

THE VIRGINIA REGISTER

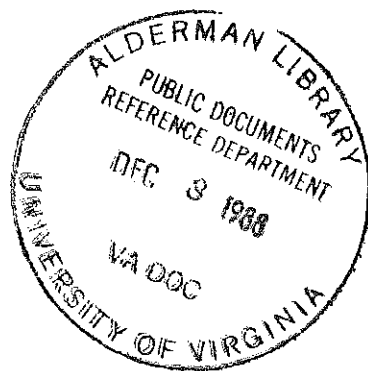
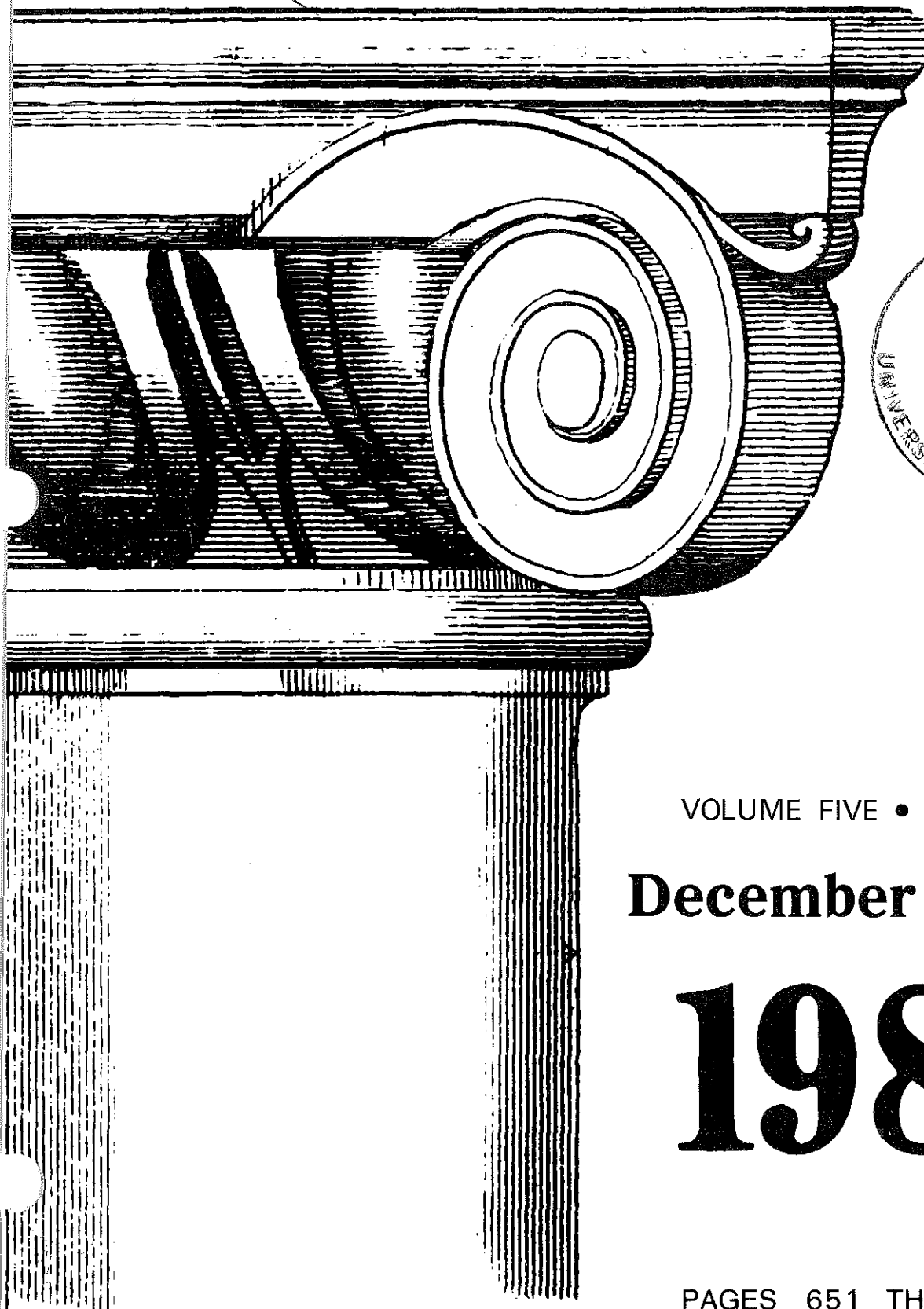
OF REGULATIONS

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VOLUME FIVE • ISSUE FIVE

December 5, 1988

1988

PAGES 651 THROUGH 748

INFORMATION ABOUT THE VIRGINIA REGISTER OF REGULATIONS

VIRGINIA REGISTER

The *Virginia Register* is an official state publication issued every other week throughout the year. Indexes are published quarterly, and the last index of the year is cumulative.

The *Virginia Register* has several functions. The full text of all regulations, both as proposed and as finally adopted or changed by amendment are required by law to be published in the *Virginia Register of Regulations*.

In addition, the *Virginia Register* is a source of other information about state government, including all Emergency Regulations issued by the Governor, and Executive Orders, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of all public hearings and open meetings of state agencies.

ADOPTION, AMENDMENT, AND REPEAL OF REGULATIONS

An agency wishing to adopt, amend, or repeal regulations must first publish in the *Virginia Register* a notice of proposed action; a basis, purpose, impact and summary statement; a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations.

Under the provisions of the Administrative Process Act, the Registrar has the right to publish a summary, rather than the full text, of a regulation which is considered to be too lengthy. In such case, the full text of the regulation will be available for public inspection at the office of the Registrar and at the office of the promulgating agency.

Following publication of the proposal in the *Virginia Register*, sixty days must elapse before the agency may take action on the proposal.

During this time, the Governor and the General Assembly will review the proposed regulations. The Governor will transmit his comments on the regulations to the Registrar and the agency and such comments will be published in the *Virginia Register*.

Upon receipt of the Governor's comment on a proposed regulation, the agency (i) may adopt the proposed regulation, if the Governor has no objection to the regulation; (ii) may modify and adopt the proposed regulation after considering and incorporating the Governor's suggestions, or (iii) may adopt the regulation without changes despite the Governor's recommendations for change.

The appropriate standing committee of each branch of the General Assembly may meet during the promulgation or final adoption process and file an objection with the *Virginia Registrar* and the promulgating agency. The objection will be published in the *Virginia Register*. Within twenty-one days after receipt by the agency of a legislative objection, the agency shall file a response with the Registrar, the objecting legislative Committee, and the Governor.

When final action is taken, the promulgating agency must again publish the text of the regulation, as adopted, highlighting and explaining any substantial changes in the final regulation. A thirty-day final adoption period will commence upon publication in the *Virginia Register*.

