



VIRGINIA

REGISTER OF REGULATIONS

VOL. 32 ISS. 11

PUBLISHED EVERY OTHER WEEK BY THE VIRGINIA CODE COMMISSION

JANUARY 25, 2016

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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, and notices of public hearings on regulations.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

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

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

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

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

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

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

A regulation becomes effective at the conclusion of the 30-day final adoption period, or at any other later date specified by the promulgating agency, unless (i) a legislative objection has been filed, in which event the regulation, unless withdrawn, becomes effective on the date specified, which shall be after the expiration of the 21-day objection period; (ii) the Governor exercises his authority to require the agency to provide for additional public comment, in which event the regulation,

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

A 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

Pursuant to § 2.2-4011 of the Code of Virginia, an agency, upon consultation with the Attorney General, and at the discretion of the Governor, may adopt emergency regulations that are necessitated by an emergency situation. An agency may also adopt an emergency regulation when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment. 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 no more than 18 months in duration; however, may be extended for six months under certain circumstances as provided for in § 2.2-4011 D. 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. **29:5 VA.R. 1075-1192 November 5, 2012**, refers to Volume 29, Issue 5, pages 1075 through 1192 of the *Virginia Register* issued on November 5, 2012.

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: **John S. Edwards**, Chair; **James M. LeMunyon**, Vice Chair, **Gregory D. Habeeb**; **Ryan T. McDougle**; **Pamela S. Baskerville**; **Robert L. Calhoun**; **Carlos L. Hopkins**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **Christopher R. Nolen**; **Timothy Oksman**; **Charles S. Sharp**; **Robert L. Tavenner**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **Karen Perrine**, Assistant Registrar; **Anne Bloomsburg**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.dls.virginia.gov>).

January 2016 through December 2016

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
32:11	January 6, 2016	January 25, 2016
32:12	January 20, 2016	February 8, 2016
32:13	February 3, 2016	February 22, 2016
32:14	February 17, 2016	March 7, 2016
32:15	March 2, 2016	March 21, 2016
32:16	March 16, 2016	April 4, 2016
32:17	March 30, 2016	April 18, 2016
32:18	April 13, 2016	May 2, 2016
32:19	April 27, 2016	May 16, 2016
32:20	May 11, 2016	May 30, 2016
32:21	May 25, 2016	June 13, 2016
32:22	June 8, 2016	June 27, 2016
32:23	June 22, 2016	July 11, 2016
32:24	July 6, 2016	July 25, 2016
32:25	July 20, 2016	August 8, 2016
32:26	August 3, 2016	August 22, 2016
33:1	August 17, 2016	September 5, 2016
33:2	August 31, 2016	September 19, 2016
33:3	September 14, 2016	October 3, 2016
33:4	September 28, 2016	October 17, 2016
33:5	October 12, 2016	October 31, 2016
33:6	October 26, 2016	November 14, 2016
33:7	November 9, 2016	November 28, 2016
33:8	November 22, 2016 (Tuesday)	December 12, 2016
33:9	December 7, 2016	December 26, 2016

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Initial Agency Notice

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy.

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

Name of Petitioner: Angela Gilley.

Nature of Petitioner's Request: Within a hospital or free-standing emergency department setting, the medical staff may approve guidelines that are clinically accepted as the standard of care, or are approved by the medical staff of the hospital through the typical approval process (such as the pharmacy and therapeutics committee), which allow pharmacists to change, discontinue, adjust, monitor, order pertinent labs, and make subsequent adjustments to medications as applicable to the approved guideline without requiring a physician order to implement the guideline. In addition, a practitioner may write an order for "pharmacy to dose" a medication, which allows the pharmacist to dose, monitor, order pertinent labs, and make subsequent adjustments to any medication specified in the order based on the pharmacist's clinical judgment.

Agency Plan for Disposition of Request: In accordance with Virginia law, the petition has been filed with the Registrar of Regulations and will be published on January 25, 2016. Comment on the petition may be sent by email or regular mail or posted on the Virginia Regulatory Town Hall at www.townhall.virginia.gov; comment is requested until February 24, 2016. Following receipt of all comments on the petition to amend regulations, the board will decide whether to make any changes to the regulatory language in Regulations Governing the Practice of Pharmacy. It will also be reviewed by an assistant attorney general who can advise the board on whether the request requires a change in the Code of Virginia. This matter will be on the board's agenda for its meeting scheduled for March 25, 2016.

Public Comment Deadline: February 24, 2016.

Agency Contact: Elaine Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 367-4688, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R16-11; Filed December 28, 2015, 9:47 a.m.

Initial Agency Notice

Title of Regulation: 18VAC110-20. Regulations Governing the Practice of Pharmacy.

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

Name of Petitioner: David Merryfield.

Nature of Petitioner's Request: To allow bar code and RFID scanning to extend the pharmacist check, once the bar code or RFID scan has been verified once for each product by a pharmacist.

Agency Plan for Disposition of Request: Comment on the petition may be sent by email or regular mail or posted on the Virginia Regulatory Town Hall at www.townhall.virginia.gov; comment is requested until February 24, 2016. Following receipt of all comments on the petition to amend regulations, the board will decide whether to make any changes to the regulatory language in Regulations Governing the Practice of Pharmacy. This matter will be on the board's agenda for its meeting scheduled for March 25, 2016, and the petitioner will be informed of the board's decision on his request after that meeting.

Public Comment Deadline: February 24, 2016.

Agency Contact: Elaine Yeatts, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 367-4688, or email elaine.yeatts@dhp.virginia.gov.

VA.R. Doc. No. R16-12; Filed December 31, 2015, 10:58 a.m.

NOTICES OF INTENDED REGULATORY ACTION

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Water Control Board intends to consider amending **9VAC25-194, General Permit for Vehicle Wash Facilities and Laundry Facilities**. The purpose of the proposed action is to amend and reissue the existing general permit that expires on October 15, 2017. The general permit will establish limitations and monitoring requirements for point source discharge of treated wastewaters from facilities to surface waters in order to maintain water quality. This regulatory action is needed for existing and new vehicle wash and laundry permittees to be covered under this general permit regulation.

In addition, this regulation will undergo a periodic review pursuant to Executive Order 17 (2014) and a small business impact review pursuant to § 2.2-4007.1 of the Code of Virginia to determine whether this regulation should be terminated, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

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

Statutory Authority: § 62.1-44.15 of the Code of Virginia; § 402 of the Clean Water Act; 40 CFR Parts 122, 123, and 124.

Public Comment Deadline: February 24, 2016.

Agency Contact: Elleanore Daub, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4111, FAX (804) 698-4032, or email elleanore.daub@deq.virginia.gov.

VA.R. Doc. No. R16-4617; Filed December 22, 2015, 1:54 p.m.



TITLE 12. HEALTH

STATE BOARD OF HEALTH

Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Health has WITHDRAWN the Notice of Intended Regulatory Action for **12VAC5-67, Advance Health Care Directive Registry**, which was published in 25:4 VA.R. 569 October 27, 2008. The NOIRA is unnecessary as the agency has proceeded with this regulatory action through the fast-track rulemaking process under § 2.2-4012.1 of the Code of Virginia. The fast-track rulemaking action was published in 28:2 VA.R. 58 September 26, 2011.

Agency Contact: Debbie Condrey, Chief Information Officer, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7118 or email debbie.condrey@vdh.virginia.gov.

VA.R. Doc. No. R09-1382; Filed January 8, 2016, 8:30 a.m.

Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Health has WITHDRAWN the Notice of Intended Regulatory Action for **12VAC5-381, Regulations for the Licensure of Home Care Organizations**, which was published 25:19 VA.R. 3269 May 25, 2009.

Agency Contact: Susan Puglisi, Policy Analyst, Department of Health, 9960 Mayland Drive, Richmond, VA 23233, telephone (804) 367-2157 or email susan.puglisi@vdh.virginia.gov.

VA.R. Doc. No. R09-1941; Filed January 7, 2016, 4:58 p.m.

Withdrawal of Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the State Board of Health has WITHDRAWN the Notice of Intended Regulatory Action for **12VAC5-610, Sewage Handling and Disposal Regulations**, and **12VAC5-611, Onsite Sewage Regulations**, which was published in 25:3 VA.R. 337 October 13, 2008.

Agency Contact: Dwayne Roadcap, Director, Division of Onsite Sewage and Water Services, Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7458 or email dwayne.roadcap@vdh.virginia.gov.

VA.R. Doc. No. R09-1634; Filed January 7, 2016, 5:00 p.m.



**TITLE 18. PROFESSIONAL AND
OCCUPATIONAL LICENSING**

BOARD FOR CONTRACTORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 2.2-4007.01 of the Code of Virginia that the Board for Contractors intends to consider amending **18VAC50-30, Individual License and Certification Regulations**. The purpose of the proposed action is to amend the licensing requirements for inactive tradesman to extend the inactive license time period or to create an alternative license status that permits an individual to hold a license but does not permit practice. Other amendments may be considered as necessitated by board discussion or public comment.

This Notice of Intended Regulatory Action serves as the report of the findings of the regulatory review pursuant to § 2.2-4007.1 of the Code of Virginia.

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

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

Public Comment Deadline: February 24, 2016.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email contractors@dpor.virginia.gov.

