



VIRGINIA

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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 Popps**; **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>).

July 2022 through July 2023

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
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	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
39:23	June 14, 2023	July 3, 2023
39:24	June 28, 2023	July 17, 2023
39:25	July 12, 2023	July 31, 2023

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Agency Decision

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

Statutory Authority: §§ 54.1-2400 and 54.1-3307 of the Code of Virginia

Name of Petitioner: Renae M. Cregger.

Nature of Petitioner's Request: The petitioner requests exempting automated dispensing systems exclusively stocked with drugs that would be kept in a stat-drug box pursuant to 18VAC110-20-550 or an emergency drug kit pursuant to 18VAC110-20-540 and are solely administered for stat or emergency use from the requirements of subdivisions 1, 4 a, and 4 b of 18VAC110-20-555.

Agency Decision: Request granted.

Statement of Reason for Decision: The Board of Pharmacy will issue a Notice of Intended Regulatory Action for the consideration of a rulemaking to permit the use of automated dispensing devices for certain medications that may be currently stored in emergency drug kits or stat-drug boxes.

Agency Contact: Caroline Juran, RPh, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Suite 300, Richmond, VA, 23233, telephone (804)367-4456, or email caroline.juran@dhp.virginia.gov.

VA.R. Doc. No. PFR22-23; Filed June 6, 2022, 2:41 p.m.

BOARD OF COUNSELING

Initial Agency Notice

Title of Regulation: 18VAC115-80. Regulations Governing the Registration of Qualified Mental Health Professionals.

Statutory Authority: §§ 54.1-2400, 54.1-3500, and 54.1-3505 of the Code of Virginia.

Name of Petitioner: James Conner.

Nature of Petitioner's Request: The petitioner requests that individuals be permitted to become registered as qualified mental health providers based solely on experience rather than college or graduate education.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on July 4, 2022. The petition will also be published on the Virginia Regulatory Town Hall at www.townhall.virginia.gov. The Board of Counseling will request public comment from July 4, 2022, to August 3, 2022.

The board will consider the petition at the next meeting scheduled after the close of the comment period. Currently, the board's next meeting after the comment period closes is scheduled for September 16, 2022.

Public Comment Deadline: August 3, 2022.

Agency Contact: Jaime Hoyle, Executive Director, Board of Counseling, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4406, or email jaime.hoyle@dhp.virginia.gov.

VA.R. Doc. No. PFR22-35; Filed June 13, 2022, 10:34 a.m.

BOARD OF VETERINARY MEDICINE

Initial Agency Notice

Title of Regulation: 18VAC150-20. Regulations Governing the Practice of Veterinary Medicine.

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

Name of Petitioner: Mark Cushing.

Nature of Petitioner's Request: The petitioner requests that the Board of Veterinary Medicine amend 18VAC150-20-120 to remove the requirement that applicants for licensure by endorsement have regularly engaged in clinical practice for at least two of the previous four years. The petitioner states that removing this requirement could help address veterinarian shortages and would put Virginia in line with 20 other states that do not require clinical practice for licensure by endorsement.

Agency Plan for Disposition of Request: The petition for rulemaking will be published in the Virginia Register of Regulations on July 4, 2022. The petition will also be published on the Virginia Regulatory Town Hall at www.townhall.virginia.gov to receive public comment from July 4, 2022, to August 3, 2022. The board will consider the petition and all comments in support or opposition at its next board meeting after the close of the comment period, which is currently scheduled for October 13, 2022.

Public Comment Deadline: August 3, 2022.

Agency Contact: Leslie L. Knachel, Executive Director, Board of Veterinary Medicine, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 597-4130, or email leslie.knachel@dhp.virginia.gov.

VA.R. Doc. No. PFR22-33; Filed June 6, 2022, 8:45 a.m.

PERIODIC REVIEWS AND SMALL BUSINESS IMPACT REVIEWS

TITLE 9. ENVIRONMENT

STATE WATER CONTROL 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 regulation is undergoing a periodic review and a small business impact review: **9VAC25-280, Ground Water Standards**. 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 July 4, 2022, and ends July 25, 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: Brian Campbell, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 774-6890.

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: **9VAC25-740, Water Reclamation and Reuse Regulation**. 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 July 4, 2022, and ends July 25, 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: Valerie Rourke, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 774-9126.



TITLE 12. HEALTH

DEPARTMENT OF MEDICAL ASSISTANCE 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: **12VAC30-130, Amount, Duration and Scope of Selected Services**. 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 July 4, 2022, and ends July 25, 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: Jimeequa Williams, Regulatory Coordinator, Policy, Regulation, and Member Engagement Division, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 225-3508.



TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF DENTISTRY

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: **18VAC60-15, Regulations Governing the Disciplinary Process**. 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 July 4, 2022, and ends August 3, 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: Jamie Sacksteder, Acting Executive Director, Board of Dentistry, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4581.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Dentistry conducted a periodic review and a small business impact review of **18VAC60-21, Regulations Governing the Practice of Dentistry**, and determined that this regulation should be amended. The board is publishing its report of findings dated June 10, 2022, to support this decision.