The Governor will review the final regulation during this time and if he objects, forward his objection to the Registrar and the agency. His objection will be published in the *Virginia Register*. If the Governor finds that changes made to the proposed regulation are substantial, he may suspend the regulatory process for thirty days and require the agency to solicit additional public comment on the substantial changes.

A regulation becomes effective at the conclusion of this thirty-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 twenty-one day extension period; or (ii) the Governor exercises his authority to suspend the regulatory process for solicitation of additional public comment, in which event the regulation, unless withdrawn, becomes effective on the date specified which date shall be after the expiration of the period for which the Governor has suspended the regulatory process.

Proposed action on regulations may be withdrawn by the promulgating agency at any time before final action is taken.

EMERGENCY REGULATIONS

If an agency determines that an emergency situation exists, it then requests the Governor to issue an emergency regulation. The emergency regulation becomes operative upon its adoption and filing with the Registrar of Regulations, unless a later date is specified. Emergency regulations are limited in time and cannot exceed a twelve-months duration. The emergency regulations will be published as quickly as possible in the *Virginia Register*.

During the time the emergency status is in effect, the agency may proceed with the adoption of permanent regulations through the usual procedures (See "Adoption, Amendment, and Repeal of Regulations," above). If the agency does not choose 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 of Chapter 1.1:1 (§§ 9-6.14:6 through 9-6.14:9) 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. 1:3 V.A.R. 75-77 November 12, 1984 refers to Volume 1, Issue 3, pages 75 through 77 of the *Virginia Register* issued on November 12, 1984.

"The *Virginia Register of Regulations*" (USPS-001831) is published bi-weekly, except four times in January, April, July and October for \$85 per year by the Virginia Code Commission, General Assembly Building, Capitol Square, Richmond, Virginia 23219. Telephone (804) 786-3591. Second-Class Postage Rates Paid at Richmond, Virginia. **POSTMASTER:** Send address changes to the *Virginia Register of Regulations*, P.O. Box 3-AG, Richmond, Virginia 23208-1108.

The *Virginia Register of Regulations* is published pursuant to Article 7 of Chapter 1.1:1 (§ 9-6.14:2 et seq.) of the Code of Virginia. Individual copies are available for \$4 each from the Registrar of Regulations.

Members of the Virginia Code Commission: Dudley J. Emick, Jr., Chairman, J. Samuel Glascock, Vice Chairman; John A. Banks, Jr.; Russell M. Carneal; Joseph V. Gartlan, Jr.; H. Lane Kneeder; John Wingo Knowles; Theodore V. Morrison; William F. Parkerson, Jr.; A. L. Philpott.

Staff of the Virginia Register: Joan W. Smith, Registrar of Regulations; Ann M. Brown, Deputy Registrar of Regulations.

VIRGINIA REGISTER OF REGULATIONS

PUBLICATION DEADLINES AND SCHEDULES

July 1988 through September 1989

MATERIAL SUBMITTED BY
Noon Wednesday

PUBLICATION DATE

Volume 4 - 1987-88

June 15	July 4
June 29	July 18
July 13	Aug. 1
July 27	Aug. 15
Aug. 10	Aug. 29
Aug. 24	Sept. 12
Sept. 7	Sept. 26
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Oct. 19	Nov. 7
Nov. 2	Nov. 21
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Nov. 30	Dec. 19
Dec. 14	Jan. 2, 1989
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Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates proposed new text. Language which has been stricken indicates proposed text for deletion.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (BOARD OF)

Title of Regulation: VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.

Statutory Authority: 3.1-1001 of the Code of Virginia.

Public Hearing Date: February 22, 1989 - 2 p.m.
(See Calendar of Events section for additional information)

Summary:

The proposed amendments make U.S. Condition Standards for apples a requirement for apples offered for sale in Virginia which are identified as Controlled Atmosphere (CA) apples, and specify requirements for selling apples thus identified.

VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.

§ 1. Requirements for CA storage of apples.

Apples shall not be identified as being from CA storage unless the following requirements have been met, as proven by inspection and certification by the Commissioner of Agriculture and Consumer Services.

A. The time limit between the harvest of a lot or subplot of apples to be identified as Controlled Atmosphere and the sealing of the CA room in which they are stored shall not exceed 30 days, provided that the fruit has been held under normal refrigeration during this period.

B. Following the initial sealing of the CA storage room, total accumulation of not more than 20 days shall be allowed in which the atmosphere exceeds 5.0% oxygen.

C. The period of storage in a sealed room with not more than 5.0% oxygen shall be a minimum of 90 days (except in the case of the Jonathan variety, which may be removed after a minimum period of 60 days). The maximum period of storage in a sealed room shall be 10 months, but in no case shall the apples be kept later than August first of the year following the harvest.

D. The fruit temperature in the CA storage room shall be maintained without significant deviation in the range of temperature normal for the variety.

E. *The minimum condition requirements for apples to be represented as CA shall be the United States Condition*

Standards at time of first shipment, which are incorporated by reference and made a part of these regulations (7 C.F.R. § 51.323, U.S. Condition Standards for Export).

§ 2. Daily records.

The registered owner or operator of a controlled atmosphere storage shall maintain, and make available for examination by the Commissioner, an accurate daily record for each room showing its utilized capacity, date and time of test or reading, percentage of oxygen, percentage of carbon dioxide, temperature, and relative humidity. The record shall begin on the date the filling of the room begins and shall show the daily cumulative quantity of fill by variety and lot identification, and the dates of sealing and opening. Any deviation from the required atmospheric conditions, including entry and resealing, shall be recorded.

The owner or operator shall submit a written report to the Commissioner within 30 days after the room is filled, showing the quantity, the lot or subplot identity of the apples, and the date of sealing. If any apples other than samples are removed prior to the expiration of the minimum holding period or final opening, he shall notify the Commissioner in writing within three days, stating the quantity and identity of apples removed.

§ 3. Requirements for selling (CA) apples.

~~Any person selling (or placing in transit for first shipment or delivery) any apples identified as being from controlled atmosphere shall provide an invoice which shows the assigned identification number, as required by § 3.1-993 of the Code of Virginia. Enforcement officials may investigate and examine records and invoices relating to any transactions in connection with these regulations in order to confirm that apples have met these requirements.~~

No person in the Commonwealth of Virginia shall place, stamp, mark or cause to be placed, stamped or marked the letters "CA" or a similar designation in conjunction with a number or numbers upon any container or subcontainer of any apples, or imply that such apples have been subjected to controlled atmosphere conditions unless the Commissioner has inspected such apples and issued a state lot number in conjunction with a certificate stating their quality and condition, that they were stored in a warehouse registered under the provisions of Chapter 37 of Title 3.1 of the Code of Virginia and that they meet all other requirements of Chapter 37 of Title 3.1 of the Code of Virginia and these rules and regulations. In addition, if

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such apples are not allowed to enter the channels of commerce within two weeks of such inspection or subsequent similar inspection by the Commissioner, then the letters "CA" and the state lot number shall be obliterated by the licensee.