VA.R. Doc. No. R16-4584; Filed December 23, 2015, 3:47 p.m.

REGULATIONS

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

Symbol Key

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

TITLE 2. AGRICULTURE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Final Regulation

REGISTRAR'S NOTICE: The Board of Agriculture and Consumer Services is claiming an exemption from the Administrative Process Act in accordance with § 3.2-703 of the Code of Virginia, which exempts quarantine to prevent or retard the spread of a pest into, within, or from the Commonwealth.

Title of Regulation: 2VAC5-316. Rules and Regulations for Enforcement of the Virginia Pest Law - Beach Vitex Quarantine (repealing 2VAC5-316-10 through 2VAC5-316-110).

Statutory Authority: § 3.2-703 of the Code of Virginia.

Effective Date: January 6, 2016.

Agency Contact: Debra Martin, Program Manager, Office of Plant Industry Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3515, FAX (804) 371-7793, or email debra.martin@vdacs.virginia.gov.

Summary:

This action repeals 2VAC5-316, Rules and Regulations for Enforcement of the Virginia Pest Law - Beach Vitex Quarantine, which established a Beach Vitex quarantine throughout the entire Commonwealth on January 8, 2010. 2VAC5-317, Regulations for the Enforcement of Noxious Weeds, became effective January 29, 2015, and classifies Beach Vitex as a Tier 1 noxious weed. 2VAC5-317 promotes the eradication, suppression, and prevention of noxious weeds in the Commonwealth; therefore, 2VAC5-316 is redundant and no longer necessary.

V.A.R. Doc. No. R16-4554; Filed January 6, 2016, 1:31 p.m.

TITLE 9. ENVIRONMENT

STATE WATER CONTROL BOARD

Forms

REGISTRAR'S NOTICE: Forms used in administering the following regulation have been filed by the State Water Control Board. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

Title of Regulation: 9VAC25-115. General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Seafood Processing Facilities.

Agency Contact: Eleanore Daub, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4111, or email eleanor.daub@deq.virginia.gov.

FORMS (9VAC25-115)

~~VPDES Change of Ownership Agreement Form (undated)~~

[Change of Ownership Agreement Form \(Rev. 3/2014\)](#)

[Department of Environmental Quality Water Division Permit Application Fee Form \(rev. 10/2014\)](#)

[Registration Statement for the General Virginia Pollutant Discharge Elimination System \(VPDES\) Permit for Seafood Processing Facilities \(July 2016 reissuance\)](#)

V.A.R. Doc. No. R16-4570; Filed December 22, 2015, 1:44 p.m.

Forms

REGISTRAR'S NOTICE: Forms used in administering the following regulation have been filed by the State Water Control Board. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

Title of Regulation: 9VAC25-740. Water Reclamation and Reuse Regulation.

Agency Contact: Valerie Rourke, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4158, or email valerie.rourke@deq.virginia.gov.

FORMS (9VAC25-740)

[Application for an Emergency Authorization to Produce, Distribute or Reuse Reclaimed Water \(12/2015\)](#)

[Water Reclamation and Reuse Addendum to an Application for a Virginia Pollutant Discharge Elimination System Permit or a Virginia Pollution Abatement Permit \(1/29/2014\)](#)

[Water Reclamation and Reuse Variance Application \(12/2015\)](#)

VA.R. Doc. No. R16-4616; Filed December 22, 2015, 1:34 p.m.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

COMMON INTEREST COMMUNITY BOARD

Final Regulation

REGISTRAR'S NOTICE: The Common Interest Community Board is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 6 of the Code of Virginia, which excludes regulations of the regulatory boards served by the Department of Professional and Occupational Regulation pursuant to Title 54.1 of the Code of Virginia that are limited to reducing fees charged to regulants and applicants. The Common Interest Community Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: **18VAC48-60. Common Interest Community Board Management Information Fund Regulations (amending 18VAC48-60-60).**

Statutory Authority: § 54.1-2349 of the Code of Virginia.

Effective Date: March 1, 2016.

Agency Contact: Trisha Henshaw, Executive Director, Common Interest Community Board, Department of Professional Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8510, FAX (866) 490-2723, or email cic@dpor.virginia.gov.

Summary:

The amendments extend an existing reduction in renewal fees for residential common interest community association registrations renewing on or before June 30, 2017, in order to continue the reduction of an accumulated surplus in the board's budget and to comply with § 54.1-113 of the Code of Virginia.

18VAC48-60-60. Registration fee.

The following fee schedule is based upon the size of each residential common interest community. The application fee is different than the annual renewal fee. All fees are nonrefundable.

Number of Lots/Units	Application Fee	Renewal Fee
1-50	\$45	\$30
51-100	\$65	\$50
101-200	\$100	\$80
201-500	\$135	\$115
501-1000	\$145	\$130
1001-5000	\$165	\$150
5001+	\$180	\$170

For annual renewal of a residential common interest community registration received on or before June 30, ~~2016~~ 2017, the fee shall be \$10 regardless of size.

VA.R. Doc. No. R16-4607; Filed January 4, 2016, 9:55 a.m.

BOARD FOR CONTRACTORS

Final Regulation

Title of Regulation: **18VAC50-22. Board for Contractors Regulations (amending 18VAC50-22-30).**

Statutory Authority: §§ 54.1-201 and 54.1-1102 of the Code of Virginia.

Effective Date: March 1, 2016.

Agency Contact: Eric L. Olson, Executive Director, Board for Contractors, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2785, FAX (866) 430-1033, or email contractors@dpor.virginia.gov.

Summary:

The amendments (i) clarify the scope of practice for commercial improvement contracting and radon mitigation contracting and (ii) add the following additional specialties, which were under a more general specialty: drywall contracting; finish carpentry contracting; flooring and floor covering contracting; framing subcontractor; glass and glazing contracting; insulation and weather stripping contracting; steel erection contracting; tile, marble, ceramic, and terrazzo contracting; and underground utility and excavating contracting.

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

18VAC50-22-30. Definitions of specialty services.

The following words and terms when used in this chapter unless a different meaning is provided or is plainly required by the context shall have the following meanings:

"Accessibility services contracting" (Abbr: ASC) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts,

Regulations

dumbwaiters with a capacity limit of 300 pounds, and private residence elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work. This specialty does not include work on limited use-limited application (LULA) elevators.

"Accessibility services contracting – LULA" (Abbr: ASL) means the service that provides for all work in connection with the constructing, installing, altering, servicing, repairing, testing, or maintenance of wheelchair lifts, incline chairlifts, dumbwaiters with a capacity limit of 300 pounds, private residence elevators, and limited use-limited application (LULA) elevators in accordance with the Virginia Uniform Statewide Building Code (13VAC5-63). The EEC specialty may also perform this work.

"Alternative energy system contracting" (Abbr: AES) means the service that provides for the installation, repair or improvement, from the customer's meter, of alternative energy generation systems, supplemental energy systems and associated equipment annexed to real property. This service does not include the installation of emergency generators powered by fossil fuels. No other classification or specialty service provides this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Asbestos contracting" (Abbr: ASB) means the service that provides for the installation, removal, or encapsulation of asbestos containing materials annexed to real property. No other classification or specialty service provides for this function.

"Asphalt paving and sealcoating contracting" (Abbr: PAV) means the service that provides for the installation of asphalt paving or sealcoating, or both, on subdivision streets and adjacent intersections, driveways, parking lots, tennis courts, running tracks, and play areas, using materials and accessories common to the industry. This includes height adjustment of existing sewer manholes, storm drains, water valves, sewer cleanouts and drain grates, and all necessary excavation and grading. The H/H classification also provides for this function.

"Billboard/sign contracting" (Abbr: BSC) means the service that provides for the installation, repair, improvement, or dismantling of any billboard or structural sign permanently annexed to real property. H/H and CBC are the only other classifications that can perform this work except that a contractor in this specialty may connect or disconnect signs to existing electrical circuits. No trade related plumbing, electrical, or HVAC work is included in this function.

"Blast/explosive contracting" (Abbr: BEC) means the service that provides for the use of explosive charges for the repair, improvement, alteration, or demolition of any real property or any structure annexed to real property.

"Commercial improvement contracting" (Abbr: CIC) means the service that provides for repair or improvement to structures not defined as dwellings and townhouses in the USBC. The CBC classification also provides for this

function. The ~~CIC classification~~ specialty does not provide for the construction of new buildings, accessory buildings, electrical, plumbing, HVAC, or gas work.

"Concrete contracting" (Abbr: CEM) means the service that provides for all work in connection with the processing, proportioning, batching, mixing, conveying, and placing of concrete composed of materials common to the concrete industry. This includes but is not limited to finishing, coloring, curing, repairing, testing, sawing, grinding, grouting, placing of film barriers, sealing, and waterproofing. Construction and assembling of forms, molds, slipforms, and pans, centering, and the use of rebar are also included. The CBC, RBC, and H/H classifications also provide for this function.

"Drywall contracting" (Abbr: DRY) means the service that provides for the installation, taping, and finishing of drywall, panels and assemblies of gypsum wallboard, sheathing, and cementitious board and the installation of studs made of sheet metal for the framing of ceilings and nonstructural partitioning. The [~~BLD classification~~ CBC and RBC classifications] and HIC and CIC specialties also provide for this function.

