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REGISTER OF REGULATIONS

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Virginia Code Commission

<http://register.dls.virginia.gov>

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THE VIRGINIA REGISTER INFORMATION PAGE

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

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

Unless exempted by law, an agency wishing to adopt, amend, or repeal regulations must follow the procedures in the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). Typically, this includes first publishing 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 proposed regulation 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 of Regulations 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 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 the final regulation contains changes made after publication of the proposed regulation that 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*. Pursuant to § 2.2-4007.06 of the Code of Virginia, any person may request that the agency solicit additional public comment on certain changes made after publication of the proposed regulation. The agency shall suspend the regulatory process for 30 days upon such request from 25 or more individuals, 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 alternative to the standard process set forth in the Administrative Process Act for regulations deemed by the Governor to be noncontroversial. To use this process, the Governor's concurrence is required and advance notice must be provided to certain legislative committees. Fast-track regulations become effective on the date noted in the regulatory action if fewer than 10 persons object to using the process in accordance with § 2.2-4012.1.

EMERGENCY REGULATIONS

Pursuant to § 2.2-4011 of the Code of Virginia, an agency may adopt emergency regulations if necessitated by an emergency situation or when Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or fewer from its enactment. In either situation, approval of the Governor is required. The emergency regulation is effective upon its filing with the Registrar of Regulations, unless a later date is specified per § 2.2-4012 of the Code of Virginia. Emergency regulations are limited to no more than 18 months in duration; however, may be extended for six months under the circumstances noted in § 2.2-4011 D. Emergency regulations are published as soon as possible in the *Virginia Register* and are on the Register of Regulations website at register.dls.virginia.gov.

During the time the emergency regulation is in effect, the agency may proceed with the adoption of permanent regulations in accordance with the Administrative Process Act. 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. **34:8 VA.R. 763-832 December 11, 2017**, refers to Volume 34, Issue 8, pages 763 through 832 of the *Virginia Register* issued on December 11, 2017.

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; **Marcus B. Simon**, Vice Chair; **Ward L. Armstrong**; **Nicole Cheuk**; **Leslie L. Lilley**; **Jennifer L. McClellan**; **Christopher R. Nolen**; **Steven Poppis**; **Don L. Scott, Jr.**; **Charles S. Sharp**; **Malfourd W. Trumbo**; **Amigo R. Wade**.

Staff of the *Virginia Register*: **Holly Trice**, Registrar of Regulations; **Anne Bloomsburg**, Assistant Registrar; **Nikki Clemons**, Regulations Analyst; **Rhonda Dyer**, Publications Assistant; **Terri Edwards**, Senior Operations Staff Assistant.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the Virginia Register of Regulations website (<http://register.dls.virginia.gov>).

June 2022 through June 2023

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
38:21	May 18, 2022	June 6, 2022
38:22	June 1, 2022	June 20, 2022
38:23	June 15, 2022	July 4, 2022
38:24	June 29, 2022	July 18, 2022
38:25	July 13, 2022	August 1, 2022
38:26	July 27, 2022	August 15, 2022
39:1	August 10, 2022	August 29, 2022
39:2	August 24, 2022	September 12, 2022
39:3	September 7, 2022	September 26, 2022
39:4	September 21, 2022	October 10, 2022
39:5	October 5, 2022	October 24, 2022
39:6	October 19, 2022	November 7, 2022
39:7	November 2, 2022	November 21, 2022
39:8	November 14, 2022 (Monday)	December 5, 2022
39:9	November 30, 2022	December 19, 2022
39:10	December 14, 2022	January 2, 2023
39:11	December 27, 2022 (Tuesday)	January 16, 2023
39:12	January 11, 2023	January 30, 2023
39:13	January 25, 2023	February 13, 2023
39:14	February 8, 2023	February 27, 2023
39:15	February 22, 2023	March 13, 2023
39:16	March 8, 2023	March 27, 2023
39:17	March 22, 2023	April 10, 2023
39:18	April 5, 2023	April 24, 2023
39:19	April 19, 2023	May 8, 2023
39:20	May 3, 2023	May 22, 2023
39:21	May 17, 2023	June 5, 2023
39:22	May 31, 2023	June 19, 2023

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 12. HEALTH

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Initial Agency Notice

Title of Regulation: 12VAC35-105. Rules and Regulations for Licensing Providers by the Department of Behavioral Health and Developmental Services.

Statutory Authority: §§ 37.2-100 and 37.2-400 of the Code of Virginia.

Name of Petitioner: Willard Vaughn, MA, LPC, CTMH.

Nature of Petitioner's Request: The petitioner requests that the board clarify and amend the training and certification requirements for preadmission screening providers to allow for coordination of care with private providers under the Marcus-David Peters Alert Act (§ 37.2-311.1 et seq. of the Code of Virginia).

This petition for rulemaking is brought to the State Board of Behavioral Health and Developmental Services (DBHDS) under its legal authority to take the action requested pursuant to §§ 37.2-203 and 37.2-311.3 of the Code of Virginia and 12VAC35-105-30. This petition for rulemaking is filed in accordance with § 2.2-4007 of the Code of Virginia is to clarify and amend the Enhanced Qualifications for Preadmission Screening Clinicians and expand its reach in the spirit of public-private cooperation under the Marcus-David Peters Act.

"The Department of Behavioral Health and Developmental Services first published a memorandum explaining that the agency would be mandating enhanced qualifications for 'Community Services Boards and Behavioral Health Authorities evaluators who provide recommendations and prepare preadmission screening reports' on March 29, 2016. On July 1, 2016, DBHDS published a document entitled Certification of Preadmission Screening Clinicians which states in part (see <https://dbhds.virginia.gov/behavioral-health/mental-health-services/protocols-and-procedures/>):

'Effective July 1, 2016, anyone conducting a preadmission screening evaluation pursuant to requirements in the Code of Virginia must hold a valid certification from DBHDS as a Certified Preadmission Prescreening Clinician...Application for this certification must be submitted...using the designated forms and approved before the individual may independently conduct preadmission screening evaluations...Upon submission and review of a completed application, DBHDS will issue a Certificate. The certification will be valid for one or two years and must be renewed annually or biannually as specified below. Recertification must be requested prior to the expiration of a current certificate.'

The document goes on to outline educational and precepting requirements, requirements for supervision, the need for continuing education, and quality assurance practices. DBHDS

created these regulations presumably under statutory authority found in §§ 37.2-203 and 37.2-404 of the Code of Virginia.

