose to do so.

D. The DEQ Director has final authority to adjudicate contested decisions of subordinates delegated powers by him prior to appeal of the decisions to the circuit court or consideration by the board.

PART III.

CRITERIA AND PROCEDURES FOR MAKING CONFORMITY DETERMINATIONS.

9 VAC 5-151-40. General.

The Environmental Protection Agency (EPA) regulations promulgated at 40 CFR Part 93, Subpart A (Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 USC or the Federal Transit Laws) and designated in 9 VAC 5-151-50 are, unless indicated otherwise in 9 VAC 5-151-61, incorporated by reference into this chapter as amended by the word or phrase substitutions given in 9 VAC 5-151-60. The 40 CFR section numbers appearing in 9 VAC 5-151-50 identify the specific provisions incorporated by reference. The specific version of the provisions incorporated by reference shall be that contained in the CFR (2006) in effect July 1, 2006.

9 VAC 5-151-50. Designated provisions.

Section - Title

40 CFR 93.101 Definitions.

40 CFR 93.102 Applicability.

40 CFR 93.103 Priority.

40 CFR 93.104 Frequency of conformity determinations.

40 CFR 93.106 Content of transportation plans.

40 CFR 93.107 Relationship of transportation plan and TIP conformity with the NEPA process.

40 CFR 93.108 Fiscal constraints for transportation plans and TIPs.

40 CFR 93.109 Criteria and procedures for determining conformity of transportation plans, programs, and projects: General.

40 CFR 93.110 Criteria and procedures: Latest planning assumptions.

40 CFR 93.111 Criteria and procedures: Latest emissions model.

40 CFR 93.112 Criteria and procedures: Consultation.

40 CFR 93.113 Criteria and procedures: Timely implementation of TCMs.

40 CFR 93.114 Criteria and procedures: Currently conforming transportation plan and TIP.

40 CFR 93.115 Criteria and procedures: Projects from a plan and TIP.

40 CFR 93.116 Criteria and procedures: Localized CO, PM₁₀, and PM_{2.5} violations (hot-spots).

40 CFR 93.117 Criteria and procedures: Compliance with PM₁₀ and PM_{2.5} control measures.

40 CFR 93.118 Criteria and procedures: Motor vehicle emissions budget.

40 CFR 93.119 Criteria and procedures: Interim emissions in areas without motor vehicle emissions budgets.

40 CFR 93.120 Consequences of control strategy implementation plan failures.

40 CFR 93.121 Requirements for adoption or approval of projects by other recipients of funds designated under Title 23 USC or the Federal Transit Laws.

40 CFR 93.122 Procedures for determining regional transportation-related emissions.

40 CFR 93.123 Procedures for determining localized CO, PM₁₀, and PM_{2.5} concentrations (hot-spot analysis).

40 CFR 93.124 Using the motor vehicle emissions budget in the applicable implementation plan (or implementation plan submission).

40 CFR 93.125 Enforceability of design concept and scope and project-level mitigation and control measures.

40 CFR 93.126 Exempt projects.

40 CFR 93.127 Projects exempt from regional emissions analyses.

40 CFR 93.128 Traffic signal synchronization projects.

40 CFR 93.129 Special exemptions from conformity requirements for pilot program areas.

9 VAC 5-151-60. Word or phrase substitutions.

In all of the provisions designated in 9 VAC 5-151-50 substitute:

1. DEQ Director for director of the state air quality agency or state air agency.
2. MPO for agency or organization developing the transportation plan.
3. VDOT for state department of transportation.
4. USDOT for DOT.

5. This chapter for this subpart.

6. 9 VAC 5-151-20 B for § 93.102(b).

7. 9 VAC 5-151-20 D for § 93.102(d)

8. 9 VAC 5-151-70 for § 93.105.

9. 9 VAC 5-151-70 D 1 f for § 93.105(c)(1)(vii).

10. 9 VAC 5-151-70 B and F for § 93.105 (a)(2) and (e).

11. 9 VAC 5-151-70 D 1 a for § 93.105(c)(1)(i).

12. 9 VAC 5-151-70 D 1 c for § 93.105(c)(1)(iii).

13. 9 VAC 5-151-70 E for § 93.105(d).

14. 9 VAC 5-151-70 F for § 93.105(e).

9 VAC 5-151-61. Exceptions to the designated provisions incorporated by reference.

A. For purposes of incorporation by reference under 9 VAC 5-151-40, the following provision shall not be included: 40 CFR 93.109(e)(2)(v).

B. For purposes of incorporation by reference under 9 VAC 5-151-40, 40 CFR 93.109(e)(2) is amended to read as follows: "(2) Prior to paragraph (e)(1) of this section applying, the following test(s) must be satisfied:".

9 VAC 5-151-70. Consultation.

A. The MPOs, LPOs, DEQ, VDOT and VDRPT shall undertake the procedures prescribed in this section for interagency consultation, conflict resolution and public consultation with each other and with local or regional offices of EPA, FHWA, and FTA on the development of control strategy implementation plan revisions, the list of TCMs in the applicable implementation plan, the unified planning work program under 23 CFR 450.314, transportation plans, TIPs, and associated conformity determinations required by this chapter.

B. Until EPA grants approval of this chapter, the MPOs, and VDOT and VDRPT, prior to making conformity determinations, shall provide reasonable opportunity for consultation with LPOs, DEQ and EPA on the issues in subdivision D 1 of this section.

C. The provisions of this subsection shall be followed with regard to general factors associated with interagency consultation.

1. Representatives of the MPOs, VDOT, VDRPT, FHWA, and FTA shall undertake an interagency consultation process, in accordance with subdivisions 1 and 3 of this subsection and subsection D of this section, with the LPOs, DEQ and EPA on the development of the unified planning work program under 23 CFR 450.314, transportation plans, TIPs, any revisions to the preceding documents, and associated conformity determinations.

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a. MPOs, or their designee, shall be the lead agencies responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of the unified planning work program under 23 CFR 450.314, the transportation plan, the TIP, and any amendments or revisions thereto. In the case of nonmetropolitan areas, VDOT shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of the statewide transportation plan, the statewide TIP, and any amendments or revisions thereto. The MPOs shall be the lead agencies responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to any determinations of conformity under this chapter for which the MPO is responsible.

b. It shall be the affirmative responsibility of the lead agency to initiate the process by notifying other participants, convene meetings, assure that all relevant documents and information are supplied to all participants in the consultation process in a timely manner, prepare summaries of consultation meetings, maintain a written record of the consultation process, provide final documents and supporting information to each agency after approval or adoption, and to assure the adequacy of the interagency consultation process with respect to the subject document or decision.

c. Regular consultation on major activities (such as the development of a transportation plan, the development of a TIP, or any determination of conformity on transportation plans or TIPs) shall include meetings beginning on a date determined by the lead agency to be adequate to meet the date a final document is required and continuing at frequency mutually determined by the affected agencies. In addition, technical meetings shall be convened as necessary.

d. Each lead agency in the consultation process shall confer with all other agencies identified under subdivision 1 of this subsection with an interest in the document to be developed, provide all information to those agencies needed for meaningful input, solicit early and continuing input from those agencies, and prior to taking any action, consider the views of each agency and respond to those views in a timely, substantive written manner prior to any final decision on the documents. The views and written responses shall be made part of the record of any decision or action.

e. It shall be the responsibility of each agency specified in subdivision 1 of this subsection, when not fulfilling the responsibilities of lead agency, to confer with the lead agency and other participants in the consultation process,

review and comment as appropriate (including comments in writing) on all proposed and final documents and decisions in a timely manner, attend consultation and decision meetings, provide input on any area of substantive expertise or responsibility, and provide technical assistance to the lead agency or to the consultation process when requested.

2. Representatives of the LPOs, DEQ, and EPA shall undertake an interagency consultation process, in accordance with this subdivision and subdivision 3 of this subsection, with MPOs, VDOT, VDRPT, FHWA, and FTA on the development of control strategy implementation plan revisions, the list of TCMs in the applicable implementation plan, and any revisions to the preceding documents.

a. The DEQ, in conjunction with the LPOs, shall be the lead agency responsible for preparing the final document or decision and for assuring the adequacy of the interagency consultation process with respect to the development of control strategy implementation plan revisions, the credits associated with the list of TCMs in the applicable implementation plan, and any amendments or revisions thereto.

b. It shall be the affirmative responsibility of the lead agency to initiate the process by notifying other participants, convene meetings, assure that all relevant documents and information are supplied to all participants in the consultation process in a timely manner, prepare minutes of consultation meetings, maintain a written record of the consultation process, provide final documents and supporting information to each agency after approval or adoption, and to assure the adequacy of the interagency consultation process with respect to the subject document or decision.

c. Regular consultation on the development of any control strategy implementation plan revision shall include meetings beginning on a date determined by the lead agency to be adequate to meet the date a final document is required and continuing at frequency mutually determined by the affected agencies. In addition, technical meetings shall be convened as necessary.

d. Each lead agency in the consultation process shall confer with all other agencies identified under subdivision 1 of this subsection with an interest in the document to be developed, provide all information to those agencies needed for meaningful input, solicit early and continuing input from those agencies, and prior to taking any action, consider the views of each agency and respond to those views in a timely, substantive written manner prior to any final decision on the documents. The views and written responses shall be made part of the record of any decision or action.

e. It shall be the responsibility of each agency specified in subdivision 1 of this subsection, when not fulfilling the responsibilities of lead agency, to confer with the lead agency and other participants in the consultation process, review and comment as appropriate (including comments in writing) on all proposed and final documents and decisions in a timely manner, attend consultation and decision meetings, provide input on any area of substantive expertise or responsibility, and provide technical assistance to the lead agency or to the consultation process when requested.

3. The specific roles and responsibilities of various participants in the interagency consultation process shall be as follows:

a. The MPOs shall be responsible for the following:

(1) Developing metropolitan transportation plans and TIPs in accordance with 23 CFR Part 450 and 49 CFR Part 613 and the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (Public Law No. 109-59).

(2) Adopting conformity determinations in conjunction with the adoption of transportation plans and TIPs and any revisions to the documents.

(3) In cooperation with VDOT, with assistance from VDRPT:

(a) Developing conformity assessments and associated documentation.

(b) Evaluating potential TCM projects and impacts.

(c) (i) Developing or approving transportation and related socio-economic data and planning assumptions, or both, and (ii) providing the data and assumptions for use in air quality analysis for SIP tracking and conformity of transportation plans, TIPs and projects.

(d) Monitoring regionally significant projects.

(e) Providing technical and policy input into the development of emissions budgets.

(f) Assuring the proper completion of transportation modeling, regional emissions analyses and documentation of timely implementation of TCMs needed for conformity assessments.

(g) Involving the DEQ and LPOs continuously in the process.

(h) Consulting with FHWA and FTA on (i) timely action on final findings of conformity, after consultation with other agencies as provided in this section; and (ii) guidance on conformity and the transportation planning process to agencies in interagency consultation.

(i) Consulting with EPA on (i) review and approval of updated motor vehicle emissions factors, emission inventories and budgets; and (ii) guidance on conformity

criteria and procedures to the agencies involved in the interagency consultation process.

b. The VDOT, with assistance from the VDRPT, shall be responsible for the following:

(1) Developing statewide transportation plans and statewide TIPs.

(2) Providing demand forecasting and on-road mobile source emission inventories.

(3) Circulating draft and final project environmental documents to other agencies.

(4) Convening air quality technical review meetings on specific projects as needed or when requested by other agencies.

(5) In cooperation with the MPOs:

(a) Developing conformity assessments and associated documentation.

(b) Evaluating potential TCM projects and impacts.

(c) (i) Developing or approving transportation and related planning assumptions, or both, and (ii) providing the data and assumptions for use in air quality analysis for SIP tracking and conformity of transportation plans, TIPs and projects.

(d) Monitoring regionally significant projects.

(e) Providing technical and policy input into the development of emissions budgets.

(f) Assuring the proper completion of transportation modeling, regional emissions analyses and documentation of timely implementation of TCMs need for conformity assessments.

(g) Involving the DEQ and LPOs continuously in the process.

(h) Consulting with FHWA and FTA on (i) timely action on final findings of conformity, after consultation with other agencies as provided in this section; and (ii) guidance on conformity and the transportation planning process to agencies in interagency consultation.

(i) Consulting with EPA on (i) review and approval of updated motor vehicle emissions factors, emission inventories and budgets; and (ii) guidance on conformity criteria and procedures to the agencies involved in the interagency consultation process.

c. The LPOs shall be responsible for the following:

(1) Developing emissions inventories and budgets.

(2) Developing control strategy implementation plan revisions and maintenance plans.

(3) Providing a staff liaison to the MPOs for conformity and to be responsive to MPO requests for information and technical guidance.

Regulations

(4) Involving the MPOs, VDOT AND VDRPT continuously in the process.

d. The DEQ shall be responsible for the following:

(1) Developing emissions inventories and budgets.

(2) Tracking attainment of air quality standards, and emission factor model updates.

(3) Gaining final approval at state level for control strategy implementation plan revisions and maintenance plans.

(4) Providing a staff liaison to the LPOs for conformity and to be responsive to LPO requests for information and technical guidance.

(5) Involving the LPOs continuously in the process.

e. The FHWA and FTA shall be responsible for the following:

(1) Assuring timely action on final findings of conformity, after consultation with other agencies as provided in this section.

(2) Providing guidance on conformity and the transportation planning process to agencies in interagency consultation.

f. The EPA shall be responsible for the following:

(1) Reviewing and approving updated motor vehicle emissions factors.

(2) Providing guidance on conformity criteria and procedures to agencies in interagency consultation.

(3) Assuring timely action on conformity analysis and findings and SIP revisions.

4. The MPOs, LPOs, DEQ, VDOT and VDRPT may enter into agreements to set forth specific consultation procedures in more detail that are not in conflict with this section.

D. The provisions of this subsection shall be followed with regard to specific processes associated with interagency consultation.

1. An interagency consultation process involving the MPOs, LPOs, DEQ, VDOT, VDRPT, EPA, FHWA, and FTA shall be undertaken for the following:

a. Evaluating and choosing each model (or models) and associated methods and assumptions to be used in hot-spot analyses and regional emission analyses, including vehicle miles traveled (VMT) forecasting, to be initiated by VDOT, in consultation with the MPOs, and conducted in accordance with subdivisions C 1 and 3 of this section.

b. Determining which transportation projects should be considered "regionally significant" for the purpose of

regional emission analysis (in addition to those functionally classified as principal arterial or higher; or fixed guideway systems or extensions that offer an alternative to regional highway travel), and which projects should be considered to have a significant change in design concept and scope from the transportation plan or TIP, to be initiated by VDOT, in consultation with the MPOs, and conducted in accordance with subdivisions C 1 and 3 of this section.

c. Evaluating whether projects otherwise exempted from meeting the requirements of 40 CFR 93.126 and 40 CFR 93.127 should be treated as nonexempt in cases where potential adverse emissions impacts may exist for any reason, to be initiated by VDOT, in consultation with the MPOs, and conducted in accordance with subdivisions C 1 and 3 of this section.

d. Making a determination, as required by 40 CFR 93.113(c)(1), whether past obstacles to implementation of TCMs that are behind the schedule established in the applicable implementation plan have been identified and are being overcome, and whether state and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding for TCMs, to be initiated by VDOT as lead agency, in consultation with the MPOs and VDRPT, and conducted in accordance with subdivisions C 1 and 3 of this section. This consultation process shall also consider whether delays in TCM implementation necessitate revisions to the applicable implementation plan to remove TCMs or substitute TCMs or other emission reduction measures.

e. Notifying all parties to the consultation process of transportation plan or TIP revisions or amendments that merely add or delete exempt projects listed in 40 CFR 93.126 or 40 CFR 93.127, to be initiated by VDOT in consultation with the MPOs, and conducted in accordance with subdivisions C 1 and 3 of this section.

f. Choosing conformity tests and methodologies for isolated rural nonattainment and maintenance areas, as required by 40 CFR 93.109(l)(2)(iii), to be initiated by VDOT, in consultation with the MPOs, and in accordance with subdivisions C 1 and 3 of this section.

g. Determining what forecast of vehicle miles traveled (VMT) to use in establishing or tracking emissions budgets, developing transportation plans, TIPs, or control strategy implementation plan revisions, or making conformity determinations, to be initiated by VDOT, in consultation with the MPOs, and in accordance with subdivisions C 1 and 3 of this section.

2. An interagency consultation process in accordance with subsection C of this section involving the MPOs, LPOs,

DEQ, VDOT, and VDRPT shall be undertaken for the following:

a. Evaluating events that may trigger new conformity determinations in addition to those triggering events established by 40 CFR 93.104, to be initiated by VDOT, in consultation with the MPOs and DEQ, and conducted in accordance with subdivisions C 1 and 3 of this section.

b. Consulting on emissions analysis for transportation activities that cross the borders of MPOs or nonattainment areas, to be initiated by VDOT in consultation with the MPOs, and conducted in accordance with subdivisions C 1 and 3 of this section.

3. Where the metropolitan planning area does not include the entire nonattainment or maintenance area, an interagency consultation process in accordance with subdivisions C 1 and 3 of this section involving the MPOs and VDOT shall be undertaken for cooperative planning and analysis for purposes of determining conformity of all projects outside the metropolitan area and within the nonattainment or maintenance area, to be initiated by VDOT, in consultation with the MPOs, and in accordance with subdivisions C 1 and 3 of this section.

4. To assure that plans for construction of regionally significant projects that are not FHWA or FTA projects (including projects for which alternative locations, design concept and scope, or the no-build option are still being considered), including all those by recipients of funds designated under Title 23 USC or the Federal Transit Act, are disclosed to the MPO on a regular basis, and to assure that any changes to those plans are immediately disclosed, an interagency consultation process shall be undertaken, to be initiated by the MPO, in consultation with VDOT, and conducted in accordance with subdivisions C 1 and 3 of this section involving the MPO, VDOT, VDRPT, and recipients of funds designated under Title 23 USC or the Federal Transit Act.

5. An interagency consultation process in accordance with subsections C 1 and 3 of this section involving the MPOs and other recipients of funds designated under Title 23 USC or the Federal Transit Act shall be undertaken for developing assumptions regarding the location and design concept and scope of projects that are disclosed to the MPO as required by subdivision 4 of this subsection but whose sponsors have not yet decided these features in sufficient detail to perform the regional emissions analysis according to the requirements of 40 CFR 93.122, to be initiated by the MPO, in consultation with VDOT, and conducted in accordance with subdivisions C 1 and 3 of this section.

6. An interagency consultation process in accordance with subdivisions C 1 and 3 of this section shall be undertaken for the design, schedule, and funding of research and data collection efforts and model developments in regional

transportation (such as household or travel transportation surveys) to be initiated by the MPO, in consultation with VDOT, and conducted in accordance with subdivisions C 1 and 3 of this section.

E. The provisions of this subsection shall be followed with regard to conflict resolution associated with interagency consultation.

1. Unresolved conflicts among state agencies, or between state agencies and the MPO(s), or among MPO member jurisdictions, shall be identified by an MPO or agency in writing to the other MPO, DEQ, VDOT, or VDRPT, with copies to FHWA, FTA and EPA. The MPO's or agency's written notice shall:

a. Explain the nature of the conflict;

b. Review options for resolving the conflict;

c. Describe the MPO's or agency's proposal to resolve the conflict;

d. Explain the consequences of not reaching a resolution; and

e. Request that comments on the matter be received within two weeks.

2. If the above action does not result in a resolution to the conflict, either of the following shall apply:

a. If the conflict is between the MPOs or between the MPO(s) and VDOT or VDRPT or both, then the parties shall follow the coordination procedures of 23 CFR 450.210.

b. If the conflict is between the MPO(s) or VDOT or VDRPT and the DEQ and the conflict can not be resolved by the affected agency heads, then the DEQ Director may elevate the conflict to the Governor in accordance with the procedures of subdivision 3 of this section. If the DEQ Director does not appeal to the Governor within 14 days as provided in subdivision 3 a of this subsection, the MPO or VDOT or VDRPT may proceed with its final conformity determination.

3. Appeals to the Governor by the DEQ Director under the provisions of subdivision 2 b of this subsection shall be in accordance with the following procedures:

a. The DEQ Director has 14 calendar days to appeal to the Governor after the MPO(s) or VDOT or VDRPT has notified the DEQ Director of the agency's or MPO's resolution of DEQ's comments. The notification to the DEQ Director shall be in writing and shall be hand-delivered. The 14-day clock shall commence when VDOT or VDRPT or the MPO has confirmed receipt by the DEQ Director of the agency's or MPO's resolution of the DEQ's comments.

Regulations

b. The appeal to the Governor shall consist of the following: the conformity determination and any supporting documentation; DEQ's comments on the determination; the MPO(s) or VDOT or VDRPT resolution of DEQ's comments; and DEQ's appeal document.

c. The DEQ shall provide a complete appeal package to the MPO, VDOT and VDRPT within 24 hours of the time the appeal is filed with the Governor's Office.

d. If the Governor does not concur with the conformity determination, he may direct revision of the applicable implementation plan, revision of the planned program of projects, revision of the conformity analysis or any combination of the preceding.

e. If the Governor concurs with the conformity determination made by the MPO and VDOT, the MPO and VDOT may proceed with the final conformity determination.

f. The Governor may delegate his role in this process, but not to the agency head or staff of DEQ, VDOT or VDRPT or the Commonwealth Board of Transportation.

4. Nothing in this section shall prevent the state agencies and MPOs from making efforts upon their own initiative to obtain mutual conflict resolution through conference or other appropriate means.

F. The provisions of this subsection shall be followed with regard to public consultation.

1. The MPOs shall establish a proactive involvement process that provides reasonable opportunity for review and comment by, at a minimum, providing reasonable public access to technical and policy information considered by the MPO at the beginning of the public comment period and prior to taking formal action on a conformity determination for all transportation plans and TIPs, consistent with the requirements of 23 CFR 450.316(b).

2. The MPOs shall specifically address in writing public comments regarding plans for a regionally significant project, not receiving FHWA or FTA funding or approval, and how the project is properly reflected in the emission analysis supporting a proposed conformity finding for a transportation plan or TIP.

3. The MPOs shall also provide an opportunity for public involvement in conformity determinations for projects where otherwise required by law.

VA.R. Doc. No. R07-190; Filed March 30, 2007, 10:27 a.m.

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Final Regulation

Title of Regulation: 14 VAC 5-200. Rules Governing Long-Term Care Insurance (amending 14 VAC 5-200-30 through 14 VAC 5-200-60, 14 VAC 5-200-70 through 14 VAC 5-200-90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-153, 14 VAC 5-200-170, 14 VAC 5-200-175, 14 VAC 5-200-185, 14 VAC 5-200-187, and 14 VAC 5-200-200; adding 14 VAC 5-200-181, 14 VAC 5-200-183, 14 VAC 5-200-201, and 14 VAC 5-200-205; repealing 14 VAC 5-200-20).

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

Effective Date: September 1, 2007.

Agency Contact: Jacqueline K. Cunningham, Deputy Director, Life and Health Division, Bureau of Insurance, State Corporation Commission, P.O. Box 1157, Richmond, VA 23218, telephone (804) 371-9074, FAX (804) 371-9944, tollfree 1-800-552-7945 or email marie.cox@scc.virginia.gov.

Summary:

The amendments provide for the establishment of a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies and conform the regulations to the provisions of the National Association of Insurance Commissioners model act and model regulation relating to long-term care partnerships.

The proposed regulation was amended at 14 VAC 5-200-205 to change the reference to the Department of Medical Assistance Services (DMAS) State Plan Amendment to the corresponding DMAS regulation; clarify language regarding inflation protection requirements; change the requirement to include the term "partnership policy" on the face of the policy to a requirement that a prospective applicant for a partnership policy be provided a Partnership Program Notice, and a purchaser of a partnership policy be provided a Partnership Disclosure Notice to be made a part of the policy; add a requirement for insurers to complete a Partnership Certification for each policy form requested for qualification as a partnership policy; clarify the requirements for agent training; and eliminate the requirement that an agent must sign a statement on each partnership application that the

agent has received the necessary training. New forms to coincide with these modifications are also added.

AT RICHMOND, APRIL 5, 2007

COMMONWEALTH OF VIRGINIA

At the relation of the

STATE CORPORATION COMMISSION

Ex Parte: In the matter of CASE NO. INS-2006-00303
 Adopting Revisions to the
 Rules Governing Long-Term
 Care Insurance

ORDER ADOPTING REVISIONS TO RULES

By order entered herein December 1, 2006, all interested persons were ordered to take notice that subsequent to February 1, 2007, the Commission would consider the entry of an order adopting revisions proposed by the Bureau of Insurance ("Bureau") to the Commission's Rules Governing Long-Term Care Insurance ("Rules"), set forth in Chapter 200 of Title 14 of the Virginia Administrative Code, unless on or before February 1, 2007, any person objecting to the adoption of the proposed revisions filed a request for hearing with the Clerk of the Commission ("Clerk").

The Order to Take Notice also required all interested persons to file their comments in support of or in opposition to the proposed revisions on or before February 1, 2007. No comments were filed with the Clerk.

In accordance with the Order to Take Notice, the Bureau held a meeting on January 10, 2007 for all interested parties to address questions about the Rules to the Bureau. Several interested parties participated in that meeting, and many of the comments received have been incorporated in the modifications to the proposed Rules.

The proposed revisions and modifications to the Rules are necessary as a result of the passage of the Deficit Reduction Act of 2005 (Pub.L. 109-171), which allows states to implement "Long-term Care Partnerships" in order to make the purchase of long-term care insurance more attractive to consumers, and the requirements of Code of Virginia § 32.1-325, as amended in 2006, providing for the establishment of a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies. In accordance with these federal and State requirements, these Rules must also be in conformity to the National Association of Insurance Commissioners model act and model regulation on the same subject. These Rules are amended to achieve those goals.

The Bureau recommends that the proposed rules be modified at 14 VAC 5-200-30, to change the effective date of the Rules from May 1, 2007 to September 1, 2007 to allow insurers and agents more time to comply with partnership training

requirements. In addition, 14 VAC 5-200-205 is recommended to be modified to change the reference to the Department of Medical Assistance Services (DMAS) State Plan Amendment to the corresponding DMAS regulation; clarify language regarding inflation protection requirements; change the requirement to include the term "partnership policy" on the face of the policy to a requirement that a prospective applicant for a partnership policy be provided a Partnership Program Notice, and a purchaser of a partnership policy be provided a Partnership Disclosure Notice to be made a part of the policy; add a requirement for insurers to complete a Partnership Certification for each policy form requested for qualification as a partnership policy; clarify the requirements for agent training; and eliminate the requirement that an agent must sign a statement on each partnership application that the agent has received the necessary training. Further, new forms to coincide with these modifications have been developed. There are a few minor editorial revisions recommended by the Registrar as well.

THE COMMISSION, having considered the proposed amendments and the modifications presented and recommended by the Bureau, is of the opinion that the attached revisions, amendments and modifications to the Rules should be adopted as final.

THEREFORE IT IS ORDERED THAT:

(1) The proposed revisions to the "Rules Governing Long-Term Care Insurance," which amend the Rules at 14 VAC 5-200-30 through 14 VAC 5-200-60, 14 VAC 5-200-70 through 14 VAC 5-200-90, 14 VAC 5-200-110, 14 VAC 5-200-120, 14 VAC 5-200-153, 14 VAC 5-200-170, 14 VAC 5-200-175, 14 VAC 5-200-185, 14 VAC 5-200-187, and 14 VAC 5-200-200; repeal 14 VAC 5-200-20; add new proposed Rules at 14 VAC 5-200-181, 14 VAC 5-200-183, 14 VAC 5-200-201 and 14 VAC 5-200-205; amend Forms C and F; add new proposed forms E and G; and add new forms 200-A, 200-B and 200-C, which are attached hereto and made a part hereof, should be, and they are hereby, ADOPTED to be effective September 1, 2007.

(2) AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to Jacqueline K. Cunningham, Deputy Commissioner, Bureau of Insurance, State Corporation Commission who forthwith shall give further notice of the adoption of the revisions to the rules by mailing a copy of this Order, including a clean copy of the attached final revised rules, to all insurers licensed by the Commission to write accident and sickness insurance in the Commonwealth of Virginia, including all fraternal benefit societies, health maintenance organizations, and health services plans licensed in Virginia, as well as all interested parties.

(3) The Commission's Division of Information Resources forthwith shall cause a copy of this Order, including a copy of the attached revised rules, to be forwarded to the Virginia Registrar of Regulations for appropriate publication in the

Regulations

Virginia Register of Regulations and shall make this Order and the attached revisions to the Rules available on the Commission's website, <http://www.scc.virginia.gov/caseinfo.htm>.

(4) The Bureau of Insurance shall file with the Clerk of the Commission an affidavit of compliance with the notice requirements in paragraph (2) of this Order.

14 VAC 5-200-20. ~~Contracts effective prior to April 1, 2003. (Repealed.)~~

~~Except as otherwise specifically provided, each long term care insurance policy delivered or issued for delivery in this Commonwealth prior to April 1, 2003, shall be subject to this chapter as it existed at the time the policy was delivered or issued for delivery.~~

14 VAC 5-200-30. Applicability and scope.

Except as otherwise specifically provided, this chapter applies to all long-term care Insurance policies delivered or issued for delivery in this Commonwealth, on or after ~~April 1, 2003~~ [May September] 1, 2007, by insurers, fraternal benefit societies, health services plans, health maintenance organizations, cooperative nonprofit life benefit companies or mutual assessment life, accident and sickness insurers.

14 VAC 5-200-40. Definitions.

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

"Applicant" means in the case of an individual long-term care insurance policy, the person who seeks to contract for such benefits, or in the case of a group long-term care insurance policy, the proposed certificateholder.

"Certificate" means any certificate or evidence of coverage issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this Commonwealth.

"Commission" means the Virginia State Corporation Commission.

"Exceptional increase" means only those increases filed by an insurer and identified as exceptional for which the commission determines the need for the premium rate increase is justified (i) due to changes in laws or regulations applicable to long-term care coverage in this Commonwealth, or (ii) due to increased and unexpected utilization that affects the majority of insurers of similar products. Except as provided in 14 VAC 5-200-153, exceptional increases are subject to the same requirements as other premium rate schedule increases. The commission, in determining that the necessary basis for an exceptional increase exists, shall also determine any potential offsets to higher claims costs.

"Expected loss ratio" means the ratio of the present value of future benefits to the present value of future premiums over the entire period of the contract.

"Group long-term care insurance" means a long-term care insurance policy which complies with § 38.2-3521.1 or § 38.2-3522.1 of the Code of Virginia delivered or issued for delivery in this Commonwealth.

"Incidental," as used in 14 VAC 5-200-153 J, means that the value of the long-term care benefits provided is less than 10% of the total value of the benefits provided over the life of the policy. These values shall be measured as of the date of issue.

"Insurer" means any insurance company, health services plan, fraternal benefit society, health maintenance organization, cooperative nonprofit life benefit company, or mutual assessment life, accident and sickness insurer.

"Long-term care insurance" means any insurance policy or rider primarily advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid, or other basis, for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, personal care, mental health or substance abuse services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance issued by insurers. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset-protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage. With regard to life insurance, this term does not include life insurance policies which accelerate the death benefit specifically for one or more of the qualifying events of terminal illness, medical conditions requiring extraordinary medical intervention, or permanent institutional confinement, and which provide the option of a lump-sum payment for those benefits and in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care. Notwithstanding any other provision contained herein, any product advertised, marketed or offered as long-term care insurance shall be subject to the provisions of this chapter. Health maintenance organizations, cooperative nonprofit life benefit companies and mutual assessment life, accident and sickness insurers shall apply to the commission for approval to provide long-term care insurance prior to issuing this type of coverage.

"Policy" means any individual or group policy of insurance, contract, subscriber agreement, certificate, rider or endorsement delivered or issued for delivery in this Commonwealth by an insurer.

"Qualified actuary" means a member in good standing of the American Academy of Actuaries.

"Qualified long-term care insurance contract" or "federally tax-qualified long-term care insurance contract" means:

1. An individual or group insurance contract that meets the requirements of § 7702B(b) of the Internal Revenue Code of 1986 (26 USC § 7702B(b)), as follows:

a. The only insurance protection provided under the contract is coverage of qualified long-term care services. A contract shall not fail to satisfy the requirements of this subdivision by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

b. The contract does not pay or reimburse expenses incurred for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act (42 USC § 1395 et seq.), or would be so reimbursable but for the application of a deductible or coinsurance amount. The requirements of this subdivision do not apply to expenses that are reimbursable under Title XVIII of the Social Security Act only as a secondary payor. A contract shall not fail to satisfy the requirements of the subdivision by reason of payments being made on a per diem or other periodic basis without regard to the expenses incurred during the period to which the payments relate;

c. The contract is guaranteed renewable within the meaning of § 7702B (b)(1)(C) of the Internal Revenue Code of 1986;

d. The contract does not provide for a cash surrender value or other money that can be paid, assigned, pledged as collateral for a loan, or borrowed except as provided in subdivision 1 e of this definition.

e. All refunds of premiums and all policyholder dividends or similar amounts under the contract are to be applied as a reduction in future premiums or to increase future benefits, except that a refund on the event of death of the insured or a complete surrender [~~of~~ or] cancellation of the contract cannot exceed the aggregate premiums paid under the contract; and

f. The contract meets the consumer protection provisions set forth in § 7702B(g) of the Internal Revenue Code of 1986 and this chapter; or

2. The portion of a life insurance contract that provides long-term care insurance coverage by rider or as part of the

contract that satisfies the requirements of § 7702B(b) and (e) of the Internal Revenue Code of 1986.

"Similar policy forms" means all of the long-term care insurance policies and certificates issued by an insurer in the same long-term care benefit classification as the policy form being considered. Certificates of groups as set forth in subsections A and C of § 38.2-3521.1 of the Code of Virginia are not considered similar to certificates or policies otherwise issued as long-term care insurance, but are similar to other comparable certificates with the same long-term care benefit classifications. For purposes of determining similar policy forms, long-term care benefit classifications are defined as follows: institutional long-term care benefits only, noninstitutional long-term care benefits only, or comprehensive long-term care benefits.

14 VAC 5-200-50. Policy definitions.

No long-term care insurance policy delivered or issued for delivery in this Commonwealth shall use the terms set forth below, unless the terms are defined in the policy and the definitions satisfy the following requirements:

"Activities of daily living" means at least bathing, continence, dressing, eating, toileting and transferring.

"Acute condition" means that the individual is medically unstable. Such an individual requires frequent monitoring by medical professionals, such as physicians and registered nurses, in order to maintain his or her health status.

"Adult day care" means a program for six or more individuals, of social and health-related services provided during the day in a community group setting for the purpose of supporting frail, impaired elderly or other disabled adults who can benefit from care in a group setting outside the home.

"Bathing" means washing oneself by sponge bath, or in either a tub or shower, include

ing the task of getting into or out of the tub or shower.

"Cognitive impairment" means a deficiency in a person's short- or long-term memory, orientation as to person, place and time, deductive or abstract reasoning, or judgment as it relates to safety awareness.

"Continence" means the ability to maintain control of bowel and bladder function; or, when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene (including caring for catheter or colostomy bag).

"Dressing" means putting on and taking off all items of clothing and any necessary braces, fasteners or artificial limbs.

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"Eating" means feeding oneself by getting food into the body from a receptacle (such as a plate, cup or table) or by a feeding tube or intravenously.

"Hands-on assistance" means physical assistance (minimal, moderate or maximal) without which the individual would not be able to perform the activity of daily living.

"Home health care services" means medical and nonmedical services provided to ill, disabled or infirm persons in their residences. Such services may include homemaker services, assistance with activities of daily living and respite care services.

"Medicaid" means the program administered in accordance with Title 32.1 of the Code of Virginia.

"Medicare" means "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965" (42 USC §1395 et seq.), or "Title 1, Part I of Public Law 89-97, as enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act" (Public Law 89-97 79 Stat. 286 July 30, 1965), or words of similar import.

"Mental or nervous disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder.

"Personal care" means the provision of hands-on services to assist an individual with activities of daily living.

"Skilled nursing care," ~~"intermediate care,"~~ "personal care," "home health care," ~~"specialized care,"~~ "assisted living care" and other services shall be defined in relation to the level of skill required, the nature of the care and the setting in which care must be delivered.

"Toileting" means getting to and from the toilet, getting on and off the toilet, and performing associated personal hygiene.

"Transferring" means moving into or out of a bed, chair or wheelchair.

All providers of services, including but not limited to "skilled nursing facility," "extended care facility," ~~"intermediate care facility,"~~ "convalescent nursing home," "personal care facility," ~~"home for adults,"~~ "specialized care providers," "assisted living facility," and "home health care agency," shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. ~~The definition may require that the provider be appropriately licensed or certified.~~ When the definition requires that the provider be appropriately licensed, certified or registered, it shall also state what requirements a provider must meet in lieu of licensure, certification or registration when the state in which the service is to be furnished does not require a provider of these services to be licensed, certified or registered, or when

the state licenses, certifies or registers the provider of services under another name.

14 VAC 5-200-60. Policy practices and provisions.

A. Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any individual long-term care insurance policy without further explanatory language in accordance with the disclosure requirements of 14 VAC 5-200-70.

1. ~~No such~~ A policy issued to an individual shall not contain renewal provisions other than "guaranteed renewable" or "noncancellable."

2. The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

3. The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no unilateral right to make any change in any provision of the insurance or in the premium rate.

4. The term "level premium" may only be used when the insurer does not have the right to change the premium.

5. In addition to the other requirements of this subsection, a qualified long-term care insurance contract shall be guaranteed renewable within the meaning of § 7702B (b)(1)(C) of the Internal Revenue Code of 1986.

B. Limitations and exclusions. ~~No~~ A policy may not be delivered or issued for delivery in this Commonwealth as long-term care insurance if such policy limits or excludes coverage by type of illness, treatment, medical condition or accident, except as follows:

1. Preexisting conditions or diseases, subject to subsection B of § 38.2-5204 of the Code of Virginia.

2. Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease, senile dementia, organic brain disorder or other similar diagnoses.

3. Alcoholism and drug addiction.

4. Illness, treatment or medical condition arising out of:

- a. War or act of war (whether declared or undeclared);
- b. Participation in a felony, riot or insurrection;
- c. Service in the armed forces or units auxiliary thereto;

d. Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or

e. Aviation (this exclusion applies only to nonfare-paying passengers).

5. Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

6. Expenses for services or items available or paid under another long-term care insurance or health insurance policy.

7. In the case of a qualified long-term care insurance contract, expenses for services or items to the extent that the expenses are reimbursable under Title XVIII of the Social Security Act or would be so reimbursable but for the application of a deductible or coinsurance amount.