The regulation is mandated by law and necessary to protect the public health, welfare, and safety. Amendments can be made to provide greater clarity, remove outdated provisions, and provide greater patient protection.

The Board of Dentistry reviewed 18VAC60-21. After further opportunity for comment and recommendations for amendments, the board will publish a Notice of Intended Regulatory Action.

This regulation is necessary for public protection since statutory mandates require licensure or oversight of dentists pursuant to § 54.1-2709 A of the Code of Virginia. No public comments were received following the notice of periodic review related to this regulation. This regulation is complex by necessity in that it regulates health care professions related to the provision of dental services to the public. Dental services can include invasive procedures, surgery, sedation of patients, and other highly impactful health care. This regulation does not overlap, duplicate, or conflict with federal or state laws or regulations. This regulation, like all regulations for boards under the Department of Health Professions, is updated multiple times per year in response to legislation, petitions for rulemaking, and updates to practice or to respond to public need. Since January 1, 2018, this regulation has been amended 13 times.

Contact Information: Erin Barrett, Senior Policy Analyst, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Dentistry conducted a periodic review and a small business impact review of **18VAC60-25, Regulations Governing the Practice of Dental Hygiene**, and determined that this regulation should be amended. The board is publishing its report of findings dated June 10, 2022, to support this decision.

The regulation is mandated by law and necessary to protect the public health, welfare, and safety. Amendments can be made to provide greater clarity, remove outdated provisions, and provide greater patient protection.

The Board of Dentistry reviewed 18VAC60-25. After further opportunity for comment and recommendations for amendments, the board will publish a Notice of Intended Regulatory Action.

This regulation is necessary for public protection since statutory mandates require licensure or oversight of dental hygienists pursuant to § 54.1-2722 A of the Code of Virginia. Public comments to 18VAC60-25 following the notice of the periodic review related to line item changes, new definitions, fees, delegation of duties to a dental hygienist, and remote supervision. This regulation is complex by necessity in that it regulates health care professions related to the provision of dental services to the public. Dental services can include invasive procedures, surgery, sedation of patients, and other highly impactful health care. This regulation does not overlap, duplicate, or conflict with federal or state laws or regulations. This regulation, like all regulations for boards under the Department of Health Professions, is updated multiple times per year in response to legislation, petitions for rulemaking, and updates to practice or to respond to public need. Since January 1, 2018, this regulation has been amended six times.

Periodic Reviews and Small Business Impact Reviews

Contact Information: Erin Barrett, Senior Policy Analyst, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688.

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Dentistry conducted a periodic review and a small business impact review of **18VAC60-30, Regulations Governing the Practice of Dental Assistants**, and determined that this regulation should be amended. The board is publishing its report of findings dated June 10, 2022, to support this decision.

The regulation is mandated by law and necessary to protect the public health, welfare, and safety. Amendments can be made to provide greater clarity, remove outdated provisions, and provide greater patient protection.

The Board of Dentistry reviewed 18VAC60-30. After further opportunity for comment and recommendations for amendments, the board will publish a Notice of Intended Regulatory Action.

This regulation is necessary for public protection since statutory mandates require licensure or oversight of dental assistants pursuant to § 54.1-2729.01 of the Code of Virginia. No public comments following the notice of periodic review were received related to this regulation. This regulation is complex by necessity in that it regulates health care professions related to the provision of dental services to the public. Dental services can include invasive procedures, surgery, sedation of patients, and other highly impactful health care. This regulation does not overlap, duplicate, or conflict with federal or state laws or regulations. This regulation, like all regulations for boards under the Department of Health Professions, is updated multiple times per year in response to legislation, petitions for rulemaking, and updates to practice or to respond to public need. Since January 1, 2018, this regulation has been amended six times.

Contact Information: Erin Barrett, Senior Policy Analyst, Department of Health Professions, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4688.

BOARD OF SOCIAL WORK

Report of Findings

Pursuant to §§ 2.2-4007.1 and 2.2-4017 of the Code of Virginia, the Board of Social Work conducted a periodic review and a small business impact review of **18VAC140-20, Regulations Governing the Practice of Social Work**, and determined that this regulation should be amended. The board is publishing its report of findings dated June 3, 2022, to support this decision.

This chapter was in effect as VR620-01-2 before the creation of the Virginia Administrative Code. It has been amended 15

times in the last five years. By adoption of statutory mandates, the General Assembly concluded that licensure of social workers is essential for the protection of public health and safety.

The Code of Virginia mandates licensure for social workers. Therefore, the regulatory chapter must be retained. The board intends to publish a Notice of Intended Regulatory Action for amendments intended to clarify and simplify some requirements and to specify certain unprofessional conduct seen in disciplinary hearings.

A continued need for this regulation exists since the Code of Virginia requires social workers to hold licenses issued by the board.