In 2021 the Marcus-David Peters Act was passed by the General Assembly and is codified in §§ 37.2-311.1 through 37.2-312 of the Code of Virginia. This law mandates that DBHDS take the lead in organizing and implementing the tenants of the act including: '...The Department shall establish additional Marcus alert and community care teams...[and] No later than July 1, 2026 all community services board and behavioral health authority geographical areas shall have established Marcus alert system that uses a community care or mobile crisis team...' which allows for DBHDS to explore the use of public-private partnerships to achieve the mission set forth in the Marcus-David Peters Act. However, this is already provided for in the Community Services Performance Contract that is completed between the department and community services boards every two years under section twelve regarding contracting and subcontracting. Until the passage of the Marcus Alert Act, this was underutilized for crisis intervention services, even to the detriment of the population served by the particular Community Services Board.

Finally, multiple code sections reference the requirement of an evaluation needing to be completed by 'The community services board or its designee' including: §§ 16.1-340, 16.1-340.1, 16.1-340.1:1, 37.2-808(b),(c),(l), and 37.2-809(a),(d),(e),(g),(l) of the Code of Virginia.

Now, having established that DBHDS has and exercised statutory authority to stipulate the requirements necessary for an individual to become a certified preadmission screening clinician, that DBHDS has the responsibility under the law to form public-private partnerships for the good of the citizens of the Commonwealth, and that the law can allow for such partnerships, the present author hereby requests the Enhanced Qualifications for Preadmission Screening Clinicians be amended.

Petition for rule change:

Page 1, Section 2 entitled 'Enhanced Qualifications for Certified Preadmission Screening Clinicians Beginning July 1, 2016'

Present author requests that this section be amended to include a stipulation for providers that are not employed directly by a Community Services Board and requests that it read as follows: Any licensed professional (LMHP), Qualified Mental Health Provider (QMHP), Certified Substance Abuse Clinician (CSAC), or Certified Peer Specialist (CPS) that is not employed directly by a Community Services Board may have their employer apply for certification under these guidelines provided that the employer is licensed by DBHDS as a provider of mobile crisis response, crisis stabilization, partial hospitalization, or is a licensed psychiatric hospital, and has a signed written agreement with the regional crisis hub that would serve their geographic location.

Petitions for Rulemaking

In addition, the employer must show that the individual has held a certified preadmission prescreening clinician certification within the past ten years or that they have completed all of the other requirements set forth herein. Further, an agency that is not a community services board but is licensed as a provider of mobile crisis response, crisis stabilization, partial hospitalization, or a licensed psychiatric hospital must have any employee desiring certification by this standard supervised by an LMHP and have such an individual available 24 hours a day, seven days a week to the perspective clinician regardless of their length of time serving in this capacity.

If certified, the individual will be considered a designee of the Community Services Board that serves the area where the client is physically located during the time of assessment, or that provides outpatient treatment to the client with all powers granted under applicable law.

Amendments in General:

Petitioner asks that any reference to 'the Board,' 'CSB,' or 'Community Services Board' mentioned in the document be replaced by more neutral language such as 'agency,' 'clinic,' or 'facility'."

Agency Plan for Disposition of Request: The board will consider this petition at its next regular quarterly meeting on July 13, 2022, at the Department of Behavioral Health and Developmental Services Central Office, Richmond, Virginia.

Public Comment Deadline: June 13, 2022.

Agency Contact: Ruth Anne Walker, Director of Regulatory Affairs and Board Liaison, Department of Behavioral Health and Developmental Services, Jefferson Building, 1220 Bank Street, 4th Floor, Richmond, VA 23219, telephone (804) 225-2252, or email ruthanne.walker@dbhds.virginia.gov.

VA.R. Doc. No. PFR22-32; Filed May 3, 2022, 1:50 p.m.

Nature of Petitioner's Request: The petitioner requests that the Board of Medicine amend 18VAC85-150-110, which provides the scope of practice for behavior analysts, to ban conversion therapy, shock therapy, and the use of a graduated electronic decelerator to modify behavior.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on May 23, 2022, and on the Virginia Regulatory Town Hall. Public comment will open on May 23, 2022, and will close on June 22, 2022. The Board of Medicine will consider the petition and all comments in support or opposition at its Executive Committee meeting on August 5, 2022. The petitioner will be notified of the board's decision after that meeting.

Public Comment Deadline: June 22, 2022.

Agency Contact: William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4558, or email william.harp@dhp.virginia.gov.

VA.R. Doc. No. PFR22-31; Filed April 25, 2022, 9:32 a.m.

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TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF MEDICINE

Initial Agency Notice

Title of Regulation: **18VAC85-150. Regulations Governing the Practice of Behavior Analysis.**

Statutory Authority: §§ 54.1-2400 and 54.1-2957.16 of the Code of Virginia.

Name of Petitioner: Michael Moates.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 2. AGRICULTURE

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **2VAC5-130, Rules and Regulations Governing Laboratory Fees for Services Rendered or Performed**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). 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.

Public comment period begins May 23, 2022, and ends June 13, 2022.

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 Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Jessica Walters, Program Manager, Office of Laboratory Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-9202.

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **2VAC5-205, Rules and Regulations Pertaining to Shooting Enclosures**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). 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.

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Contact Information:Carolynn Bissett, Program Manager, Office of Veterinary Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-4560.

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **2VAC5-220, Virginia Horse Breeder Incentive Program**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). 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.

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Contact Information: Heather Wheeler, Business and Marketing Specialist, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-8993.

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **2VAC5-230, Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples**, and **2VAC5-300, Rules and Regulations for the Enforcement of the Virginia Seed Potato Standards**. The review of each regulation will be guided by the principles in

Periodic Reviews and Small Business Impact Reviews

Executive Order 14 (as amended July 16, 2018). The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to each 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.

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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 Virginia Regulatory Town Hall and published in the Virginia Register of Regulations.

Contact Information: Dennis P. Clary, Program Manager, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-1933.

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **2VAC5-380, Rules and Regulations for the Enforcement of the Virginia Dealers in Agricultural Products Law**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). 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.

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Contact Information: David Gianino, Program Manager, Office of Plant Industry Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-3515.

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **2VAC5-520, Rules and Regulations Governing Testing of Milk for Milkfat, Protein, and Lactose Content by Automated Instrument Methods**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). 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.

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Contact Information: Ryan Davis, Program Manager, Office of Dairy and Foods, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 786-8899.

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **2VAC5-690, Regulations for Pesticide Containers and Containment under Authority of the Virginia Pesticide Control Act**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). 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.

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Contact Information: Liza Fleeson Trossbach, Program Manager, Office of Pesticide Services, Department of Agriculture and Consumer Services, P.O. Box 1163, Richmond, VA 23218, telephone (804) 371-6559.

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TITLE 12. HEALTH

STATE BOARD OF HEALTH

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulation is undergoing a periodic review and a small business impact review: **12VAC5-191, State Plan for the Children with Special Health Care Needs Program**. The review of this regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). 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.

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Contact Information: Robin Buskey, Policy Analyst, Office of Family Health Services, Virginia Department of Health, 109 Governor Street, Richmond, VA 23219, telephone (804) 863-7253.