§ 4. Registration requirements.

A. The registration number or other identification required to be marked on closed master containers shall be in letters and figures at least one-fourth inch in height.

B. Sublot designation is permissible for additional identification purposes.

§ 5. Any person who owns or operates a controlled atmosphere room, or storage building, or who engages in the business of packing or repacking apples which have been held in controlled atmosphere storage where business is local or outside Virginia and who intends to, or does, market in the Commonwealth of Virginia apples so treated and represented as having been exposed to "controlled atmosphere" storage shall register with the Commissioner in the same manner as any person within this Commonwealth. Provided, however, that where such person has registered with the proper authorities in the state of origin and has been assigned a comparable registration number or CA identification number under the authority of laws or regulations of such state, he may use that registration if that state has laws or regulations comparable to the CA provisions of § 3.1-995 of the Code of Virginia and these rules and regulations.

§ 6. Inspection and certification fees.

The authority of the board contained in § 3.1-1001 of the Code of Virginia to prescribe fees for the inspection and certification of CA apples is delegated to the Commissioner.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

NOTICE: The Virginia Housing Development Authority is exempted from the Administrative Process Act (§ 9-6.14:4.1 of the Code of Virginia); however, under the provisions of § 9-6.14:22, it is required to publish all proposed and final regulations.

Title of Regulation: VR 400-02-0001. Procedures, Instructions and Guidelines for Multi-Family Housing Developments.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Public Hearing Date: N/A

(See Calendar of Events section for additional information)

Summary:

The proposed amendment to the procedures,

instructions and guidelines for multi-family housing developments will authorize an increase in or restructuring of eligible mortgage loans for the purpose of providing funds for improvements to the multi-family developments financed by such loans or for additional housing for persons and families of low and moderate income.

VR 400-02-0001. Procedures, Instructions and Guidelines for Multi-Family Housing Developments.

§ 1. Purpose and applicability.

The following procedures, instructions and guidelines will be applicable to mortgage loans which are made or financed or are proposed to be made or financed by the Virginia Housing Development Authority (the "authority") to mortgagors to provide the construction and/or permanent financing of multi-family housing developments intended for occupancy by persons and families of low and moderate income ("development" or "developments"). These procedures, instructions and guidelines shall be applicable to the making of such mortgage loans directly by the authority to mortgagors, the purchase of such mortgage loans, the participation by the authority in such mortgage loans with mortgage lenders and any other manner of financing of such mortgage loans under the Virginia Housing Development Authority Act (the "Act"). These procedures, instructions and guidelines shall not, however, apply to any developments which are subject to any other procedures, instructions and guidelines adopted by the authority. If any mortgage loan is to provide either the construction or permanent financing (but not both) of a development, these procedures, instructions and guidelines shall be applicable to the extent determined by the executive director to be appropriate for such financing. If any development is subject to federal mortgage insurance or is otherwise assisted or aided, directly or indirectly, by the federal government, the applicable federal rules and regulations shall be controlling over any inconsistent provision. Furthermore, if the mortgage loan on any development is to be insured by the federal government, the provisions of these procedures, instructions and guidelines shall be applicable to such development only to the extent determined by the executive director to be necessary in order to (i) protect any interest of the authority which, in the judgment of the executive director, is not adequately protected by such insurance or by the implementation or enforcement of the applicable federal rules, regulations or requirements or (ii) to comply with the Act or fulfill the authority's public purpose and obligations thereunder. Developments shall include housing intended to be owned and operated on a cooperative basis. The term "construction", as used herein, shall include the rehabilitation, preservation or improvement of existing structures.

These procedures, instructions and guidelines shall supersede the processing procedures, instructions and guidelines adopted by the authority on January 17, 1984.

Notwithstanding anything to the contrary herein, the executive director is authorized with respect to any development to waive or modify any provision herein where deemed appropriated by him for good cause, to the extent not inconsistent with the Act, the authority's rules and regulations, and covenants and agreements with the holders of its bonds.

"Executive director" as used herein refers to the executive director of the authority or any other officer or employee of the authority who is authorized to act on behalf of the authority pursuant to a resolution of the Board of Commissioners of the authority (the "board").

All reviews, analyses, evaluations, inspections, determinations and other actions by the authority pursuant to the provisions of these procedures, instructions and guidelines shall be made for the sole and exclusive benefit and protection of the authority and shall not be construed to waive or modify any of the rights, benefits, privileges, duties, liabilities or responsibilities of the authority, the mortgagor, the contractor or other members of the development team under the initial closing documents as described in § 7 of these procedures, instructions and guidelines.

These procedures, instructions and guidelines are intended to provide a general description of the authority's processing requirements and not intended to include all actions involved or required in the processing and administration of mortgage loans under the authority's multi-family housing programs. These procedures, instructions and guidelines are subject to change at any time by the authority and may be supplemented by policies, procedures, instructions and guidelines adopted by the authority from time to time with respect to any particular development or developments or any multi-family housing program or programs.

§ 2. Income limits and general restrictions.

Under the authority's rules and regulations, to be eligible for occupancy of a multi-family dwelling unit, a person or family shall not have an adjusted family income (as defined therein) greater than seven times the total annual rent, including utilities except telephone, applicable to such dwelling unit. The authority's rules and regulations authorize its board to establish from time to time by resolution lower income limits for initial occupancy.

In the case of developments for which the authority has agreed to permit the mortgagor to establish and change rents without the prior approval of the authority (as described in §§ 11 and 14 of these procedures, instructions and guidelines), at least 20% of the units in each such development shall be occupied or held available for occupancy by persons and families whose incomes (at the time of their initial occupancy) do not exceed 80% of the area median income as determined by the authority, and the remaining units shall be occupied or held available for occupancy by persons and families whose incomes (at the

time of their initial occupancy) do not exceed 150% of such area median income as so determined.

Futhermore, in the case of developments which are subject to federal mortgage insurance or assistance or are financed by notes or bonds exempt from federal income taxation, federal regulations may establish lower income limitations which in effect supersede the authority's income limits as described above.

If federal law or rules and regulations impose limitations on the incomes of the persons or families who may occupy all or any of the units in a development, the adjusted family incomes (as defined in the authority's rules and regulations) of applicants for occupancy of all of the units in the development shall be computed, for the purpose of determining eligibility for occupancy thereof under the authority's rules and regulations and these procedures, instructions and guidelines, in the manner specified in such federal law and rules and regulations, subject to such modifications as the executive director shall require or approve in order to facilitate processing, review and approval of such applications.