"Electronic/communication service contracting" (Abbr: ESC) means the service that provides for the installation, repair, improvement, or removal of electronic or communications systems annexed to real property including telephone wiring, computer cabling, sound systems, data links, data and network installation, television and cable TV wiring, antenna wiring, and fiber optics installation, all of which operate at 50 volts or less. A firm holding an ESC license is responsible for meeting all applicable tradesman licensure standards. The ELE classification also provides for this function.

"Elevator/escalator contracting" (Abbr: EEC) means the service that provides for the installation, repair, improvement, or removal of elevators or escalators permanently annexed to real property. A firm holding an EEC license is responsible for meeting all applicable individual license and certification regulations. No other classification or specialty service provides for this function.

"Environmental monitoring well contracting" (Abbr: EMW) means the service that provides for the construction of a well to monitor hazardous substances in the ground.

"Environmental specialties contracting" (Abbr: ENV) means the service that provides for installation, repair, removal, or improvement of pollution control and remediation devices. No other specialty provides for this function. This specialty does not provide for electrical, plumbing, gas fitting, or HVAC functions.

"Equipment/machinery contracting" (Abbr: EMC) means the service that provides for the installation or removal of equipment or machinery including but not limited to conveyors or heavy machinery. Boilers exempted by the Virginia Uniform Statewide Building Code (13VAC5-63) but

regulated by the Department of Labor and Industry are also included in this specialty. This specialty does not provide for any electrical, plumbing, process piping, or HVAC functions.

"Farm improvement contracting" (Abbr: FIC) means the service that provides for the installation, repair, or improvement of a nonresidential farm building or structure, or nonresidential farm accessory-use structure, or additions thereto. The CBC classification also provides for this function. The FIC specialty does not provide for any electrical, plumbing, HVAC, or gas fitting functions.

"Finish carpentry contracting" (Abbr: FIN) means the service that provides for the installation, repair, and finishing of cabinets, sash casing, door casing, wooden flooring, baseboards, countertops, and other millwork. Finish carpentry does not include the installation of ceramic tile, marble, and artificial or cultured stone. The [~~BLD classification~~ CBC and RBC classifications] and HIC and CIC specialties also provide for this function.

"Fire alarm systems contracting" (Abbr: FAS) means the service that provides for the installation, repair, or improvement of fire alarm systems that operate at 50 volts or less. The ELE classification also provides for this function. A firm with an FAS license is responsible for meeting all applicable tradesman licensure standards.

"Fire sprinkler contracting" (Abbr: SPR) means the service that provides for the installation, repair, alteration, addition, testing, maintenance, inspection, improvement, or removal of sprinkler systems using water as a means of fire suppression when annexed to real property. This specialty does not provide for the installation, repair, or maintenance of other types of fire suppression systems. The PLB classification allows for the installation of systems permitted to be designed in accordance with the plumbing provisions of the USBC. This specialty may engage in the installation of backflow prevention devices in the fire sprinkler supply main and incidental to the sprinkler system installation when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Fire suppression contracting" (Abbr: FSP) means the service that provides for the installation, repair, improvement, or removal of fire suppression systems including but not limited to halon and other gas systems, dry chemical systems, and carbon dioxide systems annexed to real property. No other classification provides for this function. The FSP specialty does not provide for the installation, repair, or maintenance of water sprinkler systems.

"Flooring and floor covering contracting" (Abbr: FLR) means the service that provides for the installation, repair, improvement, or removal of materials that are common in the flooring industry. This includes, but is not limited to, wood and wood composite flooring, tack strips or other products used to secure carpet, vinyl and linoleum, ceramic, marble, stone, and all other types of tile, and includes the installation

or replacement of subflooring, leveling products, or other materials necessary to facilitate the installation of the flooring or floor covering. This does not include the installation, repair, or removal of floor joists or other structural components of the flooring system. The [~~BLD classification~~ CBC and RBC classifications] and HIC and CIC specialties also provide for this function.

["Framing subcontractor" (Abbr: FRM) means the service which, while serving in the role of a subcontractor to a licensed prime contractor, provides for the construction, removal, repair, or improvement to any framing or rough carpentry necessary for the construction of framed structures, including the installation and repair of individual components of framing systems. The CBC and RBC classifications and HIC and CIC specialties also provide for this function.]

"Gas fitting contracting" (Abbr: GFC) means the service that provides for the installation, repair, improvement, or removal of gas piping and appliances annexed to real property. A firm holding a GFC license is responsible for meeting all applicable individual (tradesman) licensure regulations.

"Glass and glazing contracting" (Abbr: GLZ) means the service that provides for the installation, assembly, repair, improvement, or removal of all makes and kinds of glass, glass work, mirrored glass, and glass substitute for glazing; executes the fabrication and glazing of frames, panels, sashes and doors; or installs these items in any structure. This specialty includes the installation of standard methods of weatherproofing, caulking, glazing, sealants, and adhesives. The [~~BLD classification~~ CBC and RBC classifications] and HIC and CIC specialties also provide for this function.

"Home improvement contracting" (Abbr: HIC) means the service that provides for repairs or improvements to dwellings and townhouses as defined in the USBC or structures annexed to those dwellings or townhouses as defined in the USBC. The RBC classification also provides for this function. The HIC specialty does not provide for electrical, plumbing, HVAC, or gas fitting functions. It does not include new construction functions beyond the existing building structure other than decks, patios, driveways, and utility out buildings that do not require a permit per the USBC.

"Industrialized building contracting" (Abbr: IBC) means the service that provides for the installation or removal of an industrialized building as defined in the Virginia Industrialized Building Safety Regulations (13VAC5-91). This classification covers foundation work in accordance with the provisions of the Virginia Uniform Statewide Building Code (13VAC5-63) and allows the licensee to complete internal tie-ins of plumbing, gas, electrical, and HVAC systems. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter, or installing the outside compressor for the HVAC system. The CBC and RBC classifications also provide for this function.

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"Insulation and weather stripping contracting" (Abbr: INS) means the service that provides for the installation, repair, improvement, or removal of materials classified as insulating media used for the sole purpose of temperature control or sound control of residential and commercial buildings. It does not include the insulation of mechanical equipment and ancillary lines and piping. The [~~BLD classification~~ CBC and RBC classifications] and HIC and CIC specialties also provide for this function.

"Landscape irrigation contracting" (Abbr: ISC) means the service that provides for the installation, repair, improvement, or removal of irrigation sprinkler systems or outdoor sprinkler systems. The PLB and H/H classifications also provide for this function. This specialty may install backflow prevention devices incidental to work in this specialty when the installer has received formal vocational training approved by the board that included instruction in the installation of backflow prevention devices.

"Landscape service contracting" (Abbr: LSC) means the service that provides for the alteration or improvement of a land area not related to any other classification or service activity by means of excavation, clearing, grading, construction of retaining walls for landscaping purposes, or placement of landscaping timbers. This specialty may remove stumps and roots below grade. The CBC, RBC, and H/H classifications also provide for this function.

"Lead abatement contracting" (Abbr: LAC) means the service that provides for the removal or encapsulation of lead-containing materials annexed to real property. No other classification or specialty service provides for this function, except that the PLB and HVA classifications may provide this service incidental to work in those classifications.

"Liquefied petroleum gas contracting" (Abbr: LPG) means the service that includes the installation, maintenance, extension, alteration, or removal of all piping, fixtures, appliances, and appurtenances used in transporting, storing, or utilizing liquefied petroleum gas. This excludes hot water heaters, boilers, and central heating systems that require an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an LPG license is responsible for meeting all applicable individual license and certification regulations.

"Manufactured home contracting" (Abbr: MHC) means the service that provides for the installation or removal of a manufactured home as defined in the Virginia Manufactured Home Safety Regulations (13VAC5-95). This classification does not cover foundation work; however, it does allow installation of piers covered under HUD regulations. It does allow a licensee to do internal tie-ins of plumbing, gas, electrical, or HVAC equipment. It does not allow for installing additional plumbing, gas, electrical, or HVAC work such as installing the service meter or installing the outside compressor for the HVAC system. No other specialty provides for this function.

"Marine facility contracting" (Abbr: MCC) means the service that provides for the construction, repair, improvement, or removal of any structure the purpose of which is to provide access to, impede, or alter a body of surface water. The CBC and H/H classifications also provide for this function. The MCC specialty does not provide for the construction of accessory structures or electrical, HVAC, or plumbing functions.

"Masonry contracting" (Abbr: BRK) means the service that includes the installation of brick, concrete block, stone, marble, slate, or other units and products common to the masonry industry, including mortarless type masonry products. This includes installation of grout, caulking, tuck pointing, sand blasting, mortar washing, parging, and cleaning and welding of reinforcement steel related to masonry construction. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Natural gas fitting provider contracting" (Abbr: NGF) means the service that provides for the incidental repair, testing, or removal of natural gas piping or fitting annexed to real property. This does not include new installation of gas piping for hot water heaters, boilers, central heating systems, or other natural gas equipment that requires an HVA or PLB license. The GFC specialty also provides for this function. A firm holding an NGF license is responsible for meeting all applicable individual license and certification regulations.