TITLE 16. LABOR AND EMPLOYMENT

SAFETY AND HEALTH CODES BOARD

Agency Notice

Pursuant to Executive Order 14 (as amended July 16, 2018) and §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the following regulations are undergoing a periodic review and a small business impact review: **16VAC25-20, Regulation Concerning Licensed Asbestos Contractor Notification, Asbestos Project Permits, and Permit Fees; 16VAC25-30, Regulations for Asbestos Emissions Standards for Demolition and Renovation Construction Activities and the Disposal of Asbestos-Containing Construction Wastes-Incorporation by Reference, 40 CFR 61.140 through 40 CFR 61.156; 16VAC25-40, Standard for Boiler and Pressure Vessel Operator Certification; 16VAC25-70, Virginia Confined Space Standard for the Telecommunications Industry; 16VAC25-97, Reverse Signal Operation Safety Requirements for Motor Vehicles, Machinery and Equipment in General Industry and the Construction Industry; and 16VAC25-160, Construction Industry Standard for Sanitation**. The review of each regulation will be guided by the principles in Executive Order 14 (as amended July 16, 2018). The purpose of this review is to determine whether each regulation should be repealed, amended, or retained in its current form. Public comment is sought on the review of any issue relating to these regulations, including whether each 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.

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Contact Information: Cristin Bernhardt, Regulatory Coordinator, Department of Labor, Main Street Centre, 600 East Main Street, Richmond, VA 23219, telephone (804) 786-2392.

TITLE 22. SOCIAL SERVICES

STATE BOARD OF SOCIAL SERVICES

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the State Board of Social Services conducted a periodic review and a small business impact review of **22VAC40-294, Applications for Public Assistance**, and determined that this regulation should be retained in its current form. The board is publishing its report of findings dated April 20, 2022, to support this decision.

This regulation governs the applications for public assistance and is necessary for the protection of public health, safety, and welfare. The regulation is clearly written and easily understandable. This regulation should be retained without changes as it is necessary because it governs applications for public assistance. There were no complaints or comments received from the public concerning this regulation. This regulation does not conflict with federal or state law or regulations, and there are no requirements that exceed applicable federal requirements. This regulation was last amended in 2017. There are no impacts on small businesses, as it does not include any language that prescribes limitations or requirements on small businesses.

Contact Information: Angela Morse, Director, Regional Operations and Local Support, Department of Social Services, 801 East Main Street, Richmond, VA 23219, telephone (804) 396-0310.

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 10. FINANCE AND FINANCIAL INSTITUTIONS

STATE CORPORATION COMMISSION

Proposed Regulation

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

Title of Regulation: 10VAC5-240. Sales-Based Financing (adding 10VAC5-240-10 through 10VAC5-240-40).

Statutory Authority: § 6.2-2237 of the Code of Virginia.

Public Hearing Information: A public hearing will be held upon request.

Public comment deadline: June 6, 2022.

Agency Contact: Dustin Physioc, Deputy Commissioner, Bureau of Financial Institutions, State Corporation Commission, P.O. Box 640, Richmond, VA 23218, telephone (804) 786-0831, or email dustin.physioc@scc.virginia.gov.

Summary:

The proposed amendments (i) define terms; (ii) require sales-based financing providers and sales-based financing brokers to register with the State Corporation Commission; and (iii) effectuate the disclosure requirements of Chapter 22.1 (§ 6.2-2228 et seq.) of Title 6.1 of the Code of Virginia.

AT RICHMOND, MAY 4, 2022

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. BFI-2022-00035

Ex Parte: In the Matter of Adopting
Regulations Governing Sales-Based
Financing under Chapter 22.1 of
Title 6.2 of the Code of Virginia

ORDER TO TAKE NOTICE

Chapter 516 of the 2022 Virginia Acts of Assembly amends the Code of Virginia ("Code") by adding Chapter 22.1 to Title 6.2 (§ 6.2-2228 et seq.) ("Chapter 22.1"). Chapter 22.1 requires, among other things, certain sales-based financing providers and sales-based financing brokers to register with the State Corporation Commission ("Commission") in accordance

with procedures established by the Commission, and requires sales-based financing providers subject to Chapter 22.1 to furnish certain disclosures to recipients of sales-based financing in accordance with formatting prescribed by the Commission. Chapter 22.1 will become effective on July 1, 2022, and the deadline for registering with the Commission is November 1, 2022. Section 6.2-2237 of the Code authorizes the Commission to adopt such regulations as it deems appropriate to effect the purposes of Chapter 22.1.

The Bureau of Financial Institutions ("Bureau") has submitted to the Commission proposed regulations pursuant to § 6.2-2237 of the Code that define certain terms, require sales-based financing providers and sales-based financing brokers to register with the Commission in accordance with procedures established by the Commissioner of Financial Institutions, and effectuate the disclosure requirements of § 6.2-2231 of the Code. The proposal also contains the disclosure form that sales-based financing providers will be required to use.

NOW THE COMMISSION, having considered the Bureau's proposal, is of the opinion and finds that reasonable notice of the proposed regulations should be given, interested parties should be afforded an opportunity to be heard in accordance with the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10 et seq., and the proposed regulations should be considered for adoption with a proposed effective date of July 1, 2022.

Accordingly, IT IS ORDERED THAT:

(1) The proposed regulations and disclosure form are attached hereto and made a part hereof.

(2) Comments or requests for a hearing on the proposed regulations or disclosure form must be submitted in writing to the Clerk of the Commission, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, on or before June 6, 2022. Requests for a hearing shall state why a hearing is necessary and why the issues cannot be adequately addressed in written comments. All correspondence shall contain a reference to Case No. BFI-2022-00035. Interested persons desiring to submit comments or request a hearing electronically may do so by following the instructions available at the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments.

(3) The Bureau shall file its response to any comments filed pursuant to Ordering Paragraph 2 on or before June 15, 2022.

(4) This Order, along with the attached proposed regulations and disclosure form, shall be made available on the Commission's website: scc.virginia.gov/pages/Case-Information.

Regulations

(5) The Commission's Division of Information Resources shall provide a copy of this Order, the proposed regulations, and the disclosure form to the Virginia Registrar of Regulations for appropriate publication in the Virginia Register of Regulations. A COPY of this Order, including the attached proposed regulations and disclosure form, shall be sent by the Clerk of the Commission to the Commission's Office of General Counsel and to the Commissioner of Financial Institutions, who shall send by e-mail or U.S. mail a copy of this Order, along with the attached proposed regulations and disclosure form, to such interested persons as he may designate.

Chapter 240 Sales-Based Financing

10VAC5-240-10. Definitions.