The board has not received any complaints or comments concerning this regulation. Practitioners do not find this regulation overly complex, but the board will consider whether requirements for licensure, renewal, and training could be simplified. There is no overlap, duplication, or conflict with federal or state law or regulation. This regulation has been amended 15 times in the last five years. In its review and rulemaking as a result of this periodic review, the board will consider any possible amendments that will streamline or clarify the regulation in order to minimize the economic impact on small businesses.

Contact Information: Jaime Hoyle, Executive Director, Board of Social Work, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, telephone (804) 367-4441.

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 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Final Regulation

REGISTRAR'S NOTICE: The Board of Funeral Directors and Embalmers is claiming an exemption from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 a of the Code of Virginia, which excludes regulations that are necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. The board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 18VAC65-30. Regulations for Preneed Funeral Planning (amending 18VAC65-30-220).

Statutory Authority: §§ 54.1-2400 and 54.1-2803 of the Code of Virginia.

Effective Date: August 3, 2022.

Agency Contact: Corie Tillman Wolf, Executive Director, Board of Funeral Directors and Embalmers, 9960 Mayland Drive, Suite 300, Richmond, VA 23233-1463, telephone (804) 367-4546, FAX (804) 527-4637, or email corie.wolf@dhp.virginia.gov.

Summary:

Pursuant to Chapter 18 of the 2022 Acts of Assembly, the amendment replaces language related to face value adjustments to certain financial vehicles used to fund preneed funeral arrangements with a limitation on a decrease of the face value of any such financial vehicles except in certain circumstances.

18VAC65-30-220. Content of preneed contracts.

The following information shall be contained in any contract for preneed funeral planning.

Date: _____

Contract: _____

PRENEED FUNERAL CONTRACT

for

(Name of Recipient of Services)

(Zip)_____

I. SUPPLIES AND SERVICES PURCHASED

If goods and services are guaranteed and your contract is fully paid or funded at the time of your death, no additional cost will incur for your family or estate even though the actual prices of goods and services may increase between the date of this contract and the time of need. (Please see the disclosure document.)

If goods and services are nonguaranteed, your family or estate may incur additional costs for goods and services as the prices for these items may increase from the date of the contract to the time of need.

Cash advance items are not guaranteed. A cash advance item is any item obtained from a third party by the funeral home on your behalf. Cash advance items may include cemetery or crematory services, pall bearers, public transportation, clergy honoraria, flowers, musicians or singers, nurses, obituary notices, gratuities, and death certificates.

Charges are only for those items that you selected or that are required. If we are required by law or by a cemetery or crematory to use an item, we will explain the reasons in writing below. If you selected a funeral that may require embalming, such as a funeral with a viewing, you may have to pay for embalming. You do not have to pay for embalming you did not select if you select arrangements such as a direct cremation or immediate burial.

Guaranteed Services Purchased

I. BASIC SERVICES OF FUNERAL DIRECTOR AND STAFF \$ _____

II. FUNERAL HOME FACILITIES

A. Facilities and Staff for visitation/viewing \$ _____

B. Facilities and Staff for funeral ceremony \$ _____

C. Facilities and Staff for memorial service \$ _____

D. Equipment and Staff for graveside service \$ _____

(NOTE TO FUNERAL HOME: If you have additional charges such as facilities and staff for home/church viewing, or a charge for additional staff person or through calculation of manhours, etc., add here as extra items. If you have a charge for equipment for interment, add here.)

III. EMBALMING

A. Normal remains \$ _____

B. Autopsy remains \$ _____

Regulations

IV. OTHER PREPARATION OF THE BODY \$_____

(NOTE: List all items that you placed under Other Preparation on your General Price List.)

V. IMMEDIATE BURIAL \$_____

VI. DIRECT CREMATION \$_____

VII. TRANSFER OF REMAINS TO FUNERAL ESTABLISHMENT \$_____

VIII. FORWARDING REMAINS TO ANOTHER FUNERAL HOME \$_____

IX. RECEIVING REMAINS FROM ANOTHER FUNERAL HOME \$_____

X. AUTOMOTIVE EQUIPMENT

A. Hearse \$_____

B. Limousine \$_____

(NOTE: List all others that you placed on General Price List.)

XI. FUNERAL MERCHANDISE

A. Casket (*describe)

 _____ \$_____

B. Outer Burial Container (*describe)

 _____ \$_____

C. List any others
 _____ \$_____

Supplies Purchased

Clothing \$_____

Temporary marker \$_____

Acknowledgment cards \$_____

Register/attendance books \$_____

Memorial folders \$_____

Other \$_____

SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED: \$_____

XII. PACKAGE PRICES

(NOTE: List all package prices by name.)