8. a. This subsection is not intended to prohibit exclusions and limitations by type of provider or territorial limitations. However, no long-term care issuer may deny a claim because services are provided in a state other than the state of policy issued under the following conditions:

(1) When the state other than the state of policy issue does not have the provider licensing, certification or registration required in the policy, but where the provider satisfies the policy requirements outlined for providers in lieu of licensure, certification or registration; or

(2) When the state other than the state of policy issue licenses, certifies or registers the provider under another name.

b. For purposes of this section, "state of policy issue" means the state in which the individual policy or certificate was originally issued.

9. This subsection is not intended to prohibit territorial limitations.

C. Extension of benefits. Termination of long-term care insurance shall be without prejudice to any benefits payable for institutionalization if such institutionalization began while the long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

D. Continuation or conversion.

1. Group long-term care insurance issued in this Commonwealth ~~on or after December 1, 2000~~, shall provide covered individuals with a basis for continuation of coverage or a basis for conversion of coverage.

2. For the purposes of this chapter, "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use, certain providers and/or facilities may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy. The substantial equivalency of benefits is subject to review by the commission, and in doing so, the commission shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.

3. For the purposes of this chapter, "a basis for conversion of coverage" means a policy provision stating that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced) for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the insurer under whose group policy he or she is covered, without evidence of insurability.

4. For the purposes of this chapter, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or benefits determined by the commission to be substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts provision of benefits and services to, or contains incentives to use, certain providers and/or facilities, the insurer, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity. The determination of substantial equivalency is subject to review by the commission.

5. Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than 31 days after termination of coverage under the group policy. The

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converted policy shall be issued effective on the day following the termination of coverage under the group policy and shall be renewable annually.

6. Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the initial group policy replaced.

7. Continuation of coverage or issuance of a converted policy shall be mandatory, except where:

a. Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or

b. The terminating coverage is replaced, as to an individual insured, not later than 31 days after termination, by group coverage effective on the day following the termination of coverage:

(1) Providing benefits identical to or benefits substantially equivalent to or in excess of those provided by the terminating coverage; and

(2) The premium for which is calculated in a manner consistent with the requirements of subdivision 6 of this subsection. The determination of substantial equivalency is subject to review by the commission.

8. Notwithstanding any other provision of this section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100% of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

9. The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

10. Notwithstanding any other provision of this section, any insured individual whose eligibility for group long-term care coverage is based upon his or her relationship to another person shall be entitled to continuation of coverage

under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

11. For the purposes of this chapter, a "Managed Care Plan" is a health care or assisted living arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

E. Discontinuance and replacement. If a group long-term care policy is replaced by another group long-term care policy issued to the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the previous group policy on its date of termination. Coverage provided or offered to individuals by the insurer and premiums charged to persons under the new group policy:

1. Shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced; and

2. Shall not vary or otherwise depend on the individual's health or disability status, claim experience or use of long-term care services.

F. Premium increases.

1. The premium charged to an insured shall not increase due to either:

a. The increasing age of the insured at ages beyond age 65; or

b. The duration the insured has been covered under the policy.

2. The purchase of additional coverage shall not be considered a premium rate increase, but for purposes of the calculation required under 14 VAC 5-200-185, the portion of the premium attributable to the additional coverage shall be added to and considered part of the initial annual premium.

3. A reduction in benefits shall not be considered a premium change, but for purposes of the calculation under 14 VAC 5-200-185, the initial annual premium shall be based on the reduced benefits.

G. Prior hospitalization. In addition to the provisions of § 38.2-5205 of the Code of Virginia, no long-term care insurance policy may be delivered or issued for delivery in the Commonwealth if the policy conditions eligibility for any benefits other than waiver of premium, post-confinement, post-acute care or recuperative benefits on a prior institutionalization requirement.

14 VAC 5-200-70. Required disclosure provisions.

A. Renewability. ~~Except as provided in subdivision 3 of this subsection, individual~~ Individual long-term care insurance

policies shall ~~disclose the terms of renewability in~~ contain a renewability provision.

1. ~~Such~~ The provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state that the coverage is guaranteed renewable or noncancellable. This subsection shall not apply to policies that do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.

2. A long-term care insurance policy or certificate, other than one where the insurer does not have the right to change the premium, shall include a statement that the premium rates may change.

~~3. This subsection shall not apply to policies that do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.~~

B. Riders and endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

C. Payment of benefits. A long-term care insurance policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

D. Limitations. If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled as "Preexisting Condition Limitations."

E. Other limitations or conditions on eligibility for benefits. A long-term care insurance policy or certificate containing post-confinement, post-acute care or recuperative benefits, or any limitations or conditions for eligibility other than those prohibited in § 38.2-5205 A of the Code of Virginia shall set forth a description of such limitations or conditions, including any required number of days of confinement prior to receipt of benefits, in a separate paragraph of the policy or certificate

and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

F. Disclosure of tax consequences. With regard to life insurance policies which provide an accelerated benefit for long-term care, a disclosure statement is required at the time of application for the policy or rider and at the time the accelerated benefit payment request is submitted that receipt of these accelerated benefits may be taxable, and that assistance should be sought from a personal tax advisor. The disclosure statement shall be prominently displayed on the first page of the policy or rider and any other related documents.

G. Benefit triggers. Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and shall be described in the policy or certificate in a separate paragraph and shall be labeled "Eligibility for the Payment of Benefits." Any additional benefit triggers shall also be explained in this section. If these triggers differ for different benefits, explanation of the trigger shall accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too shall be specified.

H. A qualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in 14 VAC 5-200-200 that the policy is a qualified long-term care insurance contract under § 7702B (b) of the Internal Revenue Code of 1986.

I. A nonqualified long-term care insurance contract shall include a disclosure statement in the policy and in the outline of coverage as contained in 14 VAC 5-200-200 that the policy is not intended to be a qualified long-term care insurance contract.

14 VAC 5-200-75. Required disclosure of rating practices to consumer.

~~A. This section shall apply as follows:~~

~~1. Except as provided in subdivision 2 of this subsection, this section applies to any long term care policy or certificate issued in this Commonwealth on or after August 1, 2002.~~

~~2. For certificates issued on or after February 1, 2002, under a group long term care insurance policy as defined in 14 VAC 5 200 40, which policy was in force on February 1, 2002, the provisions of this section shall apply on the policy anniversary on or after February 1, 2003.~~

~~B. A.~~ Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in this subsection to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time.

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In such a case, an insurer shall provide all of the information listed in this section to the applicant no later than at the time of delivery of the policy or certificate.

1. A statement that the policy may be subject to rate increases in the future;
2. An explanation of potential future premium rate revisions, and the policyholder's or certificateholder's option in the event of a premium rate revision;
3. The premium rate or rate schedules applicable to the applicant that will be in effect until a request is made for an increase;
4. A general explanation for applying premium rate or rate schedule adjustments that shall include:
 - a. A description of when premium rate or rate schedule adjustments will be effective (e.g., next anniversary date, next billing date, etc.); and
 - b. The right to a revised premium rate or rate schedule as provided in subdivision 2 of this subsection if the premium rate or rate schedule is changed;
5. a. Information regarding each premium rate increase on this policy form or similar policy forms over the past 10 years for this Commonwealth or any other state that, at a minimum, identifies:
 - (1) The policy forms for which premium rates have been increased;
 - (2) The calendar years when the form was available for purchase; and
 - (3) The amount or percentage of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics.
- b. The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.
- c. An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from other nonaffiliated insurers or the long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.
- d. If an acquiring insurer files for a rate increase on a long-term care policy form or a block of policy forms acquired from nonaffiliated insurers ~~or a block of policy forms acquired from nonaffiliated insurers on or before the later of (i) August 1, 2002, or February 1, 2003, as is applicable pursuant to subsection A of this section, or (ii) the end of a 24 month period 24 months or more~~ following the acquisition of the policy form or the block

~~of~~ policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with subdivision 5 a of this subsection.

e. If the acquiring insurer in subdivision 5 d of this subsection files for a subsequent rate increase, even within the 24-month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in subdivision 5 d of this subsection, the acquiring insurer shall make all disclosures required by subdivision 5 of this subsection, including disclosure of the earlier rate increase referenced in subdivision 5 d of this subsection.

~~C. B.~~ An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under subdivisions ~~B A~~ 1 and 5 of this section. If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.

~~D. C.~~ An insurer shall use Forms B and E ~~dated February 1, 2002, or as later modified by the Bureau of Insurance, F~~ to comply with the requirements of subsections A and B ~~and C~~ of this section.

~~E. D.~~ An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificateholders, if applicable, at least 60 days prior to the implementation of the premium rate schedule increase by the insurer. The notice shall include the information required by subsection ~~B A~~ of this section when the rate increase is implemented.

14 VAC 5-200-77. Initial filing requirements.

~~A. This section applies to any long term care policy approved in this Commonwealth on or after October 1, 2003.~~

~~B.~~ An insurer shall provide the information listed in this ~~subsection~~ section to the commission and receive approval of the form prior to making a long-term care insurance form available for sale.

1. A copy of the disclosure documents required in 14 VAC 5-200-75; and
2. An actuarial certification consisting of at least the following:
 - a. A statement that the initial premium rate schedule is sufficient to cover anticipated costs under moderately adverse experience and that the premium rate schedule is reasonably expected to be sustainable over the life of the form with no future premium increases anticipated;

b. An explanation for supporting subdivision 2 a of this subsection, including (i) a description of the margin for moderately adverse experience that is included in the premium rates and (ii) a description of the testing of pricing assumptions that was done to support the conclusion that the filed premium rates are sustainable over the life of the form;

c. A statement that the policy design and coverage provided have been reviewed and taken into consideration;

d. A statement that the underwriting and claims adjudication processes have been reviewed and taken into consideration;

e. A complete description of the basis for contract reserves that are anticipated to be held under the form, to include:

(1) Sufficient detail or sample calculations provided so as to have a complete depiction of the reserve amounts to be held;

(2) A statement that the assumptions used for reserves contain reasonable margins for adverse experience;

(3) A statement that the net valuation premium for renewal years does not increase (except for attained-age rating); and

(4) A statement that the difference, in aggregate, between the gross premium and the net valuation premium for renewal years is sufficient to cover expected renewal expenses; or if such a statement cannot be made, a complete description of the situations where this does not occur. When the difference between the gross premium and the renewal net valuation premiums is not sufficient to cover expected renewal expenses, the description provided should demonstrate the type and level of change in the reserve assumptions that would be necessary for the difference to be sufficient.

(a) An aggregate distribution of anticipated issues may be used as long as the underlying gross premiums maintain a reasonably consistent relationship;

(b) If the gross premiums for certain age groups appear to be inconsistent with this requirement, the commission may request a demonstration based on a standard age distribution; and

f. (1) A statement that the premium rate schedule is not less than the premium rate schedule for existing similar policy forms also available from the insurer except for reasonable differences attributable to benefits; or

(2) A comparison of the premium rate schedules for similar policy forms that are currently available from the insurer with an explanation of the differences. It is

not expected that the insurer will need to provide a comparison of every age and set of benefits, period of payment or elimination period. A broad range of expected combinations is to be provided in a manner designed to provide a fair presentation for review by the commission.

3. An actuarial memorandum that includes:

a. A description of the basis on which the long-term care insurance premium rates were determined;

b. A description of the basis for the reserves;

c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;

d. A description and a table of each actuarial assumption used. For expenses, an insurer must include percentage of premium dollars per policy and dollars per unit of benefits, if any;

e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;

f. The estimated average annual premium per policy and the average issue age; and

g. A statement that includes a description of the types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs.

14 VAC 5-200-80. Prohibition of post-claims underwriting.

A. All applications and enrollment forms for long-term care insurance policies or certificates except those which are guaranteed issue shall contain clear and unambiguous questions designed to ascertain the health condition of the applicant.

B. Requirements for applications or enrollment forms:

1. If an application or enrollment form for long-term care insurance contains a question that asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list each medication that has been prescribed.

2. If the medications listed in such application or enrollment form were known by the insurer, or should have been known at the time of application, to be directly related to a medical condition for which coverage would otherwise be denied, then the policy or certificate shall not be rescinded for that condition, even if such condition is not otherwise disclosed in the application or enrollment form.

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C. Except for policies or certificates which are guaranteed issue:

1. The following language shall be set out conspicuously and in close conjunction with the applicant's signature block on an application or enrollment form for a long-term care insurance policy or certificate:

Caution: If your answers on this application or enrollment form are incorrect or untrue, [company] has the right to deny benefits or rescind your [policy] [certificate].

The agent and the applicant must sign this section.

2. The following language, or language substantially similar to the following, shall be set out conspicuously, in bold face type, on the long-term care insurance policy or certificate at the time of delivery:

Caution: This policy may not apply when you have a claim! Please read! The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your [application] [enrollment form]. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied]. If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your [policy] [certificate]. The best time to clear up any questions is now, before a claim arises! If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address].

3. Prior to issuance of a long-term care policy or certificate to an applicant age ~~eighty (80)~~ 80 or older, the insurer shall obtain one of the following:

- a. A report of a physical examination;
- b. An assessment of functional capacity;
- c. An attending physician's statement; or
- d. Copies of medical records.

D. A copy of the completed application or enrollment form (whichever is applicable) shall be delivered to the insured no later than at the time of delivery of the policy or certificate unless it was retained by the applicant at the time of application.

E. Every insurer selling or issuing long-term care insurance benefits shall maintain a record of all policy or certificate rescissions, both state and countrywide, except those which the insured voluntarily effectuated, and shall annually by March 1 furnish this information to the commission in the format prescribed by the National Association of Insurance Commissioners (Form A).

14 VAC 5-200-90. Minimum standards for home health and community care benefits in long-term care insurance policies.

A. A long-term care insurance policy or certificate may not, if it provides benefits for home health and community care services, limit or exclude benefits:

1. By requiring that the insured/claimant would need skilled care in a skilled nursing facility if home health care services were not provided;
2. By requiring that the insured/claimant first or simultaneously receive nursing and/or therapeutic services in a home or community setting before home health care services are covered;
3. By limiting eligible services to services provided by registered nurses or licensed practical nurses;
4. By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;
5. By excluding coverage for personal care services provided by a home health aide;
6. By requiring that the provision of home health care services be at a level of certification or licensure greater than that required by the eligible service;
7. By requiring that the insured/claimant have an acute condition before home health care services are covered;
8. By limiting benefits to services provided by Medicare-certified agencies or providers; or
9. By excluding coverage for adult day care services.

B. If a long-term care insurance policy or certificate provides for home health or community care services, it shall provide total home health or community care coverage that is a dollar amount equivalent to at least one-half of one year's coverage available for nursing home benefits under the policy or certificate at the time covered home health or community care services are being received. This requirement shall not apply to policies or certificates issued to residents of continuing care retirement communities.

~~B. C.~~ Home health care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

14 VAC 5-200-110. Requirements for application forms and replacement coverage.

A. Application or enrollment forms shall include the following questions designed to elicit information as to whether, as of the date of the application the applicant has

another long-term care insurance policy or certificate in force or whether a long-term care policy or certificate is intended to replace any other accident and sickness or long-term care policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such questions may be used. With regard to a replacement policy issued to a group the following questions may be modified only to the extent necessary to elicit information about accident and sickness or long-term care insurance policies other than the group policy being replaced; provided, however, that the certificateholder has been notified of the replacement.

1. Do you have another long-term care insurance policy or certificate in force (including a health services plan contract, or a health maintenance organization contract)?
2. Did you have another long-term care insurance policy or certificate in force during the last 12 months?
 - a. If so, with which company?
 - b. If that policy lapsed, when did it lapse?
3. Are you covered by Medicaid?
4. Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

B. Agents shall list any other health insurance policies they have sold to the applicant.

1. List policies sold which are still in force.
2. List policies sold in the past five years which are no longer in force.

C. Solicitations other than direct response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be phrased as follows:

**NOTICE TO APPLICANT REGARDING REPLACEMENT
OF INDIVIDUAL ACCIDENT AND SICKNESS OR
LONG-TERM CARE INSURANCE**

[INSURANCE COMPANY'S NAME AND ADDRESS]

SAVE THIS NOTICE

IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace

it with an individual long-term care insurance policy to be issued by (Company Name). Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

**STATEMENT TO APPLICANT BY AGENT
[OR OTHER REPRESENTATIVE]:**

(Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage; I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention.

1. [In the event that the replacing policy does not have exclusions or limitations for preexisting conditions this language may be deleted.] Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, or probationary periods. The insurer will waive any time periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it

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carefully to be certain that all information has been properly recorded.

(Signature of Agent or Other Representative)

(Typed Name and Address of Agent)

The above "Notice to Applicant" was delivered to me on:

(Date)_____

(Applicant's Signature)_____

D. Direct Response Solicitations: Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance of the policy. The required notice shall be phrased as follows:

NOTICE TO APPLICANT REGARDING REPLACEMENT
OF
ACCIDENT AND SICKNESS OR LONG-TERM CARE
INSURANCE

[Insurance Company's Name and Address]

SAVE THIS NOTICE!

IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished), you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by (Company Name). Your new policy provides 30 days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy. You should review this new coverage carefully, comparing it with all accident and sickness or long-term care insurance coverage you now have, and terminate your present policy only if, after due consideration, you find that purchase of this long-term care coverage is a wise decision.

1. [In the event that the replacing policy does not have exclusions or limitations for preexisting conditions, this language may be deleted.] Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions or probationary periods. Your insurer will waive any time

periods applicable to preexisting conditions or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

4. (To be included only if the application is attached to the policy or certificate.) If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application or enrollment form attached to your new policy and be sure that all questions are answered fully and correctly. Omissions or misstatements in the application or enrollment form could cause an otherwise valid claim to be denied. Carefully check the application or enrollment form and write to (Company Name and Address) within thirty (30) days if any information is not correct or complete, or if any past medical history has been left out of the application or enrollment form.

(Company Name)

E. Where replacement is intended, the replacing insurer shall notify, in writing, the existing insurer of the proposed replacement. The existing policy shall be identified by the insurer, name of the insured and policy number or address including zip code. Such notice shall be made within five working days from the date the application is received by the insurer or the date the policy is issued, whichever is sooner.

~~F. An individual long-term care policy that replaces a previous long-term care policy must be at least substantially equivalent in benefits. The substantial equivalency of benefits is subject to review by the commission. An insured may purchase and an insurer may issue an individual replacement policy that is less than substantially equivalent in benefits only under the following conditions:~~

~~1. The insured provides to the insurer to which application for the replacement policy is made written acknowledgement and documentation satisfactory to the insurer that the insured has had a change in financial or personal circumstances sufficient to justify the replacement; and~~

~~2. The insured signs a waiver form separate from, and in addition to the replacement notice by subsections C and D of this section. The waiver form shall be printed in boldface type of a size not less than 12 point, one point leaded; shall be executed at the time of application for the replacement policy; and shall be signed and dated both by the applicant~~

and by the agent, if an agent is involved in the transaction. The waiver form shall state that the insured understands that the replacement policy applied for will provide benefits that are less than those provided by the policy being replaced; and

3. One copy of the waiver form shall be retained by the applicant, and an additional copy signed by the applicant shall be submitted to the insurer, who shall retain such copy with the applicant's file, along with the acknowledgement and documentation required in subdivision 1 of this subsection. The insurer shall also retain copies of all such acknowledgements, documentation, and waivers in a separate file of long term care policy replacements that may be examined and verified by the commission or its authorized representatives.

F. Life insurance policies that accelerate benefits for long-term care shall comply with this section if the policy being replaced is a long-term care insurance policy. If the policy being replaced is a life insurance policy, the insurer shall comply with the replacement requirements of 14 VAC 5-30. If a life insurance policy that accelerates benefits for long-term care is replaced by another such policy, the replacing insurer shall comply with both the long-term care and the life insurance replacement requirements.

14 VAC 5-200-120. Reporting requirements.

A. Every insurer shall maintain records for each agent of that agent's amount of replacement sales as a percent of the agent's total annual sales and the amount of lapses of long-term care insurance policies sold by the agent as a percent of the agent's total annual sales.

B. Every insurer shall report annually by June 30 the 10% of its agents with the greatest percentages of lapses and replacements as measured by subsection A of this section (Form G).

C. Reported replacement and lapse rates do not alone constitute a violation of the insurance laws or necessarily imply wrongdoing. The reports are for the purpose of reviewing more closely agent activities regarding the sale of long-term care insurance.

D. Every insurer shall report annually by June 30 the number of lapsed policies as a percent of its total annual sales and as a percent of its total number of policies in force as of the end of the preceding calendar year (Form G).

E. Every insurer shall report annually by June 30 the number of replacement policies sold as a percent of its total annual sales and as a percent of its total number of policies in force as of the preceding calendar year (Form G).

F. Every insurer shall report annually by June 30, for qualified long-term care insurance contracts, the number of

claims denied for each class of business, expressed as a percentage of claims denied (Form E).

F. G. For purposes of this section;

1. Subject to subdivision 2 of this subsection, "claim" means a request for payment of benefits under an in force policy regardless of whether the benefit claimed is covered under the policy or any terms or conditions of the policy have been met;

2. "Denied" means the insurer refuses to pay a claim for any reason other than for claims not paid for failure to meet the waiting period or because of an applicable preexisting condition;

"policy" shall mean 3. "Policy" means only long-term care insurance; and

"report" 4. "Report" means on a statewide basis.

H. Reports required under this section shall be filed with the commission.

14 VAC 5-200-153. Premium rate schedule increases.

A. This section shall apply as follows: 1. Except as provided in subdivision 2 of this subsection, this section applies to any long-term care policy or certificate issued in this Commonwealth on or after October 1, 2003.

~~2. For certificates issued on or after April 1, 2003, under a group long term care insurance policy as set forth in subsections A and C of § 38.2-3521.1 of the Code of Virginia, which policy was in force on April 1, 2003, the provisions of this section shall apply on the policy anniversary following April 1, 2004.~~

B. An insurer shall request the commission's approval of a pending premium rate schedule increase, including an exceptional increase, prior to the notice to the policyholders and shall include:

1. Information required by 14 VAC 5-200-75;

2. Certification by a qualified actuary that:

a. If the requested premium rate schedule increase is implemented and the underlying assumptions, which reflect moderately adverse conditions, are realized, no further premium rate schedule increases are anticipated;

b. The premium rate filing is in compliance with the provisions of this section;

3. An actuarial memorandum justifying the rate schedule change request that includes:

a. Lifetime projections of earned premiums and incurred claims based on the filed premium rate schedule increase; and the method and assumptions used in determining the projected values, including reflection of any assumptions

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that deviate from those used for pricing other forms currently available for sale;

(1) Annual values for the five years preceding and the three years following the valuation date shall be provided separately;

(2) The projections shall include the development of the lifetime loss ratio, unless the rate increase is an exceptional increase;

(3) The projections shall demonstrate compliance with subsection C of this section; and

(4) For exceptional increases,

(a) The projected experience should be limited to the increases in claims expenses attributable to the approved reasons for the exceptional increase; and

(b) In the event the commission determines as provided in the definition of exceptional increase in 14 VAC 5-200-40 that offsets may exist, the insurer shall use appropriate net projected experience;

b. Disclosure of how reserves have been incorporated in this rate increase whenever the rate increase will trigger contingent benefit upon lapse;

c. Disclosure of the analysis performed to determine why a rate adjustment is necessary, which pricing assumptions were not realized and why, and what other actions taken by the company have been relied on by the actuary;

d. A statement that policy design, underwriting and claims adjudication practices have been taken into consideration; and

e. In the event that it is necessary to maintain consistent premium rates for new policies and policies receiving a rate increase, the insurer will need to file composite rates reflecting projections of new policies;

4. A statement that renewal premium rate schedules are not greater than new business premium rate schedules except for differences attributable to benefits, unless sufficient justification is provided to the commission; and

5. Sufficient information for review and approval of the premium rate schedule increase by the commission.

C. All premium rate schedule increases shall be determined in accordance with the following requirements:

1. Exceptional increases shall provide that 70% of the present value of projected additional premiums from the exceptional increase will be returned to policyholders in benefits;

2. Premium rate schedule increases shall be calculated such that the sum of the accumulated value of incurred claims, without the inclusion of active life reserves, and the present value of future projected incurred claims, without the

inclusion of active life reserves, will not be less than the sum of the following:

a. The accumulated value of the initial earned premium times 58%;

b. Eighty-five percent of the accumulated value of prior premium rate schedule increases on an earned basis;

c. The present value of future projected initial earned premiums times 58%; and

d. Eighty-five percent of the present value of future projected premiums not in subdivision 2 c of this subsection on an earned basis;

3. In the event that a policy form has both exceptional and other increases, the values in subdivisions 2 b and d of this subsection will also include 70% for exceptional rate increase amounts; and

4. All present and accumulated values used to determine rate increases shall use the maximum valuation interest rate for contract reserves as specified in § 38.2-3132 of the Code of Virginia. The actuary shall disclose as part of the actuarial memorandum the use of any appropriate averages.

D. For each rate increase that is implemented, the insurer shall file for approval by the commission updated projections, as defined in subdivision B 3 a of this section, annually for the next three years and include a comparison of actual results to projected values. The commission may extend the period to greater than three years if actual results are not consistent with projected values from prior projections. For group insurance policies that meet the conditions in subsection K of this section, the projections required by subdivision B 3 a of this section shall be provided to the policyholder in lieu of filing with the commission.

E. If any increased premium rate in the revised premium rate schedule is greater than 200% of the comparable rate in the initial premium schedule, the premiums exceeding 200% shall be clearly identified and lifetime projections, as defined in subdivision B 3 a of this section, shall be filed for approval by the commission every five years following the end of the required period in subsection D of this section. For group insurance policies that meet the conditions in subsection K of this section, the projections required by this subsection shall be provided to the policyholder in lieu of filing with the commission.

F. 1. If the commission has determined that the actual experience following a rate increase does not adequately match the projected experience and that the current projections under moderately adverse conditions demonstrate that incurred claims will not exceed proportions of premiums specified in subsection C of this section, the commission may require the insurer to implement any of the following:

a. Premium rate schedule adjustments; or

b. Other measures to reduce the difference between the projected and actual experience.

It is to be expected that the actual experience will not exactly match the insurer's projections. During the period that projections are monitored as described in subsections D and E of this section, the commission should determine that there is not an adequate match if the differences in earned premiums and incurred claims are not in the same direction (both actual values higher or lower than projections) or the difference as a percentage of the projected is not of the same order.

2. In determining whether the actual experience adequately matches the projected experience, consideration should be given to subdivision B 3 e of this section, if applicable.

G. If the majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse, the insurer shall file:

1. A plan, subject to commission approval, for improved administration or claims processing designed to eliminate the potential for further deterioration of the policy form requiring further premium rate schedule increases or to demonstrate that appropriate administration and claims processing have been implemented or are in effect; otherwise the commission may impose the condition in subsection H of this section; and

2. The original anticipated lifetime loss ratio, and the premium rate schedule increase that would have been calculated according to subsection C of this section had the greater of the original anticipated lifetime loss ratio or 58% been used in the calculations described in subdivisions C 2 a and c of this section.

H. 1. For a rate increase filing that meets the following criteria, the commission shall review, for all policies included in the filing, the projected lapse rates and past lapse rates during the 12 months following each increase to determine if significant adverse lapsation has occurred or is anticipated:

- a. The rate increase is not the first rate increase requested for the specific policy form or forms;
- b. The rate increase is not an exceptional increase; and
- c. The majority of the policies or certificates to which the increase is applicable are eligible for the contingent benefit upon lapse.

2. In the event significant adverse lapsation has occurred, is anticipated in the filing or is evidenced in the actual results as presented in the updated projections provided by the insurer following the requested rate increase, the commission may determine that a rate spiral exists. Following the determination that a rate spiral exists, the commission may require the insurer to offer, without underwriting, to all in force insureds subject to the rate increase the option to replace existing coverage with any

other long-term care insurance product being offered by the insurer or its affiliates.

a. The offer shall:

- (1) Be subject to the approval of the commission;
- (2) Be based on actuarially sound principles, but not be based on attained age; and
- (3) Provide that maximum benefits under any new policy accepted by an insured shall be reduced by comparable benefits already paid under the existing policy.

b. The insurer shall maintain the experience of all the replacement insureds separate from the experience of insureds originally issued the policy forms. In the event of a request for a rate increase on the policy form, the rate increase shall be limited to the lesser of:

- (1) The maximum rate increase determined based on the combined experience; or
- (2) The maximum rate increase determined based only on the experience of the insureds originally issued the form plus 10%.

I. If the commission determines that the insurer has exhibited a persistent practice of filing inadequate initial premium rates for long-term care insurance, the commission may, in addition to the provisions of subsection H of this section, prohibit the insurer from either of the following:

- 1. Filing and marketing comparable coverage for a period of up to five years; or
- 2. Offering all other similar coverages and limiting marketing of new applications to the products subject to recent premium rate schedule increases.

J. Subsections A through I of this section shall not apply to policies for which the long-term care benefits provided by the policy are incidental, as defined in 14 VAC 5-200-40, if the policy complies with all of the following provisions:

- 1. The interest credited internally to determine cash value accumulations, including long-term care, if any, are guaranteed not to be less than the minimum guaranteed interest rate for cash value accumulations without long-term care set forth in the policy;
- 2. The portion of the policy that provides insurance benefits other than long-term care coverage meets the nonforfeiture requirements as applicable in any of the following:

- a. Sections 38.2-3200 through 38.2-3218 of the Code of Virginia, and
- b. Sections 38.2-3219 through 38.2-3229 of the Code of Virginia;

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3. The policy meets the disclosure requirements of §§ 38.2-5207.1 and 38.2-5207.2 of the Code of Virginia;

4. The portion of the policy that provides insurance benefits other than long-term care coverage meets the requirements as applicable in the following:

- a. Policy illustrations as required by 14 VAC 5-40; and
- b. Disclosure requirements in 14 VAC 5-40;

5. An actuarial memorandum is filed with the commission that includes:

- a. A description of the basis on which the long-term care rates were determined;
- b. A description of the basis for the reserves;
- c. A summary of the type of policy, benefits, renewability, general marketing method, and limits on ages of issuance;
- d. A description and a table of each actuarial assumption used. For expenses, an insurer shall include percent of premium dollars per policy and dollars per unit of benefits, if any;
- e. A description and a table of the anticipated policy reserves and additional reserves to be held in each future year for active lives;
- f. The estimated average annual premium per policy and the average issue age;
- g. A statement as to whether underwriting is performed at the time of application. The statement shall indicate whether underwriting is used and, if used, the statement shall include a description of the type or types of underwriting used, such as medical underwriting or functional assessment underwriting. Concerning a group policy, the statement shall indicate whether the enrollee or any dependent will be underwritten and when underwriting occurs; and
- h. A description of the effect of the long-term care policy provision on the required premiums, nonforfeiture values and reserves on the underlying insurance policy, both for active lives and those in long-term care claim status.

K. Subsections F and H of this section shall not apply to group insurance policies as defined in subsections A and C of § 38.2-3521.1 of the Code of Virginia where:

1. The policies insure 250 or more persons and the policyholder has 5,000 or more eligible employees of a single employer; or
2. The policyholder, and not the certificateholders, pays a material portion of the premium, which shall not be less than 20% of the total premium for the group in the calendar year prior to the year a rate increase is filed.

14 VAC 5-200-170. Standards for marketing.

A. Every insurer, marketing long-term care insurance coverage in this Commonwealth directly or through its agents, shall:

1. Establish marketing procedures to assure that any comparison of policies by its agents will be fair and accurate.
2. Establish marketing procedures to assure excessive insurance is not sold or issued.
3. Display prominently by type, stamp or other appropriate means on the first page of the outline of coverage and policy the following:

"Notice to buyer: This policy may not cover all of the costs associated with long-term care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

4. Provide copies of the disclosure forms (Forms B and F) to the applicant.

~~4.~~ 5. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for long-term care insurance already has accident and sickness or long-term care insurance and the types and amounts of any such insurance, except that in the case of qualified long-term care insurance contracts, an inquiry into whether a prospective applicant or enrollee for long-term care insurance has accident and sickness insurance is not required.

~~5.~~ 6. Every insurer, marketing long-term care insurance shall establish auditable procedures for verifying compliance with this subsection.

~~6.~~ 7. At solicitation, provide written notice to the prospective policyholder and certificateholder that the Virginia Insurance Counseling and Assistance Program is available at: Virginia Department for the Aging, 1600 1610 Forest Avenue, Suite 100, Richmond, Virginia 23229, Aging Services Hotline 1-800-552-3402.

~~7.~~ 8. For long-term care health insurance policies and certificates, use the terms "noncancellable" or "level premium" only when the policy or certificate conforms with 14 VAC 5-200-60.

9. Provide an explanation of contingent benefit upon lapse provided for in 14 VAC 5-200-185 D 3 and, if applicable, the additional contingent benefit upon lapse provided to policies with fixed or limited premium paying periods in 14 VAC 5-200-185 D 4.

B. In addition to the practices prohibited in Chapter 5 (§ 38.2-500 et seq.) of Title 38.2 of the Code of Virginia, the following acts and practices are prohibited:

1. Twisting. Making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on or convert any insurance policy or to take out a policy of insurance with another insurer.

2. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied or undue pressure to purchase or recommend the purchase of insurance.

3. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

C. 1. Associations that provide long-term care insurance policies or certificates endorsed or sold by the association shall disclose in any long-term care insurance solicitation:

a. The specific nature and amount of the compensation arrangements (including fees, commissions, administrative fees and other forms of financial support) that the association receives from endorsement or sale of the policy or certificate to its members; and

b. A brief description of the process under which the policies and the insurer issuing the policies were selected.

2. If the association and the insurer have interlocking directorates or trustee arrangements, the association shall disclose that fact to its members.

3. The board of directors of associations selling or endorsing long-term care insurance policies or certificates shall review and approve the insurance policies as well as the compensation arrangements made with the insurer.

4. A group long-term care insurance policy or certificate may not be issued to an association unless the insurer obtains the information contained in this subsection. The insurer may be required to provide such information to the commission upon request or certify that the association has complied with the requirements set forth in this subsection.

14 VAC 5-200-175. Suitability.

A. This section shall not apply to life insurance policies that accelerate benefits for long-term care.

B. Every insurer marketing long-term care insurance (the "issuer") shall:

1. Develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the applicant;

2. Train its agents in the use of its suitability standards; and

3. Maintain a copy of its suitability standards and make them available for inspection upon request by the commission.

C. 1. To determine whether the applicant meets the standards developed by the issuer, the agent and issuer shall develop procedures that take the following into consideration:

a. The ability to pay for the proposed coverage and other pertinent financial information related to the purchase of the coverage;

b. The applicant's goals or needs with respect to long-term care and the advantages and disadvantages of insurance to meet these goals or needs; and

c. The values, benefits and costs of the applicant's existing insurance, if any, when compared to the values, benefits and costs of the recommended purchase or replacement.

2. The issuer and, where an agent is involved, the agent shall make reasonable efforts to obtain the information set out in subdivision 1 of this subsection. The efforts shall include presentation to the applicant, at or prior to application, of the "Long-Term Care Insurance Personal Worksheet." The personal worksheet used by the issuer shall contain, at a minimum, the information in the format contained in Form B ~~dated February 1, 2002, or as later amended by the Bureau of Insurance,~~ in not less than 12-point type. The issuer may request the applicant to provide additional information to comply with its suitability standards. A copy of the issuer's personal worksheet shall be filed with the commission for approval as required for a policy pursuant to § 38.2-316 of the Code of Virginia.

3. A completed personal worksheet shall be returned to the issuer prior to the issuer's consideration of the applicant for coverage, except the personal worksheet need not be returned for sales of employer group long-term care insurance to employees and their spouses.

4. The sale or dissemination outside the company or agency by the issuer or agent of information obtained through the personal worksheet in Form B is prohibited.

D. The issuer shall use the suitability standards it has developed pursuant to this section in determining whether issuing long-term care insurance coverage to an applicant is appropriate.

E. Agents shall use the suitability standards developed by the issuer in marketing long-term care insurance.

F. At the same time as the personal worksheet is provided to the applicant, the disclosure form entitled "Things You Should Know Before You Buy Long-Term Care Insurance" shall be provided. The form shall be in the format contained

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in Form C ~~dated February 1, 2002, or as later amended by the Bureau of Insurance,~~ in not less than 12-point type.

G. If the issuer determines that the applicant does not meet its financial suitability standards, or if the applicant has declined to provide the information, the issuer may reject the application. In the alternative, the issuer shall send the applicant a letter similar to Form D ~~dated February 1, 2002, or as later amended by the Bureau of Insurance.~~ If a letter similar to Form D is sent, it may be in lieu of a notice of adverse underwriting decision as set forth in § 38.2-610 of the Code of Virginia. However, if the applicant has declined to provide financial information, the issuer may use some other method to verify the applicant's intent. Either the applicant's returned letter or a record of the alternative method of verification shall be made part of the applicant's file.

H. The issuer shall report annually by June 30 to the commission the total number of applications received from residents of this Commonwealth, the number of those who declined to provide information on the personal worksheet, the number of applicants who did not meet the suitability standards, and the number of those who chose to confirm after receiving a suitability letter.

14 VAC 5-200-181. Availability of new services or providers.

A. An insurer shall notify policyholders of the availability of a new long-term care policy series that provides coverage for new long-term care services or providers material in nature and not previously available through the insurer to the general public. The notice shall be provided within 12 months of the date the new policy series is made available for sale in this state.

B. Notwithstanding subsection A of this section, notification is not required for any policy issued prior to the effective date of this section or to any policyholder or certificateholder who is currently eligible for benefits, within an elimination period or on a claim, or who previously has been in claim status, or who would not be eligible to apply for coverage due to issue age limitations under the new policy. The insurer may require that policyholders meet all eligibility requirements, including underwriting and payment of the required premium to add such new services or providers.

C. The insurer shall make the new coverage available in one of the following ways:

1. By adding a rider to the existing policy and charging a separate premium for the new rider based on the insured's attained age;

2. By exchanging the existing policy or certificate for one with an issue age based on the present age of the insured and recognizing past insured status by granting premium credits toward the premiums for the new policy or certificate. The premium credits shall be based on

premiums paid or reserves held for the prior policy or certificate;

3. By exchanging the existing policy or certificate for a new policy or certificate in which consideration for past insured status shall be recognized by setting the premium for the new policy or certificate at the issue age of the policy or certificate being exchanged. The cost for the new policy or certificate may recognize the difference in reserves between the new policy or certificate and the original policy or certificate; or

4. By an alternative program developed by the insurer that meets the intent of this section if the program is filed with and approved by the commission.