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

"Chapter 22.1" means Chapter 22.1 (§ 6.2-2228 et seq.) of Title 6.2 of the Code of Virginia.

"Finance charge" has the meaning assigned to it in 12 CFR 1026.4 regardless of whether a provider or sales-based financing transaction is subject to Regulation Z (12 CFR Part 1026) or the Truth in Lending Act (15 USC § 1601 et seq.).

"Registrant" means a person registered under Chapter 22.1.

B. Other terms used in this chapter shall have the meanings set forth in § 6.2-100 or 6.2-2228 of the Code of Virginia.

10VAC5-240-20. Registration; additional requirements; surrender of registration.

A. A provider or broker shall register with the commission in accordance with procedures established by the commissioner. A completed application for registration shall be accompanied by the initial registration fee prescribed in § 6.2-2230 of the Code of Virginia and any information relating to the application that the commissioner may require.

B. Every provider or broker shall (i) be organized under the laws of Virginia; or (ii) if not organized under the laws of Virginia, obtain authority to transact business in Virginia as a foreign entity in accordance with the provisions of Title 13.1 of the Code of Virginia unless such provider or broker is not required to obtain such authority. Every provider or broker, either organized under the laws of Virginia or who has obtained authority to transact business in Virginia as a foreign entity, shall continuously remain authorized to transact business in Virginia under Title 13.1 of the Code of Virginia.

C. A registrant shall notify the bureau in writing within 10 days of any change to either its name or contact information.

D. A registrant may surrender its registration by providing written notice to the bureau along with the effective date of the surrender.

10VAC5-240-30. Sales-Based Financing Disclosure Form.

A. A provider shall furnish a completed Sales-Based Financing Disclosure Form to every recipient at the time the provider extends a specific offer of sales-based financing to the recipient. The format of the Sales-Based Financing Disclosure Form shall be prescribed by the commission.

B. If any information required by the Sales-Based Financing Disclosure Form is inapplicable, the provider shall enter "Not Applicable" or "N/A" in the space provided.

C. If any information required by the Sales-Based Financing Disclosure Form does not fit within the space provided on the first page of the form, the provider shall (i) insert a check mark or "X" in the "SEE PAGE 2" box that appears within the applicable section of the first page, (ii) insert a check mark or "X" in each applicable box on the second page of the form, (iii) disclose the information in the large box on the second page of the form, (iv) furnish a recipient with both pages of the completed form, and (v) require the recipient to sign and date both pages of the completed form. A provider may elect to furnish a recipient with the second page of the form even though all of the required information fits on the first page provided that the provider enters "Not Applicable" or "N/A" in the large box on the second page.

D. A provider shall not give a recipient a Sales-Based Financing Disclosure Form that contains any false or misleading information. The Sales-Based Financing Disclosure Form shall be furnished to a recipient as a separate document from any other contracts, agreements, papers, notices, or other disclosures provided to the recipient, but it may be mailed or transmitted in a package or electronic file that contains other documents. A provider shall not modify the prescribed format of the Sales-Based Financing Disclosure Form, or either append to or include within it any information that is not required by this form.

E. A provider shall require a recipient to sign and date the Sales-Based Financing Disclosure Form at the time the recipient accepts the provider's offer. A provider may obtain a recipient's electronic signature on the Sales-Based Financing Disclosure Form if the provider complies with all applicable provisions of the Uniform Electronic Transactions Act (§ 59.1-479 et seq. of the Code of Virginia), the Electronic Signatures in Global and National Commerce Act (15 USC § 7001 et seq.), and any other applicable laws.

F. A provider shall provide a recipient with the Sales-Based Financing Disclosure Form in a format that the recipient may retain. This includes a hard copy or electronic document that the recipient can save for future reference.

G. If a recipient elects to pay off or refinance the sales-based financing prior to full repayment, a provider shall furnish the recipient with an updated and completed Sales-Based Financing Disclosure Form that contains the information as of the date that the sales-based financing is paid off or refinanced.

The provider shall comply with subsections B through F of this section in connection with the updated Sales-Based Financing Disclosure Form. The provider shall require a recipient to sign and date the updated Sales-Based Financing Disclosure Form at the time the recipient pays off or refinances the sales-based financing.

10VAC5-240-40. Commission authority.

The commission may, at its discretion, waive or grant exceptions to any provision of this chapter for good cause shown.

NOTICE: The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

FORMS (10VAC5-240)

[Sales-Based Financing Disclosure Form \(eff. 7/2022\)](#)

VA.R. Doc. No. R22-7168; Filed May 4, 2022, 2:06 p.m.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been 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, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Title of Regulation: 12VAC30-122. Community Waiver Services for Individuals with Developmental Disabilities.

Agency Contact: Emily McClellan, Regulatory Supervisor, Policy Division, Department of Medical Assistance Services, 600 East Broad Street, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680, or email emily.mcclellan@dmass.virginia.gov.

FORMS (12VAC30-122)

Supports Intensity Scale - Adult Version™ (ages 16 and up), SIS-A, copyright 2015, American Association on Intellectual and Developmental Disabilities

Supports Intensity Scale - Children's Version™ (ages 5-16), SIS-C, copyright 2016, American Association on Intellectual and Developmental Disabilities

[Virginia Supplemental Questions \(eff. 10/2014\)](#)

[Virginia Developmental Disabilities Autism Competencies, DMAS P-201 \(rev. 9/2017\)](#)

[Medicaid Long-Term Care Communication Form, DMAS-225 \(rev. 12/2015\)](#)

[Virginia Individual Developmental Disabilities Eligibility Survey - Infants' Version, DMAS-P235 \(eff. 3/2016\)](#)

[Virginia Individual Developmental Disabilities Eligibility Survey - Children's Version, DMAS-P236 \(eff. 4/2016\)](#)

[Virginia Individual Developmental Disabilities Eligibility Survey - Adult Version, DMAS-P237 \(eff. 3/2016\)](#)

[Virginia Developmental Disabilities Behavioral Competencies, DMAS P241a \(rev. 9/2017\)](#)

[Developmental Disabilities DSP and Supervisor Competencies Checklist, DMAS 241a \(eff. 7/2021\)](#)

[Direct Support Professional Assurance to Confirm Successful Completion of Training and Testing Requirements for the DD Waivers, DMAS P242a \(eff. 5/2021\)](#)

[Department of Behavioral Health and Developmental Services Health Competencies Checklist, DMAS P244a \(rev. 1/2017\)](#)

[Supervisor Assurance, DMAS P245a \(eff. 7/2021\)](#)

[Community Housing Guide: Housing Road Map \(eff. 10/2019\)](#)

[Community Housing Guide: Tenant Screening \(eff. 10/2019\)](#)

[Family and Individual Supports Request for Supervision Hours in Personal Assistance, DMAS-P257 \(eff. 5/2021\)](#)

[Community Learning Request for Supervision Hours in Personal Assistance, DMAS-P257 \(eff. 5/2021\)](#)

VA.R. Doc. No. R22-7186; Filed May 2, 2022, 1:00 p.m.