"Painting and wallcovering contracting" (Abbr: PTC) means the service that provides for the application of materials common to the painting and decorating industry for protective or decorative purposes, the installation of surface coverings such as vinyls, wall papers, and cloth fabrics. This includes surface preparation, caulking, sanding, and cleaning preparatory to painting or coverings and includes both interior and exterior surfaces. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Radon mitigation contracting" (Abbr: RMC) means the service that provides for additions, repairs or improvements to buildings or structures, for the purpose of mitigating or preventing the effects of radon gas. ~~This function can only be performed by a firm holding [the CBC and RBC classifications or the CIC, FIC, or HIC specialties.]~~ No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty.

"Recreational facility contracting" (Abbr: RFC) means the service that provides for the construction, repair, or improvement of any recreational facility, excluding paving and the construction of buildings, plumbing, electrical, and HVAC functions. The CBC classification also provides for this function.

"Refrigeration contracting" (Abbr: REF) means the service that provides for installation, repair, or removal of any refrigeration equipment (excluding HVAC equipment). No electrical, plumbing, gas fitting, or HVAC functions are provided by this specialty. This specialty is intended for those

contractors who repair or install coolers, refrigerated casework, ice-making machines, drinking fountains, cold room equipment, and similar hermetic refrigeration equipment. The [HVAC HVA] classification also provides for this function.

"Roofing contracting" (Abbr: ROC) means the service that provides for the installation, repair, removal, or improvement of materials common to the industry that form a watertight, weather resistant surface for roofs and decks. This includes roofing system components when installed in conjunction with a roofing project, application of dampproofing or waterproofing, and installation of roof insulation panels and other roof insulation systems above roof deck. The CBC and RBC classifications and the HIC and CIC specialties also provide for this function.

"Sewage disposal systems contracting" (Abbr: SDS) means the service that provides for the installation, repair, improvement, or removal of septic tanks, septic systems, and other onsite sewage disposal systems annexed to real property.

"Steel erection contracting" (Abbr: STL) means the service that provides for the fabrication and erection of structural steel shapes and plates, regardless of shape or size, to be used as structural members, or tanks, including any related riveting, welding, and rigging. This specialty includes the fabrication, placement and tying of steel reinforcing [~~bards~~ bars] (rods), and post-tensioning to reinforce concrete buildings and structures. The [~~BLD classification~~ CBC and RBC classifications] and HIC and CIC specialties also provide for this function.

"Swimming pool construction contracting" (Abbr: POL) means the service that provides for the construction, repair, improvement, or removal of in-ground swimming pools. The CBC and RBC classifications and the RFC specialty also provide for this function. No trade related plumbing, electrical, backflow, or HVAC work is included in this specialty.

"Tile, marble, ceramic, and terrazzo contracting" (Abbr: TMC) means the service that provides for the preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, terrazzo, encaustic, [~~faience~~ faience], quarry, semi-vitreous, cementitious board, and other tile, excluding hollow or structural partition tile. The [~~BLD classification~~ CBC and RBC classifications] and HIC and CIC specialties also provide for this function.

"Underground utility and excavating contracting" (Abbr: UUC) means the service that provides for the construction, repair, improvement, or removal [~~on public or private property whether accomplished through open excavations or through other means, including but not limited to directional drilling, auger boring, jacking and boring, trenchless technologies, wet and dry taps, grouting, and slip lining.~~] of main sanitary sewer collection systems, main water distribution systems, storm sewer collection systems, and the

continuation of utility lines from the main systems to a point of termination up to and including the meter location for the individual occupancy, sewer collection systems at property line, or residential or single-occupancy commercial properties, or on multi-occupancy properties at manhole or wye lateral extend to an invert elevation as engineered to accommodate future building sewers, water distribution systems, or storm sewer collection systems at storm sewer structures. This specialty may install empty underground conduits in rights-of way, easements, platted rights-of-way in new site development, and sleeves for parking lot crossings if each conduit system [~~installed is designed by a professional engineer or an authorized employee of a municipality, county, or public utility and the installation of such conduit~~] does not include installation of any conductor wiring or connection to an energized electrical system. The H/H classification also provides for this function.

"Vessel construction contracting" (Abbr: VCC) means the service that provides for the construction, repair, improvement, or removal of nonresidential vessels, tanks, or piping that hold or convey fluids other than sanitary, storm, waste, or potable water supplies. The H/H classification also provides for this function.

"Water well/pump contracting" (Abbr: WWP) means the service that provides for the installation of a water well system, including geothermal wells, which includes construction of a water well to reach groundwater, as defined in § 62.1-255 of the Code of Virginia, and the installation of the well pump and tank, including pipe and wire, up to and including the point of connection to the plumbing and electrical systems. No other classification or specialty service provides for construction of water wells. This regulation shall not exclude [~~the~~] PLB, ELE, or [HVAC HVA classification] from installation of pumps and tanks.

Note: Specialty contractors engaging in construction that involves the following activities or items or similar activities or items may fall under the CIC, HIC, and FIC specialty services, or they may fall under the CBC or RBC [~~classifications~~ classification].

Appliances	Fireplaces	Rubber linings
Awnings	Fireproofing	Sandblasting
Blinds	Fixtures	Scaffolding
Bulkheads	Floor coverings	Screens
Cabinetry	Flooring	[Sheet metal]
[Carpentry]	Floors	Shutters
Carpeting	Glass	Siding
Casework	Glazing	Skylights
Ceilings	Grouting	Storage bins and lockers

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Chimneys	[Grubbing]	Stucco	[Change of Responsible Management Application, A501-27CHRM v4 (rev. 12/2012)
Chutes	Guttering	[Temperature controls]	Certificate of License Termination, A501-27TERM v3 (rev. 12/2012)
[Conduit rodding]	Insulation	Terrazzo	Change of Responsible Management Application, A501-27CHRM-v4 (rev. 1/2016)
Curtains	Interior decorating	Tile	Certificate of License Termination, A501-27TERM-v4 (rev. 12/2015)]
Curtain walls	Lubrication	Vaults	Criminal Conviction Reporting Form, A406-01CCR-v1 (eff. 5/2015)
Decks	Metal work	Vinyl flooring	Disciplinary Action Reporting Form, A406-01DAR-v1 (eff. 5/2015)
Doors	Millwrighting	Wall panels	[Education Provider Registration/Course Approval Application, A501-27EDREG v5 (rev. 12/2012)
Drapes	Mirrors	Wall tile	Education Provider Listing Application, A501-27EDLIST-v3 (rev. 12/2012)
Drywall	Miscellaneous iron	Waterproofing	Education Provider Registration/Course Approval Application, A501-27EDREG-v5 (rev. 1/2014)
Epoxy	Ornamental iron	Weatherstripping	Education Provider Listing Application, A501-27EDLIST-v4 (rev. 1/2014)]
Exterior decoration	Partitions	Welding	Financial Statement, A501-27FINST-v4 (rev. 12/2012)
Facings	Protective coatings	Windows	Change in License Class Application, A501-27CHLIC-v7 (rev. 1/2016)
Fences	Railings	Wood floors	Firm – Residential Building Energy Analyst Application, A501-2707LIC-v2 (rev. 7/2013)
Fiberglass	Rigging		Statement of Consumer Protections, RBC-9.1 (rev. 12/2014)

NOTICE: The following forms used in administering the regulation were filed by the agency. The forms are not being published; however, online users of this issue of the Virginia Register of Regulations may click on the name of a form with a hyperlink to access it. The forms are also available from the agency contact or may be viewed at the Office of the Registrar of Regulations, General Assembly Building, 2nd Floor, Richmond, Virginia 23219.

FORMS (18VAC50-22)

[Contractor Licensing Information, A501-27INTRO v-4 \(rev. 1/2016\)](#)

[Requirements for Qualified Individuals, A501-27EXINFO-v5 \(rev. 1/2016\)](#)

[Contractor's License Application, A501-27LIC-v7 \(rev. 1/2016\)](#)

[Additional Specialty Designation Application, A501-27ADDSP-v7 \(rev. 1/2016\)](#)

[Adverse Financial History Reporting Form, A406-01AFIN-v1 \(eff. 2/2015\)](#)

~~[Change in Qualified Individual and Designated Employee Application, A501-27CH_QIDE v5 \(rev. 7/2013\)](#)~~

[Change in Qualified Individual and Designated Employee Application, A501-27CH_QIDE-v7 \(rev. 1/2016\)](#)

VA.R. Doc. No. R14-4047; Filed January 5, 2016, 11:59 a.m.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Proposed Regulation

Title of Regulation: **22VAC40-295. Temporary Assistance for Needy Families (TANF) (adding 22VAC40-295-145).**

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

Public Hearing Information: No public hearings are scheduled.

Public Comment Deadline: March 25, 2016.

Agency Contact: Mark Golden, Program Manager, Division of Benefit Programs, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 726-7385, FAX (804) 726-7357, or email mark.golden@dss.virginia.gov.

Basis: Pursuant to § 63.2-217 of the Code of Virginia, the State Board of Social Services has authority to promulgate

rules and regulations necessary for operation of all assistance programs.