D. An insurer is not required to notify policyholders of a new proprietary policy series created and filed for use in a limited distribution channel. For purposes of this subsection, "limited distribution channel" means through a discrete entity, such as a financial institution or brokerage, for which specialized products are available that are not available for sale to the general public. Policyholders that purchased such a proprietary policy shall be notified when a new long-term care policy series that provides coverage for new long-term care services or providers material in nature is made available to that limited distribution channel.

E. Policies issued pursuant to this section shall be considered exchanges and not replacements. These exchanges shall not be subject to 14 VAC 5-200-110 and 14 VAC 5-200-175, and the reporting requirements of 14 VAC 5-200-120 A though E.

F. Where the policy is offered through an employer, a labor union or organization, or an association or other group identified in § 38.2-3521.1 of the Code of Virginia, the required notification in subsection A of this section shall be made to the offering entity. However, if the policy is issued to a group defined in § 38.2-3522.1 of the Code of Virginia, the notification shall be made to each certificateholder.

G. Nothing in this section shall prohibit an insurer from offering any policy, rider, certificate or coverage change to any policyholder or certificateholder. However, upon request any policyholder may apply for currently available coverage that includes the new services or providers. The insurer may require that policyholders meet all eligibility requirements, including underwriting and payment of the required premium to add such new services or providers.

H. This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

14 VAC 5-200-183. Right to reduce coverage and lower premiums.

A. 1. Every long-term care insurance policy and certificate shall include a provision that allows the policyholder or

certificateholder to reduce coverage and lower the policy or certificate premium in at least one of the following ways:

- a. Reducing the maximum benefit; or
- b. Reducing the daily, weekly or monthly benefit amount.

2. The insurer may also offer other reduction options that are consistent with the policy or certificate design or the carrier's administrative processes.

B. The provision shall include a description of the ways in which coverage may be reduced and the process for requesting and implementing a reduction in coverage.

C. The age to determine the premium for the reduced coverage shall be based on the age used to determine the premiums for the coverage currently in force.

D. The insurer may limit any reduction in coverage to plans or options available for that policy form and to those for which benefits will be available after consideration of claims paid or payable.

E. If a policy or certificate is about to lapse, the insurer shall provide a written reminder to the policyholder or certificateholder of his right to reduce coverage and premiums in the notice required by 14 VAC 5-200-65 A 3.

F. This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

14 VAC 5-200-185. Nonforfeiture of benefit requirement.

A. This section does not apply to life insurance policies or riders containing accelerated long-term care benefits.

B. To comply with the requirement to offer a nonforfeiture benefit pursuant to the provisions of § 38.2-5210 of the Code of Virginia:

- 1. A policy or certificate offered with nonforfeiture benefits shall have coverage elements, eligibility, benefit triggers and benefit length that are the same as coverage to be issued without nonforfeiture benefits. The nonforfeiture benefit included in the offer shall be the benefit described in subsection E of this section; and
- 2. The offer shall be in writing if the nonforfeiture benefit is not otherwise described in the Outline of Coverage or other materials given to the prospective policyholder.

When a group long-term care insurance policy is issued, the offer required in § 38.2-5210 of the Code of Virginia shall be made to the group policyholder. However, if the policy is issued as group long-term care insurance as defined in § 38.2-3522.1 of the Code of Virginia other than to a continuing care retirement community or other similar entity, the offer shall be made to each proposed certificateholder.

C. If the offer required to be made under § 38.2-5210 of the Code of Virginia is rejected, the insurer shall provide the contingent benefit upon lapse described in this section. Even if this offer is accepted for a policy with a fixed or limited premium paying period, the contingent benefit upon lapse in subdivision D 4 of this section shall still apply.

D. 1. After rejection of the offer required under § 38.2-5210 of the Code of Virginia, for individual and group policies without nonforfeiture benefits [~~issued after December 1, 2004~~], the insurer shall provide a contingent benefit upon lapse.

2. In the event a group policyholder elects to make the nonforfeiture benefit an option to the certificateholder, a certificate shall provide either the nonforfeiture benefit or the contingent benefit upon lapse.

3. ~~The~~ A contingent benefit on lapse shall be triggered every time an insurer increases the premium rates to a level which results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, and the policy or certificate lapses within 120 days of the due date of the premium so increased. Unless otherwise required, policyholders shall be notified at least ~~30~~ 60 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

Issue Age	Percent Increase Over Initial Premium
29 and under	200%
30-34	190%
35-39	170%
40-44	150%
45-49	130%
50-54	110%
55-59	90%
60	70%
61	66%
62	62%
63	58%
64	54%
65	50%
66	48%
67	46%
68	44%
69	42%
70	40%
71	38%
72	36%
73	34%
74	32%
75	30%
76	28%
77	26%

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78	24%
79	22%
80	20%
81	19%
82	18%
83	17%
84	16%
85	15%
86	14%
87	13%
88	12%
89	11%
90 and over	10%

4. A contingent benefit on lapse shall also be triggered for policies with a fixed or limited premium paying period every time an insurer increases the premium rates to a level that results in a cumulative increase of the annual premium equal to or exceeding the percentage of the insured's initial annual premium set forth below based on the insured's issue age, the policy or certificate lapses within 120 days of the due date of the premium so increased, and the ratio in subdivision 6 b of this subsection is 40% or more. Unless otherwise required, policyholders shall be notified at least 60 days prior to the due date of the premium reflecting the rate increase.

Triggers for a Substantial Premium Increase

<u>Issue Age</u>	<u>Percent Increase Over Initial Premium</u>
<u>Under 65</u>	<u>50%</u>
<u>65-80</u>	<u>30%</u>
<u>Over 80</u>	<u>10%</u>

This provision shall be in addition to the contingent benefit provided by subdivision 3 of this subsection, and where both are triggered, the benefit provided shall be at the option of the insured.

4. 5. On or before the effective date of a substantial premium increase as defined in subdivision 3 of this subsection, the insurer shall:

a. Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased;

b. Offer to convert the coverage to a paid-up status with a shortened benefit period in accordance with the terms of subsection E of this section. This option may be elected at any time during the 120-day period referenced in subdivision 3 of this subsection; and

c. Notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in subdivision 3 of this subsection shall be deemed to be the election of the offer to convert in

subdivision ~~4-5~~ b of this subsection unless the automatic option in subdivision 6 c of this subsection applies.

6. On or before the effective date of a substantial premium increase as defined in subdivision 4 of this subsection, the insurer shall:

a. Offer to reduce policy benefits provided by the current coverage without the requirement of additional underwriting so that required premium payments are not increased;

b. Offer to convert the coverage to a paid-up status where the amount payable for each benefit is 90% of the amount payable in effect immediately prior to lapse times the ratio of the number of completed months of paid premiums divided by the number of months in the premium paying period. This option may be elected at any time during the 120-day period referenced in subdivision 4 of this subsection; and

c. Notify the policyholder or certificateholder that a default or lapse at any time during the 120-day period referenced in subdivision 4 of this subsection shall be deemed to be the election of the offer to convert in subdivision 6 b of this subsection if the ratio is 40% or more.

E. Benefits continued as nonforfeiture benefits, including contingent benefits upon lapse in accordance with subdivision D 4 but not subdivision D 5 of this section, are described in this subsection:

1. For purposes of this subsection, attained age rating is defined as a schedule of premiums starting from the issue date which increases age at least 1.0% per year prior to age 50, and at least 3.0% per year beyond age 50.

2. For purposes of this subsection, the nonforfeiture benefit shall be of a shortened benefit period providing paid-up long-term care insurance coverage after lapse. The same benefits (amounts and frequency in effect at the time of lapse but not increased thereafter) will be payable for a qualifying claim, but the lifetime maximum dollars or days of benefits shall be determined as specified in subdivision 3 of this subsection.

3. The standard nonforfeiture credit will be equal to 100% of the sum of all premiums paid, including the premiums paid prior to any changes in benefits. The insurer may offer additional shortened benefit period options as long as the benefits for each duration equal or exceed the standard nonforfeiture credit for that duration. However, the minimum nonforfeiture credit shall not be less than 30 times the daily nursing home benefit at the time of lapse. In either event, the calculation of the nonforfeiture credit is subject to the limitation of subsection F of this section.

4. a. ~~The nonforfeiture benefit and the contingent benefit upon lapse shall begin not later than the end of the third year following the policy or certificate issue date. The contingent benefit upon lapse shall be effective during the first three years as well as thereafter.~~

b. Notwithstanding subdivision 4 a of this subsection, except that for a policy or certificate with a contingent benefit upon lapse or a policy or certificate with attained age rating, the nonforfeiture benefit shall begin on the earlier of: (i) the end of the tenth year following the policy or certificate issue date; or (ii) the end of the second year following the date the policy or certificate is no longer subject to attained age rating.

5. Nonforfeiture credits may be used for all care and services qualifying for benefits under the terms of the policy or certificate, up to the limits specified in the policy or certificate.

F. All benefits paid by the insurer while the policy or certificate is in premium paying status and in the paid up status will not exceed the maximum benefits which would be payable if the policy or certificate had remained in premium paying status.

G. There shall be no difference in the minimum nonforfeiture benefits as required under this section for group and individual policies.

~~H. The requirements set forth in this section shall become effective December 1, 2001, and shall apply as follows:~~

~~1. Except as provided in subdivision 2 of this subsection, the provisions of this section apply to any long term care policy issued in this Commonwealth on or after December 1, 2001.~~

~~2. For certificates issued on or after December 1, 2001, under a group long term care insurance policy as defined in § 38.2-5200 of the Code of Virginia, which policy was in force December 1, 2001, the provisions of this section shall not apply.~~

~~H.~~ H. Premiums charged for a policy or certificate containing nonforfeiture benefits or a contingent benefit on lapse shall be subject to the loss ratio requirements of 14VAC5-200-150 or 14 VAC 5-200-153, whichever is applicable, treating the policy as a whole.

~~I.~~ I. To determine whether contingent nonforfeiture upon lapse provisions are triggered under subdivision D 3 or D 4 of this section, a replacing insurer that purchased or otherwise assumed a block or blocks of long-term care insurance policies from another insurer shall calculate the percentage increase based on the initial annual premium paid by the insured when the policy was first purchased from the original insurer.

~~K.~~ J. A nonforfeiture benefit for qualified long-term care insurance contracts that are level premium contracts shall be offered that meets the following requirements:

1. The nonforfeiture provision shall be appropriately captioned;
2. The nonforfeiture provision shall provide a benefit available in the event of a default in the payment of any premiums and shall state that the amount of the benefit may be adjusted subsequent to being initially granted only as necessary to reflect changes in claims, persistency and interest as reflected in changes in rates for premium paying contracts approved by the commission for the same contract form; and
3. The nonforfeiture provision shall provide at least one of the following:
 - a. Reduced paid-up insurance;
 - b. Extended term insurance;
 - c. Shortened benefit period; or
 - d. Other similar offerings approved by the commission.

14 VAC 5-200-187. Standards for benefit triggers.

A. A long-term care insurance policy shall condition the payment of benefits on a determination of the insured's ability to perform activities of daily living and on cognitive impairment. Eligibility for the payment of benefits shall not be more restrictive than requiring either a deficiency in the ability to perform not more than three of the activities of daily living or the presence of cognitive impairment.

B. 1. Activities of daily living shall include at least the following as defined in 14 VAC 5-200-50 and in the policy:

- a. Bathing;
- b. Continence;
- c. Dressing;
- d. Eating;
- e. Toileting; and
- f. Transferring.

2. Insurers may use activities of daily living to trigger covered benefits in addition to those contained in subdivision 1 of this subsection as long as they are defined in the policy.

C. An insurer may use additional provisions for the determination of when benefits are payable under a policy or certificate; however, the provisions shall not restrict and are not in lieu of the requirements contained in subsections A and B of this section.

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D. For purposes of this section, the determination of a deficiency shall not be more restrictive than:

1. Requiring the hands-on assistance of another person to perform the prescribed activities of daily living; or
2. If the deficiency is due to the presence of a cognitive impairment, supervision or verbal cueing by another person is needed in order to protect the insured or others.

E. Assessments of activities of daily living and cognitive impairment shall be performed by licensed or certified professionals, such as physicians, nurses or social workers.

F. Long-term care insurance policies shall include a clear description of the process for appealing and resolving benefit determinations.

~~G. The requirements set forth in this section shall be effective December 1, 2001, and shall apply as follows:~~

- ~~1. Except as provided in subdivision 2 of this subsection, the provisions of this section apply to a long term care policy issued in this Commonwealth on or after December 1, 2001.~~
- ~~2. For certificates issued on or after December 1, 2001, under a group long term care insurance policy that was in force on or after December 1, 2000, the provisions of this section shall not apply.~~

14 VAC 5-200-200. Standard format outline of coverage.

This section of the chapter implements, interprets and makes specific, the provisions of § 38.2-5207 of the Code of Virginia in prescribing a standard format and the content of an outline of coverage.

1. The outline of coverage shall be a freestanding document in at least 10-point type.
2. The outline of coverage shall contain no material of an advertising nature.
3. Text which is capitalized or underscored in the standard format for outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
4. The text and sequence of text of the standard format for outline of coverage is mandatory, unless otherwise specifically indicated.
5. Format for outline of coverage:

[COMPANY NAME]

[ADDRESS-CITY & AND STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE INSURANCE OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

[Except for policies or certificates which are guaranteed issue, the following caution statement, or language substantially similar, must appear as follows in the outline of coverage.]

Caution: The issuance of this long-term care insurance [policy] [certificate] is based upon your responses to the questions on your application. A copy of your [application] [enrollment form] [is enclosed] [was retained by you when you applied.] If your answers are incorrect or untrue, the company has the right to deny benefits or rescind your policy. The best time to clear up any questions is now, before a claim arises. If, for any reason, any of your answers are incorrect, contact the company at this address: [insert address]

1. This policy is [an individual policy of insurance] ([a group policy] which was issued in the [indicate jurisdiction in which the group policy was issued]).

2. **PURPOSE OF OUTLINE OF COVERAGE.** This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you **READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!**

3. FEDERAL TAX CONSEQUENCES.

This [POLICY] [CERTIFICATE] is a federally tax-qualified long-term care insurance contract under § 7702B(b) of the Internal Revenue Code of 1986.

OR

Federal Tax Implications of this [POLICY] [CERTIFICATE]. This [POLICY] [CERTIFICATE] is not intended to be a federally tax-qualified long-term care insurance contract under § 7702B(b) of the Internal Revenue Code of 1986. Benefits received under the [POLICY] [CERTIFICATE] may be taxable as income.

4. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE CONTINUED IN FORCE OR DISCONTINUED.

a. [For long-term care health insurance policies or certificates describe one of the following permissible policy renewability provisions:]

1. [Policies and certificates that are guaranteed renewable shall contain the following statement:] RENEWABILITY: THIS [POLICY] [CERTIFICATE] IS GUARANTEED RENEWABLE. This means you have the right, subject to the terms of your [policy] [certificate], to continue this policy as long as you pay your premiums on time. [Company name] cannot change any of the terms of your policy on its own, except that, in the future, IT MAY INCREASE THE PREMIUM YOU PAY.

2. [Policies and certificates that are noncancellable shall contain the following statement:] RENEWABILITY: THIS [POLICY] [CERTIFICATE] IS NONCANCELLABLE. This means that you have the right, subject to the terms of your policy, to continue this policy as long as you pay your premiums on time. [Company name] cannot change any of the terms of your policy on its own and cannot change the premium you currently pay. However, if your policy contains an inflation protection feature where you choose to increase your benefits, [Company name] may increase your premium at that time for those additional benefits.

b. [For group coverage, specifically describe continuation or conversion provisions applicable to the certificate and group policy:]

c. [Describe waiver of premium provisions or state that there are not such provisions.]

5. TERMS UNDER WHICH THE COMPANY MAY CHANGE PREMIUMS.

[In bold type larger than the maximum type required to be used for the other provisions of the outline of coverage, state whether or not the company has a right to change the premium, and if the right exists, describe clearly and concisely each circumstance under which the premium may change.]

3- 6. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

a. [Provide a brief description of the right to return--"free look" provision of the policy.] If your application is denied, [Company name] will refund any paid premium within 30 days of the denial.

b. [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

4- 7. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

a. [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.

b. [For direct response] [insert company name] is not representing Medicare, the federal government, or any state government.

5- 8. LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

6- 9. BENEFITS PROVIDED BY THIS POLICY.

a. [Covered services, related deductible or deductibles, waiting periods, elimination periods and benefit maximums.]

b. [Institutional benefits, by skill level.]

c. [Non-institutional benefits, by skill level.]

d. Eligibility for payment of benefits. [Activities of daily living and cognitive impairment shall be used to measure an insured's need for long-term care and must be defined and described as part of the outline of coverage.]

[Any additional benefit screens triggers must also be explained in this section. If these screens triggers differ for different benefits, explanation of the screen triggers should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long term care, then these qualifying criteria or screens must be explained.]

7- 10. LIMITATIONS AND EXCLUSIONS.

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[Describe:

- a. Preexisting conditions;
- b. Noneligible facilities/provider;
- c. Noneligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);
- d. Exclusions/exceptions;
- e. Limitations.]

[This section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in ~~(6)~~ paragraph 9 above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

~~8.~~ 11. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

- a. That the benefit level will not increase over time;
- b. Any automatic benefit adjustment provisions;
- c. Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;
- d. If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;
- e. And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

~~9. TERMS UNDER WHICH THE POLICY (OR CERTIFICATE) MAY BE CONTINUED IN FORCE OR DISCONTINUED:~~

~~[(i) Describe the policy renewability provisions; (ii) For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy; (iii) Describe waiver of premium provisions or state that there are no such provisions (iv) State whether or not the company has a right to change premium, and if such a right exists, describe clearly and concisely each circumstance under which premium may change.]~~

~~10.~~ 12. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured. ~~In the event that the policy does not cover such preexisting conditions, that information should be included here also.]~~

~~11.~~ 13. PREMIUM.

- ~~1.~~ a. State the total annual premium for the policy;
- ~~2.~~ b. If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

~~12.~~ 14. ADDITIONAL FEATURES.

- ~~1.~~ a. Indicate if medical underwriting is used;
- ~~2.~~ b. Describe other important features.]

15. CONTACT THE VIRGINIA INSURANCE COUNSELING AND ASSISTANCE PROGRAM IF YOU HAVE GENERAL QUESTIONS REGARDING LONG-TERM CARE INSURANCE. CONTACT THE INSURANCE COMPANY IF YOU HAVE SPECIFIC QUESTIONS REGARDING YOUR LONG-TERM CARE INSURANCE POLICY OR CERTIFICATE.

14 VAC 5-200-201. Requirement to deliver shopper's guide.

A. A long-term care insurance shopper's guide in the format developed by the National Association of Insurance Commissioners, or a guide developed or approved by the commission, shall be provided to all prospective applicants of a long-term care insurance policy or certificate.

- 1. In the case of agent solicitations, an agent must deliver the shopper's guide prior to the presentation of an application or enrollment form.
- 2. In the case of direct response solicitations, the shopper's guide must be presented in conjunction with any application or enrollment form.

B. Life insurance policies or riders containing accelerated long-term care benefits are not required to furnish the above-referenced guide, but shall furnish the policy summary required under § 38.2-5207.1 of the Code of Virginia.

14 VAC 5-200-205. State Long-Term Care Insurance Partnership Program.

A. In accordance with § 6021 of the Deficit Reduction Act of 2005 (Pub.L. 109-171) and § 32.1-325 of the Code of Virginia, in addition to the applicable provisions of this chapter, the provisions of this section shall [~~be effective March 15, 2007, and shall~~] apply to any qualified state long-term care insurance partnership policy.

B. "Qualified state long-term care insurance partnership policy" or "partnership policy" means an insurance policy that meets all the requirements specified in [~~the Qualified State Long-Term Care State Plan Amendment filed by the Department of Medical Assistance Services and approved by the federal government that provides for the disregard of any assets or resources in an amount equal to the insurancee benefit payments that are made to or on behalf of an individual who is a beneficiary under a long-term care insurance policy if 12 VAC 30-40-290 and meets~~] the following requirements [~~are met~~]:

1. The policy covers an insured who was a resident of the Commonwealth of Virginia (a Partnership State) when coverage first became effective under the policy.

2. The policy is a qualified long-term care insurance policy as defined in § 7702B(b) of the Internal Revenue Code of 1986 and was issued no earlier than [~~March 15, 2007, the effective date of the state plan amendment~~ September 1, 2007].

3. The policy meets all the applicable requirements of this chapter and the requirements of the National Association of Insurance Commissioners long-term care insurance model act and model regulation as those requirements are set forth in § 1917(b)(5)(A) of the Social Security Act (42 USC § 1396p(b)(5)(A)).

4. The policy provides the following inflation protections:

a. If the policy is sold to an individual who has not attained age 61 as of the date of purchase, the policy shall provide [a] compound annual inflation protection [~~at a rate of not less than 5.0%~~ feature at least equivalent to the provisions of 14 VAC 5-200-100];

b. If the policy is sold to an individual who has attained age 61 but has not attained age 76 as of the date of purchase, the policy shall provide an inflation protection feature at least equivalent to [~~any of the features required to be offered in~~ the provisions of] 14 VAC 5-200-100;

c. If the policy is sold to an individual who has attained age 76 as of the date of purchase, the policy may provide inflation protection, but shall at least comply with the provisions of 14 VAC 5-200-100.

C. [~~A partnership policy and an outline of coverage for a partnership policy shall include on its face a title clearly indicating that the policy is a qualified state long-term care insurance partnership policy.~~ 1. An insurer or its agent, soliciting or offering to sell a policy that is intended to qualify as a partnership policy, shall provide to each prospective applicant a Partnership Program Notice (Form 200-A), outlining the requirements and benefits of a partnership policy. A similar notice may be used for this purpose if filed and approved by the commission. The Partnership Program

Notice shall be provided with the required Outline of Coverage.

2.] A partnership policy [issued or issued for delivery in the Commonwealth of Virginia] shall [~~also~~] include a [~~disclosure~~ Partnership Disclosure Notice (Form 200-B) explaining the benefits associated with a partnership policy and] indicating that [at the time issued, the policy is a qualified state long-term care insurance partnership policy. A similar notice may be used if filed and approved by the commission. The Partnership Disclosure Notice shall also include a statement indicating that] by purchasing this partnership policy, the insured does not automatically qualify for Medicaid [~~once benefits under the policy are exhausted~~].

[~~D.~~ 1. A partnership policy shall not be issued or issued for delivery in this Commonwealth unless filed with and approved by the commission in accordance with the procedures set forth in § 38.2-316 of the Code of Virginia. Any policy submitted for approval as a partnership policy shall be accompanied by a Partnership Certification Form (Form 200-C), or a similar form filed and approved by the commission.

2. Insurers requesting to make use of a previously approved policy form as a qualified state long-term care partnership policy shall submit to the commission a Partnership Certification Form signed by an officer of the company. The Partnership Certification Form shall be accompanied by a copy of the policy or certificate form listed, the approval date, and a bookmark for each of the requirements listed in sections II and III of the form. A Partnership Certification Form shall be required for each policy form submitted for partnership qualification.]

[~~D.~~ E.] Agent training requirements. An individual may not sell, solicit or negotiate a partnership policy unless the individual is a licensed and appointed insurance agent in accordance with provisions of Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2 of the Code of Virginia and has completed [~~a one-time~~ an initial] training [~~course~~ component] and ongoing training every 24 months thereafter. The training shall meet the following requirements:

1. All training shall be approved as continuing education by the Insurance Continuing Education Board in accordance with § 38.2-1867 of the Code of Virginia.

2. The [~~one-time~~ initial] training required by this subsection shall be no less than eight hours [,] and the ongoing training required by this subsection shall be no less than four hours.

3. The training required under subdivision 2 of this subsection shall consist of topics related to long-term care insurance, long-term care services, and qualified state long-

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term care insurance partnership programs, including, but not limited to:

a. State and federal regulations and requirements and the relationship between qualified state long-term care insurance partnership programs and other public and private coverage of long-term care services, including Medicaid;

b. Available long-term care services and providers;

c. Changes or improvements in long-term care services or providers;

d. Alternatives to the purchase of private long-term care insurance;

e. The effect of inflation on benefits and the importance of inflation protection; and

f. Consumer suitability standards and guidelines.

[~~E~~, F.] Insurers offering a partnership policy shall obtain verification that an agent has received the training required by subsection [~~D~~ E] of this section before the agent is permitted to sell, solicit or negotiate the insurer's partnership policy.

[~~F~~, G.] Each insurer shall maintain records with respect to the training of its agents qualified to sell, solicit or negotiate partnership policies, to include training received and that the agent has demonstrated an understanding of the partnership policies and their relationship to public and private coverage of long-term care, including Medicaid, in this Commonwealth. These records shall be maintained for a period of not less than five years and shall be made available to the commission upon request.

[~~G~~. The application for a partnership policy shall include a prominent statement, signed by the agent, indicating that the agent has received the required training and is qualified to sell, solicit or negotiate this partnership policy.]

H. Each insurer issuing a partnership policy shall provide regular reports to the United States Secretary of Health and Human Services in accordance with regulations of the Secretary that include notification of the date benefits were paid, the amount paid, the date the policy terminates, and such other information as the Secretary determines may be appropriate to the administration of partnerships.

NOTICE: The forms used in administering 14 VAC 5-200, Rules Governing Long-Term Care Insurance are not being published due to the large number; however, the name of each form is listed below. The forms are available for public inspection at the State Corporation Commission, 13 South 13th Street, Richmond, Virginia, or at the office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia.

FORMS

Rescission Reporting Form, Form A (eff. 2/02).

Long-Term Care Insurance Personal Worksheet, Form B (rev. 2/02).

Things You Should Know Before You Buy Long-Term Care Insurance, Form C (rev. 2/02 [~~5/07~~ 9/07]).

Long-Term Care Insurance Suitability Letter, Form D (rev. 2/02).

Claims Denial Reporting, Form E (eff. [~~5/07~~ 9/07]).

Potential Rate Increase Disclosure Form, Form ~~E~~ (eff. 2/02) ~~F~~ (rev. [~~5/07~~ 9/07]).

Replacement and Lapse Reporting, Form G (eff. [~~5/07~~ 9/07]).

[Partnership Program Notice, Form 200-A (eff. 9/07).

Partnership Disclosure Notice, Form 200-B (eff. 9/07).

Partnership Certification Form, Form 200-C (eff. 9/07).]

VA.R. Doc. No. R07-78; Filed April 10, 2007, 1:17 p.m.

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Final Regulation

REGISTRAR'S NOTICE: The Board of Pharmacy is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. The Board of Pharmacy will receive, consider and respond to petitions by any interested person with respect to reconsideration or revision.

Title of Regulation: 18 VAC 110-20. Regulations Governing the Practice of Pharmacy (amending 18 VAC 110-20-285).

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

Effective Date: May 30, 2007.

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

Summary:

The amendment corrects a cite to the Code of Virginia.

18 VAC 110-20-285. Electronic transmission of prescriptions from prescriber to pharmacy.

A. Unless otherwise prohibited by law, prescriptions may be transmitted by electronic means from the prescriber or an authorized agent as defined in § 54.1-3408.01 ~~D~~ C of the Code of Virginia for transmission of oral prescriptions directly to the dispensing pharmacy. For electronic transmission of Schedule II-V prescriptions, transmissions shall comply with any security or other requirements of federal law. All electronic transmissions shall also comply with all security requirements of state law related to privacy of protected health information.

B. In addition to all other information required to be included on a prescription, an electronically transmitted prescription shall include the telephone number of the prescriber, the full name of the prescriber's agent if other than the prescriber transmitting, and date of transmission.

C. A pharmacy receiving an electronic transmission prescription shall maintain such prescription record in accordance with 18 VAC 110-20-250 A.

D. An electronically transmitted prescription shall be transmitted only to the pharmacy of the patient's choice.

VA.R. Doc. No. R07-194; Filed April 10, 2007, 3:44 p.m.

◆ **TITLE 21. SECURITIES AND RETAIL FRANCHISING** ◆

STATE CORPORATION COMMISSION

REGISTRAR'S NOTICE: The State Corporation Commission is exempt from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Proposed Regulation

Titles of Regulations: **21 VAC 5-10. General Administration - Securities Act (amending 21 VAC 5-10-40).**

21 VAC 5-20. Broker-Dealers, Broker-Dealer Agents and Agents of the Issuer: Registration, Expiration, Renewal, Updates and Amendments, Termination, Changing Connection, Merger or Consolidation, Examinations/Qualification, Financial Statements and Reports (amending 21 VAC 5-20-280 and 21 VAC 5-20-330; adding 21 VAC 5-20-65 and 21 VAC 5-20-95).

21 VAC 5-80. Investment Advisors (amending 21 VAC 5-80-160 and 21 VAC 5-80-200; adding 21 VAC 5-80-65 in Part I).

Statutory Authority: §§ 12.1-13 and 13.1-523 of the Code of Virginia.

Public Hearing Date: May 30, 2007.

Public comments may be submitted until May 16, 2007.

Agency Contact: Thomas M. Gouldin, Deputy Director, Division of Securities and Retail Franchising, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9755, FAX (804) 371-9911, or email don.gouldin@scc.virginia.gov.

Summary:

The proposed amendments (i) address a change made to the Virginia Securities Act that was made during the 2007 legislative session that would allow a registered agent to be employed by more than one broker-dealer under prescribed conditions; (ii) include a definition for the term "records" and requires that certain records be maintained in a certain manner and produced for inspection of broker-dealers, agents and agents of the issuer; and add a similar definition for "records" and add similar maintenance and inspection requirements for investment advisors and investment advisor representatives; (iii) add new prohibited business conduct for broker-dealers including networking arrangements, breakpoints, conflicts of interest disclosures, and other disclosures; (iv) clarify the current model rules for sales of securities at financial institutions to conform to related NASD regulations; (v) require an investment advisor to keep any records, document dates, locations, and findings of the investment advisor's annual review of its policies and procedures; and (vi) add new provisions dealing with advertisements and testimonials used by investment advisors.

AT RICHMOND, APRIL 6, 2007

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: In the matter of CASE NO. SEC-2007-00017
Adopting a Revision to the Rules
Governing the Virginia Securities Act

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. Section 13.1-523 of the Virginia Securities Act ("Act"), § 13.1-501 et seq. of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of the Act.

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The rules and regulations issued by the Commission pursuant to the Act are set forth in Title 21 of the Virginia Administrative Code. A copy also may be found at the Commission's website:
<http://www.scc.virginia.gov/division/srf>.

The Division of Securities and Retail Franchising ("Division") has submitted to the Commission proposed revisions to Chapter 10, Chapter 20, and Chapter 80 of Title 21 of the Virginia Administrative Code entitled "Rules and Forms Governing Virginia Securities Act," which add new rules 21 VAC 5-20-65, 21 VAC 5-20-95, and 21 VAC 5-80-65, and revise rules 21 VAC 5-10-40, 21 VAC 5-20-280, 21 VAC 5-20-330, 21 VAC 5-80-160, and 21 VAC 5-80-200.

Proposed new rule 21 VAC 5-20-65 adds a definition for the term "records" and requires that certain records be maintained in a certain manner and produced for inspection of broker-dealers, agents and agents of the issuer. Proposed new rule 21 VAC 5-80-65 again adds a definition for the term "records" and requires that certain records be maintained in a certain manner and produced for inspection for investment advisors and investment advisor representatives. As a result of the statutory changes made during the legislative session, proposed new rule 21 VAC 5-20-95 allows a registered agent to be employed by more than one broker-dealer under prescribed conditions.

Revised rule 21 VAC 5-10-40 adds a definition for the term "breakpoint." Revised rule 21 VAC 5-20-280 adds new prohibited business conduct for broker-dealers including networking arrangements, breakpoints, conflicts of interest disclosure, and other broker-dealer disclosures. Revised rule 21 VAC 5-20-330 clarifies the current rule and brings the requirements into line with related NASD regulations. Revised rule 21 VAC 5-80-160 adds a new provision that requires the investment advisor to keep any records documenting dates, locations, and findings of the investment advisor's annual review of its policies and procedures. Revised rule 21 VAC 5-80-200 adds new provisions dealing with advertisements and testimonials used by investment advisors.

The Division has recommended to the Commission that the proposed revisions should be considered for adoption with an effective date of July 1, 2007. The Division also has recommended to the Commission that a hearing should be held, if requested by those interested parties who wish to comment with regard to the proposed rules, to consider the proposed revisions on May 30, 2007.

A copy of the proposed revisions may be requested by interested parties from the Division by telephone, by mail or email request and also can be found at the Division's website: <http://www.scc.virginia.gov/division/srf>. Any comments to the proposed rules must be received by May 16, 2007.

IT IS THEREFORE ORDERED that all interested persons TAKE NOTICE that:

(1) The Commission shall conduct a hearing, if necessary, in the Commission's Courtroom, 2nd Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219 at 10 a.m. on May 30, 2007, to consider the adoption of the revisions proposed by the Division with an effective date of July 1, 2007.

(2) On or before May 16, 2007, any interested person desiring to comment in support of or in opposition to the proposed revisions shall file comments in writing with the Clerk of the Commission, Document Control Center, P. O. Box 2118, Richmond, Virginia 23218.

(3) On or before May 16, 2007, any interested person intending to appear and be heard at the hearing on the proposed revisions shall file written notice of his intention to do so, which notice shall include his comments in support of or in opposition to the proposed revisions, with the Clerk of the Commission at the address set forth in the preceding paragraph. If no person files a timely written notice of intention to appear at the hearing on May 29, 2007, the hearing may not be held.

(4) All filings made under paragraph (2) or (3) shall contain a reference to Case No. SEC-2007-00017.

(5) The Commission's Division of Information Resources shall cause a copy of this Order, together with proposed revisions, to be forwarded to the Virginia Registrar of Regulations for the appropriate publication in the Virginia Register of Regulations.

(6) On or before April 30, 2007, the Commission's Division of Information Resources shall make available this Order and the proposed revisions on the Commission's website: <http://www.scc.virginia.gov/caseinfo/orders.htm>.

21 VAC 5-10-40. Definitions.

As used in ~~the Securities Act~~ this chapter, the following regulations and forms pertaining to securities, instructions and orders of the commission, the following meanings shall apply:

"Act" means the Securities Act contained in Chapter 5 (§ 13.1-501 et seq.) of Title 13.1 of the Code of Virginia.

"Applicant" means a person on whose behalf an application for registration or a registration statement is filed.

"Application" means all information required by the forms prescribed by the commission as well as any additional information required by the commission and any required fees.

"Bank Holding Company Act of 1956" (12 USC § 1841 et seq.) means the federal statute of that name as now or hereafter amended.

"Boiler room tactics" mean operations or high pressure tactics utilized in connection with the promotion of speculative offerings by means of an intensive telephone campaign or unsolicited calls to persons not known by or having an account with the salesman or broker-dealer represented by him, whereby the prospective purchaser is encouraged to make a hasty decision to invest, irrespective of his investment needs and objectives.

"Breakpoint" means the dollar level of investment necessary to qualify a purchaser for a discounted sales charge on a quantity purchase of open-end management company shares.

"Commission" means State Corporation Commission.

"Federal covered advisor" means any person who is registered or required to be registered under § 203 of the Investment Advisers Act of 1940 as an "investment adviser."

"Investment Advisers Act of 1940" (15 USC § 80b-1 et seq.) means the federal statute of that name as now or hereafter amended.

Notwithstanding the definition in § 13.1-501 of the Act, "investment advisor representative" as applied to a federal covered advisor only includes an individual who has a "place of business" (as that term is defined in rules or regulations promulgated by the SEC) in this Commonwealth and who either:

1. Is an "investment advisor representative" as that term is defined in rules or regulations promulgated by the SEC; or
2. a. Is not a "supervised person" as that term is defined in the Investment Advisers Act of 1940; and
 - b. Solicits, offers or negotiates for the sale of or sells investment advisory services on behalf of a federal covered advisor.

"Investment Company Act of 1940" (15 USC § 80a-1 et seq.) means the federal statute of that name as now or hereafter amended.

"NASAA" means the North American Securities Administrators Association, Inc.

"NASD" means the National Association of Securities Dealers, Inc.

"Notice" or "notice filing" means, with respect to a federal covered advisor or federal covered security, all information required by the regulations and forms prescribed by the commission and any required fee.

"Registrant" means an applicant for whom a registration or registration statement has been granted or declared effective by the commission.

"SEC" means the United States Securities and Exchange Commission.

"Securities Act of 1933" (15 USC § 77a et seq.) means the federal statute of that name as now or hereafter amended.

"Securities Exchange Act of 1934" (15 USC § 78a et seq.) means the federal statute of that name as now or hereafter amended.

NOTICE: The forms used in administering 21 VAC 5-10, General Administration - Securities Act, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

Broker-Dealer and Agent Forms

Form BD-Uniform Application for Broker-Dealer Registration (2/98).

Form S.A.11-Broker-Dealer's Surety Bond (rev. 7/99).

Form S.A.2-Application for Renewal of a Broker-Dealer's Registration (rev. 7/99).

Form S.D.4-Application for Renewal of Registration as an Agent of an Issuer (1997).

Form S.D.4.A-Non-NASD Broker-Dealer or Issuer Agents to be Renewed Exhibit (1974).

Form S.D.4.B-Non-NASD Broker-Dealer or Issuer Agents to be Canceled with no disciplinary history (1974).

Form S.D.4.C-Non-NASD Broker-Dealer or Issuer Agents to be Canceled with disciplinary history (1974).

Form BDW-Uniform Notice of Termination or Withdrawal of Registration as a Broker-Dealer (rev. 4/89).

Rev. Form U-Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-Uniform Termination Notice for Securities Industry Registration (11/97).

Investment Advisor and Investment Advisor Representative Forms

Form ADV-Uniform Application for Registration of Investment Advisors (rev. 1/01).

Form ADV-W - Notice of Withdrawal from Registration as an Investment Advisor (rev. 1/01).

Surety Bond Form (rev. 7/99).

Rev. Form U-Uniform Application for Securities Industry Registration or Transfer (11/97).

Rev. Form U-Uniform Termination Notice for Securities Industry Registration (11/97).

Form S.A.3-Affidavit for Waiver of Examination (rev. 7/99).

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Form S.A.15-Investment Advisor Representative Multiple Employment Agreement (~~7/98~~ eff. 7/07).

Form S.A.16-Agent Multiple Employment Agreement (eff. 7/07).

Securities Registration and Notice Filing Forms

Form U-Uniform Application to Register Securities (7/81).

Form U-Uniform Consent to Service of Process (7/81).

Form U-a-Uniform Form of Corporate Resolution (rev. 7/99).

Form S.A.4-Registration by Notification-Original Issue (rev. 11/96).