Regulations

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been 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, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Titles of Regulations: **18VAC15-20. Virginia Asbestos Licensing Regulations.**

18VAC15-30. Virginia Lead-Based Paint Activities Regulations.

18VAC15-40. Home Inspector Licensing Regulations.

Agency Contact: Joseph Haughwout, Regulatory Administrator, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2684, or email joseph.haughwout@dpor.virginia.gov.

FORMS (18VAC15-20)

[Asbestos Worker License Application, A506-3301LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Supervisor License Application, A506-3302LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Inspector License Application, A506-3303LIC-v5 \(rev. 8/2015\)](#)

[Asbestos Management Planner License Application, A506-3304LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Project Designer License Application, A506-3305LIC-v4 \(rev. 8/2015\)](#)

[Asbestos Project Monitor License Application, A506-3309LIC-v5 \(rev. 8/2015\)](#)

~~[Individual Asbestos License Renewal Form, A506-33AREN-v5 \(rev. 2/2020\)](#)~~

~~[Contractor Asbestos & Lead License Renewal Form, A506-33CONREN-v6 \(rev. 2/2020\)](#)~~

~~[Asbestos Analytical Laboratory License Renewal/Branch Office Renewal Form, A506-3333-34REN-v5 \(rev. 2/2020\)](#)~~

[Individual - Asbestos License Renewal Form, A506-33AREN-vs7 \(rev. 4/2021\)](#)

[Contractor - Asbestos and Lead License Renewal Form, A506-33CONREN-vs9 \(rev. 4/2021\)](#)

[Asbestos Analytical Laboratory License Renewal/Branch Office Renewal Form, A506-3333-34REN-vs8 \(rev. 4/2021\)](#)

[Asbestos - Experience Verification Application, A506-33AEXP-v5 \(rev. 3/2019\)](#)

[Asbestos - Education Verification Application, A506-33AED-v3 \(rev. 8/2015\)](#)

[Virginia Asbestos Licensing Consumer Information Sheet, A506-33ACIS-v2 \(rev. 8/2013\)](#)

[Inspector/Project Designer/Contractor Disclosure Form, A506-33DIS-v2 \(rev. 8/2013\)](#)

[Asbestos Contractor License Application, A506-3306LIC-v6 \(rev. 5/2020\)](#)

[Asbestos Analytical Laboratory License Application, A506-3333LIC-v8 \(rev. 5/2020\)](#)

[Asbestos Analytical Laboratory - Branch Office Application, A506-3333BR-vs2 \(rev. 12/2019\)](#)

[Change of Laboratory Analysis Type Form, A506-3333COA-v1 \(rev. 9/2019\)](#)

[Asbestos Training Program Review and Audit Application, A506-3331ACRS-v5 \(rev. 5/2020\)](#)

[Asbestos Project Monitor - Work Experience Log, A506-3309EXP-v3 \(rev. 8/2015\)](#)

FORMS (18VAC15-30)

~~[Lead Abatement Worker License Application, A506-3351LIC-v3 \(eff. 8/2015\)](#)~~

~~[Lead Abatement Supervisor License Application, A506-3353LIC-v4 \(eff. 8/2015\)](#)~~

~~[Lead Abatement Inspector License Application, A506-3355LIC-v3 \(eff. 8/2015\)](#)~~

~~[Lead Abatement Risk Assessor License Application, A506-3356LIC-v5 \(eff. 8/2015\)](#)~~

~~[Lead Abatement Project Designer License Application, A506-3357LIC-v3 \(eff. 8/2015\)](#)~~

~~[Lead Abatement Contractor License Application, A506-3358LIC-v5 \(eff. 7/2020\)](#)~~

[Lead Abatement Worker License Application, A506-3351LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Supervisor License Application, A506-3353LIC-v5 \(eff. 12/2021\)](#)

[Lead Abatement Inspector License Application, A506-3355LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Risk Assessor License Application, A506-3356LIC-v6 \(eff. 12/2021\)](#)

[Lead Abatement Project Designer License Application, A506-3357LIC-v4 \(eff. 12/2021\)](#)

[Lead Abatement Contractor License Application, A506-3358LIC-v6 \(eff. 12/2021\)](#)

Contractor - Asbestos & Lead License Renewal Form, A506-33CONREN-vs9 (rev. 4/2021)

Individual - Lead License Renewal Form, A506-33LREN-vs6 (rev. 4/2021)

Lead - Education Verification Application, A506-33LED-v3 (rev. 8/2015)

Lead - Experience Verification Application, A506-33LEXP-v3 (rev. 8/2015)

Lead Training Course Application, 3331LCRS-v5 (eff. 5/2020)

Inspector/Risk Assessor/Project Designer/Contractor Disclosure Form, A506-33LDIS-v2 (eff. 8/2013)

Virginia Lead Licensing Consumer Information Sheet, A506-33LCIS-v2 (eff. 8/2013)

FORMS (18VAC15-40)

~~Home Inspector License Application, A506-3380LIC-v3 (eff. 9/2017)~~

[Home Inspector License Application, A506-3380LIC-v4 \(eff. 12/2021\)](#)

Home Inspector NRS Specialty Designation Application, A506-3380NRS-v1 (eff. 7/2017)

Home Inspector Experience Verification Form, A506-3380EXP-v7 (eff. 9/2017)

Home Inspectors – Inspection Log, A506-3380ILOG-v1 (eff. 9/2017)

Home Inspector Reinstatement Application, A506-3380REI-v4 (eff. 2/2022)

Home Inspector - Course Approval Application, Prelcense Education Course/NRS Training Module/NRS CPE, A506-3331HICRS-v3 (eff. 2/2020)

VA.R. Doc. No. R22-7134; Filed April 28, 2022, 3:30 p.m.

COMMON INTEREST COMMUNITY BOARD

Forms

REGISTRAR'S NOTICE: Forms used in administering the regulation have been 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, 900 East Main Street, 11th Floor, Richmond, Virginia 23219.

Titles of Regulations: **18VAC48-45. Time-Share Regulations.**

18VAC48-50. Common Interest Community Manager Regulations.

18VAC48-70. Common Interest Community Ombudsman Regulations.

Agency Contact: Joseph Haughwout, Regulatory Administrator, Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, VA 23233, telephone (804) 367-2684, or email joseph.haughwout@dpor.virginia.gov.