Purpose: The purpose of the proposed action is to add penalties for persons violating spending restrictions. One of the main purposes of the Temporary Assistance for Needy Families (TANF) program, as set forth in the authorizing federal statute, the Personal Responsibility and Work Opportunity Reconciliation Act (Public Law 104-193), is to "provide assistance to needy families so that children can be cared for in their own homes or in the homes of relatives." TANF benefits are intended to be used to ensure that the needs of children are addressed in an effort to help them become productive citizens. TANF is not intended to provide assistance to enable a child's parent to purchase alcohol, gamble, obtain tattoos or to use it for any other purpose restricted by § 63.2-621 of the Code of Virginia. The intent of the penalties in the proposed regulation is to deter parents from using TANF for inappropriate purposes, thereby ensuring the benefits are used for the subsistence needs of the child to promote the child's health, safety, and welfare.

Substance: A new section will be added to the regulation. Recipients of TANF who violate the provisions of § 63.2-621 of the Code of Virginia will be penalized with the progressive loss of benefits. The first offense will result in the loss of TANF financial assistance for one month. The second offense will result in the loss of TANF financial assistance for three months. Subsequent offenses will result in the loss of TANF financial assistance for six months.

Issues: The primary advantage to the general public and the Commonwealth is that the proposed regulation will provide a deterrent to misusing taxpayer funded public benefits. The proper use of assistance will result in more efficient use of funds and will ensure that funds are used as intended for providing necessities to poor families with children. There are no known disadvantages to the regulation.

Department of Planning and Budget's Economic Impact Analysis:

Summary of the Proposed Amendments to Regulation. To enact new legislative restrictions on temporary assistance to needy families (TANF) expenditures contained in § 63.2-621, the State Board of Social Services (Board) proposes to amend its TANF regulation to include sanctions for violating § 63.2-621.

Result of Analysis. There is insufficient information available to ascertain whether the benefits of this proposed regulatory change will outweigh its costs.

Estimated Economic Impact. To comply with federal restrictions placed on TANF funds, the General Assembly passed a law (§ 63.2-621) that prohibits electronic benefits transfers (EBT) used to purchase alcoholic beverages, tobacco products, lottery tickets or sexually explicit visual materials.

The law also prohibits any transaction, including ATM transactions, at government stores established for the sale of alcoholic beverages (ABC stores) and establishments in which pari-mutuel betting or charitable gaming is conducted, tattooing or body piercing is performed for hire or consideration and there is adult oriented entertainment provided by semi-nude or nude performers.

The Board now proposes to amend TANF regulations to set forth penalties for TANF recipients who use their EBT cards in prohibited establishments or to purchase prohibited items. The Board proposes to suspend benefits for one month for a first offense, three months for a second offense and six months for third and subsequent offenses.

Board staff report that they will investigate reports of prohibited use of TANF benefits and apply sanctions when the reports are accurate. Board staff also report that the average TANF benefit per family is \$258 per month and that the Board expects there will be very low numbers of incidences where TANF benefits are suspended under these new provisions (approximately five suspensions per month for first time offenses). If benefit suspensions follow the pattern expected by the Board, approximately 60 families a year (out of the 30,000 that receive TANF) will lose one month of benefits. These families in total will lose \$15,480 per year and the state will see an average savings of \$15,480 per year that will not be paid out in TANF benefits.

While it is fairly easy to estimate the number of families that might be affected by these regulatory changes, estimating the number of businesses that might be affected is more complicated. There are thousands of grocery and drug stores across the Commonwealth that sell both wine and beer and tobacco products. The Department of Alcoholic Beverage Control (ABC) reports that there are 350 ABC stores around the state. Depending on how broadly sexually explicit visual material is defined, all bookstores in Virginia may be on the list of affected businesses. Nude and semi-nude bars and gentlemen's clubs will be affected although the Department of Planning and Budget (DPB) does not have access to the resources needed to estimate the number of these establishments in Virginia. The Department of Professional and Occupational Regulation (DPOR) reports that, as of April 1, 2014, there are 248 tattoo parlors and 196 body piercing establishments which may be affected. The Virginia Department of Agriculture and Consumer Services (VDACS) does not have any estimates of how many groups or establishments conduct charitable gaming but does report that such groups include churches, athletic associations and school clubs such as band boosters. All of these entities may lose revenues on account of § 63.2-621 and this proposed regulation. If the Board's estimates of sanction incidences and scope are correct, the total revenue lost to all businesses, clubs and organizations will be \$15,480 per year. If the Board's estimates are not correct, total revenues lost will be equal to total sanctions imposed.

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Businesses and Entities Affected. Board staff reports that approximately 30,000 families in the Commonwealth receive TANF benefits. All of these families, as well as many businesses, groups and establishments have the potential to be affected by these proposed regulatory changes. Please see the paragraph above this section for estimates of businesses, groups and establishments that may be affected.

Localities Particularly Affected. No locality will be particularly affected by this proposed regulatory action.

Projected Impact on Employment. Given the likely scope of potential revenue lost, this regulatory action is unlikely to have an effect on employment in the Commonwealth.

Effects on the Use and Value of Private Property. To the extent that monies received through TANF benefits can be considered the recipients' private property, this proposed regulation, and the law that necessitates it, restrict the use of that private property.

Small Businesses: Costs and Other Effects. No small businesses will incur costs on account of this regulatory action, but some small businesses may lose some revenue.

Small Businesses: Alternative Method that Minimizes Adverse Impact. There is likely no alternative method of regulation that would both meet the General Assembly's and the Board's goals and be less costly for affected businesses.

Real Estate Development Costs. This regulatory action will likely have no effect on real estate development costs in the Commonwealth.

Agency's Response to Economic Impact Analysis: The Department of Social Services reviewed the economic impact analysis prepared by the department of Planning and Budget and has no comment.

Summary:

The proposed amendment establishes penalties for recipients of benefits from the Temporary Assistance for Needy Families (TANF) program who violate § 63.2-621 of the Code of Virginia, which restricts how TANF program benefits may be used. The first offense will result in the loss of TANF financial assistance for one month; the second offense will result in the loss of TANF financial assistance for three months; and subsequent offenses will result in the loss of TANF financial assistance for six months.

22VAC40-295-145. Sanctions for violating spending restrictions.

Local departments of social services shall be authorized to sanction recipients of TANF by the full amount of the TANF grant for violating the TANF spending restrictions in § 63.2-621 of the Code of Virginia, as follows:

1. For the first offense, the full amount of TANF benefits for the family shall be suspended for one calendar month.

2. For the second offense, the full amount of TANF benefits for the family shall be suspended for three calendar months.

3. For the third offense, or subsequent offenses, the full amount of TANF benefits for the family shall be suspended for six calendar months.

VA.R. Doc. No. R14-3915; Filed December 22, 2015, 10:02 a.m.

GENERAL NOTICES/ERRATA

DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Proposed Renewal of Variances to Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115)

Notice of action: The Department of Behavioral Health and Developmental Services (DBHDS), in accordance with Part VI, Variances (12VAC35-115-220 et seq.), of the Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115), hereafter referred to as "Human Rights Regulations," is announcing an opportunity for public comment on the applications for proposed renewal of existing variances to the Human Rights Regulations. The purpose of the regulations is to ensure and protect the legal and human rights of individuals receiving services in facilities or programs operated, licensed, or funded by DBHDS.

Each variance application references the specific part of these regulations to which a variance is needed, the proposed wording of the substitute rule or procedure, and the justification for a variance. Such application also describes time limits and other conditions for duration and the circumstances that will end the applicability of the variance. After considering all available information including comments, DBHDS intends to submit a written decision deferring, disapproving, modifying, or approving each renewal application. All variances shall be approved for a specific time period. The decision and reasons for variance will be published in a later issue of the Virginia Register.

Purpose of notice: DBHDS is seeking comment on the applications for proposed renewal of the following existing variances to the Human Rights Regulations at the DBHDS Virginia Center for Behavioral Rehabilitation (VCBR).

Variance to Complaint Procedure:

The Human Rights Regulations provide a comprehensive complaint resolution process that includes access to a Local Human Rights Committee and the State Human Rights Committee (SHRC). VCBR Facility Instruction No. 202, Resident Complaint Resolutions, provides the procedures for addressing resident complaints. VCBR's variances to these regulations are reviewed by the SHRC at least annually with VCBR providing reports to the SHRC regarding the variance as requested.

- 12VAC35-115-50 D 3 e (5): Abuse, Neglect, and Exploitation
- 12VAC35-115-60 B 1 d: Services

- 12VAC35-115-140 A 2, A 4: Complaints and Fair Hearing
- 12VAC35-115-150: General Provisions
- 12VAC35-115-170: Formal Complaint Process
- 12VAC35-115-180: Local Human Rights Committee Hearing and Review Procedures
- 12VAC35-115-190: Special Procedures for Emergency Hearing by LHRC
- 12VAC35-115-200: Special Procedures for LHRC Reviews Involving Consent and Authorization
- 12VAC35-115-210: State Human Rights Committee Appeals Procedure

Variance for rooms within medical unit with no windows:

VCBR has four bedrooms in its medical unit that do not meet the requirement of this regulation.

- 12VAC35-115-50 C 3 d. Live in a humane, safe, sanitary environment that gives each individual, at a minimum, windows or skylights in all major areas used by individuals.

VCBR maintains established procedures for this variance. VCBR provides a monthly report to the SHRC on how many times rooms with no windows within the medical unit of VCBR are used during the previous month.