Form S.A.5-Registration by Notification-Non-Issuer Distribution (rev. 11/96).

Form S.A.6-Registration by Notification-Pursuant to 21 VAC 5-30-50 Non-Issuer Distribution "Secondary Trading" (1989).

Form S.A.8-Registration by Qualification (7/91).

Form S.A.10-Request for Refund Affidavit (Unit Investment Trust) (rev. 7/99).

Form S.A.12-Escrow Agreement (1971).

Form S.A.13-Impounding Agreement (rev. 7/99).

Form VA-Parts 1 and 2-Notice of Limited Offering of Securities (rev. 11/96).

Form NF-Uniform Investment Company Notice Filing (4/97).

S.A. 15 (~~7/98~~ 7/07)

**INVESTMENT ADVISOR REPRESENTATIVE MULTIPLE EMPLOYMENT
AGREEMENT**

(Print/Type Representative's name and CRD Number)

Pursuant to the requirements of 21 VAC 5-80-250 of the Virginia Administrative Code, a representative may be employed by more than one registered investment advisor. In order to comply with the provisions of the regulation, each investment advisor identified below consents to the multiple employment of the representative and agrees to be responsible for the employment activity of the representative on behalf of each undersigned investment advisor.

Investment Advisor Name/CRD# (Type/Print)

By: _____
Signature

Name of Signer (Type/Print)

Title of Signer (Type/Print)

Date

Investment Advisor Name/CRD# (Type/Print)

By: _____
Signature

Name of Signer (Type/Print)

Title of Signer (Type/Print)

Date

Regulations

S.A. 16 (7/07)

**AGENT MULTIPLE EMPLOYMENT
AGREEMENT**

(Print/Type Agent's name and CRD Number)

Pursuant to the requirements of 21 VAC 5-20-95 of the Virginia Administrative Code, an agent may be employed by more than one registered broker-dealer. In order to comply with the provisions of the regulation, each broker-dealer identified below consents to the multiple employment of the agent and agrees to be responsible for the employment activity of the agent on behalf of each undersigned broker-dealer.

Broker-Dealer Name/CRD# (Type/Print)

By: _____
Signature

Name of Signer (Type/Print)

Title of Signer (Type/Print)

Date

Broker-Dealer's Name/CRD# (Type/Print)

By: _____
Signature

Name of Signer (Type/Print)

Title of Signer (Type/Print)

Date

21 VAC 5-20-65. Broker-dealer records retention requirements.

The following requirements apply to every registered broker-dealer as a condition of registration as a broker-dealer under the Act:

1. All of the broker-dealer's records, immediately upon the request of the commission, will be made available for inspection by the commission and reproduction for the commission in an office where the records are maintained;
2. All of the broker-dealer's records or legible copies of the same, or printouts of the same, if automated, pertaining to a securities transaction any part of which occurred or is to occur within the Commonwealth of Virginia will be made available for inspection by the commission in the office of the commission's Division of Securities and Retail Franchising within 48 hours after request of the commission for same;
3. The term "records" as used in this section means and includes all books, papers, documents, tapes, films, photographs, electronic readable format or other materials, regardless of physical form or characteristics that (i) are maintained for recordation or storage of information prepared, used or to be used in connection with a securities transaction or (ii) were used or are to be used in connection with securities transactions;
4. Failure to comply with this section may be considered grounds for the institution of a proceeding to revoke a broker-dealer's registration or for such other penalty prescribed by the Act; and
5. Any broker-dealer subject to a commission investigation may be required to pay the actual cost of the investigation.

21 VAC 5-20-95. Employment of an agent by more than one broker-dealer.

A. In accordance with § 13.1-504 B of the Act, an agent may be employed by more than one broker-dealer if all of the following conditions are satisfied:

1. Each employing broker-dealer is under common ownership and control as defined in subsection B of this section.
2. Each employing broker-dealer is registered in accordance with 21 VAC 5-20-10.
3. Each employing broker-dealer consents in writing to the employment of the agent by each of the other employing broker-dealers.
4. Each employing broker-dealer agrees to be responsible for the employment activity of the agent.
5. The agent is registered in accordance with 21 VAC 5-20-90 by and on behalf of each employing broker-dealer.

6. Each employing broker-dealer executes an Agent Multiple Employment Agreement (Form S.A.16), and the executed agreement is filed with the commission at its Division of Securities and Retail Franchising prior to the agent transacting business in Virginia on behalf of such broker-dealer.

7. A new Agent Multiple Employment Agreement is executed and filed with the commission at its Division of Securities and Retail Franchising within 15 days after any information in a current agreement on file with the commission becomes materially deficient, incomplete or inaccurate.

B. The term "common ownership and control" as used in this section means possession of at least a 50% ownership interest in each employing broker-dealer by the same individual or individuals.

21 VAC 5-20-280. Prohibited business conduct.

A. No broker-dealer shall:

1. Engage in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers ~~and/or~~ or in the payment upon request of free credit balances reflecting completed transactions of any of its customers, or take any action that directly or indirectly interferes with a customer's ability to transfer his account; provided that the account is not subject to any lien for moneys owed by the customer or other bona fide claim, including, but not limited to, seeking a judicial order or decree that would bar or restrict the submission, delivery or acceptance of a written request from a customer to transfer his account;
2. Induce trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;
3. Recommend to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation, risk tolerance and needs, and any other relevant information known by the broker-dealer;
4. Execute a transaction on behalf of a customer without authority to do so or, when securities are held in a customer's account, fail to execute a sell transaction involving those securities as instructed by a customer, without reasonable cause;
5. Exercise any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time ~~and/or~~ or price for the execution of orders;

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6. Execute any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account, or fail, prior to or at the opening of a margin account, to disclose to a noninstitutional customer the operation of a margin account and the risks associated with trading on margin at least as comprehensively as required by NASD Rule 2341;

7. Fail to segregate customers' free securities or securities held in safekeeping;

8. Hypothecate a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by Rules of the SEC;

9. Enter into a transaction with or for a customer at a price not reasonably related to the current market price of a security or receiving an unreasonable commission or profit;

10. Fail to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;

11. Introduce customer transactions on a "fully disclosed" basis to another broker-dealer that is not exempt under § 13.1-514 B 6 of the Act;

12. a. Charge unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of moneys due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;

b. Charge a fee based on the activity, value or contents (or lack thereof) of a customer account unless written disclosure pertaining to the fee, which shall include information about the amount of the fee, how imposition of the fee can be avoided and any consequence of late payment or nonpayment of the fee, was provided no later than the date the account was established or, with respect to an existing account, at least 60 days prior to the effective date of the fee;

13. Offer to buy from or sell to any person any security at a stated price unless ~~such the~~ broker-dealer is prepared to purchase or sell, ~~as the case may be~~, at ~~such the~~ price and under such conditions as are stated at the time of ~~such the~~ offer to buy or sell;

14. Represent that a security is being offered to a customer "at a market" or a price relevant to the market price unless ~~such the~~ broker-dealer knows or has reasonable grounds to believe that a market for ~~such the~~ security exists other than

that made, created or controlled by ~~such the~~ broker-dealer, or by any person for whom he is acting or with whom he is associated in ~~such the~~ distribution, or any person controlled by, controlling or under common control with ~~such the~~ broker-dealer;

15. Effect any transaction in, or induce the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

a. Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

b. Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; ~~provided~~, however, nothing in this ~~subsection~~ subdivision shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customers;

c. Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in ~~such the~~ security or raising or depressing the price of ~~such the~~ security, for the purpose of inducing the purchase or sale of ~~such the~~ security by others;

16. Guarantee a customer against loss in any securities account of ~~such the~~ customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for ~~such the~~ customer;

17. Publish or circulate, or cause to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless ~~such the~~ broker-dealer believes that ~~such the~~ transaction was a bona fide purchase or sale of ~~such the~~ security; or which purports to quote the bid price or asked price for any security, unless ~~such the~~ broker-dealer believes that ~~such the~~ quotation represents a bona fide bid for, or offer of, ~~such the~~ security;

18. Use any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede

or defeat the purpose or effect of any prospectus or disclosure;

19. Fail to make reasonably available upon request to any person expressing an interest in a solicited transaction in a security, not listed on a registered securities exchange or quoted on an automated quotation system operated by a national securities association approved by regulation of the commission, a balance sheet of the issuer as of a date within 18 months of the offer ~~and/or~~ or sale of the issuer's securities and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, the names of the issuer's proprietor, partners or officers, the nature of the enterprises of the issuer and any available information reasonably necessary for evaluating the desirability or lack of desirability of investing in the securities of an issuer. All transactions in securities described in this ~~subsection~~ subdivision shall comply with the provisions of § 13.1-507 of the Act;

20. Fail to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of ~~such~~ the security, the existence of ~~such~~ control to ~~such~~ the customer, and if ~~such~~ disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

21. Fail to make a bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member, or from a member participating in the distribution as an underwriter or selling group member;

22. Fail or refuse to furnish a customer, upon reasonable request, information to which ~~such~~ the customer is entitled, or to respond to a formal written request or complaint; ~~or~~

23. Fail to clearly and separately disclose to its customer, prior to any security transaction, providing investment advice for compensation or any materially related transaction that the customer's funds or securities will be in the custody of an investment advisor or contracted custodian, in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third-party coverage over the customer's assets-;

24. Market broker-dealer services that are associated with financial institutions in a manner that is misleading or confusing to customers as to the nature of securities products or risks; or

25. In transactions subject to breakpoints, fail to:

a. Utilize advantageous breakpoints without reasonable basis for their exclusion;

b. Determine information that should be recorded on the books and records of a member or its clearing firm, which is necessary to determine the availability and appropriateness of breakpoint opportunities; or

c. Inquire whether the customer has positions or transactions away from the member that should be considered in connection with the pending transaction, and apprise the customer of the breakpoint opportunities.

B. No agent shall:

1. Engage in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

2. Effect any securities transaction not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transaction is authorized in writing by the broker-dealer prior to execution of the transaction;

3. Establish or maintain an account containing fictitious information in order to execute a transaction which would otherwise be unlawful or prohibited;

4. Share directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

5. Divide or otherwise split the agent's commissions, profits or other compensation from the purchase or sale of securities in this state with any person not also registered as an agent for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or

6. Engage in conduct specified in subdivisions A 2, 3, 4, 5, 6, 10, 15, 16, 17, 18, ~~or~~ 23, 24 or 25 of this section.

~~C. Failure to comply with any of the applicable continuing education requirements set forth in any of the following, if such failure has resulted in an agent's denial, suspension or revocation of a license, registration or membership with a self-regulatory organization. It shall be deemed a demonstration of a lack of business knowledge by an agent insofar as such business knowledge is required for registration by § 13.1-505 A 3 of the Act, if an agent fails to comply with any of the applicable continuing education requirements set forth in any of the following and such failure has resulted in an agent's denial, suspension, or revocation of a license, registration, or membership with a self-regulatory organization.~~

1. Schedule C to the National Association of Securities Dealers By-Laws, Part XII of the National Association of Securities Dealers, as such provisions existed on July 1, 1995;

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2. Rule 345 A of the New York Stock Exchange, as such provisions existed on July 1, 1995;
3. Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on July 1, 1995;
4. Rule 341 A of the American Stock Exchange, as such provisions existed on July 1, 1995;
5. Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on July 1, 1995;
6. Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on July 1, 1995;
7. Rule 9.27(C) of the Pacific Stock Exchange, as such provisions existed on July 1, 1995; or
8. Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on July 1, 1995.

Each or all of the education requirements standards listed above may be changed by each respective entity and if so changed will become a requirement if ~~such~~ the change does not materially reduce the educational requirements expressed above or reduce the investor protection provided by ~~such~~ the requirements.

D. No person shall publish, give publicity to, or circulate any notice, circular, advertisement, newspaper article, letter, investment service or communication which, though not purporting to offer a security for sale, describes ~~such~~ the security, for a consideration received or to be received, directly or indirectly, from an issuer, underwriter, or dealer, without fully disclosing the receipt, whether past or prospective, of such consideration and the amount thereof.

E. The purpose of this subsection is to identify practices in the securities business which are generally associated with schemes to manipulate and to identify prohibited business conduct of broker-dealers ~~and/or~~ or sales agents.

1. Entering into a transaction with a customer in any security at an unreasonable price or at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit.
2. Contradicting or negating the importance of any information contained in a prospectus or other offering materials with intent to deceive or mislead or using any advertising or sales presentation in a deceptive or misleading manner.
3. In connection with the offer, sale, or purchase of a security, falsely leading a customer to believe that the broker-dealer or agent is in possession of material, ~~non-public~~ nonpublic information which would affect the value of the security.
4. In connection with the solicitation of a sale or purchase of a security, engaging in a pattern or practice of making

contradictory recommendations to different investors of similar investment objective for some to sell and others to purchase the same security, at or about the same time, when not justified by the particular circumstances of each investor.

5. Failing to make a bona fide public offering of all the securities allotted to a broker-dealer for distribution by, among other things, (i) transferring securities to a customer, another broker-dealer or a fictitious account with the understanding that those securities will be returned to the broker-dealer or its nominees or (ii) parking or withholding securities.

6. Although nothing in this subsection precludes application of the general ~~anti-fraud~~ antifraud provisions against anyone for practices similar in nature to the practices discussed below, the following subdivisions a through f specifically apply only in connection with the solicitation of a purchase or sale of OTC (over the counter) unlisted non-NASDAQ equity securities:

- a. Failing to advise the customer, both at the time of solicitation and on the confirmation, of any and all compensation related to a specific securities transaction to be paid to the agent including commissions, sales charges, or concessions.
- b. In connection with a principal transaction, failing to disclose, both at the time of solicitation and on the confirmation, a short inventory position in the firm's account of more than 3.0% of the issued and outstanding shares of that class of securities of the issuer; however, subdivision 6 of this subsection shall apply only if the firm is a market maker at the time of the solicitation.
- c. Conducting sales contests in a particular security.
- d. After a solicited purchase by a customer, failing or refusing, in connection with a principal transaction, to promptly execute sell orders.
- e. Soliciting a secondary market transaction when there has not been a bona fide distribution in the primary market.
- f. Engaging in a pattern of compensating an agent in different amounts for effecting sales and purchases in the same security.

7. Effecting any transaction in, or inducing the purchase or sale of any security by means of any manipulative, deceptive or other fraudulent device or contrivance including but not limited to the use of boiler room tactics or use of fictitious or nominee accounts.

8. Failing to comply with any prospectus delivery requirements promulgated under federal law or the Act.

9. In connection with the solicitation of a sale or purchase of an OTC unlisted non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under § 13 of the Securities Exchange Act when requested to do so by a customer.

10. Marking any order tickets or confirmations as unsolicited when in fact the transaction was solicited.

11. For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account with respect to all OTC non-NASDAQ equity securities in the account, containing a value for each such security based on the closing market bid on a date certain; however, this subdivision shall apply only if the firm has been a market maker in ~~such~~ the security at any time during the month in which the monthly or quarterly statement is issued.

12. Failing to comply with any applicable provision of the Rules of Fair Practice of the NASD or any applicable fair practice or ethical standard promulgated by the SEC or by a self-regulatory organization approved by the SEC.

13. In connection with the solicitation of a purchase or sale of a designated security:

a. Failing to disclose to the customer the bid and ask price, at which the broker-dealer effects transactions with individual, retail customers, of the designated security as well as its spread in both percentage and dollar amounts at the time of solicitation and on the trade confirmation documents; or

b. Failing to include with the confirmation, the notice disclosure contained in subsection F of this section, except the following shall be exempt from this requirement:

(1) Transactions in which the price of the designated security is \$5.00 or more, exclusive of costs or charges; however, if the designated security is a unit composed of one or more securities, the unit price divided by the number of components of the unit other than warrants, options, rights, or similar securities must be \$5.00 or more, and any component of the unit that is a warrant, option, right, or similar securities, or a convertible security must have an exercise price or conversion price of \$5.00 or more.

(2) Transactions that are not recommended by the broker-dealer or agent.

(3) Transactions by a broker-dealer: (i) whose commissions, commission equivalents, and mark-ups from transactions in designated securities during each of the ~~immediately~~ preceding three months, and during

11 or more of the preceding 12 months, did not exceed 5.0% of its total commissions, commission-equivalents, and mark-ups from transactions in securities during those months; and (ii) who has not executed principal transactions in connection with the solicitation to purchase the designated security that is the subject of the transaction in the ~~immediately~~ preceding 12 months.

(4) Any transaction or transactions that, upon prior written request or upon its own motion, the commission conditionally or unconditionally exempts as not encompassed within the purposes of this section.

c. For purposes of this section, the term "designated security" means any equity security other than a security:

(1) Registered, or approved for registration upon notice of issuance, on a national securities exchange and makes transaction reports available pursuant to 17 CFR 11Aa3-1 under the Securities Exchange Act of 1934;

(2) Authorized, or approved for authorization upon notice of issuance, for quotation in the NASDAQ system;

(3) Issued by an investment company registered under the Investment Company Act of 1940;

(4) That is a put option or call option issued by The Options Clearing Corporation; or

(5) Whose issuer has net tangible assets in excess of \$4,000,000 as demonstrated by financial statements dated ~~within no~~ less than 15 months ~~previously~~ that the broker or dealer has reviewed and has a reasonable basis to believe are true and complete in relation to the date of the transaction with the person, and

(a) In the event the issuer is other than a foreign private issuer, are the most recent financial statements for the issuer that have been audited and reported on by an independent public accountant in accordance with the provisions of 17 CFR 210.2.02 under the Securities Exchange Act of 1934; or

(b) In the event the issuer is a foreign private issuer, are the most recent financial statements for the issuer that have been filed with the SEC; furnished to the SEC pursuant to 17 CFR 241.12g3-2(b) under the Securities Exchange Act of 1934; or prepared in accordance with generally accepted accounting principles in the country of incorporation, audited in compliance with the requirements of that jurisdiction, and reported on by an accountant duly registered and in good standing in accordance with the regulations of that jurisdiction.

F. Customer notice requirements follow:

IMPORTANT CUSTOMER NOTICE-READ CAREFULLY

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You have just entered into a solicited transaction involving a security which may not trade on an active national market. The following should help you understand this transaction and be better able to follow and protect your investment.

Q. What is meant by the BID and ASK price and the spread?

A. The BID is the price at which you could sell your securities at this time. The ASK is the price at which you bought. Both are noted on your confirmation. The difference between these prices is the "spread," which is also noted on the confirmation, in both a dollar amount and a percentage relative to the ASK price.

Q. How can I follow the price of my security?

A. For the most part, you are dependent on broker-dealers that trade in your security for all price information. You may be able to find a quote in the newspaper, but you should keep in mind that the quote you see will be for dealer-to-dealer transactions (essentially wholesale prices and will not necessarily be the prices at which you could buy or sell).

Q. How does the spread relate to my investments?

A. The spread represents the profit made by your broker-dealer and is the amount by which your investment must increase (the BID must rise) for you to break even. Generally, a greater spread indicates a higher risk.

Q. How do I compute the spread?

A. If you bought 100 shares at an ASK price of \$1.00, you would pay \$100 (100 shares X \$1.00 = \$100). If the BID price at the time you purchased your stock was \$.50, you could sell the stock back to the broker-dealer for \$50 (100 shares X \$.50 = \$50). In this example, if you sold at the BID price, you would suffer a loss of 50%.

Q. Can I sell at any time?

A. Maybe. Some securities are not easy to sell because there are few buyers, or because there are no broker-dealers who buy or sell them on a regular basis.

Q. Why did I receive this notice?

A. The laws of some states require your broker-dealer or sales agent to disclose the BID and ASK price on your confirmation and include this notice in some instances. If the BID and ASK were not explained to you at the time you discussed this investment with your broker, you may have further rights and remedies under both state and federal law.

Q. Where do I go if I have a problem?

A. If you cannot work the problem out with your broker-dealer, you may contact the Virginia State Corporation Commission or the securities commissioner in the state in

which you reside, the United States Securities and Exchange Commission, or the National Association of Securities Dealers, Inc.

G. Engaging in or having engaged in conduct specified in subsection A, B, C, D, or E of this section, or other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall be grounds under the Act for imposition of a penalty, denial of a pending application or refusal to renew or revocation of an effective registration.

21 VAC 5-20-330. Model rules for sales of securities at financial institutions.

A. This section applies exclusively to broker-dealer services conducted by broker-dealers and their agents on the premises of a financial institution where retail deposits are taken.

This section does not alter or abrogate a broker-dealer's obligation to comply with other applicable laws, rules, or regulations that may govern the operations of broker-dealers and their agents, including but not limited to, supervisory obligations. This section does not apply to broker-dealer services provided to nonretail customers.

B. For purposes of this section, the following terms have the meanings indicated:

"Broker-dealer services" means the investment banking or securities business as defined in paragraph (p) of Article I of the By-Laws of the NASD.

~~1.~~ "Financial institution" means federal and state-chartered banks, savings and loan associations, savings banks, credit unions, and the service corporations of such institutions located in Virginia.

~~2.~~ "Networking arrangement" means a contractual or other arrangement between a broker-dealer and a financial institution ~~pursuant to~~ by which the broker-dealer conducts broker-dealer services on the premises of ~~such~~ the financial institution where retail deposits are taken.

~~3.~~ "Broker-dealer services" means the investment banking or securities business as defined in paragraph (p) of Article I of the By-Laws of the NASD.

C. Standards for broker-dealer conduct. No broker-dealer shall conduct broker-dealer services on the premises of a financial institution where retail deposits are taken unless the broker-dealer and its agents complies ~~initially and continuously~~ with the following requirements:

1. Setting. Wherever practical, broker-dealer services shall be conducted in a physical location distinct from the area in which the financial institution's retail deposits are taken. In those situations where there is insufficient space to allow separate areas, the broker-dealer has a heightened responsibility to distinguish its services from those of the

financial institution. In all situations, the broker-dealer shall identify its services in a manner that clearly distinguishes those services from the financial institution's retail deposit-taking activities. The broker-dealer's name shall be clearly displayed in the area in which the broker-dealer conducts its services.

2. ~~a. Networking arrangements and program management. Networking arrangements shall be governed by a written agreement that sets forth the responsibilities of the parties and the compensation arrangements. Networking arrangements must provide that supervisory personnel of the broker dealer and representatives of state securities authorities, unless prohibited by state law, will be permitted access to the financial institution's premises where the broker dealer conducts broker dealer services in order to inspect the books and records and other relevant information maintained by the broker dealer with respect to its broker dealer services. Management of the broker dealer shall be responsible for ensuring that the networking arrangement clearly outlines the duties and responsibilities of all parties, including those of financial institution personnel. There shall be a written agreement between the financial institution and its associated broker-dealer that shall, at a minimum, address the areas listed below.~~

(1) A description of the responsibilities of each party, including the features of the sales program and the roles of registered and unregistered personnel;

(2) A description of the responsibilities of broker-dealer personnel authorized to make investment sales or recommendations;

(3) A description of how referrals to associated broker-dealer personnel will be made;

(4) A description of compensation arrangements for unregistered personnel;

(5) A description of training to be provided to both registered and unregistered personnel;

(6) A description of broker-dealer office audits to be conducted by the broker-dealer, including frequency, reports associated with financial institutions and records to be reviewed; and

(7) Authority of the financial institution and regulators to have access to relevant records of the broker-dealer and the financial institution in order to evaluation compliance with the agreement.

b. Program management. The program's management of the broker-dealer's networking arrangements shall address and include at a minimum, those items listed below.

(1) A description of relevant referral activities and compensation arrangements;

(2) A description of appropriate training requirements for various classes of personnel;

(3) The scope and frequency of compliance reviews and the manner and frequency of reporting to broker-dealer compliance supervisors and the financial institution compliance management group;

(4) The process of verifying that security purchases and sales are being conducted in accordance with the written networking agreement;

(5) The permissible use of financial institution and broker-dealer customer information, including how compliance with Virginia and federal law and with the broker-dealer's privacy policies will be achieved; and

(6) The existence of any potential conflicts of interest between the broker-dealer activities and the financial institution and its affiliates and appropriate disclosure of the conflicts that result from the relationship.

3. Customer disclosure and written acknowledgment.

a. At or prior to the time that a customer's securities brokerage account is opened by a broker-dealer on the premises of a financial institution where retail deposits are taken, the broker-dealer or its agents shall:

(1) Disclose, orally and in writing, that the securities products purchased or sold in a transaction with the broker-dealer:

(a) Are not insured by the Federal Deposit Insurance Corporation ("FDIC") or the National Credit Union Administration ("NCUA");

(b) Are not deposits or other obligations of the financial institution and are not guaranteed by the financial institution; and

(c) Are subject to investment risks, including possible loss of principal invested.

(2) Make reasonable efforts to obtain from each customer during the account opening process a written acknowledgment of the disclosures required by subdivision C 3 a (1).

(3) Provide written disclosures that are conspicuous, easy to comprehend and presented in a clear and concise manner.

(4) Disclose, orally and in writing, that the broker-dealer and the financial institution are separate entities, and when mutual funds or other securities are bought through the broker-dealer, the client is doing business with the broker-dealer and not with the financial institution. The broker-dealer and the financial institution will likely receive compensation as a result of the purchase of securities or advisory services by the client through the broker-dealer.

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b. If broker-dealer services include any written or oral representations concerning insurance coverage, other than FDIC insurance coverage, then clear and accurate written or oral explanations of the coverage must also be provided to the customers when such representations are first made.

4. Communications with the public.

a. All of the broker-dealer's confirmations and account statements must indicate clearly that the broker-dealer services are provided by the broker-dealer.

b. Advertisements and sales literature that announce the location of a financial institution where broker-dealer services are provided by the broker-dealer or its agents, or that are distributed by the broker-dealer or its agents on the premises of a financial institution, must disclose that securities products: are not insured by the FDIC; are not deposits or other obligations of the financial institution and are not guaranteed by the financial institution; and are subject to investment risks, including possible loss of the principal invested. The shorter logo format described in subdivision C 4 d may be used to provide these disclosures.

c. Recommendations by a broker-dealer or its agents concerning nondeposit investment products with a name similar to that of a financial institution must only occur pursuant to policies and procedures reasonably designed to minimize risk of customer confusion.

d. The following shorter logo format disclosures may be used by a broker-dealer or its agents in advertisements and sales literature, including material published, or designed for use, in radio or television broadcasts, automated teller machine ("ATM") screens, billboards, signs, posters and brochures, to comply with the requirements of subdivision C 4 b provided that such disclosures are displayed in a conspicuous manner:

- (1) Not FDIC insured;
- (2) No bank guarantee;
- (3) May lose value.

e. As long as the omission of the disclosures required by subdivision C 4 b would not cause the advertisement or sales literature to be misleading in light of the context in which the material is presented, ~~such~~ the disclosures are not required with respect to messages contained in:

- (1) Radio broadcasts of 30 seconds or less;
- (2) Electronic signs, including billboard-type signs that are electronic, time and temperature signs and ticker tape signs, but excluding messages contained in such media as television, on-line computer services, or ATMs; and

(3) Signs, such as banners and posters, when used only as location indicators.

5. Notification of termination. The broker-dealer must promptly notify the financial institution if any agent of the broker dealer who is employed by the financial institution is terminated for cause by the broker-dealer.

6. Unregistered financial institution employees may only receive a one-time nominal fee of a fixed dollar amount for each customer referral, and only if the payment is not contingent on whether the referral results in an investment activity or a transaction.

PART II.

INVESTMENT ADVISOR REPRESENTATIVE REGISTRATION, EXPIRATION, UPDATES AND AMENDMENTS, TERMINATION, AND CHANGING CONNECTION FROM ONE INVESTMENT ADVISOR TO ANOTHER.

21 VAC 5-80-65. Investment advisor records retention requirements.

The following requirements apply to every registered investment advisor as a condition of registration as an investment advisor under the Act:

1. All of the investment advisor's records, immediately upon the request of the commission, will be made available for inspection by the commission and reproduction for the commission in an office where the records are maintained;

2. All of the investment advisor's records or legible copies of the same, or printouts of the same, pertaining to a securities transaction, any part of which occurred or is to occur within the Commonwealth of Virginia, will be made available for inspection of the commission in the office of the commission's Division of Securities and Retail Franchising within 48 hours after request of the commission for same;

3. The term "records" as used in this section means and includes all books, papers, documents, tapes, films, photographs, electronic readable format or other materials, regardless of physical form or characteristics that (i) are maintained for recordation or storage of information prepared, used or to be used in connection with a securities transaction or (ii) were used or are to be used in connection with securities transactions;

4. Failure to comply with this section may be considered grounds for the institution of a proceeding to revoke an investment advisor's registration or for such other penalty prescribed by the Act; and

5. Any investment advisor subject to a commission investigation may be required to pay the actual cost of the investigation.

21 VAC 5-80-160. Recordkeeping requirements for investment advisors.

A. Every investment advisor registered or required to be registered under the Act shall make and keep true, accurate and current the following books, ledgers and records, except an investment advisor having its principal place of business outside this Commonwealth and registered or licensed, and in compliance with the applicable books and records requirements, in the state where its principal place of business is located, shall only be required to make, keep current, maintain and preserve such of the following required books, ledgers and records as are not in addition to those required under the laws of the state in which it maintains its principal place of business:

1. A journal or journals, including cash receipts and disbursements records, and any other records of original entry forming the basis of entries in any ledger.
2. General and auxiliary ledgers (or other comparable records) reflecting asset, liability, reserve, capital, income and expense accounts.
3. A memorandum of each order given by the investment advisor for the purchase or sale of any security, of any instruction received by the investment advisor from the client concerning the purchase, sale, receipt or delivery of a particular security, and of any modification or cancellation of any such order or instruction. The memoranda shall show the terms and conditions of the order, instruction, modification or cancellation; shall identify the person connected with the investment advisor who recommended the transaction to the client and the person who placed such order; and shall show the account for which entered, the date of entry, and the bank, broker or dealer by or through whom executed where appropriate. Orders entered pursuant to the exercise of discretionary power shall be so designated.
4. All check books, bank statements, canceled checks and cash reconciliations of the investment advisor.
5. All bills or statements (or copies of), paid or unpaid, relating to the business as an investment advisor.
6. All trial balances, financial statements prepared in accordance with generally accepted accounting principles which shall include a balance sheet, income statement and such other statements as may be required pursuant to 21 VAC 5-80-180, and internal audit working papers relating to the investment advisor's business as an investment advisor.
7. Originals of all written communications received and copies of all written communications sent by ~~such~~ the investment advisor relating to (i) any recommendation made or proposed to be made and any advice given or proposed to be given; (ii) any receipt, disbursement or

delivery of funds or securities; and (iii) the placing or execution of any order to purchase or sell any security; however, (a) the investment advisor shall not be required to keep any unsolicited market letters and other similar communications of general public distribution not prepared by or for the investment advisor, and (b) if the investment advisor sends any notice, circular or other advertisement offering any report, analysis, publication or other investment advisory service to more than 10 persons, the investment advisor shall not be required to keep a record of the names and addresses of the persons to whom it was sent; except that if ~~such~~ the notice, circular or advertisement is distributed to persons named on any list, the investment advisor shall retain with a copy of ~~such~~ the notice, circular or advertisement a memorandum describing the list and the source thereof.

8. A list or other record of all accounts which list identifies the accounts in which the investment advisor is vested with any discretionary power with respect to the funds, securities or transactions of any client.

9. All powers of attorney and other evidences of the granting of any discretionary authority by any client to the investment advisor, or copies thereof.

10. All written agreements (or copies thereof) entered into by the investment advisor with any client, and all other written agreements otherwise related to the investment advisor's business as an investment advisor.

11. A file containing a copy of each notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media that the investment advisor circulates or distributes, directly or indirectly, to two or more persons (other than persons connected with the investment advisor), and if the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media recommends the purchase or sale of a specific security and does not state the reasons for the recommendation, a memorandum of the investment adviser indicating the reasons for the recommendation.

12. a. A record of every transaction in a security in which the investment advisor or any investment advisory representative of ~~such~~ the investment advisor has, or by reason of any transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment advisory representative of the investment advisor has any direct or indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. ~~Such~~ The record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom

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the transaction was effected. ~~Such~~ The record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. For purposes of this subdivision 12, the following definitions will apply. The term "advisory representative" means any partner, officer or director of the investment advisor; any employee who participates in any way in the determination of which recommendations shall be made; any employee who, in connection with his duties, obtains any information concerning which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons who obtain information concerning securities recommendations being made by the investment advisor prior to the effective dissemination of the recommendations:

- (1) Any person in a control relationship to the investment adviser;
- (2) Any affiliated person of a controlling person; and
- (3) Any affiliated person of an affiliated person.

"Control" means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with ~~such~~ the company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25% of the ownership interest of a company shall be presumed to control ~~such~~ the company.

c. An investment advisor shall not be deemed to have violated the provisions of this subdivision 12 because of his failure to record securities transactions of any investment advisor representative if the investment advisor establishes that it instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

13. a. Notwithstanding the provisions of subdivision 12 of this subsection, where the investment advisor is primarily engaged in a business or businesses other than advising investment advisory clients, a record must be maintained of every transaction in a security in which the investment advisor or any investment advisory representative of such investment advisor has, or by reason of such transaction acquires, any direct or indirect beneficial ownership, except (i) transactions effected in any account over which neither the investment advisor nor any investment advisory representative of the investment advisor has any direct or

indirect influence or control; and (ii) transactions in securities which are direct obligations of the United States. ~~Such~~ The record shall state the title and amount of the security involved; the date and nature of the transaction (i.e., purchase, sale or other acquisition or disposition); the price at which it was effected; and the name of the broker, dealer or bank with or through whom the transaction was effected. ~~Such~~ The record may also contain a statement declaring that the reporting or recording of any such transaction shall not be construed as an admission that the investment advisor or investment advisory representative has any direct or indirect beneficial ownership in the security. A transaction shall be recorded not later than 10 days after the end of the calendar quarter in which the transaction was effected.

b. An investment advisor is "primarily engaged in a business or businesses other than advising investment advisory clients" when, for each of its most recent three fiscal years or for the period of time since organization, whichever is less, the investment advisor derived, on an unconsolidated basis, more than 50% of (i) its total sales and revenues, and (ii) its income (or loss) before income taxes and extraordinary items, from such other business or businesses.

c. For purposes of this subdivision 13, the following definitions will apply. The term "advisory representative," when used in connection with a company primarily engaged in a business or businesses other than advising investment advisory clients, means any partner, officer, director or employee of the investment advisor who participates in any way in the determination of which recommendation shall be made, or whose functions or duties relate to the determination of which securities are being recommended prior to the effective dissemination of the recommendations; and any of the following persons, who obtain information concerning securities recommendations being made by the investment advisor prior to the effective dissemination of ~~such~~ the recommendations or of the information concerning the recommendations:

- (1) Any person in a control relationship to the investment adviser;
- (2) Any affiliated person of a controlling person; and
- (3) Any affiliated person of an affiliated person.

d. An investment advisor shall not be deemed to have violated the provisions of this subdivision 13 because of his failure to record securities transactions of any investment advisor representative if he establishes that he instituted adequate procedures and used reasonable diligence to obtain promptly reports of all transactions required to be recorded.

14. A copy of each written statement and each amendment or revision, given or sent to any client or prospective client of such investment advisor in accordance with the provisions of 21 VAC 5-80-190 and a record of the dates that each written statement, and each amendment or revision, was given, or offered to be given, to any client or prospective client who subsequently becomes a client.

15. For each client that was obtained by the advisor by means of a solicitor to whom a cash fee was paid by the advisor, the following:

- a. Evidence of a written agreement to which the advisor is a party related to the payment of such fee;
- b. A signed and dated acknowledgement of receipt from the client evidencing the client's receipt of the investment advisor's disclosure statement and a written disclosure statement of the solicitor; and,
- c. A copy of the solicitor's written disclosure statement. The written agreement, acknowledgement and solicitor disclosure statement will be considered to be in compliance if such documents are in compliance with Rule 275.206(4)-3 of the Investment Advisers Act of 1940.

For purposes of this regulation, the term "solicitor" shall ~~mean~~ means any person or entity who, for compensation, acts as an agent of an investment advisor in referring potential clients.

16. All accounts, books, internal working papers, and any other records or documents that are necessary to form the basis for or demonstrate the calculation of the performance or rate of return of all managed accounts or securities recommendations in any notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including but not limited to electronic media that the investment advisor circulates or distributes directly or indirectly, to two or more persons (other than persons connected with the investment advisor); however, with respect to the performance of managed accounts, the retention of all account statements, if they reflect all debits, credits, and other transactions in a client's account for the period of the statement, and all worksheets necessary to demonstrate the calculation of the performance or rate of return of all managed accounts shall be deemed to satisfy the requirements of this subdivision.

17. A file containing a copy of all written communications received or sent regarding any litigation involving the investment advisor or any investment advisor representative or employee, and regarding any written customer or client complaint.

18. Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

19. Written procedures to supervise the activities of employees and investment advisor representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

20. A file containing a copy of each document (other than any notices of general dissemination) that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment advisor representatives, which file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

21. Any records documenting dates, locations and findings of the investment advisor's annual review of these policies and procedures conducted pursuant to subdivision E 2 of 21 VAC 5-80-170.

B. If an investment advisor subject to subsection A of this section has custody or possession of securities or funds of any client, the records required to be made and kept under subsection A of this section shall also include:

1. A journal or other record showing all purchases, sales, receipts and deliveries of securities (including certificate numbers) for such accounts and all other debits and credits to ~~such~~ the accounts.
2. A separate ledger account for each such client showing all purchases, sales, receipts and deliveries of securities, the date and price of each ~~such~~ purchase and sale, and all debits and credits.
3. Copies of confirmations of all transactions effected by or for the account of any such client.
4. A record for each security in which any ~~such~~ client has a position, which record shall show the name of each ~~such~~ client having any interest in each security, the amount or interest of each ~~such~~ client, and the location of each ~~such~~ security.

C. Every investment advisor subject to subsection A of this section who renders any investment advisory or management service to any client shall, with respect to the portfolio being supervised or managed and to the extent that the information is reasonably available to or obtainable by the investment advisor, make and keep true, accurate and current:

1. Records showing separately for each ~~such~~ client the securities purchased and sold, and the date, amount and price of each ~~such~~ purchase and sale.
2. For each security in which any ~~such~~ client has a current position, information from which the investment advisor can promptly furnish the name of each ~~such~~ client and the current amount or interest of ~~such~~ the client.

D. Any books or records required by this section may be maintained by the investment advisor in such manner that the

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identity of any client to whom ~~such the~~ investment advisor renders investment advisory services is indicated by numerical or alphabetical code or some similar designation.