SUBTOTAL COSTS OF (GUARANTEED) SUPPLIES PURCHASED: \$_____

Nonguaranteed Goods and Services Purchased

The actual prices of goods and services below are NOT GUARANTEED. These items may include obituary notices, death certificates, cemetery fees, flowers, sales tax, etc. The prices are estimated and the estimates will be included in the Grand Total Contract Price. The differences between the estimated prices below and the actual cost will be settled with your family or estate at the time of need:

SUBTOTAL ESTIMATED COSTS OF NONGUARANTEED ITEMS: \$_____

GRAND TOTAL FOR PRENEED ARRANGEMENTS

1. Total cost of (guaranteed) services purchased \$_____

2. Total cost of (guaranteed) supplies purchased \$_____

3. Total estimated cost of nonguaranteed items \$_____

GRAND TOTAL \$_____

The only warranties, express or implied, granted in connection with the goods sold in this preneed funeral contract, are the express written warranties, if any, extended by the manufacturers thereof. No other warranties and no warranties of MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE are extended by the (funeral home) _____.

GENERAL INFORMATION

In order that the Buyer may understand the relationship of all parties involved in this preneed arrangement and contract, the following is provided:

A. Buyer:

B. Funeral Home Providing Services:

C. Contract seller:

Employed by: (Funeral Home)

Virginia Funeral Director or Funeral Service Licensee

License Number:

II. METHOD OF FUNDING

A. Trust.

The following information will be given if a trust is used to fund this agreement:

1. Amount to be trusted:

2. Name of trustee:

3. Disposition of Interest:

4. Fees, expenses, taxes deducted from earned interest:

5. Buyer's responsibility for taxes owned on interest:

B. Insurance or annuity contract.

The following information will be given if an insurance policy or annuity contract is used to fund this agreement:

1. Buyer:
2. Insurance Company:
3. Insurance Agent:

Employed by: (Insurance Company)

Licensed Funeral Director or Funeral Service Licensee in Virginia: ___yes ___no

Funeral Director or Funeral Service Licensee License Number (If Applicable):

Employed by Funeral Home (If Applicable):

4. The life insurance or annuity contract provides ~~either that:~~

~~_____ The face value thereof shall be adjusted annually by a factor equal to the Consumer Price Index as published by the Office of Management and Budget of the United States; or~~

~~_____ A benefit payable at death under such contract that will be equal or exceed the sum of all premiums paid for such contract plus thereon at the annual rate of at least 5.0%, compounded annually.~~

that the face amount of any life insurance policy issued to fund a preneed funeral contract shall not be decreased over the life of the life insurance policy except for life insurance policies that have lapsed due to the nonpayment of premiums or have gone to a nonforfeiture option that lowers the face amount as allowed for in the provisions of the policy.

III. CONSUMER INFORMATION

The Board of Funeral Directors and Embalmers is authorized by Chapter 28 (§ 54.1-2800 et seq.) of Title 54.1 of the Code of Virginia to regulate the practice of preneed funeral planning. Consumer complaints should be directed to:

The Board of Funeral Directors and Embalmers

9960 Mayland Drive, Suite 300

Richmond, Virginia 23233

Telephone Number: (804) 367-4479

Toll Free Number for complaints: 1-800-533-1560

FAX: (804) 527-4413

Website: www.dhp.virginia.gov

IV. DISCLOSURES

The disclosure statements will be available for your review. The General Price List shall be furnished to you by the contract seller. These contain information that you must receive by law

and/or the authority of the Board of Funeral Directors and Embalmers. You are entitled to receive all information in clear and simple language including the language of the funding agreement for this preneed arrangement.

If any law, cemetery, or crematory requires the purchase of any of those items listed in Part I, the requirements will be explained in writing.

By signing this contract, buyer acknowledges availability of and opportunity to read a copy of all of the required documents.

By signing this contract, contract seller acknowledges that the General Price List and the required disclosures have been furnished to the contract buyer.

V. TERMINATION OF CONTRACT

This person who funds this contract through a trust agreement may terminate this preneed contract at any time prior to the furnishing of the services or supplies contracted for:

Within 30 days

If you terminate this preneed contract within 30 days of the date of this contract, you will be refunded all payments of whatever type you have made, plus any interest or income you may have earned.

More than 30 days

If you terminate this preneed contract more than 30 days after the date on this contract, you will be refunded whatever amount was required to be placed in a revocable trust fund, plus any interest or income it has earned.

Any person who funds this contract through a trust fund that is irrevocable or through an insurance/annuity policy or through the transfer of real estate/personal property may not be eligible for a refund.

VI. STATEMENT OF GUARANTEE

By signing this contract, (Funeral Home) _____ agrees to the statement checked below (check one):

_____ Prefinancing guarantees that no additional payment will be required from the family or estate for guaranteed services and supplies provided the Grand Total of these arrangements is paid in full and the interest is allowed to accumulate in your account (see page _____ for Grand Total amount). Payment of the difference will be required for the nonguaranteed estimated items if they increase in price.