Notwithstanding anything to the contrary herein, all developments and the processing thereof under the terms hereof must comply with (i) the Act and the authority's rules and regulations; (ii) the applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued by the authority to finance such developments; (iii) in the case of developments subject to federal mortgage insurance or other assistance, all applicable federal laws and regulations relating thereto; and (iv) the requirements set forth in the resolutions pursuant to which the notes or bonds are issued by the authority to finance the developments. Copies of the authority's note and bond resolutions are available upon request.

§ 3. Terms of mortgage loans.

The authority may make or finance mortgage loans secured by a lien on real property or, subject to certain limitations in the Act, a leasehold estate in order to finance development intended for occupancy by persons and families of low and moderate income. The term of the mortgage loan shall be equal to (i) if the mortgage loan is to finance the construction of the proposed development, the period determined by the executive director to be necessary to: (1) complete construction of the development, (2) achieve sufficient occupancy to support the development and (3) consummate the final closing of the mortgage loan; plus (ii) if the mortgage loan is to finance the ownership and operation of the proposed development, an amortization period set forth in the mortgage loan commitment but not to exceed 45 years. The executive director may require that such amortization period not extend beyond the termination date of any federal insurance, assistance or subsidy.

Mortgage loans may be made to: (i) for-profit housing

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sponsors in original principal amounts not to exceed the lesser of the maximum principal amount specified in the mortgage loan commitment or such percentage of the housing development costs of the development as is established in such commitment, but in no event to exceed 95%; and (ii) nonprofit housing sponsors in original principal amounts not to exceed the lesser of the minimum principal amount specified in the mortgage loan commitment or such percentage of the housing development costs of the development as is established in such commitment, but in no event to exceed 100%.

The maximum principal amount and percentage of housing development costs specified or established in the mortgage loan commitment shall be determined by the authority in such manner and based upon such factors as it deems relevant to the security of the mortgage loan and fulfillment of its public purpose. Such factors may include the fair market value of the proposed development as completed, the economic feasibility and marketability of the proposed development at the rents necessary to pay the debt service on the mortgage loan and the operating expenses of the proposed development, and the income levels of the persons and families who would be able to afford to pay such rents.

In accordance with the authority's rules and regulations, the executive director is authorized to prepare and from time to time revise a cost certification guide for mortgagors, contractors and certified public accountants (the "cost certification guide") which shall, unless otherwise agreed to by the authority, govern the extent to which costs may be eligible for inclusion in the housing development costs as determined by the authority at final closing. Copies of such guide are available upon request.

The interest rate on the mortgage loan shall be established at the initial closing and may be thereafter adjusted in accordance with the authority's rules and regulations and terms of the deed of trust note. The authority shall charge a financing fee equal to 2.5% of the mortgage loan amount, unless the executive director shall for good cause require the payment of a different financing fee. Such fee shall be payable at such times as hereinafter provided or at such other times as the executive director shall for good cause require.

§ 4. Solicitation of proposals.

The executive director may from time to time take such action as he may deem necessary or proper in order to solicit proposals for the financing of developments. Such actions may include advertising in newspapers and other media, mailing of information to prospective applicants and other members of the public, and any other methods of public announcement which the executive director may select as appropriate under the circumstances. The executive director may impose requirements, limitations and conditions with respect to the submission of proposals and the selection of developments as he shall consider necessary or appropriate. The executive director may

cause market studies and other research and analyses to be performed in order to determine the manner and conditions under which available funds of the authority are to be allocated and such other matters as he shall deem appropriate relating to the selection of proposals. The authority may also consider and approve proposals for financing of developments submitted from time to time to the authority without any solicitation therefor on the part of the authority.

§ 5. Application and acceptance for processing.

Application for a mortgage loan shall be commenced by filing with the authority an application, on such form or forms as the executive director may from time to time prescribe, together with such documents and additional information as may be requested by the authority, including, but not limited to: initial site, elevation and unit plans; information with respect to the status of the proposed development site and the surrounding community; any option or sales contract to acquire the site; an evaluation of the need and effective demand for the proposed development in the market area of such site; information regarding the legal, business and financial status and experience of the members of the applicant's proposed development team and of the principals in any entity which is a member thereof, including current financial statements (which shall be audited in the case of a business entity) for the mortgagor (if existing), the general contractor and the principals therein; information regarding amenities and services proposed to be offered to the tenants; a preliminary estimate of the housing development costs and the individual components thereof; the proposed schedule of rents; a preliminary estimate of the annual operating budget and the individual components thereof; the estimated utility expenses to be paid by the tenants of dwelling units in the proposed development; and the amount of any federal insurance, subsidy or assistance which the applicant is requesting for the proposed development.

The authority's staff shall review each application and any additional information submitted by the applicant or obtained from other sources by the authority in its review of each proposed development. Such review shall be performed in accordance with subdivision 2 of subsection D of § 36-55.33:1 of the Code of Virginia and shall include, but not be limited to, the following:

1. An analysis of the site characteristics, surrounding land uses, available utilities, transportation, employment opportunities, recreational opportunities, shopping facilities and other factors affecting the site;
2. An evaluation of the ability, experience and financial capacity of the applicant and general contractor and the qualifications of the architect, management agent and other members of the proposed development team;
3. A preliminary evaluation of the estimated

construction costs and the proposed design and structure of the proposed development;

4. A preliminary review of the estimated operating expenses and proposed rents and a preliminary evaluation of the adequacy of the proposed rents to sustain the proposed development based upon the assumed occupancy rate and estimated construction and financing costs; and

5. A preliminary evaluation of the marketability of the proposed development.

Based on the authority's review of the applications, documents and any additional information submitted by the applicants or obtained from other sources by the authority in its review of the proposed developments, the executive director shall accept for processing those applications which he determines best satisfy the following criteria:

1. The vicinity of the proposed development is and will continue to be a residential area suitable for the proposed development and is not now, nor is it likely in the future to become, subject to uses or deterioration which could cause undue depreciation in the value of the proposed development or which could adversely affect its operation, marketability or economic feasibility.

2. There are or will be available on or before the estimated completion date (i) direct access to adequate public roads and utilities and (ii) such public and private facilities (such as schools, churches, transportation, retail and service establishments, parks, recreational facilities and major public and private employers) in the area of the proposed development as the executive director determines to be necessary or desirable for use and enjoyment by the contemplated residents.

3. The characteristics of the site (such as its size, topography, terrain, soil and subsoil conditions, vegetation, and drainage conditions) are suitable for the construction and operation of the proposed development, and the site is free from any defects which would have a materially adverse effect on such construction and operation.

4. The location of the proposed development will promote and enhance the marketability of the units to the person and families intended for occupancy thereof.

5. The applicant either owns or leases the site of the proposed development or has the legal right to acquire or lease the site in such manner, at such time and subject to such terms as will permit the applicant to process the application and consummate the initial closing.