Variance for double-bunking:

Following the mandate by the General Assembly (Chapter 806 of the 2013 Acts of Assembly), VCBR has implemented double-bunking (two individuals residing in a single room). For this reason, the regulation listed below is not applicable to VCBR.

- 12VAC35-115-50 C 3 a. Reasonable privacy and private storage space.
- 12VAC35-115-50 C 3 e. Clean air, free of bad odors.

VCBR Facility Instruction No. 124, Resident Housing Assignment, describes how residents' housing assignments are determined and shall substitute for these regulations. VCBR provides a monthly report to the SHRC on how many residents are double-bunked, complaints received by residents regarding double-bunking, and any medication sessions treatment staff hold with roommates to resolve concerns related to double-bunking.

Public comment period: January 26, 2016, through February 26, 2016.

Description of proposal: The proposed variance applications for renewal consist of a demonstration of compliance with the general requirements of Part VI, Variances (12VAC35-115-220 et seq.), of the Rules and Regulations to Assure the

General Notices/Errata

Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services (12VAC35-115).

How to comment: DBHDS accepts written comments by email, fax, and postal mail. In order to be considered, comments must include the full name, address, and telephone number of the person commenting and be received by DBHDS by the last day of the comment period. All information received is part of the public record.

To review a proposal: The applications for variance and supporting documents may be obtained by contacting the DBHDS representative named below.

Contact Information: Deborah Lochart, Director, Office of Human Rights, Department of Behavioral Health and Developmental Services, 1220 East Bank Street, P.O. Box 1797, Richmond, VA 23218-1797, telephone (804) 786-0032, FAX (804) 804-371-2308, or email deb.lochart@dbhds.virginia.gov.

BOARD OF CORRECTIONS

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board of Corrections conducted a small business impact review of **6VAC15-20, Regulations Governing Certification and Inspection**, and determined that this regulation should be retained in its current form. The Board of Corrections is publishing its report of findings dated January 5, 2016, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

6VAC15-20, Regulations Governing Certification and Inspection, is necessary for the protection of the health, safety, and welfare of staff and offenders within local and private correctional facilities and community residential programs affiliated with the Department of Corrections. There have been no complaints or comments received from the public concerning the regulation. The regulation is not deemed to be overly complex nor does it overlap, duplicate, or conflict with federal or state law or regulation. Technology, economic conditions, or other factors have not significantly changed in the area affected by the regulation since it was last updated in 2011. The only small business impact of this regulation is on private owners of community residential programs and this impact is considered minimal as its only function is to monitor vendor compliance with the Department of Corrections contract awarded for their operation.

Contact Information: Jim Bruce, Agency Regulatory Coordinator, Department of Corrections, P.O. Box 26963, Richmond, VA 23261-6963, telephone (804) 887-8215, or email james.bruce@vadoc.virginia.gov.

CRIMINAL JUSTICE SERVICES BOARD

Notice of Periodic Review and Small Business Impact Review

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Criminal Justice Services, Criminal Justice Services Board is conducting a periodic review and small business impact review of **6VAC20-60, Rules Relating to Compulsory Minimum Training Standards for Dispatchers**. The review of this regulation will be guided by the principles in Executive Order 17 (2014).

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins January 25, 2016, and ends February 19, 2016.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Barbara Peterson-Wilson, Law Enforcement Program Coordinator, Washington Building, 1100 Bank Street, 12th Floor, Richmond, VA 23219, telephone (804) 225-4503, FAX (804) 786-0410, or email barbara.peterson-wilson@dcjs.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Citizen Nomination of State Surface Waters - Annual Water Quality Monitoring Plan

Purpose of Guidance Document: The document provides detailed guidance on implementation of § 62.1-44.19:5 F of the Code of Virginia, the section of the Water Quality Monitoring, Information and Restoration Act that provides for requests from the public regarding specific segments that should be included in the Virginia Department of Environmental Quality's (DEQ) annual Water Quality Monitoring Plan.

Virginia Department of Environmental Quality Contact: Questions concerning this document should be addressed to the contact person listed at the end of this notice.

Background on the Guidance Document: During the 1997 legislative session, the General Assembly enacted the Water Quality Monitoring, Information and Restoration Act (the Act). The Act directs DEQ to provide a procedure for citizens of the Commonwealth to nominate portions of lakes, streams, and rivers of Virginia for water quality monitoring by DEQ. Citizens can send their nominations to DEQ via the procedures described below. Nominations received by April 29, 2016, will be considered for inclusion in DEQ's annual monitoring plan for the 2017 calendar year. The monitoring plan will be finalized after considering citizens' nominations for inclusion. DEQ will respond to each request in writing, stating the reasons for accepting or denying each nomination. DEQ's response is due by August 31 for nominations received between January 1 and April 29.

Process to Request Additional Monitoring: Any person may request that a specific body of water be included in DEQ's annual water quality monitoring plan. Each request received between January 1 and April 29 shall be reviewed when DEQ develops or updates the annual water quality monitoring plan. Such requests shall include, at a minimum, (i) a geographical description of the water body recommended for monitoring, (ii) the reason the monitoring is requested, and (iii) any water quality data that the petitioner may have collected or compiled. Please see the Nominating Form, Request to Include a Water Segment in DEQ's Annual Monitoring Plan, Attachment 1 at the end of this notice.

Please note that the monitoring program covered by this process is directed at the surface waters of the state. Private ponds, privately owned lakes and any other body of water not deemed to be "state waters" are ineligible.

Nominations can be submitted by postal mail, fax, email, or hand delivered to the contact person listed at the end of this notice.

Use of the nomination form shown as Attachment 1 at the end of this notice is preferred. All nominations with the minimum of information as outlined above will be accepted for review.

Timeline: Nominations received between January 1 and April 29, 2016, will be considered for inclusion in DEQ's Water Quality Monitoring Plan for the following calendar year (2017). DEQ will respond in writing on its approval or denial of each nomination by August 31, 2016. The DEQ 2017 Monitoring Plan will be made available for public inspection. A notice of availability of the annual monitoring plan will be placed in the Virginia Register and on DEQ's website at <http://www.deq.virginia.gov/Programs/Water.aspx>.

ATTACHMENT 1

REQUEST TO INCLUDE A WATER SEGMENT IN DEQ'S ANNUAL MONITORING PLAN

Name: _____ Date: _____

Mailing Address:

Street

City: _____ State: _____ Zip: _____

E-mail address:

Telephone: _____ Business: _____ Fax: _____
Home: _____

Geographic description of the water body:

- (1) Name of the water body or segment proposed for monitoring:
- (2) Description of the upstream and downstream boundaries of the water body proposed for monitoring. Attach a map (preferably a photocopy of a 7.5 minute quad USGS topographic map) which delineates the boundaries:
- (3) Reason for requesting that this water body be monitored:
- (4) Attach any water quality data that you have collected or compiled. Include the name of the organization/entity that generated the data.

Contact Information: Stuart Torbeck, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4461, FAX (804) 698-4032, or email charles.torbeck@deq.virginia.gov.

STATE BOARD OF HEALTH

Notice of Periodic Review and Small Business Impact Review

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Health is conducting a periodic review and small business impact review of **12VAC5-391, Regulations for the Licensure of Hospice**. The review of this regulation will be guided by the principles in Executive Order 17 (2014).

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of

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important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins January 25, 2016, and ends February 15, 2016.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Susan Puglisi, Policy Analyst, Virginia Department of Health, Office of Licensure and Certification, 9960 Mayland Drive, Suite 401, Richmond, VA 23233, telephone (804) 367-2157, FAX (804) 527-4502, or email susan.puglisi@vdh.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

Notice of Periodic Review and Small Business Impact Review

Pursuant to Executive Order 17 (2014) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Department of Health is conducting a periodic review and small business impact review of **12VAC5-613, Regulations for Alternative Onsite Sewage Systems**. The review of this regulation will be guided by the principles in Executive Order 17 (2014).

The purpose of this review is to determine whether this regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to this regulation, including whether the regulation (i) is necessary for the protection of public health, safety, and welfare or for the economical performance of important governmental functions; (ii) minimizes the economic impact on small businesses in a manner consistent with the stated objectives of applicable law; and (iii) is clearly written and easily understandable.

The comment period begins January 25, 2016, and ends February 25, 2016.

Comments may be submitted online to the Virginia Regulatory Town Hall at <http://www.townhall.virginia.gov/L/Forums.cfm>. Comments may also be sent to Dwayne Roadcap, Director, Division of Onsite Sewage, Water Services, Environmental Engineering and Marina Services, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 864-7458, FAX (804) 864-7475, or email dwayne.roadcap@vdh.virginia.gov.

Comments must include the commenter's name and address (physical or email) information in order to receive a response to the comment from the agency. Following the close of the public comment period, a report of both reviews will be posted on the Town Hall and a report of the small business impact review will be published in the Virginia Register of Regulations.