_____ The prices for items under supplies and services are not guaranteed.

VII. AGREEMENT

In witness whereof, the Buyer and the Funeral Home have executed this contract, intending its terms to be in accordance with the Code of Virginia and any regulations implementing the Code. By signing this contract you acknowledge that you

Regulations

have been provided access to and the opportunity to read the Disclosure Statements.

(Designee of Funeral Home) (Buyer)

(Funeral Home) (Contract Date)

VIII. PENALTIES OR RESTRICTIONS

The (funeral home) _____, has the following penalties or restrictions on the provisions of this contract.

1. (Insert geographic restrictions);
2. (Insert an explanation of the Funeral Home's inability to perform the request(s) of the Buyer);
3. (Insert a description of any other circumstances that apply);
4. (Insert information that if particular goods and services specified in the contract are unavailable at the time of need):
 - A. The funeral home shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship; and
 - B. The representative of the deceased shall have the right to choose the supplies or services to be substituted.

IX. ADDENDUM TO PRENEED CONTRACT APPOINTEE AGREEMENT

I appoint _____ of (address) _____ to assist with the preneed arrangements in my behalf. The relationship of my appointee to me is _____.

Contract Beneficiary: _____ Date: _____

I accept the request of (contract beneficiary) _____ to assist with his/her preneed arrangements.

Appointee: _____ Date: _____

The foregoing was acknowledged before me this _____ day of _____, 20____

Notary: _____

Date Commission Expires: _____

VA.R. Doc. No. R22-7137; Filed June 6, 2022, 7:57 a.m.

BOARD OF MEDICINE

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: 18VAC85-40. Regulations Governing the Practice of Respiratory Therapists.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

FORMS (18VAC85-40)

~~Instructions for Completing an Application to Practice as a Respiratory Therapist in Virginia (rev. 12/2017)~~

[Instructions for Completing an Application to Practice as a Respiratory Therapist in Virginia \(rev. 5/2022\)](#)

[Form B Supplemental Form \(rev. 9/2018\)](#)

[Application for Registration for Volunteer Practice \(8/2015\)](#)

[Sponsor Certification for Volunteer Registration \(rev. 3/2018\)](#)

[Application for Restricted Volunteer License \(rev. 8/2015\)](#)

[Continued Competency Activity and Assessment Form \(rev. 4/2000\)](#)

[Application to Reactivate an Inactive License for a Respiratory Therapist \(rev. 5/2019\)](#)

[Instructions and Application for Reinstatement of a Respiratory Therapist License \(4/2018\)](#)

VA.R. Doc. No. R22-7256; Filed June 8, 2022, 8:48 p.m.

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: 18VAC85-160. Regulations Governing the Licensure of Surgical Assistants and Certification of Surgical Technologists.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

FORMS (18VAC85-160)

[Instructions for Completing an Application to Practice as a Licensed Surgical Assistant \(rev. 10/2020\)](#)

~~Instructions for Completing an Application to Register as a Surgical Technologist (rev. 10/2020)~~

[Instructions for Completing an Application to Practice as a Certified Surgical Technologist \(rev. 5/2022\)](#)

VA.R. Doc. No. R22-7255; Filed June 8, 2022, 8:42 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.

CRIMINAL JUSTICE SERVICES BOARD

Title of Document: [Forfeited Asset Sharing Program Manual](#).

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Maria Garnett, Policy Advisor, Department of Criminal Justice Services, 1100 Bank Street, Richmond, VA 23219, telephone (804) 613-0001, or email maria.garnett@dcjs.virginia.gov.

BOARD OF DENTISTRY

Titles of Documents: [Policy on Sanctioning for Practicing with an Expired License](#).

[Policy Regarding Delegation of Pulp-Capping Procedures to a Dental Assistant II](#).

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

STATE BOARD OF EDUCATION

Titles of Documents: [Career and Technical Education High-Quality Work-Based Learning Guide](#).

[Model Policies Concerning Instructional Materials with Sexually Explicit Content](#).

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 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.

STATE BOARD OF HEALTH

Title of Document: [Virginia Bleeding Disorders Program Guidelines for Health Insurance Case Management and Premium Assistance](#).

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Robin Buskey, Policy Analyst, Virginia Department of Health, James Madison Building, 109 Governor Street, Richmond, VA 23219, email boardofhealth@vdh.virginia.gov.

BOARD OF MEDICINE

Title of Document: [Policy on U.S. Medical Licensing Examination Step Attempts](#).

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

BOARD OF PHARMACY

Title of Document: [Cannabis: Potential Drug Interactions](#).

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

Guidance Documents

BOARD OF SOCIAL WORK

Title of Document: [Virginia Board of Social Work Bylaws.](#)

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Erin Barrett, Senior Policy Analyst, Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, or email erin.barrett@dhp.virginia.gov.

STATE WATER CONTROL BOARD

Title of Document: [Virginia Petroleum Storage Tank Fund Reimbursement Manual – Volume VII, 2nd Edition.](#)

Public Comment Deadline: August 3, 2022.

Effective Date: October 1, 2022.