6. The design of the proposed development is attractive and esthetically appealing, will contribute to the marketability of the proposed development, makes use of materials to reduce energy and maintenance costs, provides for a proper mix of units for the residents intended to be benefitted by the authority's program, provides for units with adequate, well-designed space, includes equipment and facilities customarily used or enjoyed in the area by the contemplated residents, and will otherwise provide a safe, habitable and pleasant living environment for such residents.

7. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions, and guidelines, the estimated construction costs and operating expenses appear to be complete, reasonable and comparable to those of similar developments.

8. Subject to further review and evaluation by the authority's staff under § 6 of these procedures, instructions, and guidelines, the proposed rents appear to be at levels which will: (i) be affordable by the persons and families intended to be assisted by the authority; (ii) permit the successful marketing of the units to such persons and families; and (iii) sustain the operation of the proposed development.

9. The applicant and general contractor have the experience, ability and financial capacity necessary to carry out their respective responsibilities for the acquisition, construction, ownership, operation, marketing, maintenance and management of the proposed development.

10. The architect, management agent and other members of the proposed development team have the qualifications necessary to perform their respective functions and responsibilities.

11. The application and proposed development conform to the requirements, limitations and conditions, if any, imposed by the executive director pursuant to § 4 of these procedures, instructions and guidelines.

12. The proposed development will contribute to the implementation of the policies and programs of the authority in providing decent, safe and sanitary rental housing for low and moderate income persons and families who cannot otherwise afford such housing and will assist in meeting the need for such housing in the market area of the proposed development.

13. It appears that the proposed development and applicant will be able to meet the requirements for feasibility and commitment set forth in § 6 of these procedures, instructions and guidelines and that the proposed development will otherwise continue to be processed through initial closing and will be completed

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and operated, all in compliance with the Act and the authority's rules and regulations, the documents and contracts executed at initial closing, applicable federal laws, rules and regulations, and the provisions of these procedures, instructions and guidelines and without unreasonable delay, interruptions or expense.

If only one application is being reviewed for acceptance for processing, the executive director shall accept such application for processing if he determines that such application adequately satisfies the foregoing criteria.

In the selection of an application or applications for processing, the executive director may take into account the desirability of allocating funds to different sponsors throughout the Commonwealth of Virginia.

Applications shall be selected only to the extent that the authority has or expects to have funds available from the sale of its notes or bonds to finance mortgage loans for the proposed developments.

Nothing contained herein shall require the authority to select any application which, in the judgment of the executive director, does not adequately satisfy the foregoing criteria.

The executive director's determinations with respect to the above criteria shall be based only on the documents and information received or obtained by him at that time and are subject to modification or reversal upon his receipt of additional documents or information at a later time. In addition, the application shall be subject to further review in accordance with § 6 of these procedures, instructions and guidelines.

The executive director may impose such terms and conditions with respect to acceptance for processing as he shall deem necessary or appropriate. If any proposed development is so accepted for processing, the executive director shall notify the sponsor of such acceptance and of any terms and conditions imposed with respect thereto and may require the payment by the sponsor of a nonrefundable processing fee of 0.25% of the estimated mortgage loan amount. Such fee shall be applied at initial closing toward the payment of the authority's financing fee.

If the executive director determines that a proposed development to be accepted for processing does not adequately satisfy one or more of the foregoing criteria, he may nevertheless accept such proposed development for processing subject to satisfaction of the applicable criteria in such manner and within such time period as he shall specify in his notification of acceptance. If the executive director determines not to accept any proposed development for processing, he shall so notify the sponsor.

§ 6. Feasibility and commitment.

In order to continue the processing of the application,

the applicant shall file, within such time limit as the executive director shall specify, such forms, documents and information as the executive director shall require with respect to the feasibility of the proposed development, including without limitation the following:

1. Any additions, modifications or other changes to the application and documents previously submitted as may be necessary or appropriate to make the information therein complete, accurate and current;
2. Architectural and engineering plans, drawings and specifications in such detail as shall be necessary or appropriate to determine the requirements for construction of the proposed development;
3. The applicant's (i) best estimates of the housing development costs and the components thereof; (ii) proposed mortgage loan amount; (iii) proposed rents; (iv) proposed annual operating budget and the individual components thereof; (v) best estimates of the monthly utility expenses and other costs for each dwelling unit if paid by the resident; and (vi) amount of any federal insurance, subsidy or assistance that the applicant is requesting for the proposed development. The applicant's estimates shall be in such detail and with such itemization and supporting information as shall be requested by the executive director;
4. The applicant's management, marketing and tenant selection plans, including description and analysis of marketing and tenant selection strategies, techniques and procedures to be followed in marketing the units and selecting tenants; and
5. Any documents required by the authority to evidence compliance with all conditions and requirements necessary to acquire, own, construct, operate and manage the proposed development, including local governmental approvals, proper zoning status, availability of utilities, licenses and other legal authorizations necessary to perform requisite functions and any easements necessary for the construction and operation of the development.

The executive director may for good cause permit the applicant to file one or more of the foregoing forms, documents and information at a later time, and any review, analysis, determination or other action by the authority or the executive director prior to such filing shall be subject to the receipt, review and approval by the executive director of such forms, documents and information.

An appraisal of the land and any improvements to be retained and used as a part of the development will be obtained at this time or as soon as practical thereafter from an independent real estate appraiser selected by the authority. The authority may also obtain such other reports, analyses, information and data as the executive

director deems necessary or appropriate to evaluate the proposed development.

If at any time the executive director determines that the applicant is not processing the application with due diligence and best efforts or that the application cannot be successfully processed to commitment and initial closing within a reasonable time, he may, in his discretion, terminate the application and retain any fees previously paid to the authority.

The authority staff shall review and evaluate the documents and information received or obtained pursuant to this § 6. Such review and evaluation shall include, but not be limited to, the following:

1. An analysis of the estimates of construction costs and the proposed operating budget and an evaluation as to the economic feasibility of the proposed development;
2. A market analysis as to the present and projected demand for the proposed development in the market area, including: (i) an evaluation of existing and future market conditions; (ii) an analysis of trends and projections of housing production, employment and population for the market area; (iii) a site evaluation (such as access and topography of the site, neighborhood environment of the site, public and private facilities serving the site and present and proposed uses of nearby land); and (iv) an analysis of competitive projects;
3. A review of the management, marketing and tenant selection plans, including their effect on the economic feasibility of the proposed development and their efficacy in carrying out the programs and policies of the authority;
4. A final review of the (i) ability, experience and financial capacity of the applicant and general contractor; and (ii) the qualifications of the architect, management agent and other members of the proposed development team.
5. An analysis of the architectural and engineering plans, drawings and specifications, including the functional use and living environment for the proposed residents, the marketability of the units; the amenities and facilities to be provided to the proposed residents; and the management, maintenance and energy conservation characteristics of the proposed development.