BOARD FOR HEARING AID SPECIALISTS AND OPTICIANS

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board for Hearing Aid Specialists and Opticians conducted a small business impact review of **18VAC80-11, Public Participation Guidelines**, and determined that this regulation should be retained in its current form. The Board for Hearing Aid Specialists and Opticians is publishing its report of findings dated December 30, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

Section 2.2-4007.02 of the Code of Virginia mandates the Board for Hearing Aid Specialists and Opticians solicit the input of interested parties in the formation and development of its regulations. Therefore, the continued need for the regulation is established in statute. The regulation is necessary to protect public health, safety, and welfare by establishing public participation guidelines that promote public involvement in the development, amendment, or repeal of an agency's regulation. By soliciting the input of interested parties, the board is better equipped to effectively regulate the occupation or profession. Since no complaints or comments were received during the public comment period, there does not appear to be a reason to amend or repeal the regulation. The regulation is clearly written and easily understandable. The regulation does not overlap, duplicate, or contravene federal or state law or regulation. The most recent periodic review occurred in 2011. On December 16, 2015, the board reviewed the regulation and, for the reasons stated, determined that the regulation should not be amended or repealed but should be retained in its current form.

Contact Information: Demetrios J. Melis, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (804) 527-4295, or email hearingaidspec@dpor.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board for Hearing Aid Specialists and Opticians conducted a small business impact review of **18VAC80-20, Board for Hearing Aid Specialists Regulations**, and determined that this regulation should be retained in its current form. The Board for Hearing Aid Specialists and Opticians is publishing its report of findings dated December 30, 2015, to support this

decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

Section 54.1-201.5 of the Code of Virginia mandates the Board for Hearing Aid Specialists and Opticians to promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. The Board for Hearing Aid Specialists and Opticians provides protection to the safety and welfare of the citizens of the Commonwealth by ensuring that only those individuals who meet specific criteria set forth in the statutes and regulations are eligible to receive a hearing aid specialist license. The board is also tasked with ensuring that its regulants meet standards of practice that are set forth in the regulations.

Since no complaints or comments were received during the public comment period, there does not appear to be a reason to amend or repeal the regulation. The regulation is clearly written, easily understandable, and does not overlap, duplicate, or conflict with federal or state law or regulation.

The most recent evaluation occurred in 2011.

On December 16, 2015, the board reviewed the regulation and, for the reasons stated, determined that the regulation should not be amended or repealed but should be retained in its current form.

Contact Information: Demetrios J. Melis, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (804) 527-4295, or email hearingaidspec@dpor.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board for Hearing Aid Specialists and Opticians conducted a small business impact review of **18VAC80-30, Opticians Regulations**, and determined that this regulation should be retained in its current form. The Board for Hearing Aid Specialists and Opticians is publishing its report of findings dated December 30, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

Section 54.1-201.5 of the Code of Virginia mandates the Board for Hearing Aid Specialists and Opticians to promulgate regulations. The continued need for the regulation is established in statute. Repeal of the regulation would remove the current public protections provided by the regulation. The Board for Hearing Aid Specialists and Opticians provides protection to the safety and welfare of the citizens of the Commonwealth by ensuring that only those individuals who meet specific criteria set forth in the statutes and regulations are eligible to receive an optician license. The board is also tasked with ensuring that its regulants meet standards of practice that are set forth in the regulations.

Since no complaints or comments were received during the public comment period, there does not appear to be a reason to amend or repeal the regulation. The regulation is clearly written, easily understandable, and does not overlap, duplicate, or conflict with federal or state law or regulation.

The most recent evaluation occurred in 2011.

On December 16, 2015, the board reviewed the regulation and, for the reasons stated, determined that the regulation should not be amended or repealed but should be retained in its current form.

Contact Information: Demetrios J. Melis, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8590, FAX (804) 527-4295, or email hearingaidspec@dpor.virginia.gov.

VIRGINIA LOTTERY

Director's Orders

The following Director's Orders of the Virginia Lottery were filed with the Virginia Registrar of Regulations on December 29, 2015, and January 6, 2016. The orders may be viewed at the Virginia Lottery, 900 East Main Street, Richmond, VA, or at the office of the Registrar of Regulations, 201 North 9th Street, 2nd Floor, Richmond, VA.

Director's Order Number One (16)

Virginia Lottery's "Social Media Promotion" Final Rules for Operation (This Director's Order becomes effective Friday, January 1, 2016, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number Two (16)

Virginia Lottery's "Holiday Coupon Promotion" Final Rules for Operation (This Director's Order becomes effective Friday, January 15, 2016, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Sixty-Three (15)

Virginia's Instant Game Lottery 1648 "Pirate's Treasure" Final Rules for Game Operation (effective November 27, 2015)

Director's Order Number One Hundred Sixty-Four (15)

Virginia's Computer-Generated Lottery Game "FastPlay \$15,000 Money Mania" Final Rules for Game Operation (This Director's Order becomes effective on Monday, December 14, 2015, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Sixty-Five (15)

Virginia's Computer-Generated Lottery Game "FastPlay \$50,000 Blackjack" Final Rules for Game Operation (This

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Director's Order becomes effective on Monday, December 14, 2015, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Sixty-Six (15)

Virginia's Computer-Generated Lottery Game "FastPlay Bankroll Bingo" Final Rules for Game Operation (This Director's Order becomes effective on Monday, December 14, 2015, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Sixty-Seven (15)

Virginia's Computer-Generated Lottery Game "FastPlay Crossword" Final Rules for Game Operation (This Director's Order becomes effective on Monday, December 14, 2015, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Sixty-Eight (15)

Certain Virginia FastPlay Game; End of Game - Virginia Lottery's FastPlay Money Bag Crossword (80 15) (effective December 13, 2015)

Director's Order Number One Hundred Sixty-Nine (15)

Certain Virginia FastPlay Game; End of Game - Virginia Lottery's FastPlay \$15,000 Payday (124 15) (This Director's Order is effective on December 13, 2015, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Seventy (15)

Certain Virginia FastPlay Game; End of Game - Virginia Lottery's FastPlay Wild Cherry Bingo (127 15) (effective December 13, 2015)

Director's Order Number One Hundred Seventy-One (15)

Certain Virginia FastPlay Game; End of Game - Virginia Lottery's Blackjack Showdown (125 15) (This Director's Order is effective on December 13, 2015, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Seventy-Two (15)

Virginia Lottery's "Game Guy Player Experience Promotion" Final Rules for Operation (This Director's Order becomes effective December 15, 2015, and shall remain in full force and effect through the end promotion date unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Seventy-Three (15)

Virginia Lottery's "eXTRA CHANCES" Promotion Final Rules for Operation (This Director's Order becomes effective on Tuesday, January 5, 2016, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Seventy-Four (15)

Virginia Lottery's Scratch Game 1621 "2016" Final Rules for Game Operation (effective December 10, 2015)

Director's Order Number One Hundred Seventy-Five (15)

Virginia Lottery's Scratch Game 1639 "Lucky 7 Crossword" Final Rules for Game Operation (effective December 15, 2015)

Director's Order Number One Hundred Seventy-Six (15)

Virginia Lottery's Scratch Game 1651 "5X The Money" Final Rules for Game Operation (effective December 15, 2015)

Director's Order Number One Hundred Seventy-Eight (15)

Certain Virginia Game Promotion; Promotion Entry Extension - Food Lion MVP Kiosk Coupon Promotion (162 15) (effective November 27, 2015)

Director's Order Number One Hundred Seventy-Nine (15)

7-Eleven Market Battle Virginia Lottery Retailer Incentive Program Requirements (This Director's Order becomes effective on January 1, 2016, and shall remain in full force and effect until ninety (90) days after the conclusion of the incentive program, unless otherwise extended by the Director)

Director's Order Number One Hundred Eighty (15)

Virginia's Lottery Scratch Game 1600 "All That Glitters" Final Rules for Game Operation (effective November 27, 2015)

Director's Order Number One Hundred Eighty-One (15)

Virginia's Lottery Scratch Game 1627 "Chocolate" Final Rules for Game Operation (effective December 15, 2015)

Director's Order Number One Hundred Eighty-Two (15)

Virginia's Lottery Scratch Game 1576 "\$3,000,000 Fortune" Final Rules for Game Operation (effective November 27, 2015)

Director's Order Number One Hundred Eighty-Three (15)

Virginia's Lottery Scratch Game 1624 "Blackjack" Final Rules for Game Operation (effective December 15, 2015)

Director's Order Number One Hundred Eighty-Four (15)

Virginia's Lottery Scratch Game 1601 "Dogs Playing Poker" Final Rules for Game Operation (effective December 15, 2015)

Director's Order Number One Hundred Eighty-Five (15)

Virginia's Lottery Scratch Game 1625 "Neon 9's" Final Rules for Game Operation (effective December 15, 2015)

Director's Order Number One Hundred Eighty-Six (15)

Virginia's Instant Game Lottery 1583 "Cloud 9" Final Rules for Game Operation (effective December 1, 2015)

Director's Order Number One Hundred Eighty-Seven (15)

Virginia Lottery's "2016 Super Teacher Awards Contest" Final Rules for Operation (This Director's Order becomes effective on Monday, January 4, 2016, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Eighty-Eight (15)

Virginia's Lottery Scratch Game 1623 "Casino Thrills" Final Rules for Game Operation (effective December 15, 2015)

Director's Order Number One Hundred Eighty-Nine (15)

Virginia's Lottery Scratch Game 1645 "Jacks Are Wild" Final Rules for Game Operation (effective December 16, 2015)

Director's Order Number One Hundred Ninety-One (15)

Virginia's Lottery Scratch Game 1612 "50X the Money" Final Rules for Game Operation (effective December 18, 2015)

Director's Order Number One Hundred Ninety-Two (15)