FORMS (18VAC48-45)

~~Time Share Registration/Amendment Application A492-0515REG-v4 (eff. 4/2020)~~

~~Time Share Annual Report A492-0515ANRPT-v5 (eff. 1/2020)~~

~~Time Share Building Status Form A492-0515BLDST-v1 (eff. 9/2013)~~

~~Time Share Bond/Letter of Credit Verification Form A492-0515BOND-v3 (eff. 1/2020)~~

[Time-Share Registration/Amendment Application A492-0515REG-v6 \(eff. 5/2021\)](#)

[Time-Share Program Annual Report A492-0515ANRPT-v6 \(eff. 3/2021\)](#)

[Time-Share Building Status Form A492-0515BLDST-v2 \(eff. 3/2021\)](#)

[Time-Share Bond/Letter of Credit Verification Form A492-0515BOND-v4 \(eff. 3/2021\)](#)

Time-Share Exchange Program Registration Application A492-0516REG-v3 (eff. 4/2020)

Time-Share Exchange Program Annual Report A492-0516ANRPT-v2 (eff. 1/2020)

~~Alternative Purchase Registration Application A492-0524REG-v3 (eff. 4/2020)~~

~~Alternative Purchase Annual Report A492-0524ANRPT-v2 (eff. 1/2020)~~

[Alternative Purchase Registration Application A492-0524REG-v4 \(eff. 3/2021\)](#)

[Alternative Purchase Annual Report A492-0524ANRPT-v3 \(eff. 3/2021\)](#)

Time-Share Reseller Registration Application A492-0525REG-v4 (eff. 4/2020)

~~Time Share Reseller Lead Dealer Change Form A492-0525LDCHG-v2 (eff. 1/2020)~~

[Time-Share Reseller Lead Dealer Change Form A492-0525LDCHG-v2 \(eff. 1/2020\)](#)

Regulations

FORMS (18VAC48-50)

~~Common Interest Community Manager Change of Personnel Form, A492-0501MGTCHG-v2 (rev. 10/2018)~~

[Common Interest Community Manager License Application, A492-0501LIC-v6 \(rev. 12/2021\)](#)

[Common Interest Community Manager License Renewal Application, A492-0501REN-v4 \(rev. 11/2019\)](#)

[Common Interest Community Manager Change of Personnel Form, A492-0501MGTCHG-v3 \(rev. 12/2021\)](#)

[Common Interest Community Manager Training Program Approval Application, A492-05TRAPRV-v3 \(rev. 10/2018\)](#)

[Experience Verification Form, A492-0501_10EXPv2 \(rev. 10/2018\)](#)

~~Common Interest Community Manager License Application, A492-0501LIC-v5 (rev. 4/2020)~~

~~Common Interest Community Manager Principal or Supervisory Employee Certificate Application, A492-0510CERT-v2 (rev. 10/2018)~~

[Common Interest Community Manager Principal or Supervisory Employee Certificate Application, A492-0510CERT-v3 \(rev. 12/2021\)](#)

[Principal or Supervisory Employee Certificate Renewal Form, A492-0510REN-v2 \(rev. 10/2018\)](#)

[Common Interest Community Manager Application Supplement Comprehensive Training Program Equivalency Form, A492-0501TREQ-v2 \(rev. 10/2018\)](#)

FORMS (18VAC48-70)

~~Common Interest Community Complaint Form, F491-CICCOMP-v3 (rev. 12/2019)~~

~~Notice of Final Adverse Decision, F491-CICNOTE-v1 (eff. 12/2019)~~

~~Waiver of Filing Fee Request Form, F491-CICFW-v2 (eff. 12/2019)~~

[Common Interest Community Complaint Form, F491-CICCOMP-vs4 \(rev. 4/2022\)](#)

[Notice of Final Adverse Decision, F491-CICNOTE-vs3 \(eff. 4/2022\)](#)

[Waiver of Filing Fee Request Form, F491-CICFW-vs3 \(eff. 4/2022\)](#)

VA.R. Doc. No. R22-6704; Filed April 28, 2022, 3:28 p.m.



TITLE 19. PUBLIC SAFETY

DEPARTMENT OF STATE POLICE

Final Regulation

REGISTRAR'S NOTICE: The following regulatory action is exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act in accordance with § 9.1-915 of the Code of Virginia, which provides that regulations and forms promulgated to implement and enforce Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 of the Code of Virginia shall not be subject to Article 2 of the Administrative Process Act.

Title of Regulation: **19VAC30-170. Regulations Governing the Operation and Maintenance of the Sex Offender and Crimes Against Minors Registry (amending 19VAC30-170-30).**

Statutory Authority: § 9.1-915 of the Code of Virginia.

Effective Date: June 24, 2022.

Agency Contact: Kirk Marlowe, Regulatory Coordinator, Bureau of Administrative and Support Services, Department of State Police, P.O. Box 27472, Richmond, VA 23261-7472, telephone (804) 674-4606, FAX (804) 674-2936, or email kirk.marlowe@vsp.virginia.gov.

Summary:

The amendments clarify that (i) the issuance of a simple pardon or restoration of rights does not result in removal from the Sex Offender and Crimes Against Minors Registry and (ii) an expungement does not include expungements of charges for which a person was convicted.

19VAC30-170-30. Expungement from Sex Offender and Crimes against Minors Registry; petition for removal.

A. Upon receipt of a certified copy of a death certificate recording the death of any person registered with the Sex Offender and Crimes against Minors Registry, the Department of State Police will expunge any and all records concerning such person from the Sex Offender and Crimes against Minors Registry. If available, a set of fingerprints should accompany the death certificate.

B. Upon receipt of a duly attested copy of a ~~pardon~~ absolute pardon issued by the Governor of Virginia or other competent authority as to any conviction reported to the Sex Offender and Crimes against Minors Registry, the Department of State Police will expunge any and all records concerning such conviction from the Sex Offender and Crimes against Minors Registry. If the pardoned person has no other convictions requiring registration, the Department of State Police will expunge any and all records concerning such person from the Sex Offender and Crimes against Minors Registry.

C. Upon receipt of a report from any clerk of a circuit court or other court of competent jurisdiction that any conviction previously reported to the Sex Offender and Crimes against

Minors Registry has been reversed, the Department of State Police will expunge any and all records concerning such conviction from the Sex Offender and Crimes against Minors Registry. If the person whose conviction is reversed has no other convictions requiring registration, the Department of State Police will expunge any and all records concerning such person from the Sex Offender and Crimes against Minors Registry.

D. Upon receipt of a certified copy of an order of expungement entered pursuant to ~~§§ 19.2-298.3 or § 19.2-392.2~~ of the Code of Virginia or the laws of the United States or any political subdivision thereof, the Department of State Police will expunge any and all records concerning such conviction from the Sex Offender and Crimes against Minors Registry. If the person whose conviction has been expunged has no other convictions requiring registration, the Department of State Police will expunge any and all records concerning such person from the Sex Offender and Crimes against Minors Registry. An expungement for purposes of this subsection must be the result of an acquittal, a nolle prosequi, or dismissal of charges.