Based upon the authority staff's analysis of such documents and information and any other information obtained by the authority in its review of the proposed development, the executive director shall prepare a recommendation to the board that a mortgage loan commitment be issued to the applicant with respect to the proposed development only if he determines that all of the

following criteria have been satisfied:

1. Based on the data and information received or obtained pursuant to this § 6, no material adverse change has occurred with respect to compliance with the criteria set forth in § 5 of these procedures, instructions and guidelines.
2. The applicant's estimates of housing development costs: (i) include all costs necessary for the development and construction of the proposed development; (ii) are reasonable in amount; (iii) are based upon valid data and information; and (iv) are comparable to costs for similar multi-family rental developments; provided, however, that if the applicant's estimates of such costs are insufficient in amount under the foregoing criteria, such criteria may nevertheless be satisfied if, in the judgment of the executive director, the mortgagor will have the financial ability to pay any costs estimated by the executive director to be in excess of the total of the applicant's estimates of housing development costs.
3. Subject to review by the authority at final closing, the categories of the estimated housing development costs to be funded from the proceeds of the mortgage loan are eligible for such funding under the authority's cost certification guide or under such other requirements as shall be agreed to by the authority.
4. Any administrative, community, health, nursing care, medical, educational, recreational, commercial or other nonhousing facilities to be included in the proposed development are incidental or related to the proposed development and are necessary, convenient or desirable with respect to the ownership, operation or management of the proposed development.
5. All operating expenses (including replacement and other reserves) necessary or appropriate for the operation of the proposed development are included in the proposed operating budget, and the estimated amounts of such operating expenses are reasonable, are based on valid data and information and are comparable to operating expenses experienced by similar developments.
6. Based upon the proposed rents and projected occupancy level required or approved by the executive director, the estimated income from the proposed development is reasonable. The estimated income may include: (i) rental income from commercial space within the proposed development if the executive director determines that a strong, long-term market exists for such space; and (ii) income from other sources relating to the operation of the proposed development if determined by the executive director to be reasonable in amount and comparable to such income received on similar developments.
7. The estimated income from the proposed

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development, including any federal subsidy or assistance, is sufficient to pay when due the estimates of the debt service on the mortgage loan, the operating expenses, and replacement and other reserves required by the authority.

8. The units will be occupied by persons and families intended to be served by the proposed development and qualified under the Act and the authority's rules and regulations, and any applicable federal laws, rules and regulations. Such occupancy of the units will be achieved in such time and manner that the proposed development will (i) attain self-sufficiency (i.e., the rental and other income from the development is sufficient to pay all operating expenses, debt service and replacement and other required reserves and escrows) within the usual and customary time for a development for its size, nature, location and type, and without any delay in the commencement of amortization; and (ii) will continue to be self-sufficient for the full term of the mortgage loan.

9. The estimated utility expenses and other costs to be paid by the residents are reasonable, are based upon valid data and information and are comparable to such expenses experienced by similar developments, and the estimated amounts of such utility expenses and costs will not have a materially adverse effect on the occupancy of the units in accordance with item 8 above.

10. The architectural drawings, plans and specifications shall demonstrate that: (i) the proposed development as a whole and the individual units therein shall provide safe, habitable, and pleasant living accommodations and environment for the contemplated residents; (ii) the dwelling units of the proposed housing development and the individual rooms therein shall be furnishable with the usual and customary furniture, appliances and other furnishings consistent with their intended use and occupancy; and (iii) the proposed housing development shall make use of measures promoting environmental protection, energy conservation and maintenance and operating efficiency to the extent economically feasible and consistent with the other requirements of this § 6.

11. The proposed development includes such appliances, equipment, facilities and amenities as are customarily used or enjoyed by the contemplated residents in similar developments.

12. The management plan includes such management procedures and requirements as are necessary for the proper and successful operations, maintenance and management of the proposed development in accordance with these procedures, instructions and guidelines.

13. The marketing and tenant selection plans submitted by the applicant shall comply with the

authority's rules and regulations and shall provide for actions to be taken such that: (i) the dwelling units in the proposed development will be occupied in accordance with item 8 above and any applicable federal laws, rules and regulations by those eligible persons and families who are expected to be served by the proposed development; (ii) the residents will be selected without regard to race, color, religion, creed, sex or national origin; and (iii) units intended for occupancy by handicapped and disabled persons will be adequately and properly marketed to such persons and such persons will be given priority in the selection of residents for such units. The tenant selection plan shall describe the requirements and procedures (including any occupancy criteria and priorities established pursuant to § 11 of these procedures, instructions and guidelines) to be applied by the mortgagor in order to select those residents who are intended to be served by the proposed development and who are best able to fulfill their obligation and responsibilities as residents of the proposed development.

14. In the case of any development to be insured or otherwise assisted or aided by the federal government, the proposed development will comply in all respects with any applicable federal laws, rules and regulations, and adequate federal insurance, subsidy, or assistance is available for the development and will be expected to remain available in the due course of processing with the applicable federal agency, authority or instrumentality.

15. The proposed development will comply with: (i) all applicable federal laws and regulations governing the federal tax exemption of the notes or bonds issued or to be issued by the authority to finance the proposed development; and (ii) all requirements set forth in the resolutions pursuant to which such notes or bonds are issued or to be issued.

16. The prerequisites necessary for the members of the applicant's development team to acquire, own, construct or rehabilitate, operate and manage the proposed development have been satisfied or can be satisfied prior to initial closing. These prerequisites include, but are not limited to obtaining: (i) site plan approval; (ii) proper zoning status; (iii) assurances of the availability of the requisite public utilities; (iv) commitments by public officials to construct such public improvements and accept the dedication of streets and easements that are necessary or desirable for the construction and use of the proposed development; (v) licenses and other legal authorizations necessary to permit each member to perform his or its duties and responsibilities in the Commonwealth of Virginia; (vi) building permits; and (vii) fee simple ownership of the site, a sales contract or option giving the applicant or mortgagor the right to purchase the site for the proposed development and obtain fee simple title, or a leasehold interest of the

time period required by the Act (any such ownership or leasehold interest acquired or to be acquired shall be free of any covenants, restrictions, easements, conditions, or other encumbrances which would adversely affect the authority's security or the construction or operation of the proposed development).

17. The proposed development will comply with all applicable state and local laws, ordinances, regulations, and requirements.

18. The proposed development will provide valid and sound security for the authority's mortgage loan and will contribute to the fulfillment of the public purposes of the authority as set forth in its Act.

19. Subject to a final determination by the board, the financing of the proposed development will meet the applicable requirements set forth in § 36-55.39 of the Code of Virginia.