Virginia's Computer-Generated Lottery Game "Bank A Million" Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all Virginia Lottery "Bank A Million" Game Rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Ninety-Three (15)

Virginia's Computer-Generated Lottery Game "CASH4LIFE®" Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all prior Virginia Lottery Cash4Life® Virginia-specific game rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Ninety-Four (15)

Virginia's Computer-Generated Lottery Game "Cash 5" Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all prior Virginia Lottery "Cash 5" game rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Ninety-Five (15)

Virginia's Computer-Generated Lottery Game Mega Millions Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all prior Virginia Lottery "Mega Millions" game rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Ninety-Six (15)

Virginia's Computer-Generated Lottery Game "Pick 3" Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all prior Virginia Lottery "Pick 3" game rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Ninety-Seven (15)

Virginia's Computer-Generated Lottery Game "Pick 4" Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all prior Virginia Lottery "Pick 4" game rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Ninety-Eight (15)

Virginia's Computer-Generated Lottery Game POWERBALL® Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all prior Virginia Lottery "Powerball" game rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

Director's Order Number One Hundred Ninety-Nine (15)

Virginia's Computer-Generated Lottery Game "New Year Millionaire Raffle" Final Rules for Game Operation (This Director's Order becomes effective on December 10, 2015, fully replaces any and all prior Virginia Lottery "New Year's Millionaire Raffle" game rules, and shall remain in full force and effect unless amended or rescinded by further Director's Order)

BOARD FOR PROFESSIONAL SOIL SCIENTISTS, WETLAND PROFESSIONALS, AND GEOLOGISTS

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists conducted a small business impact review of **18VAC145-11, Public Participation Guidelines**, and determined that this regulation should be retained in its current form. The Board for Professional Soil Scientists, Wetland Professionals, and Geologists is publishing its report of findings dated December 23, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

1. The current regulations are necessary for the board to comply with § 2.2-4007.02 of the Code of Virginia and Chapter 321 of the 2008 Acts of Assembly.
2. Four comments were received during the public comment period.
3. The regulations are not complex in nature.

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4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations but instead work in concert with them.

5. The last periodic review concluded January 2012. The current soil scientist regulations became effective March 1, 2015. The current wetland delineator regulations became effective March 1, 2015. The current Geologists regulations became effective January 1, 2015.

6. No small business impact has been identified.

Contact Information: Kathleen R. Nosbisch, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email soilscientist@dpor.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists conducted a small business impact review of **18VAC145-20, Professional Soil Scientists Regulations**, and determined that this regulation should be retained in its current form. The Board for Professional Soil Scientists, Wetland Professionals, and Geologists is publishing its report of findings dated December 22, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

1. The current regulations establish minimum licensing requirements for soil scientists.

2. Only one public comment was received. The comment recommends that the regulation regarding the licensing of soil scientists be retained due to existing and increasing regulatory requirements for competence in the testing and evaluation of soil-based practices.

3. The regulations are not complex in nature.

4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations but instead work in concert with them.

5. The last periodic review concluded January 2012. There were further changes to the regulations that became effective March 1, 2015.

6. No small business impact has been identified.

Contact Information: Kathleen R. Nosbisch, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email soilscientist@dpor.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists conducted a small business impact review of

18VAC145-30, Regulations Governing Certified Professional Wetland Delineators, and determined that this regulation should be retained in its current form. The Board for Professional Soil Scientists, Wetland Professionals, and Geologists is publishing its report of findings dated December 23, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

1. The current regulations establish minimum requirements for the certification of wetland delineators; however, because the regulations establish requirements for a certificate program (not a licensure program), the regulations do not affect the practice of wetland delineation by noncertified individuals.

2. Although no comments were received online; three comments were sent to the board. The first comment is a statutory requirement. The second comment is already prohibited by statute. The last comment is in support of retaining the regulations in their current form.

3. The regulations are not complex in nature.

4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations but instead work in concert with them.

5. The last periodic review concluded January 2012. There were further changes to the regulations that became effective March 1, 2015.

6. No small business impact has been identified.

Contact Information: Kathleen R. Nosbisch, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email soilscientist@dpor.virginia.gov.

Small Business Impact Review - Report of Findings

Pursuant to § 2.2-4007.1 of the Code of Virginia, the Board for Professional Soil Scientists, Wetland Professionals, and Geologists conducted a small business impact review of **18VAC145-40, Regulations for the Geology Certification Program**, and determined that this regulation should be retained in its current form. The Board for Professional Soil Scientists, Wetland Professionals, and Geologists is publishing its report of findings dated December 23, 2015, to support this decision in accordance with § 2.2-4007.1 F of the Code of Virginia.

1. The current regulations establish minimum requirements for the certification of geologists; however, because the regulations establish requirements for a certificate program (not a licensure program), the regulations do not affect the practice of geology by noncertified individuals.

2. No comments were received during the public comment period.

3. The regulations are not complex in nature.
4. The regulations do not overlap, duplicate, or conflict with federal or state laws or regulations but instead work in concert with them.
5. The last periodic review concluded January 2012. There were further changes to the regulations that became effective January 1, 2015.
6. No small business impact has been identified.

Contact Information: Kathleen R. Nosbisch, Executive Director, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-8514, FAX (866) 465-6206, or email soilscientist@dpor.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, General Assembly Building, 201 North 9th Street, 2nd Floor, Richmond, VA 23219; *Telephone:* Voice (804) 786-3591; *Email:* varegs@dls.virginia.gov.

Meeting Notices: Section 2.2-3707 C of the Code of Virginia requires state agencies to post meeting notices on their websites and on the Commonwealth Calendar at <http://www.virginia.gov/connect/commonwealth-calendar>.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed: A table listing regulation sections that have been amended, added, or repealed in the *Virginia Register of Regulations* since the regulations were originally published or last supplemented in the print version of the Virginia Administrative Code is available at <http://register.dls.virginia.gov/documents/cumulstab.pdf>.

Filing Material for Publication in the Virginia Register of Regulations: Agencies use the Regulation Information System (RIS) to file regulations and related items for publication in the *Virginia Register of Regulations*. The Registrar's office works closely with the Department of Planning and Budget (DPB) to coordinate the system with the Virginia Regulatory Town Hall. RIS and Town Hall complement and enhance one another by sharing pertinent regulatory information.

ERRATA

DEPARTMENT OF GENERAL SERVICES

Title of Regulation: **1VAC30-105. Regulations Banning Concealed Firearms in Offices Owned or Occupied by Executive Branch Agencies.**

Publication: 32:8 VA.R. 1340-1341 December 14, 2015.

Correction to Emergency Regulation:

Page 1340, Effective Dates, change to read "December 3, 2015, through June 2, 2017."

VA.R. Doc. No. R16-4572

DEPARTMENT OF CONSERVATION AND RECREATION

Title of Regulation: **4VAC5-36. Standard Fees for Use of Department of Conservation and Recreation Facilities, Programs, and Services.**

Publication: 32:9 VA.R. 1526-1569 December 28, 2015.

Correction to Final Regulation:

Page 1530, 4VAC5-36-50, row 7, restore the following language:

Buggs Island Lake Special Annual	\$55
Park/Launch/Equestrian Pass: Good only at Occoneechee and Staunton River State Parks.	

VA.R. Doc. No. R16-4517; Filed January 4, 2016, 5:33 p.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Titles of Regulations: **12VAC30-50. Amount, Duration, and Scope of Medical and Remedial Care Services.**

12VAC30-60. Standards Established and Methods Used to Assure High Quality Care.

12VAC30-70. Methods and Standards for Establishing Payment Rates - Inpatient Hospital Services.

12VAC30-80. Methods and Standards for Establishing Payment Rates; Other Types of Care.

12VAC30-130. Amount, Duration and Scope of Selected Services.

Publication: 32:10 VA.R. 1719 January 11, 2016.

Correction to Notice of Extension of Emergency Regulation:

Page 1719, Expiration Date Extended Through, change to read "June 30, 2016."

VA.R. Doc. No. R14-3714

VIRGINIA WORKERS' COMPENSATION COMMISSION

Title of Regulation: **16VAC30-50. Rules of the Virginia Workers' Compensation Commission.**

Publication: 32:10 VA.R. 1808-1809 January 11, 2016.

Correction to Emergency Regulation:

Page 1808, Effective Dates, change to read "January 11, 2016, through July 10, 2017."

VA.R. Doc. No. R16-4565

General Notices/Errata

BOARD OF HISTORIC RESOURCES

Title of Regulation: **17VAC5-30. Evaluation Criteria and Procedures for Designations by the Board of Historic Resources.**

Publication: 32:3 VA.R. 409-411 October 5, 2015.

Correction to Emergency Regulation:

Page 409, Effective Dates, change to read "September 14, 2015, through March 13, 2017."

VA.R. Doc. No. R16-4259

DEPARTMENT OF HISTORIC RESOURCES

Title of Regulation: **17VAC10-20. Evaluation Criteria and Procedures for Nominations of Property to the National Register or for Designation as a National Historic Landmark.**

Publication: 32:3 VA.R. 411-412 October 5, 2015.

Correction to Emergency Regulation:

Page 411, Effective Dates, change to read "September 14, 2015, through March 13, 2017."

VA.R. Doc. No. R16-4260