E. Every investment advisor subject to subsection A of this section shall preserve the following records in the manner prescribed:

1. All books and records required to be made under the provisions of subsection A ~~to~~ through subdivision C 1, inclusive, of this section, except for books and records required to be made under the provisions of subdivisions A 11 and A 16 of this section, shall be maintained ~~and preserved~~ in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on record, the first two years of which shall be maintained in the principal office of the investment advisor.

2. Partnership articles and any amendments, articles of incorporation, charters, minute books, and stock certificate books of the investment advisor and of any predecessor, shall be maintained in the principal office of the investment advisor and preserved until at least three years after termination of the enterprise.

3. Books and records required to be made under the provisions of subdivisions A 11 and A 16 of this section shall be maintained ~~and preserved~~ in an easily accessible place for a period of not less than five years, the first two years of which shall be maintained in the principal office of the investment advisor, from the end of the fiscal year during which the investment advisor last published or otherwise disseminated, directly or indirectly, the notice, circular, advertisement, newspaper article, investment letter, bulletin, or other communication including by electronic media.

4. Books and records required to be made under the provisions of subdivisions A 17 through A 20, inclusive, of this section shall be maintained and preserved in an easily accessible place for a period of not less than five years, from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment advisor, or for the time period during which the investment advisor was registered or required to be registered in the state, if less.

5. Notwithstanding other record preservation requirements of this subsection, the following records or copies shall be required to be maintained at the business location of the investment advisor from which the customer or client is being provided or has been provided with investment advisory services: (i) records required to be preserved under subdivisions A 3, A 7 through A 10, A 14 and A 15, A 17 through A 19, subsections B and C ~~inclusive of this subdivision~~, and (ii) the records or copies required under the provision of subdivisions A 11 and A 16 of this section

which records or related records identify the name of the investment advisor representative providing investment advice from that business location, or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in this subsection.

F. An investment advisor subject to subsection A of this section, before ceasing to conduct or discontinuing business as an investment advisor, shall arrange for and be responsible for the preservation of the books and records required to be maintained and preserved under this section for the remainder of the period specified in this section, and shall notify the commission in writing of the exact address where ~~such the~~ books and records will be maintained during such period.

G. 1. The records required to be maintained ~~and preserved~~ pursuant to this section may be immediately produced or reproduced by photograph on film or, as provided in subdivision 2 of this subsection, on magnetic disk, tape or other computer storage medium, and be maintained ~~and preserved~~ for the required time in that form. If records are preserved or reproduced by photographic film or computer storage medium, the investment advisor shall:

- a. Arrange the records and index the films or computer storage medium so as to permit the immediate location of any particular record;
- b. Be ready at all times to promptly provide any facsimile enlargement of film or computer printout or copy of the computer storage medium which the commission by its examiners or other representatives may request;
- c. Store separately from the original one other copy of the film or computer storage medium for the time required;
- d. With respect to records stored on computer storage medium, maintain procedures for maintenance ~~and preservation~~ of, and access to, records so as to reasonably safeguard records from loss, alteration, or destruction; and
- e. With respect to records stored on photographic film, at all times have available, for the commission's examination of its records, facilities for immediate, easily readable projection of the film and for producing easily readable facsimile enlargements.

2. Pursuant to subdivision 1 of this subsection, an advisor may maintain and preserve on computer tape or disk or other computer storage medium records which, in the ordinary course of the advisor's business, are created by the advisor on electronic media or are received by the advisor solely on electronic media or by electronic transmission.

H. Any book or record made, kept, maintained, and preserved in compliance with SEC Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4) under the Securities Exchange Act of 1934, which is substantially the same as the book, or other record required to be made, kept, maintained, and preserved under this section shall be deemed to be made, kept, maintained, and preserved in compliance with this section.

I. For purposes of this section, "investment supervisory services" means the giving of continuous advice as to the investment of funds on the basis of the individual needs of each client; and "discretionary power" shall not include discretion as to the price at which or the time when a transaction is or is to be effected if, before the order is given by the investment advisor, the client has directed or approved the purchase or sale of a definite amount of the particular security.

J. Every investment advisor registered or required to be registered in this state Commonwealth and that has its principal place of business in a state other than ~~this state~~ the Commonwealth shall be exempt from the requirements of this section to the extent provided by the National Securities Markets Improvement Act of 1996 (Pub.L. No. 104-290), provided the investment advisor is licensed in such state and is in compliance with such state's recordkeeping requirements.

~~K. Every registered investment advisor as a condition of its registration as an investment advisor under the Act hereby agrees and represents that:~~

- ~~1. All of the investment advisor's records, immediately upon the request of the commission, will be made available for inspection by the commission and reproduction for the commission in the office where such records are maintained;~~
- ~~2. All of the investment advisor's records (or legible copies of the same, or print outs of same, if automated) pertaining to the investment advisory business any part of which occurred or is to occur within the Commonwealth of Virginia will be made available for inspection of the commission in the office of the commission's Division of Securities and Retail Franchising within 48 hours after request of the commission for same;~~
- ~~3. The term "records" shall mean and include all books, papers, documents, tapes, films, photographs, electronic readable format or other materials, regardless of physical form or characteristics, (i) that are maintained for the recordation or storage of information prepared, used or to be used in connection with the investment advisory business or (ii) that were used or are to be used in connection with the investment advisory business;~~
- ~~4. Failure to comply with this subsection may be considered grounds for the institution of a proceeding to~~

~~revoke an investment advisor's registration or other penalty prescribed by the Act;~~

~~5. Any investment advisor subject to an investigation made by the commission may be required to pay the actual cost of the investigation.~~

21 VAC 5-80-200. Dishonest or unethical practices.

A. An investment advisor or federal covered advisor is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor or federal covered advisor and his clients and the circumstances of each case, an investment advisor or federal covered advisor shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation, risk tolerance and needs, and any other information known or acquired by the investment advisor or federal covered advisor after reasonable examination of the client's financial records.
2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.
3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.
4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.
5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.
6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor or federal covered advisor, or a financial institution engaged in the business of loaning funds or securities.
7. Loaning money to a client unless the investment advisor or federal covered advisor is a financial institution engaged in the business of loaning funds or the client is an affiliate of the investment advisor or federal covered advisor.

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8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor or federal covered advisor, or misrepresenting the nature of the advisory services being offered or fees to be charged for ~~such service~~ the services, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor without disclosing that fact. This prohibition does not apply to a situation where the advisor uses published research reports or statistical analyses to render advice or where an advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisors or federal covered advisors providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor or federal covered advisor or any of his employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or

b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the advisor or his employees.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. ~~Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940 (17 CFR 275.206(4)-1).~~ Directly or indirectly using any advertisement that does any one of the following:

a. Refers to any testimonial of any kind concerning the investment advisor or investment advisor representative or concerning any advice, analysis, report, or other service rendered by the investment or investment advisor representative;

b. Refers to past specific recommendations of the investment advisor or investment advisor representative that were or would have been profitable to any person; except that an investment advisor or investment advisor representative may furnish or offer to furnish a list of all recommendations made by the investment advisor or investment advisor representative within the immediately

preceding period of not less than one year if the advertisement or list also includes both of the following:

(1) The name of each security recommended, the date and nature of each recommendation, the market price at that time, the price at which the recommendation was to be acted upon, and the most recently available market price of each security; or

(2) A legend on the first page in prominent print or type that states that the reader should not assume that recommendations made in the future will be profitable or will equal the performance of the securities in the list;

c. Represents that any graph, chart, formula, or other device being offered can be used to determine which securities to buy or sell, or when to buy or sell them; or which represents, directly or indirectly, that any graph, chart, formula, or other device being offered will assist any person in making that person's own decisions as to which securities to buy or sell, or when to buy or sell them, without prominently disclosing in the advertisement the limitations thereof and the risks associated to its use;

d. Represents that any report, analysis, or other service will be furnished for free or without charge, unless the report, analysis, or other service actually is or will be furnished entirely free and without any direct or indirect condition or obligation;

e. Represents that the commission has approved any advertisement; or

f. Contains any untrue statement of a material fact, or that is otherwise false or misleading.

For the purposes of this section, the term "advertisement" includes any notice, circular, letter, or other written communication addressed to more than one person, or any notice or other announcement in any electronic or paper publication, by radio or television, or by any medium, that offers any one of the following:

(i) Any analysis, report, or publication concerning securities;

(ii) Any analysis, report, or publication that is to be used in making any determination as to when to buy or sell any security or which security to buy or sell;

(iii) Any graph, chart, formula, or other device to be used in making any determination as to when to buy or sell any security, or which security to buy or sell; or

(iv) Any other investment advisory service with regard to securities.

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order

of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor has custody or possession of such securities or funds, when the investment advisor's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory contract unless ~~such~~ the contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor or federal covered advisor and that no assignment of such contract shall be made by the investment advisor or federal covered advisor without the consent of the other party to the contract.

17. Failing to clearly and separately disclose to its customer, prior to any security transaction, providing investment advice for compensation or any materially related transaction that the customer's funds or securities will be in the custody of an investment advisor or contracted custodian in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third-party coverage over the customer's assets.

B. An investment advisor representative is a fiduciary and has a duty to act primarily for the benefit of his clients. While the extent and nature of this duty varies according to the nature of the relationship between an investment advisor representative and his clients and the circumstances of each case, an investment advisor representative shall not engage in unethical practices, including the following:

1. Recommending to a client to whom investment supervisory, management or consulting services are provided the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the client on the basis of information furnished by the client after reasonable inquiry concerning the client's investment objectives, financial situation and needs, and any other information known or acquired by the investment advisor representative after reasonable examination of the client's financial records.

2. Placing an order to purchase or sell a security for the account of a client without written authority to do so.

3. Placing an order to purchase or sell a security for the account of a client upon instruction of a third party without first having obtained a written third-party authorization from the client.

4. Exercising any discretionary power in placing an order for the purchase or sale of securities for a client without obtaining written discretionary authority from the client within 10 business days after the date of the first transaction placed pursuant to oral discretionary authority, unless the discretionary power relates solely to the price at which, or the time when, an order involving a definite amount of a specified security shall be executed, or both.

5. Inducing trading in a client's account that is excessive in size or frequency in view of the financial resources, investment objectives and character of the account.

6. Borrowing money or securities from a client unless the client is a broker-dealer, an affiliate of the investment advisor representative, or a financial institution engaged in the business of loaning funds or securities.

7. Loaning money to a client unless the investment advisor representative is engaged in the business of loaning funds or the client is an affiliate of the investment advisor representative.

8. Misrepresenting to any advisory client, or prospective advisory client, the qualifications of the investment advisor representative, or misrepresenting the nature of the advisory services being offered or fees to be charged for ~~such service~~ the services, or omission to state a material fact necessary to make the statements made regarding qualifications services or fees, in light of the circumstances under which they are made, not misleading.

9. Providing a report or recommendation to any advisory client prepared by someone other than the investment advisor or federal covered advisor who the investment advisor representative is employed by or associated with without disclosing that fact. This prohibition does not apply to a situation where the investment advisor or federal covered advisor uses published research reports or statistical analyses to render advice or where an investment advisor or federal covered advisor orders such a report in the normal course of providing service.

10. Charging a client an unreasonable advisory fee in light of the fees charged by other investment advisor representatives providing essentially the same services.

11. Failing to disclose to clients in writing before any advice is rendered any material conflict of interest relating to the investment advisor representative which could reasonably be expected to impair the rendering of unbiased and objective advice including:

a. Compensation arrangements connected with advisory services to clients which are in addition to compensation from such clients for such services; or

b. Charging a client an advisory fee for rendering advice when a commission for executing securities transactions

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pursuant to such advice will be received by the investment advisor representative.

12. Guaranteeing a client that a specific result will be achieved as a result of the advice which will be rendered.

13. Publishing, circulating or distributing any advertisement that would not be permitted under Rule 206(4)-1 under the Investment Advisers Act of 1940.

14. Disclosing the identity, affairs, or investments of any client to any third party unless required by law or an order of a court or a regulatory agency to do so, or unless consented to by the client.

15. Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment advisor representative other than a person associated with a federal covered advisor has custody or possession of such securities or funds, when the investment advisor representative's action is subject to and does not comply with the safekeeping requirements of 21 VAC 5-80-140.

16. Entering into, extending or renewing any investment advisory or federal covered advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or nonperformance, whether the contract grants discretionary power to the investment advisor representative and that no assignment of such contract shall be made by the investment advisor representative without the consent of the other party to the contract.

17. Failing to clearly and separately disclose to its customer, prior to any security transaction, providing investment advice for compensation or any materially related transaction that the customer's funds or securities will be in the custody of an investment advisor or contracted custodian in a manner that does not provide Securities Investor Protection Corporation protection, or equivalent third-party coverage over the customer's assets.

C. The conduct set forth in subsections A and B of this section is not all inclusive. Engaging in other conduct such as nondisclosure, incomplete disclosure, or deceptive practices may be deemed an unethical business practice except to the extent permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

D. The provisions of this section shall apply to federal covered advisors to the extent that fraud or deceit is involved, or as otherwise permitted by the National Securities Markets Improvement Act of 1996 (Pub. L. No. 104-290).

VA.R. Doc. No. R07-193; Filed April 10, 2007, 1:22 p.m.

Proposed Regulation

Title of Regulation: 21 VAC 5-110. Retail Franchising Act Rules (adding 21 VAC 5-110-65 and 21 VAC 5-110-75).

Statutory Authority: §§ 12.1-13 and 13.1-572 of the Code of Virginia.

Public Hearing Date: May 29, 2007.

Public comments may be submitted until May 16, 2007.

Agency Contact: Thomas M. Gouldin, Deputy Director, Division of Securities and Retail Franchising, State Corporation Commission, P.O. Box 1197, Richmond, VA 23218, telephone (804) 371-9755, FAX (804) 371-9911, or email don.gouldin@scc.virginia.gov.

Summary:

The proposed amendments (i) provide for an alternative method of complying with the financial requirements for applicants for registration and renewal of the franchise; (ii) provide for escrow and deferral of franchise fees, including all of the requirements for complying with the new rules and any forms necessary to complete compliance with the new rule; and (iii) provide for terms and conditions for a franchisor to request an exemption from the registration requirements of the Retail Franchising Act or to comply with a self-executing exemption including the required filing fee for the exemption and any forms necessary to complete the application for the exemption process.

AT RICHMOND, APRIL 6, 2007

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

Ex Parte: In the matter of CASE NO. SEC-2007-00016
Adopting a Revision to the
Rules Governing the Virginia
Retail Franchising Act

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. Section 13.1-572 of the Virginia Retail Franchising Act ("Franchising Act"), § 13.1-559 et seq. of the Code of Virginia provides that the Commission may issue any rules and regulations necessary or appropriate for the administration and enforcement of the Franchising Act.

The rules and regulations issued by the Commission pursuant to the Franchising Act are set forth in Title 21 of the Virginia Administrative Code. A copy also may be found at the Commission's website:
<http://www.scc.virginia.gov/division/srf>.

The Division of Securities and Retail Franchising ("Division") has submitted to the Commission a proposed revision to Chapter 110 of Title 21 of the Virginia Administrative Code entitled "Virginia Retail Franchising Act Rules," which adds new rules 21 VAC 5-110-65 and 21 VAC 5-110-75.

The proposed revisions add new sections to the franchising rules to address statutory changes made during the 2007 legislative session. The first section of revisions provides for alternative methods of complying with the financial requirements for applicants for registration and renewal of franchises. Proposed new Section 21 VAC 5-110-65 provides for escrow and deferral of franchise fees, including all of the requirements for complying with the new rules and any forms necessary to complete compliance. The second section of revisions provides for terms and conditions for a franchisor to request an exemption from the registration requirements of the Franchising Act or comply with a self-executing exemption. Proposed new Section 21 VAC 5-110-75 describes the terms and conditions for a franchisor to request an exemption from registration of the Franchising Act or comply with a self-executing exemption, including the required filing fee and any forms necessary to complete the application for exemption process.

The Division has recommended to the Commission that the proposed revisions be considered for adoption with an effective date of July 1, 2007. The Division also has recommended to the Commission that a hearing should be held, if requested by those interested parties who wish to comment with regard to the proposed rules, to consider the proposed revisions on May 29, 2007.

A copy of the proposed revisions may be requested by interested parties from the Division by telephone, by mail or email request and also can be found at the Division's website: <http://www.scc.virginia.gov/division/srf>. Any comments to the proposed rules must be received by May 16, 2007.

IT IS THEREFORE ORDERED that all interested persons TAKE NOTICE that:

- (1) The Commission shall conduct a hearing, if necessary, in the Commission's Courtroom, 2nd Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219 at 10 a.m. on May 29, 2007, to consider the adoption of the revisions proposed by the Division with an effective date of July 1, 2007.
- (2) On or before May 16, 2007, any interested person desiring to comment in support of or in opposition to the proposed revisions shall file comments in writing with the Clerk of the Commission, Document Control Center, P. O. Box 2118, Richmond, Virginia 23218.
- (3) On or before May 16, 2007, any interested person intending to appear and be heard at the hearing on the

proposed revisions shall file written notice of his intention to do so, which notice shall include his comments in support of or in opposition to the proposed revisions, with the Clerk of the Commission at the address set forth in the preceding paragraph. If no person files a timely written notice of intention to appear at the hearing on May 29, 2007, the hearing may not be held.

(4) All filings made under paragraph (2) or (3) shall contain a reference to Case No. SEC-2007-00016.

(5) The Commission's Division of Information Resources shall cause a copy of this Order, together with proposed revisions, to be forwarded to the Virginia Registrar of Regulations for the appropriate publication in the Virginia Register of Regulations.

(6) On or before April 30, 2007, the Commission's Division of Information Resources shall make available this Order and the proposed revisions on the Commission's website: <http://www.scc.virginia.gov/caseinfo/orders.htm>.

CHAPTER 110

RETAIL FRANCHISING ACT RULES AND FORMS

21 VAC 5-110-65. Escrow and deferral.

A. Escrow requirement. The commission may require a franchisor to escrow franchise fees and other payments made by a franchisee until the franchisor's pre-opening obligations under the franchise agreement have been satisfied. The commission may require escrow at any time after the submission of a registration or renewal application and upon a finding that the grounds enumerated in clause (i) of subdivision A 2 of § 13.1-562 of the Act as provided in Chapter 668 of the 2007 Acts of Assembly exist.

B. Depository. Funds subject to an escrow condition shall be placed in a separate trust account with a national bank located in Virginia or a Virginia state chartered bank or trust company.

C. Compliance with escrow requirement. The franchisor shall file with the commission the following to comply with the commission's escrow requirement:

1. An original, fully executed copy of the Escrow Agreement, Form K;
2. A written consent from the depository agreeing to operate the escrow account under this regulation;
3. The name and address of the depository and the account number of the escrow account;
4. The name, address, telephone number and email address of an individual or individuals at the depository who may be contacted by the commission regarding the escrow account; and

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5. An amended franchise application reflecting, in Item 5 of the offering circular or in a Virginia Addendum to the offering circular, that the commission has imposed the escrow requirement and the material terms of that escrow condition, including the name of the depository.

D. Operation of escrow account. After the commission imposes an escrow requirement upon the franchisor, the franchisor shall:

1. Make franchisee checks for franchise fees or other payments for the franchisor payable to the depository; and
2. Deposit with the depository, within 48 hours of the receipt, the funds described in subdivision 1 of this subsection;

Deposits made to the depository shall remain escrowed until the commission authorizes the release of the funds.

E. Release of escrowed funds.

1. A franchisor may apply to the commission for the release of escrowed funds.

2. A franchisor's application to the commission to authorize the release of escrowed funds to the franchisor shall be in writing, verified by an authorized officer of the franchisor and shall contain:

a. The franchisor's statement that all proceeds from the grant of franchises have been placed with the depository in accordance with the terms and conditions of the escrow requirement;

b. The depository's statement, signed by an appropriate officer, setting forth the aggregate amount of escrowed funds deposited with the depository and the franchisor's account number with the depository;

c. A list of the names and addresses of each franchisee and the amount held in the escrow account for the account of each franchisee;

d. The amount of funds sought to be released;

e. A written certification from the franchisee stating the amount of funds to be released that acknowledges that the franchisor has completely performed its pre-opening obligations under the franchise agreement, including providing real estate, improvements, equipment, inventory, training, or other items as required by the franchise agreement; and

f. Other information the commission may reasonably require.

3. If the commission finds that the franchisor has fulfilled its obligations under the franchise agreement for a specified franchisee, the commission shall authorize the depository to release to the franchisor the amount held in escrow for the account of the applicable franchisee.

F. Removal of escrow requirement. The commission may remove the escrow requirement at any time, if:

1. The franchisor agrees to defer franchise fees and other initial payments; or

2. Based upon new information, the commission finds that the escrow requirement is no longer necessary and appropriate for the protection of prospective franchisees.

G. Deferral of fees in place of escrow requirement.

1. In lieu of an escrow requirement, the commission may, under appropriate circumstances, accept a franchisor's agreement to defer franchise fees and other initial payments owed by franchisees until the franchisor has completed its pre-opening obligations under the franchise agreement.

2. The franchisor's agreement to defer franchise fees shall be reflected in Item 5 of the offering circular or in a Virginia Addendum to the offering circular.

21 VAC 5-110-75. Exemptions.

Any offer or grant of a franchise in a transaction that meets the requirements of this section is exempt from the registration requirement of § 13.1-560 of the Act.

1. Sale or transfer by existing franchisee. The sale or transfer of a franchise by a franchisee who is not an affiliate of the franchisor for the franchisee's own account is exempt if:

a. The franchisee's entire franchise is sold or transferred and the sale or transfer is not effected by or through the franchisor.

b. The sale or transfer is not effected by or through a franchisor merely because a franchisor has a right to approve or disapprove the sale or transfer or requires payment of a reasonable transfer fee.

c. The right to approve or disapprove the sale or transfer shall be exercised in a reasonable manner.

2. Offers and grants to existing franchisees. The offer or grant of an additional franchise to an existing franchisee of the franchisor for the franchisee's own account is exempt if the franchise being sold is substantially the same as the franchise that the franchisee has operated for at least two years at the time of the offer or grant of the franchise, provided the prior sale to the franchisee was pursuant to a franchise offering that was registered pursuant to the requirements of the Act.

3. Seasoned franchisor.

a. The offer or grant of a franchise by a franchisor is exempt if the franchisor:

(1) Has a net equity, according to its most recently audited financial statements, of not less than

\$15,000,000 on a consolidated basis, or \$1,000,000 and is at least 80% owned by a corporation or entity that has a net equity, on a consolidated basis, according to its most recently audited financial statements, of not less than \$15,000,000, and the 80% owner guarantees the performance of the franchisor's obligations;

(2) Has had at least 25 franchisees conducting the same franchise business at all times during the five-year period immediately preceding the offer or grant; and

(3) Requires an initial investment by the franchisee of more than \$100,000.

b. The exemption set forth in subdivision 3 of this section may be claimed only if the franchisor:

(1) Files a Form H Notice of Claim of Exemption and other material as set forth in subdivision 7 of this section no later than 10 business days before the offer or grant of any franchise; and

(2) Submits financial statements demonstrating compliance with the conditions set forth in subdivision 3 a (1) of this section.

c. An initial exemption filing and any renewal filing shall expire after a period of one year. The franchisor shall file for a renewal by making an exemption filing if it intends to offer or grant franchises for any additional period annually, at least 10 business days before the expiration of the previously filed Notice of Claim of Exemption.

4. Sophisticated franchisee.

a. The offer or grant of a franchise for which the franchisor requires an initial investment by the franchisee of more than \$1,000,000 is exempt.

b. The exemption set forth in subdivision 4 a of this section may be claimed only if the franchisor files a Form H, Notice of Claim of Exemption, and other material as set forth in subdivision 7 of this section, no later than 10 business days before the offer or grant of any franchise.

c. An initial exemption filing and any renewal exemption filing shall expire after a period of one year. The franchisor must file for a renewal by making an exemption filing if it intends to offer or grant franchises for any additional period annually, at least 10 business days before the expiration of the previously filed Notice of Claim of Exemption.

5. Institutional franchisee.

a. The offer or grant of a franchise to a bank, savings bank, savings and loan association, trust company,

insurance company, investment company, or other financial institution, or to a broker-dealer is exempt when the:

(1) Purchaser is acting for itself or in a fiduciary capacity; and

(2) Franchise is not being purchased for the purpose of resale to an individual not exempt under this regulation.

b. The exemption set forth in subdivision 5 a of this section may be claimed only if the franchisor files an initial filing Form H, Notice of Claim of Exemption, and other material as set forth in subdivision 7 a of this section, at least 10 business days before each offer or grant of each franchise.

6. Disclosure requirements.

a. If a franchisor relies upon any of the exemptions set forth in subdivision 2, 3, 4 or 5 of this section, the franchisor shall provide an offering circular complying with 21 VAC 5-110-90, or Federal Trade Commission (FTC) disclosure document pursuant to 16 CFR Part 436, together with all proposed agreements relating to the grant of the franchise to a prospective franchisee at the earlier of:

(1) The prospective franchisee's first personal meeting with the franchisor; or

(2) Ten business days before the signing of the agreement or the payment of any consideration.

b. Franchisors filing a claim of exemption under subdivisions 3, 4 or 5 of this section shall include a self-addressed stamped envelope by which the commission may return to the franchisor a confirmation of receipt of the filing and the exemption file number assigned. Correspondence shall refer to the assigned file number in all subsequent related filings and correspondence with the commission.

7. Filing requirements for exemptions set forth in subdivisions 3, 4 and 5 of this section.

a. Initial exemption filing.

(1) The initial exemption period shall expire after a period of one year.

(2) Franchisor files an application for exemption of a franchise by filing with the commission no later than 10 business days before the offer or grant of any franchise, the following completed forms and other material:

(a) Notice of Claim of Exemption, Form H;

(b) Uniform Consent to Service of Process, Form D;

Regulations

(c) If the applicant is a corporation or partnership, an authorizing resolution is required if the application is verified by a person other than applicant's officer or general partner;

(d) Uniform Franchise Offering Circular or FTC disclosure document pursuant to 16 CFR Part 436;

(e) Files an undertaking by which it agrees to supply any additional information the commission may reasonably request; and

(f) Application fee of \$500 (payable to the Treasurer of Virginia).

FORM C-Certification (rev. 7/99).

FORM D-Uniform Consent to Service of Process (rev. 7/99).

FORM E-Affidavit of Compliance - Franchise Amendment/Renewal (rev. 7/99).

FORM F-Guarantee of Performance (rev. 7/99).

FORM G-Franchisor's Surety Bond (rev. 7/99).

FORM H-Notice of Claim of Exemption (eff. 7/07).

FORM K-Escrow Agreement (eff. 7/07).

b. Amendment to exemption filing.

(1) Upon the occurrence of a material change, the franchisor shall amend the effective exemption filed at the commission.

(2) An application to amend a franchise exemption is made by submitting the following completed forms and other material:

(a) Notice of Claim of Exemption, Form H;

(b) One clean copy of the amended Uniform Franchise Offering Circular or FTC disclosure document pursuant to 16 CFR Part 436; and

(c) Application fee of \$100 (payable to the Treasurer of Virginia).

c. Renewal exemption filing.

(1) A franchise exemption expires at midnight on the annual exemption effective date. An application to renew the franchise exemption shall be filed 10 days prior to the expiration date in order to prevent a lapse of exemption under the Act.

(2) An application for renewal of a franchise exemption is made by submitting the following completed forms and other material:

(a) Notice of Claim of Exemption, Form H;

(b) One clean copy of the Uniform Franchise Offering Circular or FTC disclosure document pursuant to 16 CFR Part 436; and

(c) Application fee of \$250 (payable to the Treasurer of Virginia).

NOTICE: The forms used in administering 21 VAC 5-110, Retail Franchising Act Rules, are listed below. Any amended or added forms are reflected in the listing and are published following the listing.

FORMS

FORM A-"Facing Page" -Uniform Franchise Registration Application (eff. 7/1/95).

FORM B-Supplemental Information (eff. 7/1/95).

Form H
7/07

NOTICE OF CLAIM OF EXEMPTION

DATE _____

File # _____

FEE: _____

APPLICATION FOR (Check only one):

APPLICATION TYPE (Check only one):

____ INITIAL FILING

____ SEASONED FRANCHISOR

____ RENEWAL FILING

____ SOPHISTICATED FRANCHISEE

____ AMENDMENT FILING

____ INSTITUTIONAL FRANCHISEE

1. Name of Franchisor:

Name of Franchise:

2. Franchisor's principal business address:

3. Name, address and telephone number of sub franchisors, if any, for this state:

4. Name, address, telephone number, and e-mail of person to whom communications regarding this application should be directed:

The undersigned franchisor represents that it:

(1) *Shall provide prospective purchasers in the Commonwealth of Virginia an offering circular that complies with 21 VAC 5-110-90, or an FTC disclosure document (16 CFR 436, as amended July 1, 2007), at least 10 business days prior to the signing of an agreement or receipt of consideration; and*

(2) *Has not been found by a court to be in violation of state or federal franchising or consumer protection laws in the past seven years.*

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Form H
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In addition, if claiming the Seasoned Franchisor exemption, the undersigned represents that it:

(1) (Check the applicable box)

() Has a net equity on a consolidated basis, according to its most recent audited financial statement, of not less than \$15,000,000;

Or

() Has a net equity of \$1,000,000 according to its most recent audited financial statement and is at least 80% owned by a corporation or other entity which has a net equity on a consolidated basis, according to its most recent audited financial statement, of not less than \$15,000,000 and the owner guarantees the performance of the franchisor's obligations;

(2) Has had at least 25 franchisees conducting the same franchised business at all times during the five-year period immediately preceding the offer or sale; and

(3) Requires a minimum investment of more than \$100,000.

Attach a copy of the franchisor's most recent Uniform Franchise Offering Circular or an FTC disclosure document (16 CFR 436, as amended July 1, 2007) and, if applicable, financial statements of any corporation the franchisor is relying on to qualify for the exemption.

This claim of exemption, other than sales to an Institutional Franchisee, will be effective for a period of 12 months from the date it is granted. A renewal notice should be filed 10 business days prior to the expiration of the effective period.

Certified this _____ day of _____, 20_____

By _____

Signature

Type or Print Name and Title

For

Type or Print Name of Franchisor

Form K
7/1/07

ESCROW AGREEMENT

This Escrow Agreement, made this ____ day of _____, _____, by _____ organized under the laws of the State of _____, (hereinafter referred to as “Franchisor”) and _____ organized under the laws of the State of _____ (hereinafter referred to as “Bank”).

WHEREAS, the Franchisor desires to offer and sell franchises in the Commonwealth of Virginia, and

WHEREAS, it is the discretion of the Virginia State Corporation Commission (the “Commission”) as Administrator of the Virginia Retail Franchising Act, to require an escrow of franchise fees and other fees paid by the franchisee to the Franchisor, and

WHEREAS, in order to conform to the procedures for arranging an escrow account, the Franchisor desires to enter into an Escrow Agreement with the Bank, pursuant to which franchise fees and other fees are to be held in escrow for the purpose of complying with the Virginia Retail Franchising Act.

NOW, THEREFORE, with the foregoing recitals hereinafter incorporated by reference and made a part hereof, it is agreed as follows:

1. The Franchisor shall, until release of escrowed funds as hereinafter provided, deposit with the Bank, all monies obtained from each franchisee that contracts to operate the franchised business within the Commonwealth of Virginia.

2. All funds delivered by the Franchisor to the Bank will be placed in a separate account designated substantially as follows:

3. The Bank shall pay out funds, plus interest if any, from the Escrow Account only upon the occurrence of one of the following conditions:

a. A letter from the President or Secretary of the Franchisor directing the Bank to pay out such funds to _____ accompanied with a written notice from the Commission stating that it takes no exception to the release of such funds to _____.

b. Upon written notice from the Commission, the Bank shall return the deposited franchise fees and other fees to a specific franchisee.

c. The Bank shall pay funds into court or disburse or deliver them in accordance with any order of any court of competent jurisdiction.

4. The Franchisor will supply the Bank with the name and address of each franchisee, together with the amount of the deposit that represents each franchisee’s franchise fees and other fees, and the Bank will retain records containing the same information.

5. Any funds deposited in the Escrow Account pursuant to this Escrow Agreement shall be invested and kept invested by the Bank in obligations of the United States, or a savings account or savings accounts of the Bank, or money market funds of or available to the Bank

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and to which the Bank or an affiliate is investment advisor or provides other services and receives reasonable compensation for such services, provided the money market funds are rated AAAm by Standard and Poor's and Aaa by Moody's Investor Services, or U.S. Treasury Bills, Notes or Bonds until such funds are to be disbursed as provided in Paragraph 3 hereof. All interest received and any increment shall be added to the funds so deposited in the Escrow Account and shall be distributed as provided in Paragraph 3 hereof.

6. The Commission may inspect the records of the Bank, insofar as they relate to this Escrow Agreement, for the purpose of determining compliance with and conformance to the provisions of this Escrow Agreement. At the Commission's discretion, statements indicating the status of escrow shall be furnished by the Bank to the Commission.

7. The Franchisor shall pay to the Bank reasonable compensation for expenses incurred and services rendered by the Bank under this Escrow Agreement.

8. The Bank shall have no duty to determine the propriety of any deposit or disbursement of funds. Additionally, the Bank shall have no duty to the Franchisor, the Commission, any franchisee or any other party except as expressly stated in this Escrow Agreement. The Franchisor does hereby indemnify the Bank from any and all costs, claims and expenses, including attorneys' fees, which may be incurred by or which may accrue to the Bank relating to the opening or maintenance of any account established under this Escrow Agreement.

9. All proceeds deposited pursuant to this Escrow Agreement shall not be subject to any liens or charges by the Bank, or judgments or creditor's claims against the Franchisor.

10. The Franchisor shall give each franchisee a copy of this Escrow Agreement prior to collecting any funds from that franchisee.

11. The Bank's duties under this Escrow Agreement shall terminate upon final distribution of all monies deposited as provided hereunder.

12. This Escrow Agreement is governed by the laws of the Commonwealth of Virginia.

Form K
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IN WITNESS WHEREOF, each party has caused this Escrow Agreement to be signed and executed, and its corporate seal hereto affixed, in its name by its proper and fully authorized officer or officers on the day and year first above written.

ATTEST:

NAME AND ADDRESS OF BANK

(Bank's Secretary)

By: _____

Title: _____

NAME AND ADDRESS OF FRANCHISOR

(Franchisor's Secretary)

By: _____

Title: _____

Form K
7/1/07

ESCROW INSTRUCTION SHEET

A. The Franchisor must return a fully executed copy of the escrow agreement, with original signatures, to the Division of Securities and Retail Franchising before its application will be made effective.

B. The Franchisor must also provide to the Division in writing, the name of the bank, the name, address and telephone number of the person(s) at the bank who may be contacted for information regarding the escrow account, and the account number. Any changes to this information should be immediately provided to the Division.

C. Funds in the escrow account will only be released upon completion by the Franchisor of its pre-opening obligations to the Franchisee. Requests for the release of escrowed funds should be in writing and should be sent to the Division. The Franchisor should state in the request the exact amount of the funds to be released. The Division must receive written certification from the Franchisee whose funds are to be released to the Franchisor. The certification should state the amount of funds to be released, and that the Franchisor's pre opening obligations to the Franchisee have been satisfied.

D. Please refer to 21 VAC 5-110-65 of the Virginia Administrative Code, entitled "Escrow and Deferral", for additional information on the operation of escrow accounts.

V.A.R. Doc. No. R07-192; Filed April 10, 2007, 1:19 p.m.

GENERAL NOTICES/ERRATA

STATE CORPORATION COMMISSION

Bureau of Financial Institutions

Administrative Letter BFI-AL-1611 Nontraditional Mortgage Products

Residential mortgage lending has traditionally been a conservatively managed business with low delinquencies and losses and reasonably stable underwriting standards. In the past few years consumer demand has been growing, particularly in high priced real estate markets, for closed-end residential mortgage loan products that allow borrowers to defer repayment of principal and sometimes interest. These mortgage products, herein referred to as nontraditional mortgage loans, include such products as "interest-only" mortgages where a borrower pays no loan principal for the first few years of the loan and "payment option" adjustable-rate mortgages (ARMs) where a borrower has flexible payment options with the potential for negative amortization. The focus of this letter is on the elements of certain nontraditional mortgage products, not the product type itself.

Given the expansion of the nontraditional mortgage market and the highly publicized difficulties recently experienced in the "subprime" mortgage industry, the Bureau of Financial Institutions is publishing this Administrative Letter summarizing the Bureau's concerns and stating preferred practices to be followed in the nontraditional mortgage market.

If offering nontraditional mortgage loan products, licensees should ensure that consumers have sufficient information to clearly understand loan terms and associated risks prior to making a product choice.

While nontraditional mortgage loans provide flexibility for consumers, the Bureau of Financial Institutions is concerned that consumers may enter into these transactions without fully understanding the product terms. Nontraditional mortgage products have been advertised and promoted based on their affordability in the near term; that is, their lower initial monthly payments compared with traditional types of mortgages. In addition to apprising consumers of the benefits of nontraditional mortgage products, licensees should take appropriate steps to alert consumers to the risks of these products, including the likelihood of increased future payment obligations. This information should be provided in a timely manner - before disclosures may be required under the Truth in Lending Act or other laws - to assist the consumer in the product selection process.

More than traditional ARMs, mortgage products such as payment option ARMs and interest-only mortgages can carry a significant risk of payment shock and negative amortization that may not be fully understood by consumers. For example, consumer payment obligations may increase substantially at the end of an interest-only period or upon the "recast" of a

payment option ARM. The magnitude of these payment increases may be affected by factors such as the expiration of promotional interest rates, increases in the interest rate index, and negative amortization. Negative amortization also results in lower levels of home equity as compared to a traditional amortizing mortgage product. When borrowers go to sell or refinance the property, they may find that negative amortization has substantially reduced or eliminated their equity in it even when the property has appreciated. The concern that consumers may not fully understand these products would be exacerbated by marketing and promotional practices that emphasize potential benefits without also providing clear and balanced information about material risks.

In light of these considerations, communications with consumers, including advertisements, oral statements, promotional materials, and monthly statements should provide clear and balanced information about the relative benefits and risks of these products, including the risk of payment shock and the risk of negative amortization. Clear, balanced, and timely communication to consumers of the risks of these products will provide consumers with useful information at crucial decisionmaking points, such as when they are shopping for loans or deciding which monthly payment amount to make. Such communication should help minimize potential consumer confusion and complaints, foster good customer relations, and reduce legal and other risks to the licensee.

Licensees offering nontraditional mortgage products must ensure that they do so in a manner that complies with all applicable laws and regulations. With respect to the disclosures and other information provided to consumers, applicable laws and regulations include the following:

- Truth in Lending Act (TILA) and its implementing regulation, Regulation Z.
- Section 5 of the Federal Trade Commission Act (FTC Act).