If the executive director determines that the foregoing criteria are satisfied and that he will recommend approval of the application and issuance of the commitment, he shall present his analysis and recommendations to the board. If the executive director determines that one or more of the foregoing criteria have not been adequately satisfied, he may nevertheless in his discretion recommend to the board that the application be approved and that a mortgage loan commitment be issued subject to the satisfaction of such criteria in such manner and within such time period as he shall deem appropriate. Prior to the presentation of his recommendations to the board, the executive director may require the payment by the applicant of a nonrefundable processing fee in an amount equal to 0.5% of the then estimated mortgage loan amount less any processing fees previously paid by the applicant. Such fee shall be applied at initial closing toward the payment of the authority's financing fee.

The board shall review and consider the analysis and recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the application and authorize the issuance of a commitment, subject to such terms and conditions as the board shall require in such resolution. Such resolution and the commitment issued pursuant thereto shall in all respects conform to the requirements of the authority's rules and regulations.

If the executive director determines not to recommend approval of the application and issuance of a commitment, he shall so notify the applicant. If any application is not so recommended for approval, the executive director may select for processing one or more applications in its place.

§ 7. Initial closing.

Upon issuance of the commitment, the applicant shall direct its attorney to prepare and submit the legal

documentation (the "initial closing documents") required by the commitment within the time period specified. When the initial closing documents have been submitted and approved by the authority staff and all other requirements in the commitment have been satisfied, the initial closing of the mortgage loan shall be held. At this closing, the initial closing documents shall be, where required, executed and recorded, and the mortgagor will pay to the authority the balance owed on the financing fee, will make any initial equity investment required by the initial closing documents and will fund such other deposits, escrows and reserves as required by the commitment. The initial disbursement of mortgage loan proceeds will be made by the authority, if appropriate under the commitment and the initial closing documents.

The actual interest rate on the mortgage loan shall be established by the executive director at the time of the execution of the deed of trust note at initial closing and may thereafter be altered by the executive director in accordance with the authority's rules and regulations and the terms of such note.

The executive director may require such accounts, reserves, deposits, escrows, bonds, letters of credit and other assurances as he shall deem appropriate to assure the satisfactory construction, completion, occupancy and operation of the development, including without limitation one or more of the following: working capital deposits, construction contingency funds, operating reserve accounts, payment and performance bonds or letters of credit, latent construction defect escrows, replacement reserves, and tax and insurance escrows. The foregoing shall be in such amounts and subject to such terms and conditions as the executive director shall require and as shall be set forth in the initial closing documents.

§ 8. Construction.

The construction of the development shall be performed in accordance with the initial closing documents. The authority shall have the right to inspect the development as often as deemed necessary or appropriate by the authority to determine the progress of the work and compliance with the initial closing documents and to ascertain the propriety and validity of mortgage loan disbursements requested by the mortgagor. Such inspections shall be made for the sole and exclusive benefit and protection of the authority. A disbursement of mortgage loan proceeds may only be made upon a determination by the authority that the terms and conditions of the initial closing documents with respect to any such disbursement have been satisfied; provided, however, that in the event that such terms and conditions have not been satisfied, the executive director may, in his discretion, permit such disbursement if additional security or assurance satisfactory to him is given. The amount of any disbursement shall be determined in accordance with the terms of the initial closing documents and shall be subject to such retainage or holdback as is therein prescribed.

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§ 9. Completion of construction and final closing.

The initial closing documents shall specify those requirements and conditions that must be satisfied in order for the development to be deemed to have attained final completion. Upon such final completion of the development, the mortgagor, general contractor, and any other parties required to do so by the initial closing documents shall each diligently commence, complete and submit to the authority for review and approval their cost certification in accordance with the authority's cost certification guide or in accordance with such other requirements as shall have been agreed to by the authority.

Prior to or concurrently with final closing, the mortgagor, general contractor and other members of the development team shall perform all acts and submit all contracts and documents required by the initial closing documents in order to attain final completion, make the final disbursement of mortgage loan proceeds, obtain any federal insurance, subsidy or assistance and otherwise consummate the final closing.

At the final closing, the authority shall determine the following in accordance with the initial closing documents:

1. The total development costs, the fair market value of the development (if such value is to be used to determine the mortgagor's equity investment), the final mortgage loan amount, the balance of mortgage loan proceeds to be disbursed to the mortgagor, the equity investment of the mortgagor and, if applicable, the maximum amount of annual limited dividend distributions;
2. The interest rate to be applied initially upon commencement of amortization, the date for commencement and termination of the monthly amortization payments of principal and interest, the amount of such monthly amortization payments, and the amounts to be paid monthly into the escrow accounts for taxes, insurance, replacement reserves, or other similar escrow items; and
3. Any other funds due the authority, the mortgagor, general contractor, architect or other parties that the authority requires to be disbursed or paid as part of the final closing.

Unless otherwise agreed to by the authority, the mortgagor and contractor shall, within such period of time as is specified in the authority's cost certification guide, submit supplemental cost certifications, and the authority shall have the right to make such adjustments to the foregoing determinations as it shall deem appropriate as a result of its review of such supplemental cost certification.

If the mortgage loan commitment and initial closing documents so provide and subject to such terms and conditions as shall be set forth therein, the equity shall be

adjusted subsequent to final closing to an amount equal to the difference, as of the date of adjustment, between the fair market value of the development and the outstanding principal balance of the mortgage loan.

§ 10. Mortgage loan increases.

Prior to initial closing, the principal amount of the mortgage loan may be increased, if such an increase is justified by an increase in the estimated costs of the proposed development, is necessary or desirable to effect the successful construction and operation of the proposed development, can be funded from available proceeds of the authority's notes or bonds, and is not inconsistent with the provisions of the Act or the authority's rules and regulations or any of the provisions of these procedures, instructions and guidelines. Any such increase shall be subject to such terms and conditions as the authority shall require.

Subsequent to initial closing, the authority will consider and, where appropriate, approve a mortgage loan increase to be financed from the proceeds of the authority's notes or bonds in the following instances:

1. Where cost increases are incurred as the direct result of (i) changes in work required or requested by the authority or (ii) betterments to the development approved by the authority which will improve the quality or value of the development or will reduce the costs of operating or maintaining the development;
2. Where cost increases are incurred as a direct result of a failure by the authority during processing of the development to properly perform an act for which the authority is solely responsible;
3. Where a mortgage loan increase is determined by the authority, in its sole and absolute discretion, to be in the best interests of the authority in protecting its security for the mortgage loan; or
4. Where the authority has entered into an agreement with the mortgagor prior to initial closing to provide a mortgage loan increase if certain cost overruns occur in agreed line items, but only to the extent set forth in such agreement.