Agency Contact: Zach Pauley, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 659-1391, or email zachary.pauley@deq.virginia.gov.

* * *

Title of Document: [Implementation of the Virginia Pollutant Discharge Elimination System General Permit for Vehicle Wash Facilities and Laundry Facilities \(VAG 75\).](#)

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Eleanore Daub, Department of Environmental Quality, 1111 East Main Street, Suite 1400, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-2655, or email eleanore.daub@deq.virginia.gov.

* * *

Title of Document: [Environmental Protection Agency Brownfields Grant Eligibility Review for Petroleum Contaminated Sites - Revised.](#)

Public Comment Deadline: August 3, 2022.

Effective Date: August 4, 2022.

Agency Contact: Lisa C. Dewey, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 659-1331, or email lisa.dewey@deq.virginia.gov.

GENERAL NOTICES

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Proposed Variances to the Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services

Notice of action: The Department of Behavioral Health and Developmental Services (DBHDS), in accordance with Part VI, Variances (12VAC35-115-220), of the 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 the "Human Rights Regulations," is announcing an opportunity for public comment on an application for proposed variances to the Human Rights Regulations submitted to the State Human Rights Committee (SHRC). The purpose of 12VAC35-115 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 12VAC35-115 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, the SHRC intends to submit a written decision deferring, disapproving, modifying, or approving each variance 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 of Regulations.

Purpose of notice: The SHRC is seeking comment on the application for proposed new variances to the Human Rights Regulations for Central State Hospital (CSH). The request is itemized according to four distinct CSH policies.

Variances are requested to the following sections:

12VAC35-115-150: General Provisions.

12VAC35-115-175: Human Rights Complaint Process.

12VAC35-115-180: Local Human Rights Committee Hearing and Review Procedures.

12VAC35-115-190: Special Procedures for Emergency Hearings by the Local Human Rights Commission (LHRC).

12VAC35-115-200: Special Procedures for LHRC Reviews Involving Consent and Authorization.

12VAC35-115-210: State Human Rights Committee Appeals Procedures.

Explanation: CSH requests these variances to allow alternative procedures for addressing complaints by individuals in maximum security when the individual is not satisfied with the director's response so that the individual may file a final appeal directly to the CSH Maximum Security Appeals Committee.

Variance is requested to the following section:

12VAC35-115-100 A 1 c, Restrictions on Freedoms of Everyday Life, "freedom to have and spend personal money."

Explanation: Individuals who are receiving hospitalization under the civil admissions process in the maximum security perimeter may not keep any form of money on their person. The CSH variance to this regulation allows nonforensic patients to purchase items in a canteen and from external providers; however, individuals may not have money on their person.

Variances are requested to the following sections:

12VAC35-115-20 A 2, Policy, "Each individual who receives services shall be assured respect for basic human dignity."

12VAC35-115-50 C 3 a, Dignity, "each individual has the right to ... reasonable privacy...."

Explanation: CSH cannot fulfill its duty to provide a safe environment for individuals who are high-risk in a secure forensic program through less intrusive means than routine "pat downs" of fully clothed individuals and proactive searches of individuals' bedroom areas. The CSH variance to this provision allows for routine pat downs of fully clothed nonforensic individuals in secure programs (i) before and after group movement within a secure perimeter; (ii) anytime an individual leaves the secure perimeter; (iii) or any time an individual has physical access to a visitor who is not an employee of CSH. This will allow proactive routine searches of individuals' bedrooms to identify contraband or breaches of safety and security.

Variances are requested to the following section:

12VAC35-115-50, Dignity:

Subdivision C 6, "each individual has the right to... communicate privately with any person by mail and have help in writing and reading mail, as needed."

Subdivision C 6 a, "An individual's access to mail may be limited only if the provider has reasonable cause to believe that the mail contains illegal material or anything dangerous. If so, the director or his designee may open the mail, but not read it, in the presence of the individual."

Subdivision C 7, "each individual has the right to... communicate privately with any person by telephone and have help in doing so."

Subdivision C 7 a, "An individual's access to the telephone may be limited only if, in the judgment of a licensed professional, communication with another person will result in

General Notices

demonstrable harm to the individual or significantly affect his treatment."

Explanation: The CSH variance allows for staff to open but not read mail and packages in the presence of the individual in the maximum security program. CSH also seeks to restrict individuals in the maximum security forensic program from communicating with each other by mail or telephone.

Any variances to 12VAC35-115 by a state facility listed are reviewed by the SHRC at least annually, including reports to the SHRC regarding the variances as requested.

Public comment period: July 4, 2022, through August 4, 2022.

How to comment: The SHRC 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. DBHDS shall provide comments to the SHRC. All information received is part of the public record.

To review a proposal: Variance applications and any supporting documentation may be obtained by contacting the DBHDS representative provided.

Contact Information: Taneika Goldman, 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) 786-3988, FAX (833) 734-1241, or email taneika.goldman@dbhds.virginia.gov.