VA.R. Doc. No. R22-7144; Filed April 21, 2022, 4:13 p.m.

GUIDANCE DOCUMENTS

PUBLIC COMMENT OPPORTUNITY

Pursuant to § 2.2-4002.1 of the Code of Virginia, a certified guidance document is subject to a 30-day public comment period after publication in the Virginia Register of Regulations and prior to the guidance document's effective date. During the public comment period, comments may be made through the Virginia Regulatory Town Hall website (<http://www.townhall.virginia.gov>) or sent to the agency contact. Under subsection C of § 2.2-4002.1, the effective date of the guidance document may be delayed for an additional period. The guidance document may also be withdrawn.

The following guidance documents have been submitted for publication by the listed agencies for a public comment period. Online users of this issue of the Virginia Register of Regulations may click on the name of a guidance document to access it. Guidance documents are also available on the Virginia Regulatory Town Hall (<http://www.townhall.virginia.gov>) or from the agency contact or may be viewed at the Office of the Registrar of Regulations, 900 East Main Street, Richmond, Virginia 23219.

STATE BOARD OF EDUCATION

Title of Document: [2022-2023 Board of Education Approved Industry Certifications, Occupational Competency Assessments, and Professional Licenses.](#)

Public Comment Deadline: June 22, 2022.

Effective Date: June 23, 2022.

Agency Contact: Jim Chapman, Regulatory and Legal Coordinator, Department of Education, James Monroe Building, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2540, or email jim.chapman@doe.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Titles of Documents: [Virginia Medicaid Preferred Drug List/Common Core Formulary Changes, 90 Day Supply List Changes, and Drug Utilization Review Board Approved Drug Service Authorizations.](#)

[Cardinal Care Virginia's Medicaid Program.](#)

Public Comment Deadline: June 22, 2022.

Effective Date: June 23, 2022.

Agency Contact: Emily McClellan, Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, FAX (804) 786-1680, TDD (800) 343-0634, telephone (804) 371-6043, or email emily.mcclellan@dmas.virginia.gov.

STATE WATER CONTROL BOARD

Title of Document: [Virginia's Nonpoint Source Implementation Best Management Practice Guidelines.](#)

Public Comment Deadline: June 22, 2022.

Effective Date: July 1, 2022.

Agency Contact: Justin L. Williams, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1125, or email justin.williams@deq.virginia.gov.

GENERAL NOTICES

DEPARTMENT OF ENVIRONMENTAL QUALITY

Waverly Solar LLC Notice of Intent for Small Renewable Energy Project (Solar) - Sussex County

Energix Renewables - Waverly Solar LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in Sussex County, pursuant to 9VAC15-60. Waverly Solar I will be located on approximately 1,177.03 acres, west of U.S. State Route 40 (Sussex Drive), north of U.S. State Route 655 (West Oak Dale Road), south of U.S. State Route 651 (Lobbs Shop Road), and bisected by U.S. State Route 626 (Beef Steak Road). The proposed project is located east of Newville and southwest of Waverly in northeastern Sussex County, Virginia. Latitude and longitude coordinates are 37.024801, -77.148747. The project conceptually consists of approximately 138,762 460-watt modules, providing a facility net capacity of 50 megawatts alternating current.

Contact Information: Melissa Porterfield, Regulatory Coordinator, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4178.

Endless Caverns Solar LLC - WITHDRAWAL of Notice of Intent for a Small Renewable Energy Project (Solar)

Endless Caverns Solar LLC has withdrawn its notice of intent to submit the necessary documentation for a permit by rule for a small renewable energy project (solar) in Rockingham County, Virginia pursuant to 9VAC15-60. The original notice of intent was published in Volume 34, Issue 11 of the Virginia Register on January 22, 2018.

Contact Information: Melissa Porterfield, Regulatory Coordinator, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 698-4238, FAX (804) 698-4178.

COMMISSION ON LOCAL GOVERNMENT

Schedule for the Assessment of State and Federal Mandates on Local Governments

Pursuant to the provisions of § 2.2-613 and subdivision 6 of § 15.2-2903 of the Code of Virginia, the following schedule, established by the Commission on Local Government and approved by Secretary of Commerce and Trade, Caren Merrik, and Governor Glenn A. Youngkin represents the timetable that the listed executive agencies will follow in conducting their assessments of certain state and federal mandates that they administer that are imposed on local governments. Such mandates are new (in effect for at least 24 months), newly identified, or have been significantly altered as to warrant a reassessment of the mandate (and have been in effect for 24 months). In conducting these assessments, agencies will follow the process established by Executive Order 58, which became effective October 11, 2007. These mandates are abstracted in the Catalog of State and Federal Mandates on Local Governments published by the Commission on Local Government.

For further information contact Kristen Dahlman, Senior Policy Analyst, Commission on Local Government at email kristen.dahlman@dhcd.virginia.gov or by telephone (804) 371-7017, or visit the commission's website at www.dhcd.virginia.gov.

STATE AND FEDERAL MANDATES ON LOCAL GOVERNMENTS
Approved Schedule of Assessment Periods - July 2022 through June 2023
For Executive Agency Assessment of Cataloged Mandates

AGENCY	CATALOG NUMBER	ASSESSMENT PERIOD
Mandate Short Title		
DEPARTMENT OF SOCIAL SERVICES		
Child Protective Services	SHHR.DSS031	3/1/2023 to 5/31/23
Criminal History and Central Registry Check for Placements of Children	SHHR.DSS072	3/1/2023 to 5/31/23
Virginia Birth Registry Search	SHHR.DSS080	3/1/2023 to 5/31/23
VIRGINIA DEPARTMENT OF HEALTH		
Waterworks Operation Permit	SHHR.VDH019	7/1/22 to 9/30/22
VIRGINIA INFORMATION TECHNOLOGY AGENCY		

General Notices

Information Technology Access for the Visually Impaired	SOA.VITA001	7/1/22 to 9/30/22
Internet Privacy Policy	SOA.VITA002	7/1/22 to 9/30/22
DEPARTMENT OF EDUCATION		
Competency-Based Career and Technical Education Program and Standards	SOE.DOE062	8/1/22 to 10/31/22
Early Identification and Provision of Special Education Services for Students with Disabilities	SOE.DOE069	8/1/22 to 10/31/22
Suspension, Expulsion, Exclusion, and Readmission of Pupils	SOE.DOE097	8/1/22 to 10/31/22
Water Management Programs	SOE.DOE171	8/1/22 to 10/31/22
DEPARTMENT OF CRIMINAL JUSTICE SERVICES		
Multidisciplinary Response Team for Criminal Sexual Assault	SPSHS.DCJS036	7/1/22 to 9/30/22
VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT		
Implementation of E-911 Services	SPSHS.VDEM017	7/1/22 to 8/30/22

Approved by the commission on March 10, 2022.