TILA and Regulation Z contain rules governing disclosures licensees must provide for closed-end mortgages in advertisements, with an application, before loan consummation, and when interest rates change. Section 5 of the FTC Act prohibits unfair or deceptive acts or practices. Other federal laws, including the fair lending laws and the Real Estate Settlement Procedures Act (RESPA), also apply to these transactions.

Recommended practices for addressing issues raised by nontraditional mortgage products include the following:

Communications with Consumers - When promoting or describing nontraditional mortgage products, licensees should give consumers information that is designed to help them make informed decisions when selecting and using these products. Meeting this objective requires appropriate

attention to the timing, content, and clarity of information presented to consumers. Thus, licensees should give consumers information at a time that will help consumers select products and choose among payment options. For example, licensees should offer clear and balanced product descriptions when a consumer is shopping for a mortgage - such as when the consumer makes an inquiry to the licensee about a mortgage product and receives information about nontraditional products, or when marketing relating to nontraditional mortgage products is given by the licensee to the consumer - not just upon the submission of an application or at consummation. The provision of such information would serve as an important supplement to the disclosures currently required under TILA and Regulation Z or other laws.

- **Promotional Materials and Product Descriptions**

Promotional Materials and other product descriptions should provide information about the costs, terms, features, and risks of nontraditional mortgages that can assist consumers in their product selection decisions, including information about the matters discussed below.

Payment Shock. Licensees should apprise consumers of potential increases in payment obligations for these products, including circumstances in which interest rates or negative amortization reach a contractual limit. For example, product descriptions could state the maximum monthly payment a consumer would be required to pay under a hypothetical loan example once amortizing payments are required and the interest rate and negative amortization caps have been reached. Such information also could describe when structural payment changes will occur (e.g., when introductory rates expire, or when amortizing payments are required), and what the new payment amount would be or how it would be calculated. As applicable, these descriptions could indicate that a higher payment may be required at other points in time due to factors such as negative amortization or increases in the interest rate index.

Negative Amortization. When negative amortization is possible under the terms of a nontraditional mortgage product, consumers should be apprised of the potential for increasing principal balances and decreasing home equity, as well as other potential adverse consequences of negative amortization. For example, product descriptions should disclose the effect of negative amortization on loan balances and home equity, and could describe the potential consequences to the consumer of making minimum payments that cause the loan to negatively amortize. (One possible consequence is that it could be more

difficult to refinance the loan or to obtain cash upon a sale of the home.)

Prepayment Penalties. If the lender may impose a penalty in the event that the consumer prepays the loan, consumers should be alerted to this fact and to the need to ask the lender about the timing and amount of any such penalty.

Cost of Reduced Documentation Loans. If a licensee offers both reduced and full documentation loan programs and there is a pricing premium attached to the reduced documentation program, consumers should be alerted to this fact.

- **Practices to Avoid**

Licensees also should avoid practices that obscure significant risks to the consumer. For example, if a licensee advertises or promotes a nontraditional mortgage by emphasizing the comparatively lower initial payments permitted for these loans, the licensee also should give clear and comparably prominent information alerting the consumer to the risks. Such information should explain, as relevant, that these payment amounts will increase, that a balloon payment may be due, and that the loan balance will not decrease and may even increase due to the deferral of interest and/or principal payments. Similarly, licensees should avoid promoting payment patterns that are structurally unlikely to occur. Such practices could raise legal and other risks for licensees.

Licensees also should avoid practices such as giving consumers unwarranted assurances or predictions about the future direction of interest rates (and, consequently, the borrower's future obligations); making one-sided representations about the cash savings or expanded buying power to be realized from nontraditional mortgage products in comparison with amortizing mortgages; suggesting that initial minimum payments in a payment option ARM will cover accrued interest (or principal and interest) charges; and making misleading claims that interest rates or payment obligations for these products are "fixed."

Issued by the Commissioner of Financial Institutions on March 29, 2007.

Contact: E. Joseph Face, Jr., Commissioner of Financial Institutions, State Corporation Commission, P.O. Box 640, Richmond, VA 23218, telephone (804) 371-9659, FAX (804) 371-9416 or email marylou.kelly@scc.virginia.gov.

General Notices/Errata

DEPARTMENT OF ENVIRONMENTAL QUALITY

Total Maximum Daily Loads - Accomack County

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of total maximum daily loads (TMDL) for fecal coliform bacteria in three shellfish propagation waters located in Accomack County, Virginia.

The affected water body segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. The impaired segments are located in the following VDH Growing Areas:

Growing Area 100: Closure 032A, containing Little Mosquito Creek;

Growing Area 99: Closure 135, containing Assawoman Creek;

Growing Area 98: Closure 098A, containing Parker Creek.

Sufficient exceedances of Virginia's water quality standards for fecal coliform bacteria assessed segments of Assawoman Creek, and Parker Creek as not supporting the recreation use, thus placing the segments on the 303(d) Impaired Waters List.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia, require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

This is the final public meeting, to provide information and solicit comments from citizens and local government on the draft reports of the fecal coliform TMDL's studies. The meeting will be held on May 3, 2007, from 6 p.m. to 9 p.m. in the Accomack-Northampton Planning District Commission Building, 23372 Front Street, Accomac, Virginia.

The public comment period will begin on May 3, 2007, and end on June 4, 2007. Questions or information requests should be addressed to Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach VA, 23262, telephone (757) 518-2111, FAX (757) 518-2003, or email jshowell@deq.virginia.gov.

Implementation Plans - Back Bay and North Landing Watersheds

The Department of Environmental Quality (DEQ), the Department of Conservation and Recreation, the Hampton Roads Planning District Commission, and the City of Virginia Beach invite citizens to a public meeting to discuss the development of implementation plans (IP) to address fecal

bacteria impairments in the Back Bay and North Landing Watersheds. Water quality monitoring indicates that bacteria levels in Nawney Creek, Milldam Creek, and Middle West Neck Creek violate Virginia's water quality standards. A total maximum daily load (TMDL) study for the impairments was approved by EPA in 2005 and is available on DEQ's website at

<http://www.deq.virginia.gov/tmdl/apptmdls/chowanrvr/chowant.pdf>.

The implementation plans will identify ways to meet the pollutant reductions outlined in the TMDL study.

The first public meeting to begin development of the TMDL Implementation Plans for Nawney Creek, Milldam Creek, and Middle West Neck Creek will be held on Wednesday, May 16, 2007, at 7 p.m., Creeds Elementary School, 920 Princess Anne Road, Virginia Beach, Virginia.

The purpose of the meeting is to discuss the proposed reductions in bacteria needed in the affected watersheds and to solicit public participation for the IP development.

The IPs will include the corrective actions needed to reduce bacteria and the associated costs, benefits and environmental impacts. The IPs will also provide measurable goals and a timeline of expected achievement of water quality objectives. A fact sheet on the development of the IPs is available upon request.

How to comment: The public comment period on the IPs will end on June 16, 2007. Oral comments will be accepted and addressed at the public meeting. Additional questions or information requests should be addressed to Jennifer Howell. Written comments and inquires should include the name, address, and telephone number of the person submitting the comments and should be sent to Jennifer Howell at DEQ or Jennifer Tribo at HRPDC: Jennifer Howell, Department of Environmental Quality, 5636 Southern Blvd., Virginia Beach, VA 23262, telephone (757) 518-2111, FAX (757) 518-2003, or jshowell@dcr.virginia.gov or Jennifer Tribo, Hampton Roads Planning District Commission, 723 Woodlake Dr., Chesapeake, VA 23320, telephone (757) 366-4344, FAX (757) 523-4881, or jtribo@hrpdc.org.

Water Quality Restoration in Hoskins Creek in Essex County, Virginia

Announcement of an effort to restore water quality in Hoskins Creek in Essex County, Virginia.

Public meeting: Essex Public Library, 117 North Church Lane, Tappahannock, Virginia, on May 7, 2007, from 7 p.m. to 9 p.m. A Technical Advisory Committee meeting will be held on July 19, 2007, in the Tappahannock USDA Service Center Meeting Room, 772 Richmond Beach Rd., Tappahannock, Virginia, from 3 p.m. until 4:30 p.m.

Purpose of notice: The Virginia Department of Environmental Quality and the Department of Conservation and Recreation

are announcing the start of a study to restore water quality, a public comment opportunity, and public meeting.

Meeting description: First technical advisory committee and public meetings on a study to restore water quality.

Description of study: Virginia agencies are working to identify sources of the bacterial contamination in the waters of Hoskins Creek and its tributaries in Essex County. This stream is impaired for failure to meet the primary contact (recreational) designated use because of bacterial standard violations.

The study reports the sources of bacterial contamination and recommends total maximum daily loads, or TMDLs, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, bacterial levels have to be reduced to the TMDL amount.

How a decision is made: The development of a TMDL includes a public comment period, including public meetings. After public comments have been considered and addressed, DEQ will submit the TMDL report to the U.S. Environmental Protection Agency for approval.

How to comment: DEQ accepts written comments by email, fax or postal mail. Written comments should include the name, address and telephone number of the person commenting and be received by DEQ during the comment period, May 7, 2007, to June 6, 2007. DEQ also accepts written and oral comments at the public meeting announced in this notice.

Contact for additional information: Chris French, TMDL Coordinator, Virginia Department of Environmental Quality, Piedmont Regional Office, 4949A Cox Road, Glen Allen, VA, 23060, telephone (804) 527-5124, FAX (804)-527-5106, or email rcfrench@deq.virginia.gov.

Total Maximum Daily Loads - James River in Albemarle and Buckingham Counties

The Department of Environmental Quality (DEQ) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of total maximum daily loads (TMDLs) for tributaries of the James River in Albemarle and Buckingham counties. The following streams were listed on the 2006 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for bacteria:

- Totier Creek, Albemarle County, 11.44 miles from the headwaters to its confluence with the James River;
- Ballinger Creek, Albemarle County, 9.91 miles from the headwaters to its confluence with the James River;
- Rock Island Creek, Buckingham County, 8.84 miles from the headwaters to its confluence with the James River;

- Lower Slate River, Buckingham County, 7.11 miles from the confluence with Sharps Creek to its confluence with the James River;

- Upper Slate River, Buckingham County, 18.03 miles from the confluence with Frisby Branch to the confluence with Walton Fork;

- Austin Creek, Buckingham County, 6.14 miles from the headwaters to its confluence with the North River;

- Frisby Branch, Buckingham County, 3.93 miles from the headwaters to the confluence with Grease Creek;

- Troublesome Creek, Buckingham County, 0.95 miles from the Troublesome Creek Reservoir dam to its confluence with the Slate River;

- North River, Buckingham County, 8.44 miles from the confluence with Meadow Creek to its confluence with the Slate River.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report. DEQ has developed TMDLs for each of these impaired segments and is soliciting public comment on the draft TMDL report.

The final public meeting on the development of these TMDLs will be held on Thursday, May 10, 2007, 7 p.m. at the Scottsville Town Council Chambers, 401 Valley Street, Scottsville, Virginia.

The public comment period for this meeting and the draft TMDL report will end on June 10, 2007. Written comments should include the name, address, and telephone number of the person submitting the comments and should be sent to Robert Brent, Department of Environmental Quality, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, or email rbrent@deq.virginia.gov.

Water Quality Study for Pagan River and Jones Creek in Isle of Wight

The Virginia Department of Environmental Quality will host a public meeting on a water quality study for Pagan River and Jones Creek in Isle of Wight on Thursday, May 10, 2007.

The meeting will start at 6:30 p.m. in the Smithfield Center located at 220 North Church Street in Smithfield. The purpose of the meeting is to provide information and discuss the study with community members and local government.

The Virginia Departments of Environmental Quality, Conservation and Recreation, and Health are working to identify the sources of bacteria pollution in this watershed. This pollution decreases the quality of the water, and prohibits swimming or recreational use, and the direct harvest and consumption of shellfish in these waters.

General Notices/Errata

During the study, a total maximum daily load, TMDL, has been developed for fecal coliform bacteria, E. coli, or enterococci for each of these impairments. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount.

The Middle Pagan River is impaired for recreation use. The Pagan River and Jones Creek are impaired for shellfish consumption use.

DEQ will accept written public comments by email, fax, or postal mail. A 30-day comment period for the development of the TMDL will be available until June 11, 2007. For additional information or to submit comments, contact Jennifer Howell, Virginia Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA 23462, by phone (757) 518-2111 or by email jshowell@deq.virginia.gov. Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

Water Quality Study for Warwick River, James River, Skiffes Creek, Baptist Run and Deep Creek in Newport News

The Virginia Department of Environmental Quality will host a public meeting on a water quality study for Warwick River, James River, Skiffes Creek, Baptist Run and Deep Creek in Newport News on Wednesday May 9, 2007.

The meeting will start at 6:30 p.m. in the Grissom Library located at 336 DeShazor Drive in Newport News. The purpose of the meeting is to provide information and discuss the study with community members and local government.

The Virginia Departments of Environmental Quality, Conservation and Recreation, and Health are working to identify the sources of bacteria pollution in this watershed. This pollution decreases the quality of the water, and prohibits swimming or recreational use, and the direct harvest and consumption of shellfish in these waters.

During the study, a total maximum daily load, TMDL, has been developed for fecal coliform bacteria E.coli, or enterococci for each of these impairments. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, pollutant levels have to be reduced to the TMDL amount.

Streams that are impaired for recreational use include the Upper Warwick River, Deep Creek, and Baptist Run. The James River, Warwick River and Skiffes Creek are impaired for shellfish consumption use.

DEQ will accept written public comments by email, fax, or postal mail. A 30-day comment period for the development of the TMDL will be available until June 8, 2007. For additional information or to submit comments, contact

Jennifer Howell, in the Virginia Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA 23462, by phone (757) 518-2111 or by email jshowell@deq.virginia.gov. Additional information is also available on the DEQ website at www.deq.virginia.gov/tmdl.

Total Maximum Daily Loads - York County, Virginia

The Department of Environmental Quality (DEQ), Virginia Department of Health (VDH) and the Department of Conservation and Recreation seek written and oral comments from interested persons on the development of total maximum daily loads (TMDL) for dissolved oxygen and fecal coliform bacteria in three shellfish propagation waters located in York County, Virginia.

The affected water body segments are identified in Virginia's 1998 303(d) TMDL Priority List and Report as impaired due to violations of the state's water quality standard for fecal coliform bacteria in shellfish waters. The impaired segments are located in the following VDH Growing Areas:

Growing Area 51: Closure 035, containing Queen Creek;

Growing Area 51; Closure 134A, containing King Creek;

Growing Area 51: Closure 134B, containing Felgates Creek.

Sufficient exceedances of Virginia's water quality standards for fecal coliform bacteria and dissolved oxygen assessed segments of King Creek, Queen Creek, and Felgates Creek as not supporting the recreation use and aquatic life use goals, thus placing the segments on the 2002 303(d) Impaired Waters List.

All waters are tributaries to York River and the Chesapeake Bay.

Section 303(d) of the Clean Water Act and § 62.1-44.19:7 C of the Code of Virginia, require DEQ to develop TMDLs for pollutants responsible for each impaired water contained in Virginia's 303(d) TMDL Priority List and Report.

This is the final public meeting, to provide information and solicit comments from citizens and local government on the draft reports of the fecal coliform TMDL studies. The meeting will be held on May 2, 2007, from 6 p.m. to 9 p.m. in the meeting room of the York County Public Library-Yorktown, 8500 George Washington Memorial Highway, Yorktown, Virginia.

The public comment period will begin on May 2, 2007, and end on June 1, 2007. Questions or information requests should be addressed to Jennifer Howell and sent to Jennifer Howell, Department of Environmental Quality, Tidewater Regional Office, 5636 Southern Blvd, Virginia Beach, VA 23262, telephone (757) 518-2111, FAX (757) 518-2003, or email jshowell@deq.virginia.gov.

STATE LOTTERY DEPARTMENT

Director's Orders

The following Director's Orders of the State Lottery Department were filed with the Virginia Registrar of Regulations on March 29, 2007, and April 6, 2007. The orders may be viewed at the State Lottery Department, 900 E. Main Street, Richmond, Virginia, or at the office of the Registrar of Regulations, 910 Capitol Street, 2nd Floor, Richmond, Virginia.

Final Rules for Game Operation:

Director's Order Number Eleven (07)

Virginia's Instant Game Lottery 332; "Easy 8's Bingo" (effective 3/26/07)

Director's Order Number Twelve (07)

Virginia's Instant Game Lottery 733; "One-Eyed Jacks" (effective 4/3/07)

Director's Order Number Thirteen (07)

Virginia's Instant Game Lottery 778; "Wild Cherry" (effective 4/3/07)

Director's Order Number Fourteen (07)

Virginia's Instant Game Lottery 779; "Royal Riches" (effective 4/3/07)

Director's Order Number Fifteen (07)

Certain Virginia Instant Game Lotteries; End of Games.

In accordance with the authority granted by §§ 2.2-4002 B (15) and 58.1-4006 A of the Code of Virginia, I hereby give notice that the following Virginia Lottery instant games will officially end at midnight on April 27, 2007:

Game 331	Bingo Magic
Game 718	Triple Luck
Game 720	Flaming Hot Tripler
Game 723	100,000 Double Action
Game 724	Hit the Jackpot
Game 742	Jingle Bucks
Game 748	Frosty the Doughman Tripler
Game 750	Winner Wonderland
Game 751	\$1,000,000 Holiday Cheer
Game 756	The Big Cheese

The last day for lottery retailers to return for credit unsold tickets from any of these games will be June 1, 2007. The last day to redeem winning tickets for any of these games will be October 24, 2007, 180 days from the declared official end of the game. Claims for winning tickets from any of these games will not be accepted after that date. Claims that are mailed and received in an envelope bearing a postmark of the

United States Postal Service or another sovereign nation of October 24, 2007, or earlier, will be deemed to have been received on time. This notice amplifies and conforms to the duly adopted State Lottery Board regulations for the conduct of lottery games.

This order is available for inspection and copying during normal business hours at the Virginia Lottery headquarters, 900 East Main Street, Richmond, Virginia; and at any Virginia Lottery regional office. A copy may be requested by mail by writing to Director's Office, Virginia Lottery, 900 East Main Street, Richmond, Virginia 23219.

This Director's Order becomes effective on the date of its signing and shall remain in full force and effect unless amended or rescinded by further Director's Order.

/s/ Shelia Hill-Christian
Executive Director

April 4, 2007

DEPARTMENT OF REHABILITATIVE SERVICES

Notice of Periodic Review of Regulation

Pursuant to Executive Order 36 (2006), The Virginia Department of Rehabilitative Services (DRS) is conducting a periodic review and invites public comment on the following regulation:

22 VAC 30-50, Policies and Procedures for Administering Commonwealth Neurotrauma Initiative Trust Fund.

The department will consider whether this existing regulation is essential to protecting the health, safety and welfare of the public while administering the Commonwealth Neurotrauma Initiative Trust Fund to improve the treatment and care of persons with traumatic spinal cord injuries and brain injuries. The department welcomes specific comments on the performance and effectiveness of this regulation and also requests suggestions to improve the content and organization of the regulation to make it more understandable and useful to constituents.

The comment period for this review begins on April 30, 2007, and ends at 5 p.m. on May 30, 2007. Comments may be submitted to Vanessa S. Rakestraw, Regulatory Coordinator, Virginia Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, VA 23229, FAX (804) 662-7696 or email vanessa.rakestraw@drs.virginia.gov.

Regulations may be viewed online at the Virginia Regulatory Town Hall site located at <http://www.townhall.state.va.us>, or copies will be sent upon request.

General Notices/Errata

STATE WATER CONTROL BOARD

Proposed Consent Special Order - Town of Colonial Beach

Purpose of notice: To seek public comment on a proposed consent order from the Department of Environmental Quality for a facility in Colonial Beach, Virginia.

Public comment period: May 14, 2007, to June 14, 2007.

Consent order description: The State Water Control Board proposes to issue a consent order to the Town of Colonial Beach to address violations of its VPDES Permit No. VA0026409. The location of the facility where the violation occurred is 2301 McKinney Boulevard, Colonial Beach, Virginia. The consent order describes a settlement to resolve wastewater permit discharge violations that occurred at the facility and unauthorized discharges of untreated sewage from the collection system. The order requires wastewater treatment system modifications, development of a management, operation, and maintenance plan for the sewer collection system, and payment of a civil charge.

How to comment: DEQ accepts comments from the public by email, fax or postal mail. All comments must include the name, address and telephone number of the person commenting and be received by DEQ within the comment period. The public may review the proposed consent order at the DEQ office named below or on the DEQ website at www.deq.virginia.gov.

Contact for public comments, document requests and additional information: Frank Lupini, Department of Environmental Quality, Piedmont Regional Office, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 527-5093, FAX (804) 527-5106, or email felupini@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

Forms for Filing Material for Publication in the Virginia Register of Regulations

All agencies are required to use the appropriate forms when furnishing material for publication in the Virginia Register of Regulations. The forms may be obtained from: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219, telephone (804) 786-3591.

Internet: Forms and other Virginia Register resources may be printed or downloaded from the Virginia Register web page: <http://register.state.va.us>.

FORMS:

NOTICE of INTENDED REGULATORY ACTION-RR01
NOTICE of COMMENT PERIOD-RR02
PROPOSED (Transmittal Sheet)-RR03
FINAL (Transmittal Sheet)-RR04
EMERGENCY (Transmittal Sheet)-RR05
NOTICE of MEETING-RR06
AGENCY RESPONSE TO LEGISLATIVE
OBJECTIONS-RR08
RESPONSE TO PETITION FOR RULEMAKING-RR13
FAST-TRACK RULEMAKING ACTION-RR14

ERRATA

STATE BOARD OF HEALTH

Title of Regulation: 12 VAC 5-90. Regulations for Disease Reporting and Control.

Publication: 23:15 VA.R. 2488-2509 April 2, 2007.

Correction to Final Regulation:

Page 2507, Forms list, change the first form listing to read:

Virginia Department of Health Confidential Morbidity Report, Epi-1 (rev. ~~11/98~~ [~~xxxx~~ 3/07]).

Pages 2508-2509, replace the form with the following form.

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

Please complete as much of this form as possible

Form Epi-1, 03/07

General Notices/Errata

MAIL THE TOP TWO COPIES TO YOUR LOCAL HEALTH DEPARTMENT

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

Acquired immunodeficiency syndrome (AIDS)	MEASLES (Rubeola) *
Amebiasis *	MENINGOCOCCAL DISEASE * 1
ANTHRAX * 1	MONKEYPOX *
Arboviral infection (e.g., EEE, LAC, SLE, WNV) *	Mumps *
BOTULISM *	Ophthalmia neonatorum
BRUCELLOSIS *	OUTBREAKS, ALL (including, but not limited to, foodborne, nosocomial, occupational, toxic substance-related and waterborne)
Campylobacteriosis *	PERTUSSIS * 1
Chancroid *	PLAGUE * 1
Chickenpox (Varicella) *	POLIOMYELITIS * 1
<i>Chlamydia trachomatis</i> infection *	PSITTACOSIS *
CHOLERA * 1	Q FEVER *
Creutzfeldt-Jakob disease if <55 years of age *	RABIES, HUMAN AND ANIMAL *
Cryptosporidiosis *	Rabies treatment, post-exposure
Cyclosporiasis *	Rocky Mountain spotted fever *
DIPHTHERIA * 1	RUBELLA, including congenital rubella syndrome *
DISEASE CAUSED BY AN AGENT THAT MAY HAVE BEEN USED AS A WEAPON	Salmonellosis * 1
Ehrlichiosis *	SEVERE ACUTE RESPIRATORY SYNDROME (SARS) *
<i>Escherichia coli</i> infection, Shiga toxin-producing * 1	Shigellosis * 1
Giardiasis *	SMALLPOX (Variola) *
Gonorrhea *	Streptococcal disease, Group A, invasive * 1
Granuloma inguinale	<i>Streptococcus pneumoniae</i> infection, invasive, in children <5 years of age *
HAEMOPHILUS INFLUENZAE INFECTION, INVASIVE * 1	Syphilis (report PRIMARY and SECONDARY syphilis by rapid means) *
Hantavirus pulmonary syndrome *	Tetanus
Hemolytic uremic syndrome (HUS)	Toxic shock syndrome
HEPATITIS A *	Toxic substance-related illness *
Hepatitis B (acute and chronic) *	Trichinosis (Trichinellosis) *
Hepatitis C (acute and chronic) *	TUBERCULOSIS, ACTIVE DISEASE (MYCOBACTERIA ~) * 1
Hepatitis, other acute viral	Tuberculosis infection in children <4 years of age
Human immunodeficiency virus (HIV) infection *	TULAREMIA *
Influenza * #	TYPHOID FEVER *
INFLUENZA-ASSOCIATED DEATHS IN CHILDREN <18 YEARS OF AGE	UNUSUAL OCCURRENCE OF DISEASE OF PUBLIC HEALTH CONCERN
Kawasaki syndrome	VACCINIA, DISEASE OR ADVERSE EVENT *
Lead - elevated blood levels *	Vancomycin-intermediate or vancomycin-resistant <i>Staphylococcus aureus</i> infection *
Legionellosis *	VIBRIO INFECTION *
Leprosy (Hansen's disease)	VIRAL HEMORRHAGIC FEVER *
Listeriosis * 1	YELLOW FEVER *
Lyme disease	Yersiniosis * 1
Lymphogranuloma venereum	
Malaria *	

UPPER CASE indicates conditions that must be reported within 24 hours (via telecommunication) to the local health department. Report all other diseases within three days of suspected or confirmed diagnosis.

* These conditions are reportable by directors of laboratories. In addition, these and all other conditions are reportable by physicians and directors of medical care facilities.

1 A laboratory identifying evidence of these conditions shall notify the health department of the positive culture and submit the initial isolate to the Virginia Division of Consolidated Laboratory Services (DCLS).

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

~ A laboratory identifying *Mycobacterium tuberculosis* complex shall submit a representative and viable sample of the initial culture to DCLS or other laboratory designated by the Board to receive such specimen.

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

VA.R. Doc. No. R05-47; Filed April 17, 2007, 11:57 a.m.

CALENDAR OF EVENTS

Symbol Key

- † Indicates entries since last publication of the *Virginia Register*
♿ Location accessible to persons with disabilities
☎ Teletype (TTY)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the *Virginia Register* deadline may preclude a notice of such cancellation. If you are unable to find a meeting notice for an organization in which you are interested, please check the Commonwealth Calendar at www.virginia.gov or contact the organization directly.

For additional information on open meetings and public hearings held by the standing committees of the legislature during the interim, please call Legislative Information at (804) 698-1500 or Senate Information and Constituent Services at (804) 698-7410 or (804) 698-7419/TTY☎, or visit the General Assembly website's Legislative Information System (<http://leg1.state.va.us/lis.htm>) and select "Meetings."

VIRGINIA CODE COMMISSION

EXECUTIVE

BOARD OF ACCOUNTANCY

† **May 2, 2007 - 9 a.m.** -- Open Meeting

† **June 27, 2007 - 10 a.m.** -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Franklin Room, Glen Allen, Virginia.♿ (Interpreter for the deaf provided upon request)

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: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 West Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, email boa@boa.virginia.gov.

May 15, 2007 - 7 p.m. -- Open Meeting

Sheraton Richmond West Hotel, 6624 West Broad Street, Shula's, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

May 16, 2007 - 10 a.m. -- Open Meeting

Sheraton Richmond West Hotel, 6624 West Broad Street, Chesapeake Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A working session for board members and staff to discuss strategic planning. No routine board business will be discussed and no public comment will be taken.

Contact: Nancy Taylor Feldman, Executive Director, Board of Accountancy, 3600 West Broad St., Suite 378, Richmond, VA 23230-4923, telephone (804) 367-8505, FAX (804) 367-2174, (804) 367-9753/TTY☎, email boa@boa.virginia.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

May 2, 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 Department of Agriculture and Consumer Services intends to adopt regulations entitled **2 VAC 5-620, Rules and Regulations Pertaining to the Establishment of the Dangerous Dog Registry**. The purpose of the proposed action is to establish the procedures and requirements for registration of dangerous dogs with local political jurisdictions and the Commonwealth of Virginia Dangerous Dog Registry.

Statutory Authority: § 3.1-796.93:3 of the Code of Virginia.

Contact: Colleen Calderwood, DVM, Program Manager, Office of Veterinary Services, 102 Governor St., Suite 141, Richmond, VA 23219, telephone (804) 786-2483, FAX (804) 371-2380 or email colleen.calderwood@vdacs.virginia.gov.

† **May 9, 2007 - 10 a.m.** -- Open Meeting

Oliver Hill Building, 102 Governor Street, Lower Level, Room LL22, Compensation Board Conference Room, Richmond, Virginia.♿ (Interpreter for the deaf provided upon request)

A meeting of the Consumer Affairs Advisory Committee to communicate the views and interests of Virginians on issues related to the Department of Agriculture and Consumer Services' consumer education and fraud prevention programs and their availability to citizens. Members will share their consumer issues and education

Calendar of Events

outreach efforts for the past six months and advise the Office of Consumer Affairs with planning for similar efforts for the remainder of 2007. Members 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 Al G. Bridge, Jr., at least five days before the meeting date so that suitable arrangements can be made.

Contact: Al G. Bridge, Jr., Manager, Counseling, Intake and Dispute Resolution Unit, Department of Agriculture and Consumer Services, 102 Governor St., Lower Level #LL35, Richmond, VA 23219, telephone (804) 371-8998, FAX (804) 225-2666, toll-free (800) 552-9963, (800) 828-1120/TTY ☎, email al.bridger@vdacs.virginia.gov.

Virginia Pork Industry Board

May 11, 2007 - 3:30 p.m. -- Open Meeting
Holiday Inn Monticello, 1200 5th Street, S.W.,
Charlottesville, Virginia. ♿

A meeting to (i) review and approve the minutes of the last meeting, review the board's financial statement, and (iii) discuss the National Pork Board check off issues and plan the 2008 pork conference. 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 John H. Parker at least five days before the meeting date so that suitable arrangements can be made.

Contact: John H. Parker, Executive Director, Department of Agriculture and Consumer Services, 102 Governor St., 3rd Floor, Room 316, Richmond, VA 23219, telephone (804) 786-7092, FAX (804) 371-7786, email john.parker@vdacs.virginia.gov.

ALCOHOLIC BEVERAGE CONTROL BOARD

May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-10, Procedural Rules for the Conduct of Hearings Before the Board and Its Hearing Officers and the Adoption or Amendment of Regulations**. The purpose of the proposed action is to adopt several amendments to the regulation governing its procedures in hearings and public participation in the promulgation of regulations. Since the last action adopting or amending the regulation, various reorganizations within the agency have abolished positions referenced or reassigned certain duties. Several of the changes proposed involve correcting obsolete references to such eliminated or renamed positions. Other amendments

eliminate unnecessary provisions that prohibit the chief hearing officer from presiding over cases in which a consent settlement offer was extended, and require the secretary to prescreen complaints arising under the Beer and Wine Franchise Acts. Amendments to the board's public participation guidelines eliminate the current requirement of annual rulemaking, and recognize advancing technology by providing for email notification of regulatory activities and posting notice of regulatory actions on the Virginia Regulatory Town Hall.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, email curtis.coleburn@abc.virginia.gov.

May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-40, Requirements for Product Approval**. The purpose of the proposed action is to amend the board's regulation governing the approval of new wine and beer products for sale in the Commonwealth. It proposes to eliminate several existing restrictions on the content of wine and beer labels. These restrictions are either obsolete or unnecessary because of other state or federal regulations covering the same subject matter. In addition, new provisions allow the sale of wine or beer for which approval has been applied, if the board fails to approve or disapprove within 30 days of receipt of the application.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, email curtis.coleburn@abc.virginia.gov.

May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-60, Manufacturers and Wholesalers Operations**. The purpose of the proposed action is to amend three sections of the board's regulations governing wine wholesalers and

solicitors for distilled spirits manufacturers. Changes to 3 VAC 5-60-20 are designed to make reporting of purchases and sales by wine wholesalers easier by allowing reports in lieu of the submission of actual copies of certain purchase orders and invoices currently required to be submitted to the board. It is proposed that 3 VAC 5-60-40 be amended to increase the penalty of the indemnifying bond required of wine wholesalers from \$1,000 to \$2,500. 3 VAC 5-60-80 is proposed to be amended by modifying language to conform to a statute enacted by the 2006 Session of the General Assembly, and to allow the display on licensed retail premises of advertising specialty items provided by solicitors for distilled spirits manufacturers. In addition, a new section 3 VAC 5-60-100 is added, providing a process for manufacturers, wholesalers, or importers to seek approval from the board for the employment of persons with certain criminal convictions.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, email curtis.coleburn@abc.virginia.gov.

May 4, 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 Alcoholic Beverage Control Board intends to amend regulations entitled **3 VAC 5-70, Other Provisions**. The purpose of the proposed action is to (i) conform exceptions to the general prohibition against licensees giving away alcoholic beverages to recent actions of the General Assembly; (ii) remove the requirement that manufacturers give the board a copy of any price increase notice; (iii) provide that in situations where the same person is both the importer and wholesaler, no notice of price increase is required; (iv) increase the number of allowed farm winery remote locations from two to five as allowed by statute; and (v) set forth procedures for auction sales of designer or antique bottles containing distilled spirits.

Statutory Authority: §§ 4.1-103 and 4.1-111 of the Code of Virginia.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, email curtis.coleburn@abc.virginia.gov.

May 7, 2007 - 9 a.m. -- Open Meeting
May 21, 2007 - 9 a.m. -- Open Meeting
June 4, 2007 - 9 a.m. -- Open Meeting
June 18, 2007 - 9 a.m. -- Open Meeting
July 2, 2007 - 9 a.m. -- Open Meeting
July 16, 2007 - 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 as necessary.

Contact: W. Curtis Coleburn, III, Secretary to the Board, Alcoholic Beverage Control Board, 2901 Hermitage Rd., Richmond, VA 23220, telephone (804) 213-4409, FAX (804) 213-4411, (804) 213-4687/TTY ☎, email curtis.coleburn@abc.virginia.gov.

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS

May 8, 2007 - 9 a.m. -- Open Meeting
† July 26, 2007 - 9 a.m. -- Open Meeting
 Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ♿

A meeting of the Architects Section to conduct board business. 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.

May 10, 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

Calendar of Events

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.


May 14, 2007 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, 5th Floor, 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.


May 22, 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.


May 24, 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.

June 14, 2007 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A regular meeting to discuss 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

May 4, 2007 - 10 a.m. -- Open Meeting

June 1, 2007 - 10 a.m. -- Open Meeting

July 6, 2007 - 10 a.m. -- Open Meeting


Science Museum of Virginia, 2500 West Broad Street, Forum Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A monthly meeting to review projects submitted by state agencies. Art and Architectural Review Board submittal forms and submittal instructions can be downloaded by visiting the DGS Forms Center at www.dgs.virginia.gov. Request form #DGS-30-905 or submittal instructions #DGS-30-906. The deadline for submitting project datasheets and other required information is two weeks prior to the meeting date.


Contact: Brian H. Ohlinger, Chairman, Art and Architectural Review Board, 700 W. Grace St., Suite 2200, Richmond, VA 23284, telephone (804) 827-9647, FAX (804) 827-1288 or email bjohlinger@vcu.edu.

VIRGINIA COMMISSION FOR THE ARTS


June 14, 2007 - 8 a.m. -- Open Meeting

Museum of the Shenandoah Valley, Winchester, Virginia.  (Interpreter for the deaf provided upon request)

June 15, 2007 - 8 a.m. -- Open Meeting


Shenandoah University, Board Room, Winchester, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the commissioners to review and approve the recommendations of the 07-08 grant panels.


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

May 9, 2007 - 9 a.m. -- Open Meeting


Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Room 453, 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.

ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY

May 3, 2007 - 1 p.m. -- Open Meeting


Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.  (Interpreter for the deaf provided upon request)

A quarterly meeting of the Board of Directors.


Contact: Joey Wallace, Ph.D., Executive Director, Assistive Technology Loan Fund Authority, 1602 Rolling Hills Dr., Richmond, VA 23229, telephone (804) 662-9997, FAX (804) 662-9533, toll-free (866) 835-5976, email joey.wallace@atfa.org.

AUCTIONEERS BOARD

July 12, 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. 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: 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

May 24, 2007 - 9:30 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 3, Richmond, Virginia. 


A meeting to discuss general business matters 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. 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: 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) 662-9111, FAX (804) 662-9523, (804) 662-7197/TTY , email lisa.hahn@dhp.virginia.gov.


BOARD FOR BARBERS AND COSMETOLOGY

NOTE: CHANGE IN MEETING DATE

April 30, 2007 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 


A general business meeting to include 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. 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: William H. Ferguson, II, Executive Director, Board for Barbers and Cosmetology, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email barbercosmo@dpor.virginia.gov.

BOARD FOR THE BLIND AND VISION IMPAIRED

Statewide Rehabilitation Council

June 9, 2007 - 10 a.m. -- Open Meeting

Department for the Blind and Vision Impaired, 397 Azalea Avenue, Rooms 1 and 2, Richmond, Virginia. 

A quarterly meeting to advise the Department for the Blind and Vision Impaired on matters related to vocational

Calendar of Events

rehabilitation services for the blind and visually impaired of the Commonwealth.

Contact: Susan D. Payne, VR Program Director, Department for the Blind and Vision Impaired, 397 Azalea Ave., Richmond, VA 23227, telephone (804) 373-3184, FAX (804) 371-3390, toll-free (800) 622-2155, (804) 371-3140/TTY ☎, email susan.payne@dbvi.virginia.gov.

BOARD FOR BRANCH PILOTS

May 1, 2007 - 8:30 a.m. -- Open Meeting

† **July 26, 2007 - 8:30 a.m.** -- Open Meeting

Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia. ♿

A meeting of the Examination Administrators 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.

May 2, 2007 - 9:30 a.m. -- Open Meeting

NOTE: CHANGE IN MEETING LOCATION

Hampton City Council Chambers, City Hall, 22 Lincoln Avenue, 8th Floor, Hampton, Virginia. ♿

† **July 27, 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.

CEMETERY BOARD

June 6, 2007 - 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, Cemetery Board, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8552, FAX (804) 367-6946, (804) 367-9753/TTY ☎, email cemetery@dpor.virginia.gov.

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

May 8, 2007 - 10 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Northern Area Review Committee 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.

† **May 8, 2007 - Noon** -- Open Meeting

James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A meeting of the Policy Committee to discuss policy and regulatory issues.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Chesapeake Bay Local Assistance Board, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

May 8, 2007 - 2 p.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 17th Floor Conference Room, Richmond, Virginia.