DEPARTMENT OF ENVIRONMENTAL QUALITY

Colonial Solar Notice of Intent for Small Renewable Energy Project (Solar) - Prince William County

Holocene Finance LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documents for a permit by rule for a small renewable energy project (solar) in Prince William County. Colonial Solar will be located near the intersection of Fauquier Drive and Nokesville Road. Latitude and longitude coordinates are 38.691306, -77.614983. The project is located on approximately 90 acres and will have an approximate capacity of seven megawatts alternating current. The array will utilize approximately 16,500 solar modules mounted to a single-axis tracking system and will interconnect to the local distribution network.

Contact Information: Susan Tripp, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 664-3470, or email susan.tripp@deq.virginia.gov.

Endless Caverns South Solar Project Notice of Intent for Small Renewable Energy Project (Solar) - Rockingham County

Endless Caverns South Solar Project has provided the Department of Environmental Quality a notice of intent to submit the necessary documents for a permit by rule for a small renewable energy project (solar) in Rockingham County. Endless Caverns South Solar Project will be located southeast of the Town of New Market, west of Mountain Valley Road, north of Hulings Lane, and south of Craney Island Road. Latitude and longitude coordinates are 38.609698, 78.680933. The proposed project is an approximately 15.68 megawatt alternative current photovoltaic (PV) ground-mounted solar facility. The footprint area of the project is approximately 354.996 acres. The solar array will use approximately 42,852 PV solar panels.

Contact Information: Susan Tripp, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 664-3470, or email susan.tripp@deq.virginia.gov.

Logmill Solar Notice of Intent for Small Renewable Energy Project (Solar) - Prince William County

Holocene Finance LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documents for a permit by rule for a small renewable energy project (solar) in Prince William County. Logmill Solar will be located near the intersection of Logmill Road and U.S. Route 15. Latitude and longitude coordinates are 38.904379, -77.640188. The project is located on approximately 234 acres and will have a maximum capacity of 20 megawatts alternating current. The array will utilize approximately 47,300 solar modules mounted to a single-axis tracking system and will interconnect to the local distribution network.

Contact Information: Susan Tripp, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 664-3470, or email susan.tripp@deq.virginia.gov.

Maples Solar Notice of Intent for Small Renewable Energy Project (Solar) - Fauquier County

Holocene Finance LLC has provided the Department of Environmental Quality a notice of intent to submit the necessary documents for a permit by rule for a small renewable energy project (solar) into Fauquier County. Maples Solar will be located near the intersection of Sowego Road and Elk Run Road. Latitude and longitude coordinates are 38.603548, -77.585603. The project is located on approximately 200 acres and will have an approximate capacity of 15 megawatts alternating current. The array will utilize approximately 35,500 solar modules mounted to a single-axis tracking system and will interconnect to the local distribution network.

Contact Information: Susan Tripp, Department of Environmental Quality, 1111 East Main Street, Suite 1400, Richmond, VA 23219, telephone (804) 664-3470, or email susan.tripp@deq.virginia.gov.

Proposed Enforcement Action for Energix EPC US LLC

The Department of Environmental Quality (DEQ) proposes to issue a consent special order to Energix EPC US LLC for alleged violation of the State Water Control Law at the Buckingham Solar II LLC facility located at 23 Highrock Road in Buckingham County, Virginia. A description of the proposed action is available at the DEQ office listed or online at www.deq.virginia.gov/permit-regulations/public-notices/enforcement-orders. The staff contact will accept comments by email or postal mail from July 4, 2022, through August 4, 2022.

Contact Information: Matt Richardson, Department of Environmental Quality, 4949A Cox Road, Glen Allen, VA 23060, telephone (804) 659-2696, or email matthew.richardson@deq.virginia.gov.

Proposed Enforcement Action for George's Foods LLC

An enforcement action has been proposed for George's Foods LLC for violations at George's Foods facility at 1435 North Liberty Street, Harrisonburg, Virginia. The Virginia Department of Environmental Quality (DEQ) proposes to issue a consent order with penalty and Supplemental Environmental Projects to George's Foods LLC to address noncompliance with State Water Control Law. A description of the proposed action is available at the DEQ office listed or online at www.deq.virginia.gov. The staff contact will accept comments by email, fax, or postal mail from July 4, 2022, to August 3, 2022.

Contact Information: Eric Millard, Enforcement Specialist, Department of Environmental Quality, Valley Regional Office, 4411 Early Road, P.O. Box 3000, Harrisonburg, VA 22801, FAX (804) 698-4178, or email eric.millard@deq.virginia.gov.

Proposed Enforcement Action for KTL Consulting Inc.