Contact Information: Kristen Dahlman, Senior Policy Analyst, Commission on Local Government, telephone (804) 371-7017, or email kristen.dahlman@dhcd.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Draft Mental Health Services Provider Manual

The draft Mental Health Services Provider Manual Chapter IV and Appendices E and G are now available on the Department of Medical Assistance Services website at <https://www.dmas.virginia.gov/for-providers/general-information/medicaid-provider-manual-drafts/> for public comment.

Contact Information: Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680.

Draft Peer Recovery Support Services Supplement Provider Manual

The draft Peer Recovery Support Services Supplement Provider Manual is now available on the Department of Medical Assistance Services website at <https://www.dmas.virginia.gov/for-providers/general-information/medicaid-provider-manual-drafts/> for public comment until May 27, 2022.

Contact Information: Emily McClellan, Regulatory Manager, Division of Policy and Research, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300,

Richmond, VA 23219, telephone (804) 371-4300, FAX (804) 786-1680.

BOARD OF PHARMACY

Notice on Scheduling Chemicals in Schedule I

Pursuant to subsection D of § 54.1-3443 of the Code of Virginia, the Board of Pharmacy is giving notice of a public hearing to consider placement of chemical substances in Schedule I of the Drug Control Act. The virtual public hearing will be conducted at 9:05 a.m. on June 6, 2022. Instructions will be included in the agenda for the board meeting, also on June 6. Public comment may also be submitted electronically or in writing prior to June 6 to Caroline Juran, Executive Director of the Board of Pharmacy at caroline.juran@dhp.virginia.gov.

Pursuant to § 54.1-3443, the Virginia Department of Forensic Science (DFS) has identified 10 compounds for recommended inclusion into Schedule I of the Drug Control Act.

The following compound is classified as a synthetic opioid. Compounds of this type have been placed in Schedule I (subdivision 1 of § 54.1-3446 of the Code of Virginia) in previous legislative sessions.

1. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (other names: N-pyrrolidino etonitazene, etonitazepyne), its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation.

Based on their chemical structures, the following compounds are expected to have hallucinogenic properties. Compounds of this type have been placed in Schedule I (subdivision 3 of § 54.1-3446) in previous legislative sessions.

2. 1-(1,3-benzodioxol-5-yl)-2-(propylamino)-1-butanone (other names: 3,4-Methylenedioxy-alpha-propylaminobutiophenone; N-propyl butylone), its salts, isomers (optical, position, and geometric), and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

3. 2-(ethylamino)-1-phenylpentan-1-one (other names: N-ethylpentedrone, alpha-ethylaminopentiophenone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation

4. 3,4-methylenedioxy-alpha-cyclohexylaminopropiophenone (other name: Cyputylone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

5. 3,4-methylenedioxy-alpha-cyclohexylmethylaminopropiophenone (other name: 3,4-Methylenedioxy-N,N-cyclohexylmethcathinone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

6. 3,4-methylenedioxy-alpha-isopropylaminobutiophenone (other name: N-isopropyl butylone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

7. 4-chloro-N-butylcathinone (other names: 4-chlorobutylcathinone, para-chloro-N-butylcathinone), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

8. 4-hydroxy-N-methyl-N-ethyltryptamine (other names: 4-hydroxy MET, Metocin), its salts, isomers (optical, position, and geometric), and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

The following compound is classified as a central nervous system stimulant. Compounds of this type have been placed in Schedule I (subdivision 5 of § 54.1-3446) in previous legislative sessions.

9. 4-methylmethamphetamine (other names: N-alpha,4-trimethyl-benzeneethanamine, 4-MMA), including its salts, isomers, and salts of isomers.

The following compound is classified as a cannabimimetic agent. Compounds of this type have been placed in Schedule I (subdivision 6 of § 54.1-3446) in previous legislative sessions.

10. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indole-3-acetamide (other names: ADB-FUBIATA, AD-18, FUB-ACADB), its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

Contact Information: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4456, FAX (804) 527-4472.

STATE WATER CONTROL BOARD

Notice of Enforcement Action for McCauley Park, LLC

The State Water Control Board proposes to issue a consent special order to McCauley Park LLC for alleged violation of the State Water Control Law at the corner of McCauley Parkway and King William Road (37.7539, -77.1482) in King William County, Virginia. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. The DEQ staff contact will accept comments from May 23, 2022, to June 24, 2022.

Contact Information: Jeff Reynolds, Enforcement Manager, Piedmont Regional Office, Department of Environmental Quality, 4949-A Cox Road, Glen Allen, VA 23060, telephone (804) 720-4754, or email jefferson.reynolds@deq.virginia.gov.

Proposed Enforcement Action for Tyson Farms, Inc.

An enforcement action has been proposed for Tyson Farms Inc. for violations of the State Water Control Law at the Temperanceville facility in Temperanceville, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the facility. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. The staff contact person will accept comments by email or postal mail from May 23, 2022, through June 22, 2022.

Contact Information: John Brandt, Enforcement Manager, Department of Environmental Quality, 5636 Southern Boulevard, Virginia Beach, VA 23462, FAX (804) 698-4178, or email john.brandt@deq.virginia.gov.

General Notices

Notice of Enforcement Action for the Town of Lawrenceville

The State Water Control Board proposes to issue a consent special order to the Town of Lawrenceville for alleged violation of the State Water Control Law at 380 Meadow Lane, Lawrenceville, Virginia. A description of the proposed action is available at the Department of Environmental Quality (DEQ) office listed or online at www.deq.virginia.gov. The DEQ staff contact will accept comments from May 23, 2022, to June 24, 2022.

Contact Information: Jeff Reynolds, Regional Enforcement Manager, Piedmont Regional Office, Department of Environmental Quality, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 720-4754, or email jefferson.reynolds@deq.virginia.gov.

Proposed Enforcement Action for the Bland County Service Authority

An enforcement action has been proposed for the Bland County Service Authority for violations of the State Water Control Law at the Bastian wastewater treatment plant in Bland County, Virginia. The State Water Control Board proposes to issue a consent order to resolve violations associated with the facility. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov. The staff contact person listed will accept comments by email or postal mail from May 24, 2022, through June 23, 2022.

Contact Information: Jonathan Chapman, Enforcement Specialist, Department of Environmental Quality, Southwest Regional Office, 355-A Deadmore Street, Abingdon, VA 24210, or email jonathan.chapman@deq.virginia.gov.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Contact Information: *Mailing Address:* Virginia Code Commission, Pocahontas Building, 900 East Main Street, 8th Floor, Richmond, VA 23219; *Telephone:* (804) 698-1810; *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 <https://commonwealthcalendar.virginia.gov>.

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/cumultab.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.