A regular meeting of the Southern Area Review Committee 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.

June 18, 2007 - 10 a.m. -- Open Meeting


Location to be announced.

A regular business 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.


CHILD DAY CARE COUNCIL

† **May 10, 2007 - 9 a.m.** -- Open Meeting
Department of Social Services, 7 North 8th Street, 6th Floor
Conference Room, Richmond, Virginia. 


A regular business meeting.


Contact: Pat Rengnerth, Board Liaison, Child Day-Care Council, Office of Legislative and Regulatory Affairs, 7 N. 8th St., Room 5214, Richmond, VA 23219, telephone (804) 726-7905, FAX (804) 726-7906, (800) 828-1120/TTY , email patricia.rengnerth@dss.virginia.gov.

STATE BOARD FOR COMMUNITY COLLEGES


† **May 16, 2007 - 1:30 p.m.** -- Open Meeting
† **July 18, 2007 - 1:30 p.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Room 315, Godwin-Hamel Board Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Budget and Finance Committee and the Academic, Student Affairs and Workforce Development Committee will meet at 1:30 p.m. The Audit Committee will meet at 3 p.m. and the Facilities Committee will meet with the Personnel Committee at 3:30 p.m.


Contact: Jeffrey J. Kraus, Assistant Vice Chancellor for Public Relations, State Board for Community Colleges, 101 N. 14th St., 15th Floor, Richmond, VA 23219, telephone (804) 819-4961, FAX (804) 819-4768, (804) 371-8504/TTY 

May 17, 2007 - 9 a.m. -- Open Meeting
† **July 19, 2007 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 15th Floor, Room 315, Godwin-Hamel Board Room, 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

† **May 16, 2007 - 11 a.m.** -- Open Meeting
Compensation Board, 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.

BOARD OF CONSERVATION AND RECREATION

May 1, 2007 - 10 a.m. -- Open Meeting
Location to be announced. 

A regular business meeting.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor Street, Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

DEPARTMENT OF CONSERVATION AND RECREATION

† **May 9, 2007 - 1 p.m.** -- Open Meeting
Loudoun County Administration Building, Lovettsville Room, Leesburg, Virginia.

A regular business meeting of the Goose Creek Scenic River Advisory Committee.

Contact: David C. Dowling, Policy, Planning, and Budget Director, Department of Conservation and Recreation, 203 Governor St., Suite 302, Richmond, VA 23219, telephone (804) 786-2291, FAX (804) 786-6141, email david.dowling@dcr.virginia.gov.

May 17, 2007 - Noon -- Open Meeting
June 21, 2007 - Noon -- Open Meeting
† **July 19, 2007 - 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.

June 13, 2007 - 10 a.m. -- Open Meeting
Location to be announced.

A business meeting of the Virginia Land Conservation 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.

Calendar of Events


Virginia Soil and Water Conservation Board

May 17, 2007 - 9:30 a.m. -- Open Meeting
† July 19, 2007 - 9:30 a.m. -- Open Meeting
Location to be announced.


A regular board 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


May 1, 2007 - 9 a.m. -- Open Meeting
† May 10, 2007 - 9 a.m. -- Open Meeting
† May 15, 2007 - 9 a.m. -- Open Meeting
† May 22, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 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.


May 22, 2007 - 9 a.m. -- Canceled
June 5, 2007 - 9 a.m. -- Open Meeting
† July 24, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulations, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A 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 discussed in closed session. 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: 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.

May 22, 2007 - 1 p.m. -- Canceled
June 4, 2007 - 4 p.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A quarterly meeting of the Board for Contractors Committee. The meeting starts at the conclusion of the Board for Contractors regular meeting.


Contact: Kevin Hoeft, Regulatory Boards Administrator, 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 CORRECTIONS

May 15, 2007 - 10 a.m. -- Open Meeting
† July 17, 2007 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 


A meeting of the Liaison Committee to discuss correctional matters of interest to the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

May 15, 2007 - 11 a.m. -- Open Meeting
† July 17, 2007 - 11 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 


A meeting of the Correctional Services/Policy and Regulations Committee to discuss correctional services and policy/regulation matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

May 16, 2007 - 9:30 a.m. -- Open Meeting
† July 18, 2007 - 9:30 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor, Room 3054, Richmond, Virginia. 

A meeting of the Administration Committee to discuss administrative matters to be considered by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

May 16, 2007 - 10 a.m. -- Open Meeting
† July 18, 2007 - 10 a.m. -- Open Meeting
Department of Corrections, 6900 Atmore Drive, 3rd Floor Board Room, Richmond, Virginia. 

A regular meeting of the full board to review and discuss all matters considered by board committees that require presentation to and action by the board.

Contact: Barbara Woodhouse, Administrative Staff Assistant, Department of Corrections, 6900 Atmore Dr., Richmond, VA 23225, telephone (804) 674-3124, FAX (804) 674-3236, email barbara.woodhouse@vadoc.virginia.gov.

BOARD OF COUNSELING

† **May 11, 2007 - 9:30 a.m.** -- Open Meeting
 Department of Health Professions, 6603 West Broad Street,
 5th Floor, Richmond, Virginia. ☎

A formal hearing to review an applicants credentials preliminary to filing an application for licensure by examination as a professional counselor.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email evelyn.brown@dhp.virginia.gov.

† **May 11, 2007 - 10:30 a.m.** -- Open Meeting
 Department of Health Professions, 6603 West Broad Street,
 5th Floor, Richmond, Virginia. ☎

A quarterly meeting to conduct board business.

Contact: Evelyn B. Brown, Executive Director, Board of Counseling, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9912, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email evelyn.brown@dhp.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

May 9, 2007 - 10:30 a.m. -- Open Meeting
 Stonewall Jackson Inn, Staunton, Virginia.

June 14, 2007 - 11 a.m. -- Open Meeting
 General Assembly Building, 9th and Broad Streets, House
 Room D, Richmond, Virginia. ☎

A meeting to conduct general business.

Contact: Leon D. Baker, Jr., Division Director, Criminal Justice Services Board, 8th Street Office Bldg., 805 E. Broad St., 10th Floor, Richmond, VA 23219, telephone (804) 225-4086, FAX (804) 786-0588, email leon.baker@dcjs.virginia.gov.

BOARD OF DENTISTRY

May 11, 2007 - 9 a.m. -- Open Meeting
June 29, 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.

May 25, 2007 - 9 a.m. -- Open Meeting
July 13, 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.

June 7, 2007 - 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.

June 8, 2007 - 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.

June 22, 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.


Calendar of Events

DESIGN BUILD/CONSTRUCTION MANAGEMENT REVIEW BOARD


May 17, 2007 - 11 a.m. -- Open Meeting

June 21, 2007 - 11 a.m. -- Open Meeting

† July 19, 2007 - 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: Kristy H. Martin, 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

May 16, 2007 - Noon -- Open Meeting

901 East Byrd Street, Riverfront Plaza, West Tower, 19th Floor Board Room, Richmond, Virginia. 

A meeting of the Finance Committee to discuss 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.

BOARD OF EDUCATION

† April 30, 2007 - 7 p.m. -- Public Hearing

George Wythe High School, 1 Maroon Way, Wytheville, Virginia.


Robinson Secondary School, 5035 Sideburn Road, Fairfax, Virginia.

A public hearing on the proposed Standards of Learning for an optional high school course, Algebra, Functions, and Data Analysis. The proposed Algebra, Functions, and Data Analysis Standards of Learning may be found on the Department of Education's website at http://www.doe.virginia.gov/VDOE/VA_Board/Meetings/2007/feb-itemG.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.

† May 15, 2007 - 1 p.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 22nd Floor, Jefferson Conference Room, Richmond, Virginia. 

(Interpreter for the deaf provided upon request)

† July 18, 2007 - 9 a.m. -- Open Meeting

† July 19, 2007 - 9 a.m. -- Open Meeting

† July 20, 2007 - 9 a.m. -- Open Meeting

Comfort Inn Conference Center, 3200 West Broad Street, Richmond, Virginia.


A meeting of the State Special Education Advisory Committee. For more information on times and agendas go to <http://www.doe.virginia.gov/VDOE/Instruction/Sped/sseac.html> or call the Department of Education Special Education and Student Services office at 804-225-3252 or (TTY) 800-422-1098.

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.

May 30, 2007 - 9 a.m. -- Open Meeting

June 28, 2007 - 9 a.m. -- Open Meeting

† July 25, 2007 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 22nd Floor, Jefferson Conference Room, Richmond, Virginia. 


(Interpreter for the deaf provided upon request)

A regular business meeting of the board. Public comment will be received. The agenda and the supporting materials will be posted on the Friday prior to the meeting on http://www.doe.virginia.gov/VDOE/VA_Board/bd-sched.html.

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.

NOTE: CHANGE IN MEETING DATE

May 31, 2007 - 9 a.m. -- Open Meeting

James Monroe Building, 101 North 14th Street, 22nd Floor, Jefferson Conference Room, Richmond, Virginia. 

(Interpreter for the deaf provided upon request)

An annual planning session of the board. This is a work session and public comment will not be received.

Contact: Dr. Margaret N. Roberts, Office of Policy and Communications, 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

May 16, 2007 - 10 a.m. -- Open Meeting
June 20, 2007 - 10 a.m. -- Open Meeting
† July 18, 2007 - 10 a.m. -- Open Meeting
 Capital One West Creek Campus, 1500 Capital One Drive,
 Richmond, Virginia.

A meeting of the Start Strong Pre-K Task Force.

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.

NOTE: CHANGE IN MEETING DATE

† May 17, 2007 - 11:30 a.m. -- Open Meeting
 Patrick Henry Building, 1111 East Broad Street, Richmond, Virginia.

A meeting of the Governor's P-16 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

† May 2, 2007 - 6 p.m. -- Open Meeting
 York County Public Library, 8500 George Washington Memorial Highway, Meeting Room, Yorktown, Virginia.

The final public meeting on the development of bacteria and dissolved oxygen TMDLs for three shellfish propagation waters in York County. The public notice appears in the Virginia Register of Regulations on April 30, 2007. The public comment period begins on May 2, 2007, and ends on June 1, 2007.

Contact: Jennifer Howell, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23262, telephone (527) 518-2111, FAX (527) 528-2003, email jshowell@deq.virginia.gov.

† May 3, 2007 - 6 p.m. -- Open Meeting
 Accomack-Northampton Planning District Commission Building, 23372 Front Street, Accomack, Virginia.

The final public meeting on the development of TMDLs for fecal coliform bacteria in three shellfish propagation waters in Accomack County. The public notice appears in the Virginia Register of Regulations on April 30, 2007. The public comment period begins on May 3, 2007, and ends on June 4, 2007.

Contact: Jennifer Howell, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23262, telephone (757) 518-2111, FAX (757) 518-2003, email jshowell@deq.virginia.gov.

May 3, 2007 - 6:30 p.m. -- Open Meeting
 Lynchburg Public Library, 2315 Memorial Avenue, Lynchburg, Virginia.

This is the second public meeting on a study to restore water quality in various streams within the James River watershed. Virginia agencies are working to identify sources of bacteria contamination in stream segments from the James River watershed in Central Virginia. This contamination exceeds water quality standards, which prohibits swimming. The contamination impairs or decreases the quality of the water. The following is a list of the "impaired" waters, the length of the impaired segment, their location, and the reason for the impairment: James River (18.43 miles), Amherst County, Lynchburg City, fecal coliform bacteria; Blackwater Creek (10.24 miles), Lynchburg City, fecal coliform bacteria; Ivy Creek (5.37 miles), Lynchburg City, fecal coliform bacteria; Fishing Creek (5.45 miles), Lynchburg City, fecal coliform bacteria; Judith Creek (10.55 miles) Bedford County, Lynchburg City, fecal coliform bacteria; Tomahawk Creek (5.9 miles), Bedford County, Campbell County, Lynchburg City, fecal coliform bacteria; Burton Creek (3.47 miles), Campbell County, Lynchburg City, fecal coliform bacteria. During the study, DEQ will develop a total maximum daily load, or a TMDL, for the impaired waters. A TMDL is the total amount of a pollutant a water body can contain and still meet water quality standards. To restore water quality, contamination levels to have to be reduced to the TMDL amount. Fact sheets are available on the impaired waters from the contacts below or on the DEQ website at www.deq.virginia.gov.


Contact: Lauren Theodore, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, email lmtheodore@deq.virginia.gov.

† May 7, 2007 - 7 p.m. -- Open Meeting
 Essex Public Library, 117 North Church Lane, Tappahannock, Virginia.

A public meeting on the development of a bacteria TMDL for Hoskins Creek and its tributaries in Essex County. The public notice appears in the Virginia Register of Regulations on April 30, 2007. The public comment period begins on May 7, 2007, and ends on June 6, 2007.


Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone (804) 527-5124, FAX (804) 527-5106, email cfrench@deq.virginia.gov.

Calendar of Events

May 8, 2007 - 1:30 p.m. -- Open Meeting
South Boston Public Library, 409 Broad Street, South Boston, Virginia. 


A meeting of the steering committee on the development of TMDLs to address stream impairments in the Dan River watershed located in Halifax and Pittsylvania counties. The public notice appears in the Virginia Register of Regulations on April 16, 2007.

Contact: Lauren Theodore, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, email lmtheodore@deq.virginia.gov.

May 8, 2007 - 6:30 p.m. -- Open Meeting
Halifax USDA Service Center, 171 South Main Street, Halifax, Virginia. 


A public meeting to discuss the development of TMDLs to address stream impairments in the Banister River watershed located in Pittsylvania and Halifax counties. The public notice appears in the Virginia Register of Regulations on April 16, 2007. The public comment period began on March 8, 2007, and ends on June 8, 2007.

Contact: Lauren Theodore, Department of Environmental Quality, 7705 Timberlake Rd., Lynchburg, VA 24502, telephone (434) 582-6216, FAX (434) 582-5125, email lmtheodore@deq.virginia.gov.

† May 9, 2007 - 6:30 p.m. -- Open Meeting
Grissom Library, 336 DeShazor Drive, Newport News, Virginia. 


A public meeting on the development of bacteria TMDLs for segments of the Warwick River, James River, Skiffes Creek, Baptist Run and Deep Creek in Newport News. The public notice appears in the Virginia Register of Regulations on April 30, 2007. The public comment period begins on May 9, 2007, and ends on June 8, 2007.

Contact: Jennifer Howell, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (527) 518-2111, email jshowell@deq.virginia.gov.

† May 10, 2007 - 6:30 a.m. -- Open Meeting
Smithfield Center, 220 North Church Street, Smithfield, Virginia. 


A public meeting on the development of a fecal coliform bacteria TMDL for the Pagan River and Jones Creek in Isle of Wight. The public notice appears in the Virginia Register of Regulations on April 30, 2007. The public comment period begins on May 10, 2007, and ends on June 11, 2007.

Contact: Jennifer Howell, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, telephone (527) 518-2111, email jshowell@deq.virginia.gov.

† May 10, 2007 - 7 p.m. -- Open Meeting
Scottsville Town Council Chambers, 401 Valley Street, Scottsville, Virginia. 


The final public meeting on the development of bacteria TMDLs for tributaries of the James River in Albemarle and Buckingham counties. The public comment period begins on May 10, 2007, and ends on June 10, 2007.

Contact: Robert Brent, Department of Environmental Quality, 4411 Early Rd., P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7848, FAX (540) 574-7878, email rbrent@deq.virginia.gov.

† May 15, 2007 - 9 a.m. -- Open Meeting
Department of Environmental Quality, 629 East Main Street, 1st Floor Conference Room, Richmond, Virginia. 


A regular meeting of the Ground Water Protection Steering Committee.

Contact: Mary Ann Massie, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4042, email mamassie@deq.virginia.gov.

† May 16, 2007 - 7 p.m. -- Open Meeting
Creeds Elementary School, 920 Princess Anne Road, Virginia Beach, Virginia. 

The first public meeting on the development of TMDL Implementation Plans for Nawney Creek, Milldam Creek and Middle West Neck Creek located in Virginia Beach. The implementation plans will include corrective actions for fecal bacteria impairments in the Back Bay and North Landing watersheds. The public notice appears in the Virginia Register of Regulations on April 30, 2007. The public comment period begins on May 16, 2007, and ends on June 16, 2007.

Contact: Jennifer Howell, Department of Environmental Quality, 5636 Southern Boulevard Virginia Beach, VA 23262, telephone (527) 518-2111, FAX (527) 518-2003, email jshowell@deq.virginia.gov.

† July 19, 2007 - 3 p.m. -- Open Meeting
Tappahannock USDA Service Center, 772 Richmond Beach Road, Meeting Room, Tappahannock, Virginia. 

A meeting on the advisory committee assisting in the development of a bacteria TMDL for Hoskins Creek and its tributaries in Essex County. The public notice appears in the Virginia Register of Regulations on April 30, 2007.

Contact: Chris French, Department of Environmental Quality, 4949-A Cox Rd., Glen Allen, VA 23060, telephone

(804) 527-5124, FAX (804) 527-5106, email rcfrench@deq.virginia.gov.

VIRGINIA FIRE SERVICES BOARD

May 31, 2007 - 10 a.m. -- Open Meeting
VDFP Headquarters, 1005 Technology Park Drive, Glen Allen, Virginia. ☎

An Executive Committee meeting.

Contact: Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059-4500, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

June 1, 2007 - 10 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. ☎

Meetings of the following committees:

- 10 a.m. - Education and Training
- 1 p.m. - Fire Prevention and Control
- 3 p.m. - Administration, Policy and Finance

Contact: Brook Pittinger, Department of Fire Services, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

June 2, 2007 - 9 a.m. -- Open Meeting
Department of Forestry, 900 Natural Resources Drive, Charlottesville, Virginia. ☎

A full board meeting.

Contact: Brook Pittinger, Virginia Fire Services Board, 1005 Technology Park Dr., Glen Allen, VA 23059, telephone (804) 371-0220, email brook.pittinger@vdfp.virginia.gov.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

May 24, 2007 - 9 a.m. -- Open Meeting
June 28, 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 to review and discuss discipline cases.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 West Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@dhp.virginia.gov.

June 5, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A meeting to discuss board business as it relates to the practice of the Funeral Directors and Embalmers Board.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@dhp.virginia.gov.

June 5, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A formal hearing to receive and act upon evidence that may indicate violations of certain laws and regulations governing the practice of funeral services.

Contact: Elizabeth Young, Executive Director, Board of Funeral Directors and Embalmers, Alcoa Building, 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9907, FAX (804) 662-9523, (804) 662-7197/TTY ☎, email elizabeth.young@dhp.virginia.gov.

COUNCIL ON VIRGINIA'S FUTURE

May 8, 2007 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Senate Room A, Richmond, Virginia. ☎

A full meeting of the council with Governor Timothy M. Kaine (Chair) presiding.

Contact: Gilbert M. An (Gigi), Executive Assistant to the Director, Council on Virginia's Future, 1001 E. Broad St., Suite 430, Richmond, VA 23219, telephone (804) 371-2346, FAX (804) 371-2347, email gma2n@virginia.edu.

CHARITABLE GAMING BOARD

June 5, 2007 - 10 a.m. -- Canceled
Science Museum of Virginia, 2500 West Broad Street, RF and P Forum Room, Richmond, Virginia.

The regular board meeting is canceled.

Contact: Harry M. Durham, Interim Director, Charitable Gaming Board, 101 N. 14th St., 17th Floor, James Monroe Building, Richmond, VA 23219, telephone (804) 786-2444, FAX (804) 786-1079, or email harry.durham@dcg.virginia.gov.

BOARD FOR GEOLOGY

July 11, 2007 - 9 a.m. -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. ☎

A general business meeting to include 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. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should

Calendar of Events

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 Geology, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-8507, (804) 367-9753/TTY ☎, email geology@dpwr.virginia.gov.

GEORGE MASON UNIVERSITY

May 9, 2007 - 9 a.m. -- Open Meeting
George Mason University, Mason Pond Drive, 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.

GOVERNOR'S HEALTHCARE REFORM COMMISSION

† **May 1, 2007 - 1 p.m.** -- Open Meeting
George Mason University, Fairfax Campus, 4400 University Drive, George W. Johnson Center, Fairfax, Virginia. ♿

† **June 12, 2007 - 1 p.m.** -- Open Meeting
James Madison University, 1301 Carrier Drive, Festival Conference and Student Center, Harrisonburg, Virginia.

A regular meeting. In person registration to speak will begin at 5:30 p.m. For directions call 703-993-1000 or visit www.gmu.edu/fairfax.

Contact: Heidi Dix, Assistant Secretary of Health and Human Resources, Office of Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-7765, email heidi.dix@governor.virginia.gov

† **May 1, 2007 - 5:30 p.m.** -- Public Hearing
George Mason University, Fairfax Campus, 4400 University Drive, George W. Johnson Center, Fairfax, Virginia. ♿

† **June 12, 2007 - 5:30 p.m.** -- Public Hearing
James Madison University, 1301 Carrier Drive, Festival Conference and Student Center, Harrisonburg, Virginia. ♿

The public is welcome to attend and make comments (three minutes max) on the Health Reform Commission. In person registration to speak will begin at 5:30 p.m. For directions call 540-568-2593 or visit www.jmu.edu/festival.

Contact: Heidi Dix, Assistant Secretary of Health and Human Resources, Office of Governor, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-7765, email heidi.dix@governor.virginia.gov.

STATE BOARD OF HEALTH

May 15, 2007 - 7 p.m. -- Public Hearing
Roanoke County Administration Center, 5204 Bernard Drive, Administrator Board Room, Roanoke, Virginia.

May 17, 2007 - 7 p.m. -- Public Hearing
Washington Health Department, 15068 Lee Highway, Conference Room, Bristol, Virginia.

May 22, 2007 - 7 p.m. -- Public Hearing
Farlazzo Administration Building, 15948 Donald Curtis Drive, Auditorium, Woodbridge, Virginia.

May 23, 2007 - 7 p.m. -- Public Hearing
Rockingham/Harrisonburg Health Department, 110 North Mason Street, Downstairs Conference Room, Harrisonburg, Virginia.

May 29, 2007 - 7 p.m. -- Public Hearing
Henrico Health Department, 8600 Dixon Powers Drive, Demonstration Kitchen, Richmond, Virginia.

June 12, 2007 - 7 p.m. -- Public Hearing
Virginia Beach Health Department, 4452 Corporation Lane, Large Conference Room, Virginia Beach, Virginia.

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 5-421, Food Regulations**. The purpose of the proposed action is to conform the existing regulations to the 2003 supplement of the 2001 federal Food and Drug Administration Food Code.

Statutory Authority: §§ 35.1-11 and 35.1-14 of the Code of Virginia.

Public comments may be submitted until June 15, 2007.

Contact: Gary Hagy, Director, Food and General Environmental Services, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7455, FAX (804) 864-7475 or email gary.hagy@vdh.virginia.gov.

DEPARTMENT OF HEALTH

May 11, 2007 - 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.

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.

May 16, 2007 - 10 a.m. -- Open Meeting

June 27, 2007 - 10 a.m. -- Open Meeting

James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia.

A meeting of the Sewage Handling and Disposal Appeals Review Board to hear all administrative appeals of denials of onsite sewage disposal system permits and appeals of refusals of indemnification requests filed pursuant to § 32.1-164.1:01 and render its decision on any such appeal, which decision shall be the final administrative decision.

Contact: Donna Tiller, Executive Secretary, Department of Health, 109 Governor St. Richmond, VA 23219, telephone (804) 864-7470, FAX (804) 864-7476, email donna.tiller@vdh.virginia.gov.

May 18, 2007 - 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, Division of Onsite Sewage and Water Services, Department of Health, 109 Governor St., 5th Floor, Richmond, VA 23219, telephone (804) 864-7452, FAX (804) 864-7476, email donald.alexander@vdh.virginia.gov.

June 12, 2007 - 9 a.m. -- Open Meeting

Department of Health, 109 Governor Street, 5th Floor Conference Room, Richmond, Virginia.

A meeting of the Authorized Onsite Soil Evaluator Regulations Advisory Committee to make recommendations to the commissioner regarding AOSE/PE policies and programs. The meeting will also be scheduled in remote locations via video conference.

Contact: Dwayne Roadcap, Program Manager, Department of Health, 109 Governor St., Richmond, VA 23219, telephone (804) 864-7462, FAX (804) 864-7476, email dwayne.roadcap@vdh.virginia.gov.

Emergency Medical Services Advisory Board

May 17, 2007 - 1 p.m. -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. ☎

A quarterly meeting of the Financial Assistance Review Committee (FARC) to discuss upcoming grant cycle and initiatives, problems with past grants and Rescue Squad Assistance Fund (RSAF) finances. The FARC is responsible for recommending to the Commissioner of

Health monetary awards as stipulated in the Code of Virginia.

Contact: Amanda Davis, Grants Administrator, 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 amanda.davis@vdh.virginia.gov.

May 17, 2007 - 3 p.m. -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. ☎

A regular business meeting of the Regulation and Policy Committee.

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.

May 18, 2007 - 9 a.m. -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. ☎

A quarterly meeting of the Communications Committee to review and recommend policies on EMS communications and coordinate the development and implementation of communications and associated technology that support EMS operations at the local, regional and state level.

Contact: Ken Crumpler, Communications Coordinator, 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 ken.crumpler@vdh.virginia.gov.

May 18, 2007 - 1 p.m. -- Open Meeting

Richmond Marriott West, 4240 Dominion Boulevard, Glen Allen, Virginia. ☎

A quarterly meeting to provide advice and counsel regarding methods and procedures for planning, developing and maintaining a statewide emergency medical services (EMS) systems to OEMS and the State Board of Health.

Contact: Gary R. Brown, Director, Office of Emergency Medical Services, 109 Governor St., Suite UB-55, Richmond, VA 23219, telephone (804) 864-7600, FAX (804) 864-7580, toll-free (800) 523-6019, email gary.brown@vdh.virginia.gov.

Radiation Advisory Board

† **May 9, 2007 - 10 a.m.** -- Open Meeting

CJW Medical Center at Johnston-Willis Campus, 1401 Johnston-Willis Drive, Richmond, Virginia. ☎

The annual meeting to discuss radiological issues that may affect the Commonwealth, and to receive a briefing from


Calendar of Events

the Department of Health staff regarding the Nuclear Regulatory Commission's agreement state program and other radiological activities. The Advisory Board will also receive a presentation and tour the gamma knife at CJW Medical Center.


Contact: Les Foldesi, Director, Division of Radiological Health, Department of Health, VDH-Radiological Health, 109 Governor St., Room 732, Richmond, VA 23219, telephone (804) 864-8151, FAX (804) 864-8155, toll-free (800) 468-0138, email les.foldesi@vdh.virginia.gov.

BOARD FOR HEARING AID SPECIALISTS

July 11, 2007 - 9 a.m. -- Open Meeting

Department of Professional and Occupational Regulation, 3600 West Broad Street, 4th Floor, Richmond, Virginia. 

A general business meeting including consideration of regulatory issues as may be presented on the agenda. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: William H. Ferguson, II, Executive Director, Board for Hearing Aid Specialists, 3600 W. Broad St., Richmond, VA 23230-4917, telephone (804) 367-8590, FAX (804) 367-6295, (804) 367-9753/TTY , email hearingaidspec@dpor.virginia.gov.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† May 7, 2007 - 1 p.m. -- Open Meeting

Virginia Union University, L. Douglas Wilder Library Building, Richmond, Virginia.


A meeting of the Strategic Planning Steering Committee.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leeannrung@schev.edu.

May 8, 2007 - 1 p.m. -- Open Meeting

Virginia Union University, L. Douglas Wilder Library Building, Richmond, Virginia.

July 10, 2007 - 11:30 a.m. -- Open Meeting

Norfolk State University, Norfolk, Virginia. 

Council meeting times are approximate and subject to change. Committee meetings will begin in the morning. Agenda materials will be available on the website approximately one week prior to the meeting at

www.schev.edu. A public comment period will be allocated on the meeting agenda. To be scheduled, those interested in making public comment should contact the person listed below no later than 5 p.m. three business days prior to the meeting date. At the time of the request, the speaker's name, address and topic must be provided. Each speaker will be given up to three minutes to address SCHEV. Speakers are asked to submit a written copy of their remarks at the time of comment.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, James Monroe Bldg., 101 N. 14th St., 9th Floor, Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leeannrung@schev.edu.

Private College Advisory Board

† May 7, 2007 - 2:30 p.m. -- Open Meeting

Virginia Union University, L. Douglas Wilder Library, Richmond, Virginia.


A regular meeting.

Contact: Lee Ann Rung, State Council of Higher Education for Virginia, 101 N 14th St., Richmond, VA 23219, telephone (804) 225-2602, FAX (804) 371-7911, email leeannrung@schev.edu.


DEPARTMENT OF HISTORIC RESOURCES

Board of Historic Resources and State Review Board

† June 6, 2007 - 10 a.m. -- Open Meeting

Halsey Lecture Hall at Virginia Historical Society, 428 North Boulevard, Richmond, Virginia. 

The State Review Board will consider nominations for recommendation to the Director of the Department of Historic Resources for listing in the National Register of Historic Places, as well as considering and commenting on the Preliminary Information Forms. The Historic Resources Board will consider nominations for listing in the Virginia Landmarks Register. They will also consider Virginia Highway Marker texts and Historic Preservation Easements.

Contact: Jean McRae, National and State Register Program Coordinator, Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, telephone (804) 367-2323, FAX (804) 367-2391, (804) 367-2386/TTY , email jean.mcrae@dhr.virginia.gov.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **May 16, 2007 - 11 a.m.** -- Open Meeting
Virginia Housing Development Authority, 601 South Belvidere Street, Richmond, Virginia. ♿

A regular meeting of the Board of Commissioners to review and, if appropriate, approve the minutes from the prior meeting; 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 during the day preceding the meeting and before and after the meeting and may consider matters within their purview. The committees and the board may also meet during meals on the night before the meeting and 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.

VIRGINIA COUNCIL ON HUMAN RESOURCES

† **July 19, 2007 - 9:30 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, PDS #4, Richmond, Virginia.

A quarterly meeting.

Contact: Barbara Tanner, Executive Assistant, Department of Human Resource Management, James Monroe Bldg., 101 N. 14th St., 13th Floor, Richmond, VA 23219, telephone (804) 225-2237, FAX (804) 371-7401, email barbara.tanner@dhrm.virginia.gov.

INNOVATIVE TECHNOLOGY AUTHORITY

May 16, 2007 - 1 p.m. -- Open Meeting
Center for Innovative Technology, 2214 Rock Hill Road, 7th Floor, Fairfax Room, Herndon, Virginia. ♿

An organizational meeting.

Contact: Sharon Kozar, Executive Assistant, Innovative Technology Authority, 2214 Rock Hill Rd., Herndon, VA 20170, telephone (703) 689-3065, email skozar@cit.org.

STATE BOARD OF JUVENILE JUSTICE

June 13, 2007 - 10 a.m. -- Open Meeting
Northwestern Regional Juvenile Detention Center, 145 Fort Collier Road, Winchester, Virginia.

The Secure Services Committee and Nonsecure Services Committee meet at 9 a.m. to receive certification audit reports of several residential and nonresidential programs. The full board meets at 10 a.m. to take action on the certification reports and hear other such business as comes before the board. The board will receive public comment at each of its regular meetings. In order to allow the board sufficient time for its other business, the total time allotted to public comment will be limited to 30 minutes at the beginning of the meeting with additional time allotted at the end of the meeting for individuals who have not had a chance to be heard. Speakers will be limited to 10 minutes each with shorter time frames provided at the Chairman's discretion to accommodate large numbers of speakers. Those wishing to speak to the board are strongly encouraged to contact Deborah Hayes at 804-371-0704 three or more business days prior to the meeting. Persons not registered prior to the day of the board meeting will speak after those who have preregistered. Normally, speakers will be scheduled in the order that their requests are received. Where issues involving a variety of views are presented before the board, the board reserves the right to allocate the time available so as to insure that the board hears from different points of view on any particular issue. Groups wishing to address a single subject are urged to designate a spokesperson. Speakers are urged to confine their comments to topics relevant to the board's purview. In order to make the limited time available most effective, speakers are urged to provide multiple written copies of their comments or other material amplifying their views. Please provide at least 15 written copies if you are able to do so.

Contact: Deborah C. Hayes, Administrative Assistant, Department of Juvenile Justice, 700 Centre, 700 E. Franklin St., 4th Floor, Richmond, VA 23219, telephone (804) 371-0704, FAX (804) 371-0725.

DEPARTMENT OF LABOR AND INDUSTRY

Virginia Apprenticeship Council

June 21, 2007 - 10 a.m. -- Open Meeting
Location to be announced.

A general business meeting of the Virginia Apprenticeship Council.

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)

Calendar of Events

786-8418, (804) 786-2376/TTY ☎, email bgd@doli.virginia.gov.

Safety and Health Codes Board

June 26, 2007 - 10 a.m. -- Open Meeting
State Corporation Commission, 1300 East Main Street, Courtroom A, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A meeting to conduct general business.

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 rlc@doli.virginia.gov.

STATE LIBRARY BOARD

June 11, 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.

THE LIBRARY OF VIRGINIA

Virginia Circuit Courts Records Preservation Grants Review Board

† **May 21, 2007 - 11 a.m.** -- Open Meeting
The Library of Virginia, 800 East Broad Street, Richmond, Virginia. ♿

A meeting to review, evaluate, and appropriately award grant applications submitted by circuit court clerks to undertake records preservation projects in their offices.

Contact: Jean H. Taylor, CPS, Executive Secretary Senior, The Library of Virginia, 800 E. Broad St., Richmond, VA 23219-8000, telephone (804) 692-3535, FAX (804) 693-3594, (804) 692-3976/TTY ☎, email jtaylor@lva.lib.va.us.

COMMISSION ON LOCAL GOVERNMENT

May 14, 2007 - 10 a.m. -- Open Meeting
Department of Housing and Community Development, 501 North 2nd Street, Richmond, Virginia. ♿

A regular business meeting.

Contact: Barbara Johnson, Commission on Local Government, 501 N. 2nd St., Richmond, VA 23219,

telephone (804) 371-7000, FAX (804) 371-7090, email barbara.johnson@dhcd.virginia.gov.

BOARD OF LONG-TERM CARE ADMINISTRATORS

July 10, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A meeting to discuss board matters.

Contact: Lisa Russell Hahn, Executive Director, Board of Long-Term Care Administrators, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9930, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email lisa.hahn@dhp.virginia.gov.

LONGWOOD UNIVERSITY

† **May 12, 2007 - 1:30 p.m.** -- Open Meeting
Longwood University, Lancaster 223, 201 High Street, Farmville, Virginia.

A meeting to conduct routine business of the Board of Visitors.

Contact: Jeanne Hayden, Administrative Staff Assistant, Office of the President, Longwood University, 201 High St., Farmville, VA 23909, telephone (434) 395-2004.

VIRGINIA MANUFACTURED HOUSING BOARD

May 17, 2007 - 10 a.m. -- Open Meeting
501 North Second Street, Richmond, Virginia. ♿

A meeting to carry out administration of the Manufactured Housing Licensing Regulations and to hold a hearing on a claim to the Transaction Recovery Fund.

Contact: Curtis McIver, State Building Code Administrator, Virginia Manufactured Housing Board, The Jackson Center, 501 N. 2nd St., Richmond, VA 23219-1321, telephone (804) 371-7161, FAX (804) 371-7092, (804) 371-7089/TTY ☎, email curtis.mciver@dhcd.virginia.gov.

MARINE RESOURCES COMMISSION

May 22, 2007 - 9:30 a.m. -- Open Meeting
June 26, 2007 - 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.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† **May 4, 2007 - 10 a.m.** -- Open Meeting
 Department of Medical Assistance Services, 600 E. Broad Street, Richmond, Virginia. ☎

A meeting of the Children's Health Insurance Program Advisory Committee's Executive Subcommittee. Time will be scheduled at the end of the meeting for public comment.

Contact: Shelagh Greenwood, FAMIS Marketing and Outreach Liaison, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-0166, FAX (804) 786-5799, email shelagh.greenwood@dmas.virginia.gov.

† **May 8, 2007 - 10:30 a.m.** -- Open Meeting
 Fairfax County Library Centreville Regional Library, 14200 St. Germaine Drive, Meeting Room 2, Centreville, Virginia. ☎

† **May 30, 2007 - 10 a.m.** -- Open Meeting
 Augusta County Government Center, 18 Government Center Lane, Government Meeting Room, Verona, Virginia. ☎

† **June 1, 2007 - 9 a.m.** -- Open Meeting
 Department of Environmental Quality, West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia. ☎

A meeting of the Medicaid case managers to discuss VA Cooperative Extension's Nutrition and Educational Program and Early, Periodic Screening, Diagnostic and Treatment Program.

Contact: Queen Green, Case Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 692-0720, FAX (804) 786-5799, (800) 343-0634/TTY ☎, email queen.green@dmas.virginia.gov.

May 10, 2007 - 2 p.m. -- Open Meeting
 Department of Medical Assistance Services, 600 East Broad Street, Richmond, Virginia. ☎

A meeting of the Drug Utilization Committee.

Contact: Rachel Cain, Pharmacist, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-0318, FAX (804) 786-1680, (800) 343-0634/TTY ☎, email rachel.cain@dmas.virginia.gov.

May 18, 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 Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-10, State Plan Under Title XIX of the Social**

Security Act Medical Assistance Program; General Provisions.
12 VAC 30-20, Administration of Medical Assistance Services.

12 VAC 30-40, Eligibility Conditions and Requirements.

The purpose of the proposed action is to implement a new program providing for the sale and Medicaid recognition of long-term care partnership insurance policies.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: Suzanne Gore, Policy and Research Division, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 786-1609, FAX (804) 786-1680, or email susanne.gore@dmas.virginia.gov.

June 15, 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 Department of Medical Assistance Services intends to amend regulations entitled **12 VAC 30-10, State Plan Under Title XIX of the Social Security Act Medical Assistance Program; General Provisions.**

12 VAC 30-50, Amount, Duration, and Scope of Medical and Remedial Care Services.

12 VAC 30-120, Waivered Services (Program of All-Inclusive Care for the Elderly (PACE))

The purpose of the proposed action is to implement a new community-based capitated program of all inclusive care for elderly (PACE) Medicaid recipients.

Statutory Authority: §§ 32.1-324 and 32.1-325 of the Code of Virginia.

Contact: William Butler, Project Manager, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8886, VAX (804) 786-1680 or email william.butler@dmas.virginia.gov.

June 20, 2007 - 1 p.m. -- Open Meeting
 Department of Medical Assistance Services, 600 East Broad Street, 13th Floor, Board Room, Richmond, Virginia. ☎


A meeting of the Medicaid Transportation Advisory Committee to discuss Medicaid transportation issues.