An enforcement action has been proposed for KTL Consulting Inc. for violations at the Evergreen Store sewage treatment plant in Sterling, Virginia. The Virginia Department of Environmental Quality (DEQ) proposes to issue a special order by consent to KTL Consulting Inc. to address noncompliance with the State Water Control Law and regulations and VPDES Permit Registration No. VAG406014. A description of the proposed action is available at the DEQ office listed or online at <https://www.deq.virginia.gov/permits-regulations/public-notices/enforcement-orders>. Carla Pool will accept comments

by email, fax, or postal mail from July 4, 2022, to August 3, 2022.

Contact Information: Carla Pool, Enforcement Adjudication Manager, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 664-3666, FAX (804) 698-4178, or email carla.pool@deq.virginia.gov.

Proposed Enforcement Action for ME Concrete Products Co. Inc.

An enforcement action has been proposed for ME Concrete Products Co. Inc. for violations of the State Water Control Law and regulations and applicable permit at the ME Concrete Products Company facility located in Catlett, Virginia. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov/permits-regulations/public-notices/enforcement-orders. The staff contact will accept comments by email or postal mail from July 5, 2022, through August 4, 2022.

Contact Information: Jim Datko, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email james.datko@deq.virginia.gov.

Proposed Enforcement Action for Northern Virginia Electrical Cooperative

An enforcement action has been proposed for the Northern Virginia Electrical Cooperative for violations of the State Water Control Law and regulations and applicable permit at the Davis Drive electrical ductbank installation project located in Sterling, Virginia. A description of the proposed action is available at the Department of Environmental Quality office listed or online at www.deq.virginia.gov/permits-regulations/public-notices/enforcement-orders. The staff contact will accept comments by email or postal mail from July 5, 2022, through August 4, 2022.

Contact Information: Jim Datko, Department of Environmental Quality, Northern Regional Office, 13901 Crown Court, Woodbridge, VA 22193, or email james.datko@deq.virginia.gov.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Draft Durable Medical Equipment Provider Manual

The draft Durable Medical Equipment Provider Manual Chapter IV, Appendix D 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 July 8, 2022.

Contact Information: Meredith Lee, Policy, Regulations, and Manuals Supervisor, Department of Medical Assistance Services, 600 East Broad Street, Suite 1300, Richmond, VA 23219, telephone (804) 371-0552, FAX (804) 786-1680, or email meredith.lee@dmas.virginia.gov.

General Notices

BOARD OF PHARMACY

Regulations Governing Pharmaceutical Processors

In accordance with Chapters 392 and 933 of the 2022 Acts of Assembly, the Board of Pharmacy is providing an opportunity to comment on draft proposed regulations for pharmaceutical processors that will be considered for adoption as an exempt action.

The proposed regulations have been drafted to conform to the 2022 legislation, which includes but is not limited to the elimination of mandatory patient registration, changes in allowable manufacturing and extraction of cannabis products, wholesale transactions of bulk cannabis, and marketing of cannabis products. The proposed regulations can be found on the Board of Pharmacy's website for review at https://www.dhp.virginia.gov/Pharmacy/pharmacy_laws_regs.htm.

Section 54.1-3442.6 of the Code of Virginia requires that the board provide a 60-day comment period prior to adopting regulations related to pharmaceutical processors. The 2022 legislation requires the board to amend the regulations by September 15, 2022. Therefore, the Board of Pharmacy will adopt the regulations at its scheduled meeting on September 6, 2022.

The board will receive public comment on these proposed regulations from July 8, 2022, to September 6, 2022. However, commenters are strongly encouraged to submit comments by August 12, 2022, in order to have them included in the board's agenda package and adequately considered for the September 6 meeting.

Comments may be sent to Erin L. Barrett, Agency Regulatory Coordinator, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, telephone (804) 367-4688, FAX (804) 915-0382, or email erin.barrett@dhp.virginia.gov.

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

STATE WATER CONTROL BOARD

Availability of and Opportunity for Public Comment on the 2022 Water Quality Assessment Integrated Report

The Virginia Department of Environmental Quality (DEQ) will release the Draft 2022 Water Quality Assessment Integrated Report (Integrated Report) on July 4, 2022, for public comment.

The Integrated Report combines the 305(b) Water Quality Assessment and the 303(d) Report on Impaired Waters. Both are required by the Federal Clean Water Act and the Virginia Water

Quality Monitoring Information and Restoration Act. The report will be available for download on the department's website at <https://www.deq.virginia.gov/water/water-quality/assessments/integrated-report> throughout the public comment period, which will end August 5, 2022.

A public webinar summarizing the Integrated Report is scheduled for July 13, 2022, at 10 a.m. The public is invited to submit questions pertaining to the report during this event. All submitted questions will be addressed in a "FAQ" document that will be subsequently posted on the DEQ webpage. Registration information for the webinar can be found at <https://register.gotowebinar.com/register/352728150776986124>.

Written comments on the draft Integrated Report can be sent to the contact person listed. Please include name, (U.S. mail) address, telephone number, and email address of the commenter.

Contact Information: Sandra Mueller, Office of Water Monitoring and Assessment, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218, telephone (804) 659-1388, FAX (804) 698-4178, or email sandra.mueller@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.