Contact: Bob Knox, Transportation Supervisor, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, VA 23219, telephone (804) 371-8854, FAX (804) 786-6035, (800) 343-0634/TTY ☎, email robert.knox@dmas.virginia.gov.

Calendar of Events


BOARD OF MEDICINE


May 9, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. 

May 15, 2007 - 9 a.m. -- Open Meeting
Holiday Inn Select, 2801 Plank Road, Fredericksburg,
Virginia. 


May 30, 2007 - 9:15 a.m. -- Open Meeting
Williamsburg Marriott, 50 Kingsmill Road, Williamsburg,
Virginia. 

A special conference committee will convene informal conferences to inquire into allegations that certain practitioners of medicine or other healing arts may have violated certain laws and regulations governing the practice of medicine. Further, the committee may review cases with board staff for case disposition, including consideration of consent orders for settlement. The committee will meet in open and closed sessions pursuant to the Code of Virginia. Public comment will not be received.


Contact: Renee S. Dixon, Discipline Case Manager, Department of Health Professions, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-7009, FAX (804) 662-9517, (804) 662-7197/TTY , email renee.dixon@dhp.virginia.gov.

May 18, 2007 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room, Richmond, Virginia. 


A meeting of the Legislative Committee to consider regulatory matters as 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, 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.

May 18, 2007 - 1:30 p.m. -- Open Meeting


June 21, 2007 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. 


A meeting of the Credentials Committee 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.


May 18, 2007 - 1:30 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. 


A meeting of the Ad Hoc Committee on Opioids and Pain Management to continue the development of the proposed regulations for the treatment of pain with controlled substances. Public comment will be received at the beginning of the meeting.

Contact: Colanthis Morton Opher, Operations Manager, 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 coco.morton@dhp.virginia.gov.


June 21, 2007 - 7:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. 

A meeting of the Nominating Committee to develop a slate of officers to serve July 2007 to July 2008.


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.

June 21, 2007 - 8:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 2, Richmond, Virginia. 


A meeting of the full board 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, 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 Acupuncture

June 6, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider issues related to the regulations of acupuncture. Public comments 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 Athletic Training

June 7, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider issues related to the 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

June 8, 2007 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider issues related to the 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

June 5, 2007 - 10 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider issues related to the 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

June 7, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider issues related to the 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

June 6, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 


A meeting to consider issues related to the regulations of radiologic technologists and radiologic technologists-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

June 5, 2007 - 1 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Board Room 4, Richmond, Virginia. 

A meeting to consider issues related to the 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

† **May 4, 2007 - 10 a.m.** -- Open Meeting
Holiday Inn - Portsmouth, 8 Crawford Parkway, Portsmouth,
Virginia. 

A regular business meeting.


Contact: Jewel Booker, State Board Executive Secretary, State Mental Health, Mental Retardation and Substance Abuse Services Board, Jefferson Bldg., 1220 Bank St., 12th Floor, Richmond, VA 23219, telephone (804) 786-7945, FAX (804) 371-2308, email jewel.booker@co.dmhmrzas.virginia.gov.

Calendar of Events

† **May 15, 2007 - 10 a.m.** -- Open Meeting
Cascades Public Library, 21030 Whitfield Place, Potomac Falls, Virginia.  (Interpreter for the deaf provided upon request)

The Substance Abuse Services Council is charged with advising and making recommendations to the Governor, General Assembly, and the Board on broad policies and goals and on the coordination of the Commonwealth's public and private efforts to control alcohol and other drug abuse. During this meeting, work will continue on developing a strategic plan for the Council as well as development of a comprehensive, interagency state plan for substance abuse services.

Contact: Julie Truitt, Substance Abuse Planning Coordinator, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse Services, 1220 Bank St., Richmond, VA 23219, telephone (804) 786-0825, FAX (804) 786-4320, email julie.truitt@co.dmhmr.sas.virginia.gov.

June 20, 2007 - 10 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

The Virginia Mental Health Planning Council serves as the primary, ongoing forum for articulating and building consensus among consumers, families and other advocates, state agencies, and mental health providers and planners around needed values, priorities, and goals that will ensure a system of services and supports of the highest quality for children and adults. Agenda topics will include, but not be limited to, reviewing Federal Block Grant Application, making recommendations to the Director of Mental Health, the Commissioner and the State Board of the Department of Mental Health, Mental Retardation and Substance Abuse Services, and the Governor of the Commonwealth of Virginia and monitoring and evaluating the implementation of the state's Mental Health Plan.

Contact: Jo-Amrah S. McElroy, Mental Health Planner, Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Mental Health, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-2316, FAX (804) 371-2316.

MOTOR VEHICLE DEALER BOARD

May 14, 2007 - 3 p.m. -- Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, 1st Floor, Cafeteria, Richmond, Virginia.

Notice is hereby given in accordance with § 2.2-4007 of the Code of Virginia that the Motor Vehicle Dealer Board intends to amend regulations entitled **24 VAC 22-20, Motor Vehicle Dealer Fees**. The purpose of the proposed action is to update the fee schedule while staying within

statutory limits. Fees have not been adjusted in more than 10 years.


Statutory Authority: §§ 46.2-1503.4, 46.2-1506, 46.2-1519 and 46.2-1546 of the Code of Virginia.

Public comments may be submitted until June 15, 2007.


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 or email bruce.gould@mvdv.virginia.gov.

DEPARTMENT OF MOTOR VEHICLES

Medical Advisory Board

May 9, 2007 - 8 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A general business meeting.

Contact: Jacquelin Branche, R. N., Division Manager, Department of Motor Vehicles, 2300 W. Broad St., Richmond, VA 23220, telephone (804) 497-7188, FAX (804) 367-1604, toll-free (800) 435-5137, (804) 272-9268/TTY , email jacquelin.branche@dmv.virginia.gov.


Transportation Safety Board

May 15, 2007 - 9 a.m. -- Open Meeting
Department of Motor Vehicles, 2300 West Broad Street, Room 131, Richmond, Virginia.


An Allocations Committee meeting to review grant request for FY08.

Contact: Audrey Odum, Management Analyst, Department of Motor Vehicles, P.O. Box 27412, Richmond, VA 23269-0001, telephone (804) 367-8140, FAX (804) 367-6631, toll-free (800) 272-9268, (800) 272-9268/TTY , email audrey.odum@dmv.virginia.gov.

VIRGINIA MUSEUM OF FINE ARTS

May 1, 2007 - 8 a.m. -- Open Meeting
Virginia Museum of Fine Arts, 200 North Boulevard, The Pauley Center, 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.

May 9, 2007 - 2 p.m. -- Open Meeting

June 14, 2007 - 1 p.m. -- Open Meeting

Virginia Museum of Fine Arts, Pauley Center 2, 200 North Boulevard, Richmond, Virginia. ☎

A meeting of the Marketing and Branding Committee for staff to update the trustees. 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.

May 16, 2007 - 9 a.m. -- Open Meeting

Virginia Museum of Fine Arts, The Pauley Center, 200 North Boulevard, Parlor, Richmond, Virginia. ☎

A meeting for staff to update the Museum Expansion Committee. A request will be made to conduct the meeting in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Secretary of the Museum, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, FAX (804) 340-1502, toll-free (800) 943-8632, (804) 340-1401/TTY ☎, email suzanne.broyles@vmfa.museum.

May 16, 2007 - 11:15 a.m. -- Open Meeting

Virginia Museum of Fine Arts, 200 North Boulevard, Library, Richmond, Virginia. ☎

The following committees will meet for staff updates:

11:15 a.m. - Art Acquisitions - Library

1 p.m. - Artistic Oversight - CEO Parlor

3 p.m. - Government Affairs - Pauley Center 2

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.

May 17, 2007 - 9 a.m. -- Open Meeting

Virginia Museum of Fine Arts, Pauley Center 2, 200 North Boulevard, Richmond, Virginia. ☎

A meeting for staff to update the Fiscal Oversight Committee. Public comment will not be received. The full board meets at noon.

Contact: Suzanne Broyles, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

† **May 17, 2007 - Noon** -- Open Meeting

Virginia Museum of Fine Arts, The Pauley Center Parlor, 200 North Boulevard, Richmond, Virginia. ☎

A meeting for staff to update the Board of Trustees. Part of the meeting will be held in closed session. Public comment will not be received.

Contact: Suzanne Broyles, Virginia Museum of Fine Arts, 200 N. Boulevard, Richmond, VA 23220, telephone (804) 340-1503, email suzanne.broyles@vmfa.museum.

NOTE: CHANGE IN MEETING TIME

May 17, 2007 - 3 p.m. -- Open Meeting

Virginia Museum of Fine Arts, Pauley Center 2, 200 North Boulevard, Richmond, Virginia. ☎

A meeting of the Statewide 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

May 8, 2007 - 9 a.m. -- Canceled

May 11, 2007 - 9 a.m. -- Canceled

May 31, 2007 - 9 a.m. -- Open Meeting

June 4, 2007 - 9 a.m. -- Open Meeting

June 6, 2007 - 9 a.m. -- Open Meeting

June 12, 2007 - 9 a.m. -- Open Meeting

June 14, 2007 - 9 a.m. -- Open Meeting

June 19, 2007 - 9 a.m. -- Open Meeting

June 21, 2007 - 9 a.m. -- Open Meeting

June 26, 2007 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. ☎

A Special Conference Committee comprised of two or three members of the Virginia Board of Nursing or agency subordinate will conduct informal conferences with licensees and certificate holders. Public comment will not be received.

Contact: Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 6603 West Broad Street, 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email nursebd@dhp.virginia.gov.

May 14, 2007 - 9 a.m. -- Open Meeting

† **July 16, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia. ☎

A panel will conduct informal conferences with licensees and/or certificate holders. A formal hearing may also be held. Public comment will not be received.

Calendar of Events

Contact: Jay P. Douglas, RN, MSM, CSAS, Executive Director, Board of Nursing, 6603 W. Broad St., 5th Floor, Richmond, VA 23230, telephone (804) 662-9909, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email nursebd@dhp.virginia.gov.

May 15, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia.🗺

A general business meeting to include receipt of committee reports, consideration of regulatory action and discipline case decisions as presented on the agenda. Public comment will be received at 11 a.m.

Contact: Jay P. Douglas, R.N., Executive Director, Board of Nursing, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email jay.douglas@dhp.virginia.gov.

May 16, 2007 - 9 a.m. -- Open Meeting

May 17, 2007 - 9 a.m. -- Open Meeting

† **July 18, 2007 - 9 a.m.** -- Open Meeting

† **July 19, 2007 - 9 a.m.** -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Board Room 2, Richmond, Virginia.🗺

A panel of the Board of Nursing will conduct formal hearings with licensees and/or certificate holders. Public comment will not be received.

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) 662-9949, FAX (804) 662-9512, (804) 662-7197/TTY ☎, email jay.douglas@dhp.virginia.gov.

JOINT BOARDS OF NURSING AND MEDICINE

June 20, 2007 - 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

May 21, 2007 - Noon -- Open Meeting
Old Dominion University, Webb University Center, Norfolk, Virginia.🗺

A regular meeting of the Executive Committee of the Board of Visitors 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.

June 15, 2007 - 1:30 p.m. -- Open Meeting
Webb University Center, Old Dominion University, Norfolk, Virginia.🗺

A regular meeting of the Board of Visitors to discuss business of the board and the institution as determined by the rector and the president. Public comment will not be received by the board.

Contact: Donna Meeks, Executive Secretary to the Board of Visitors, Old Dominion University, 204 Koch Hall, Old Dominion University, Norfolk, VA 23529, telephone (757) 683-3072, FAX (757) 683-5679, email dmeeks@odu.edu.

VIRGINIA OUTDOORS FOUNDATION

June 6, 2007 - 1 p.m. -- Open Meeting

June 7, 2007 - 9 a.m. -- Open Meeting

Department of Forestry, 900 Natural Resources Drive, 2nd Floor, Board Room, Charlottesville, Virginia.🗺

A meeting for policy and easement consideration. Public comment will be received.

Contact: Trisha Cleary, Administrative Assistant, Department of Conservation and Recreation, 101 N. 14th St., 17th Floor, Richmond, VA 23219, telephone (804) 225-2147, FAX (804) 371-4810, email tcleary@vofonline.org.

VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES

June 6, 2007 - 11 a.m. -- Open Meeting

Location to be announced.🗺 (Interpreter for the deaf provided upon request)

A meeting of the Executive Committee.

Contact: Sandra Smalls, Executive Assistant, Virginia Board for People with Disabilities, 202 N. 9th Street, 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.

June 7, 2007 - 8:30 a.m. -- Open Meeting

Location to be announced.🗺 (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 Street, 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.

BOARD OF PHARMACY

† **May 9, 2007 - 9 a.m.** -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
Lower Level, Classroom B, Richmond, Virginia.

A panel of the board will discuss disciplinary matters. No public comments will be received.

Contact: Elizabeth Scott Russell, RPh, Executive Director, Board of Pharmacy, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9911, FAX (804) 662-9313, (804) 662-7197/TTY ☎, email scotti.russell@dhp.virginia.gov.

May 15, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Room 4, Richmond, Virginia.

A meeting of the Special Conference Committee to discuss disciplinary matters. Public comment 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.

POLYGRAPH EXAMINERS ADVISORY BOARD

July 10, 2007 - 11 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Richmond, Virginia. ♿

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Public comment will be heard at the beginning of the meeting. Person desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at least 10 days prior to the meeting so that suitable arrangements can be made. The department fully complies with the Americans with Disabilities Act.

Contact: Kevin Hoeft, Regulatory Boards Administrator, Department of Professional and Occupational Regulation, 3600 W. Broad St., Richmond, VA 23230, telephone (804) 367-2785, FAX (804) 367-0674, (804) 367-9753/TTY ☎, email kevin.hoeft@dpor.virginia.gov.

BOARD FOR PROFESSIONAL AND OCCUPATIONAL REGULATION

June 4, 2007 - 10 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 5th Floor, Richmond, Virginia. ♿

A regular board meeting.

Contact: Mark N. Courtney, Executive Director, Board for Professional and Occupational Regulation, 3600 W. Broad

St., Richmond, VA 23230, telephone (804) 367-8514, FAX (804) 367-2475, email mark.courtney@dpor.virginia.gov.

BOARD OF PSYCHOLOGY

May 4, 2007 - 9 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia. ♿

Informal conferences.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email evelyn.brown@dhp.virginia.gov.

July 10, 2007 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street,
5th Floor, Richmond, Virginia.

A business meeting to include reports from standing committees and any regulatory and disciplinary matters as may be presented on the agenda. Public comment will be received at the beginning of the meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Psychology, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9913, FAX (804) 662-9943, (804) 662-7197/TTY ☎, email evelyn.brown@dhp.virginia.gov.

VIRGINIA PUBLIC GUARDIANSHIP AND CONSERVATOR ADVISORY BOARD

June 28, 2007 - 10 a.m. -- Open Meeting
Virginia Department for the Aging, 1610 Forest Avenue,
Suite 100, Richmond, Virginia. ♿

A meeting of the Executive Committee.

Contact: Faye D. Cates, MSSW, Human Services Program Coordinator, 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.

SECRETARY OF PUBLIC SAFETY

April 30, 2007 - 9:30 a.m. -- Open Meeting
May 1, 2007 - 9:30 a.m. -- Open Meeting
Renaissance Portsmouth Hotel and Waterfront Conference Center, 425 Water Street, Portsmouth, Virginia.

Coming Home - Building Reentry Capacity Through Community Collaboration. This conference will provide local coalitions an opportunity to participate in the further development and expansion of community-based offender reentry initiatives.

Calendar of Events

Contact: Martha Hazlegrove, Special Assistant, Secretary of Public Safety, 1111 E. Broad St., Richmond, VA 23219, telephone (804) 786-5351, FAX (804) 371-6381, email martha.hazlegrove@governor.virginia.gov.

REAL ESTATE APPRAISER BOARD

May 1, 2007 - 10 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 reboard@dpor.virginia.gov.

REAL ESTATE BOARD

† May 9, 2007 - 9:30 a.m. -- Open Meeting
Department of Professional and Occupational Regulation,
3600 West Broad Street, 4th Floor, Room 453, Richmond,
Virginia. ♿

Informal fact-finding conferences.

Contact: Christine Martine, Executive Director, Real Estate 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.

May 9, 2007 - 3 p.m. -- Open Meeting
† July 18, 2007 - 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 to discuss education issues.

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.

May 10, 2007 - 9 a.m. -- Open Meeting
† July 19, 2007 - 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 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.

DEPARTMENT OF REHABILITATIVE SERVICES

Virginia Brain Injury Council

† July 27, 2007 - 1 p.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Conference Rooms, Richmond, Virginia. ♿ (Interpreter for the deaf provided upon request)

A quarterly meeting. Materials will be provided in alternate format upon request. Public comment will be received 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.

State Rehabilitation Council

May 14, 2007 - 11:30 a.m. -- Open Meeting
Department of Rehabilitative Services, 8004 Franklin Farms Drive, Richmond, Virginia. ♿

A quarterly meeting of the State Rehabilitation Council. Public comments will be received at approximately 11:45 a.m. Materials in alternate format and interpreters will be provided upon prior request.

Contact: Elizabeth Smith, Policy and Planning Director, Department of Rehabilitative Services, 8004 Franklin Farms Dr., P.O. Box K-300, Richmond, VA 23229, telephone (804) 662-7071, FAX (804) 662-7696, toll-free (800) 552-5019, (800) 464-9950/TTY ☎, email elizabeth.smith@drs.virginia.gov.

VIRGINIA RESEARCH AND TECHNOLOGY ADVISORY COMMISSION

NOTE: CHANGE IN MEETING DATE AND TIME

May 23, 2007 - Noon -- Open Meeting
The Inn at Virginia Tech, Blacksburg, Virginia.

A quarterly meeting. Specific time and location to be determined.

Contact: Nancy Vorona, VP Research Investment, Center for Innovative Technology, Virginia Research and Technology Advisory Commission, 2214 Rock Hill Rd., Suite 600, Herndon, VA 20170, telephone (703) 689-3043, FAX (703) 464-1720, email nvorona@cit.org.


VIRGINIA RESOURCES AUTHORITY

May 1, 2007 - 9 a.m. -- Open Meeting
1111 East Main Street, 24th Floor, Boardroom, Richmond, Virginia. ♿

A regular business meeting of the Board of Directors.

Contact: Dr. Sheryl D. Bailey, Executive Director, Virginia Resources Authority, 1111 E. Main St., Ste. 1920, Richmond, VA 23219, telephone (804) 644-3100, toll-free (800) 644-3109, email sdean@virginiaresources.org.


VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

† **May 16, 2007 - Noon** -- Open Meeting
Department of Business Assistance, 707 East Main Street, 3rd Floor Board Room, Richmond, Virginia. 

A meeting to review applications for loans submitted to the authority for approval and to conduct general business of the board. The meeting time is subject to change depending upon the board's agenda.

Contact: Scott E. Parsons, Executive Director, Department of Business Assistance, P.O. Box 446, Richmond, VA 23218-0446, telephone (804) 371-8256, FAX (804) 225-3384, toll-free (866) 248-8814, email scott.parsons@dba.virginia.gov.

STATE BOARD OF SOCIAL SERVICES

† **May 3, 2007 - 9:30 a.m.** -- Open Meeting
United Methodist Family Services, 3900 West Broad Street, Charterhouse School Auditorium, Richmond, Virginia. 

The State and Local Advisory Team (SLAT) meet monthly to discuss the Comprehensive Services Act for At Risk Youth and Families (CSA) issues. The purpose of the act is to provide high quality, child centered, family focused, cost effective, community based services to high-risk youth and their families.

Contact: Kim McGaughey, Executive Director, Department of Social Services, Office of Comprehensive Services, 1604 Santa Rosa Rd., Richmond, VA 23229, telephone (804) 662-9830, FAX (804) 662-9831, email kim.mcgaughey@dss.virginia.gov.

Governor's Advisory Board on Child Abuse and Neglect

† **May 4, 2007 - 10 a.m.** -- Open Meeting
Richmond Police Training Academy, 1202 West Graham Road, Richmond, Virginia. 


A quarterly meeting to address issues pertaining to the prevention and treatment of child abuse and neglect.

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

BOARD OF SOCIAL WORK


July 12, 2007 - 2 p.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 

A meeting of the Regulatory Committee to review current regulations regarding supervision and standards of practice.


Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY , email evelyn.brown@dhp.virginia.gov.

July 13, 2007 - 9:30 a.m. -- Open Meeting
Department of Health Professions, 6603 West Broad Street, 5th Floor, Richmond, Virginia. 


A regular business meeting.

Contact: Evelyn B. Brown, Executive Director, Board of Social Work, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9914, FAX (804) 662-7250, (804) 662-7197/TTY , email evelyn.brown@dhp.virginia.gov.

BOARD FOR SOIL SCIENTISTS AND WETLAND PROFESSIONALS

† **July 17, 2007 - 10 a.m.** -- Open Meeting
Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. 

A meeting to conduct board business. The meeting is open to the public; however, a portion of the board's business may be discussed in closed session. Persons desiring to participate in the meeting and requiring special accommodations or interpretive services should contact the department at 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) 367-2475, (804) 367-9753/TTY , email soilscientist@dpor.virginia.gov.

TREASURY BOARD

May 16, 2007 - 9 a.m. -- Open Meeting
June 20, 2007 - 9 a.m. -- Open Meeting
† **July 18, 2007 - 9 a.m.** -- Open Meeting
James Monroe Building, 101 North 14th Street, 3rd Floor, Richmond, Virginia.

A regular meeting.

Contact: Kathi B. Scarce, Secretary to the Board, Treasury Board, James Monroe Bldg., 101 N. 14th St., 3rd Floor,


Calendar of Events

Richmond, VA 23219, telephone (804) 371-6011, email kathi.scearce@trs.virginia.gov.

DEPARTMENT OF VETERANS SERVICES

Board of Veterans Services

July 16, 2007 - 9:30 a.m. -- Open Meeting


Location to be determined. 

Contact the board for an agenda.


Contact: Rhonda Earman, Special Assistant to the Commissioner, Department of Veterans Services, 900 E. Main St., Richmond, VA 23219, telephone (804) 786-0286, email rhonda.earman@dvs.virginia.gov.

BOARD OF VETERINARY MEDICINE


† May 9, 2007 - 9 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, 5th Floor, Conference Room 2, Richmond, Virginia. 


A full board meeting to (i) approve the NOIRA resulting from periodic regulatory review of veterinary medicine regulations and fast-track action resulting from the review of the public participation guidelines, (ii) establish a workplan for the implementation of HB2363, (iii) review and approve guidance documents, (iv) conduct a formal hearing, and (v) discuss general board business as needed.

Contact: Elizabeth Young, Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-9504, (804) 662-7197/TTY , email elizabeth.young@dhp.virginia.gov.

† May 10, 2007 - 10 a.m. -- Open Meeting

Department of Health Professions, 6603 West Broad Street, Conference Room 4, Richmond, Virginia. 

A meeting to conduct formal and informal hearings. Public comment will not be received.

Contact: Elizabeth Young, Executive Director, Board of Veterinary Medicine, Alcoa Bldg., 6603 W. Broad St., 5th Floor, Richmond, VA 23230-1712, telephone (804) 662-9915, FAX (804) 662-7098, (804) 662-7197/TTY , email elizabeth.young@dhp.virginia.gov.

VIRGINIA MILITARY INSTITUTE

† May 4, 2007 - 8 a.m. -- Open Meeting


VMI Post, Meeting Rooms, Lexington, Virginia. 

Committee meetings of the Whole and Standing Committees.

Contact: Michael M. Strickler, Secretary to the Board of Visitors, Virginia Military Institute, Smith Hall, VMI,

Lexington, VA 24450, telephone (540) 464-7206, email strickler@vmi.edu.

† May 5, 2007 - 8 a.m. -- Open Meeting


Virginia Military Institute, Turman Room, Preston Library, Lexington, Virginia. 

A quarterly meeting.

Contact: Michael M. Strickler, Secretary to the Board of Visitors, Virginia Military Institute, Smith Hall, Lexington, VA 24450, telephone (804) 540-7206, email strickler@vmi.edu.

STATE WATER CONTROL BOARD


† May 3, 2007 - 7 p.m. -- Public Hearing

Orkney Springs Fire Building, Orkney Springs, Virginia. 

A public hearing on the reissuance of a VPDES permit for Shrine Mont, Inc., for a sewage wastewater discharge into Stony Creek in Shenandoah County. The public comment period closes on May 18, 2007.

Contact: Jason R. Dameron, State Water Control Board, 4411 Early Rd., P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7824, FAX (540) 574-7878, email jrdameron@deq.virginia.gov.


May 9, 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: Elleanore 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.


† May 18, 2007 - 3 p.m. -- Public Hearing

Department of Environmental Quality, Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia. 

A public hearing on the proposed reissuance of a VPDES permit for Coors Brewing Company located in Elkton.

Contact: Eric Millard, State Water Control Board, 4411 Early Rd., P.O. Box 3000, Harrisonburg, VA 22801, telephone (540) 574-7813, FAX (540) 574-7878, email ermillard@deq.virginia.gov.

May 23, 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 assisting in the development of appropriate and necessary permitting


requirements for discharges of wastewater from water treatment plant.

Contact: George Cosby, State Water Control Board, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4067, FAX (804) 698-4032, email gecosby@deq.virginia.gov.

BOARD FOR WATERWORKS AND WASTEWATER WORKS OPERATORS


June 20, 2007 - 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


STATE LOTTERY BOARD

† June 6, 2007 - 9 a.m. -- Open Meeting
State Lottery Department, 900 East Main Street, 13th Floor, Richmond, Virginia. 

A regular meeting. There will be an opportunity for public comment shortly after the meeting is convened.


Contact: Frank S. Ferguson, Director, Legislative and Regulatory Affairs, State Lottery Department, 900 E. Main St., Richmond, VA 23219, telephone (804) 692-7901, FAX (804) 692-7905, email fferguson@valottery.com.

VIRGINIA OFFICE FOR PROTECTION AND ADVOCACY


† July 24, 2007 - 9 a.m. -- Open Meeting
Virginia Office for Protection and Advocacy, Byrd Building, 1910 Byrd Avenue, Suite 5, VOPA Conference Room, Richmond, Virginia.  (Interpreter for the deaf provided upon request)

A meeting of the Board of Directors. Public comment will be received beginning at 9 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 July 10, 2007. Ms. Shehi will take your name and phone number and you will be telephoned during the public comment period. For more information on participating in this conference call or to provide public comment via telephone. If interpreter services or accommodations are required, please contact Ms. Shehi no later than July 10, 2007.

Contact: Lisa Shehi, Administrative Assistant, Virginia Office for Protection and Advocacy, 1910 Byrd Ave., Suite 5, Richmond, VA 23230, telephone (804) 225-2042, FAX (804) 662-7413, toll-free (800) 552-3962, (804) 225-2042/TTY , email lisa.shehi@vopa.virginia.gov.


Disability Advisory Council

June 20, 2007 - 10 a.m. -- Open Meeting
1910 Byrd Avenue, Suite 5, Richmond, Virginia.  (Interpreter for the deaf provided upon request)


A regular meeting. Public comment is welcome and will be received shortly after 10 a.m. Public comment will also be accepted by telephone. If you wish to provide public comments 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 June 6, 2007. Ms. Manley will take your name and phone number and you will be telephoned during the public comment period. For further information, directions to the meeting, or interpreter services or other accommodations, please contact Ms. Manley no later than June 6, 2007.

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.


VIRGINIA RETIREMENT SYSTEM

May 9, 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.


Calendar of Events

June 19, 2007 - Noon -- Open Meeting
Location to be determined. 


A meeting of the Optional Retirement Plan for Higher Education Advisory 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.


June 20, 2007 - 1:30 p.m. -- Open Meeting

† July 18, 2007 - 1:30 p.m. -- Open Meeting
Virginia Retirement System Headquarters, 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) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , email lking@varetire.org.


June 20, 2007 - 3 p.m. -- Open Meeting

† July 19, 2007 - 1 p.m. -- Open Meeting
Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 


The regular meeting of the Board of Trustees will be held at the Virginia Retirement System, 1200 East Main Street, Richmond, VA 23219. 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) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , email lking@varetire.org.


June 20, 2007 - 3 p.m. -- Open Meeting

Virginia Retirement System Headquarters, 1200 East Main Street, Richmond, Virginia. 


A meeting of the Audit and Compliance 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) 344-3119, FAX (804) 786-1541, toll-free (888) 827-3847, (804) 344-3190/TTY , email lking@varetire.org.

June 21, 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) 344-3119, FAX (804) 786-1541, (804) 344-3190/TTY , email lking@varetire.org.

LEGISLATIVE


JOINT SUBCOMMITTEE STUDYING SCIENCE, MATH AND TECHNOLOGY EDUCATION

† April 30, 2007 - 1 p.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, House Room C, Richmond, Virginia. 

A regular meeting. For questions regarding the meeting agenda contact Patrick Cushing or Nicole Seeds, Division of Legislative Services, (804) 786-3591.


Contact: Pam Burham, House Committee Operations, 910 Capitol St., Richmond, VA 23219, telephone (804) 698-1540.

JOINT COMMISSION ON TECHNOLOGY AND SCIENCE

† May 16, 2007 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 

A meeting of the Wireless Broadband Advisory Committee.

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, email pcushing@leg.state.va.us.

† May 17, 2007 - 10 a.m. -- Open Meeting
General Assembly Building, 9th and Broad Streets, Speaker's Conference Room, 6th Floor, Richmond, Virginia. 

A meeting of the Electronic Medical Records Advisory Committee.

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, email pcushing@leg.state.va.us.

CHRONOLOGICAL LIST

OPEN MEETINGS

April 30

Barbers and Cosmetology, Board for
Public Safety, Secretary of
† Science, Math and Technology Education, Joint
Subcommittee Studying

May 1

Branch Pilots, Board for
Conservation and Recreation, Board of

Contractors, Board for
 † Governor's Healthcare Reform Commission
 Museum of Fine Arts, Virginia
 Real Estate Appraiser Board
 Public Safety, Secretary of
 Resources Authority, Virginia

May 2

† Accountancy, Board of
 Branch Pilots, Board for
 † Environmental Quality, Department of

May 3

Assistive Technology Loan Fund Authority
 † Environmental Quality, Department of
 † Social Services, Department of

May 4

Art and Architectural Review Board
 † Medical Assistance Services, Department of
 † Mental Health, Mental Retardation and Substance Abuse
 Services, State Board of
 Psychology, Board of
 † Social Services, Department of
 † Virginia Military Institute

May 5

† Virginia Military Institute

May 7

Alcoholic Beverage Control Board
 † Environmental Quality, Department of
 † Higher Education for Virginia, State Council of
 - Private College Advisory Board

May 8

Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects,
 Board for
 Chesapeake Bay Local Assistance Board
 Environmental Quality, Department of
 Future, Council on Virginia's
 † Higher Education for Virginia, State Council of
 † Medical Assistance Services, Department of

May 9

† Agriculture and Consumer Services, Department of
 Asbestos, Lead, and Home Inspectors, Virginia Board for
 † Conservation and Recreation, Department of
 Criminal Justice Services Board
 † Environmental Quality, Department of
 George Mason University
 † Health, Department of
 - Radiation Advisory Board
 Medicine, Board of
 Motor Vehicles, Department of
 - Medical Advisory Board
 Museum of Fine Arts, Virginia
 † Pharmacy, Board of
 † Real Estate Board
 Retirement System, Virginia
 † Veterinary Medicine, Board of

Water Control Board, State

May 10

Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects,
 Board for
 † Child Day-Care Council
 † Contractors, Board for
 † Environmental Quality, Department of
 Medical Assistance Services, Department of
 Real Estate Board
 † Veterinary Medicine, Board of

May 11

† Agriculture and Consumer Services, Department of
 - Virginia Pork Industry Board
 † Counseling, Board of
 Dentistry, Board of
 Health, Department of

May 12

† Longwood University

May 14

Architects, Professional Engineers, Land Surveyors,
 Certified Interior Designers and Landscape Architects,
 Board for
 Local Government, Commission on
 Nursing, Board of
 Rehabilitative Services, Department of
 - State Rehabilitation Council

May 15

Accountancy, Board of
 † Contractors, Board for
 Corrections, Board of
 † Education, Board of
 † Environmental Quality, Department of
 Medicine, Board of
 † Mental Health, Mental Retardation and Substance Abuse
 Services, Department of
 Motor Vehicles, Department of
 - Transportation Safety Board
 Nursing, Board of
 † Pharmacy, Board of

May 16

Accountancy, Board of
 † Community Colleges, State Board of
 † Compensation Board
 Corrections, Board of
 Economic Development Partnership, Virginia
 Education, Secretary of
 - Start Strong Pre-K Council
 † Environmental Quality, Department of
 Health, Department of
 - Sewage Handling and Disposal Appeals Review Board
 † Housing Development Authority, Virginia
 Innovative Technology Authority
 Museum of Fine Arts, Virginia
 Nursing, Board of

Calendar of Events

† Small Business Financing Authority, Virginia
† Technology and Science, Joint Commission on
Treasury Board

May 17

Community Colleges, State Board for
Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
Design-Build/Construction Management Review Board
† Education, Secretary of
Health, Department of
- State Emergency Medical Services Advisory Board
Manufactured Housing Board
Museum of Fine Arts, Virginia
Nursing, Board of
† Technology and Science, Joint Commission on

May 18

Health, Department of
- State Emergency Medical Services Advisory Board
Medicine, Board of

May 21

Alcoholic Beverage Control Board
† Library of Virginia
- Virginia Circuit Courts Records Preservation Grants
Review Board
Old Dominion University

May 22

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Contractors, Board for
Marine Resources Commission

May 23

Research and Technology Advisory Commission, Virginia
† Water Control Board, State

May 24

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Audiology and Speech Language Pathology, Board of
Funeral Directors and Embalmers, Board of

May 25

Dentistry, Board of

May 30

Education, Board of
† Medical Assistance Services, Department of
Medicine, Board of

May 31

Education, Board of
Fire Services Board, Virginia
Nursing, Board of

June 1

Art and Architectural Review Board
Fire Services Board, Virginia
† Medical Assistance Services, Department of

June 2

Fire Services Board, Virginia

June 4

Alcoholic Beverage Control Board
Contractors, Board for
Nursing, Board of
Professional and Occupational Regulation, Board of

June 5

Contractors, Board for
Funeral Directors and Embalmers, Board of
Medicine, Board of
- Advisory Board on Occupational Therapy
- Advisory Board on Respiratory Care

June 6

Cemetery Board
† Historic Resources, Department of
- Board of Historic Resources and State Review Board
† Lottery Board, State
Medicine, Board of
- Advisory Board on Acupuncture
- Advisory Board on Radiologic Technology
Nursing, Board of
Outdoors Foundation, Virginia
People with Disabilities, Board for

June 7

Dentistry, Board of
Medicine, Board of
- Advisory Board on Athletic Training
- Advisory Board on Physicians Assistants
Outdoors Foundation, Virginia
People with Disabilities, Board for

June 8

Dentistry, Board of
Medicine, Board of
- Advisory Board on Midwifery

June 9

Blind and Vision Impaired, Board for the

June 11

Library Board, State

June 12

† Governor's Healthcare Reform Commission
Health, Department of
Nursing, Board of

June 13

Conservation and Recreation, Department of
Juvenile Justice, State Board of

June 14

Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
Arts, Virginia Commission for the
Criminal Justice Services Board
† Museum of Fine Arts, Virginia
Nursing, Board of

June 15

Arts, Virginia Commission for the
Old Dominion University

June 18

Alcoholic Beverage Control Board
Chesapeake Bay Local Assistance Board

June 19

Nursing, Board of
Retirement System, Virginia

June 20

Education, Secretary of
- Start Strong Pre-K Council
Medical Assistance Services, Department of
Mental Health, Mental Retardation and Substance Abuse
Services, Department of
Nursing and Medicine, Joint Board of
Protection and Advocacy, Virginia Office for
Retirement System, Virginia
Treasury Board
Waterworks and Wastewater Works Operators, Board for

June 21

Conservation and Recreation, Department of
Design-Build/Construction Management Review Board
Labor and Industry, Department of
- Virginia Apprenticeship Council
Medicine, Board of
Nursing, Board of
Retirement System, Virginia

June 22

Dentistry, Board of

June 26

Labor and Industry, Department of
- Safety and Health Codes Board
Marine Resources Commission
Nursing, Board of

June 27

† Accountancy, Board of
Health, Department of
- Sewage Handling and Disposal Appeals Review Board

June 28

Education, Board of
Funeral Directors and Embalmers, Board of
Public Guardianship and Conservator Advisory Board,
Virginia

June 29

Dentistry, Board of

July 2

Alcoholic Beverage Control Board

July 6

Art and Architectural Review Board

July 10

Higher Education for Virginia, State Council of
Long-Term Care Administrators, Board of
Polygraph Examiners Advisory Board
Psychology, Board of

July 11

Geology, Board for
Hearing Aid Specialists, Board for

July 12

Auctioneers Board
Social Work, Board of

July 13

Dentistry, Board of
Social Work, Board of

July 16

Alcoholic Beverage Control Board
† Nursing, Board of
Veterans Services, Department of
- Board of Veterans Services

July 17

† Corrections, Board of
† Soil Scientists and Wetland Professionals, Board for
Professional

July 18

† Community Colleges, State Board for
† Corrections, Board of
† Education, Board of
† Education, Secretary of
- Start Strong Pre-K Council
† Nursing, Board of
† Real Estate Board
† Retirement System, Virginia
† Treasury Board

July 19

† Community Colleges, State Board for
† Conservation and Recreation, Department of
- Virginia Soil and Water Conservation Board
† Design-Build/Construction Management Review Board
† Education, Board of
† Environmental Quality, Department of
† Human Resources, Virginia Council on
† Nursing, Board of
† Real Estate Board
† Retirement System, Virginia

July 20

† Education, Board of

July 24

† Contractors, Board for
† Protection and Advocacy, Virginia Office for

July 25

† Education, Board of

July 26

† Architects, Professional Engineers, Land Surveyors,
Certified Interior Designers and Landscape Architects,
Board for
† Branch Pilots, Board for

July 27

† Branch Pilots, Board for
† Rehabilitative Services, Department of
- Virginia Brain Injury Council

Calendar of Events

PUBLIC HEARINGS

April 30

† Education, Board of

May 3

† Water Control Board, State

May 14

† Motor Vehicle Dealer Board

May 15

Health, State Board of

May 17

Health, State Board of

May 18

† Water Control Board, State

May 22

Health, State Board of

May 23

Health, State Board of

May 29

Health, State Board of

June 12

Health, State Board of