In the event that a person or entity acceptable to the authority is prepared to provide financing on a participation basis on such terms and conditions as the authority may require, the authority will consider and, where appropriate, approve an increase in its mortgage loan subsequent to initial closing to the extent of the financing by such person or entity in any of the following instances:

1. One or more of the instances set forth in 1 through 4 above; or
2. Where costs are incurred which are:

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- a. In excess of the original total contract sum set forth in the authority's mortgage loan commitment;
- b. The direct result of necessary and substantial changes approved by the authority in the original plans and specifications;
- c. Evidenced by change orders in accordance with the original contract documents or by other documentation acceptable to the authority; and
- d. Approved by the authority for inclusion within the total development cost in accordance with the Act, the authority's rules and regulations and the authority's cost certification guide.

Any such mortgage loan increase to be financed on a participation basis shall be granted only to the extent that such costs cannot be funded from mortgage loan proceeds, any income from the operation of the development approved by the authority for application thereto, and other moneys of the mortgagor available therefor. As used herein, the term "other moneys of the mortgagor" shall include moneys received or to be received as a result of the sale or syndication of limited partnership interest in the mortgagor. In the event that any limited dividend mortgagor shall have sold or syndicated less than 90% of the partnership interests, such term shall include the amount, as determined by the authority, which would have been received upon the sale or syndication of 90% of such interest under usual and customary circumstances.

Any such increase in the mortgage loan subsequent to initial closing may be subject to such terms and conditions as the authority shall require, including (but not limited to) one or more of the following:

1. The ability of the authority to sell bonds to finance the mortgage loan increase in amounts, at rates and under terms and conditions satisfactory to the authority (applicable only to a mortgage loan to be financed from the proceeds of the authority's notes or bonds).
2. The obtaining by the owner of additional federal subsidy (if the development is to receive such subsidy) in amounts necessary to fund the additional debt service to be paid as a result of such mortgage loan increase. The provision of such additional subsidy shall be made subject to and in accordance with all applicable federal regulations.
3. A determination by the authority that the mortgage loan increase will have no material adverse effect on the financial feasibility or proper operation and maintenance of the development.
4. A determination by the authority that the mortgage loan, as increased, does not exceed such percentage of the total development cost (as certified in accordance with the authority's cost certification guide and as

approved by the authority) as is established in the resolution authorizing the mortgage loan in accordance with § 3 of these procedures, instructions and guidelines.

5. Such terms and conditions as the authority shall require in order to protect the security of its interest in the mortgage loan, to comply with covenants and agreements with the holders of its bonds issued to finance the mortgage loan, to comply with the Act and the authority's rules and regulations, and to carry out its public purpose.

The executive director may, without further action by the board, increase the principal amount of the mortgage loan at any time by an amount not to exceed 2.0% of the maximum principal amount of the mortgage loan set forth in the commitment, provided that such increase is consistent with the Act and the authority's rules and regulations and the provisions of these procedures, instructions and guidelines. Any increase in excess of such 2.0% shall require the approval of the board.

Nothing contained in this § 10 shall impose any duty or obligation on the authority to increase any mortgage loan, as the decision as to whether to grant a mortgage loan increase shall be within the sole and absolute discretion of the authority.

§ 11. Operation, management and marketing.

The development shall be subject to a regulatory agreement entered into at initial closing between the authority and the mortgagor. Such regulatory agreement shall govern the rents, operating budget, occupancy, marketing, management, maintenance, operation, use and disposition of the development and the activities and operation of the mortgagor, as well as the amount of assets or income of the development which may be distributed to the mortgagor.

Except as otherwise agreed by the authority pursuant to § 14 hereof, only rents established or approved on behalf of the authority pursuant to the regulatory agreement may be charged for dwelling units in the development. Notwithstanding the foregoing, in the case of any developments financed subsequent to January 1, 1986, the authority may agree with the mortgagor that the rents may be established and changed by the mortgagor without the prior approval of the authority, subject to such restrictions in the regulatory agreement as the authority shall deem necessary to assure that the rents shall be affordable to persons and families intended to be served by the development and subject to compliance by the mortgagor with the provisions in § 2 of these procedures, instructions and guidelines.

Any costs for supportive services not generally included in the rent for similar developments shall not be funded from the rental income of the development.

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If the mortgagor is a partnership, the general partner or partners shall be required to retain at least a 10% interest in the net proceeds from any sale, refinancing or other disposition of the development during the life of the mortgage loan.

The mortgagor shall lease the units in the development only to persons and families who are eligible for occupancy thereof as described in § 2 of these procedures, instructions and guidelines. The mortgagor shall comply with the provisions of the authority's rules and regulations regarding: (i) the examination and determination of the income and eligibility of applicants for initial occupancy of the development; and (ii) the periodic reexamination and redetermination of the income and eligibility of residents of the development.

In addition to the eligibility requirements of the authority, the executive director may establish occupancy criteria and priorities based on the following:

1. The age, family size, financial status, health conditions (including, without limitation, any handicaps or disabilities) and other circumstances of the applicants for the dwelling units;
2. The status and physical condition of the housing then occupied by such applicants; and
3. Any other factors or matters which the executive director deems relevant to the effectuation of the public purposes of the authority.

In selecting eligible residents, the mortgagor shall comply with such occupancy criteria and priorities and with the tenant selection plan approved by the authority pursuant to § 6 of these procedures, instructions and guidelines.

The executive director is authorized to prepare and from time to time revise a housing management handbook which shall set forth the authority's procedures and requirements with respect to the management of developments. Copies of the housing management handbook shall be available upon request.

The management of the development shall also be subject to a management agreement entered into at initial closing between the mortgagor and its management agent, or where the mortgagor and the management agent are the same entity, between the authority and the mortgagor. Such management agreement shall govern the policies, practices and procedures relating to the management, marketing and operation of the development. The mortgagor and its management agent (if any) shall manage the development in accordance with the Act, the authority's rules and regulations, the regulatory agreement, the management agreement, the authority's housing management handbook, and the management plan approved by the authority.

The authority shall have the power to supervise the mortgagor and the development in accordance with § 36-55.34:1 of the Code of Virginia and the terms of the initial closing documents or other agreements relating to the mortgage loans. The authority shall have the right to inspect the development, conduct audits of all books and records of the development and to require such reports as the authority deems reasonable to assure compliance with this § 11.

§ 12. Transfers of ownership.

A. It is the authority's policy to evaluate requests for transfers of ownership on a case-by-case basis. The primary goal of the authority is the continued existence of low and moderate income rental housing stock maintained in a financially sound manner and in safe and sanitary condition. Any changes which would, in the opinion of the authority, detrimentally affect this goal will not be approved.

The provisions set forth in this § 12 shall apply only to transfers of ownership to be made subject to the authority's deed of trust and regulatory agreement. Such provisions shall not be applicable to transfers of ownership of developments subject to HUD mortgage insurance, it being the policy of the authority to consent to any such transfer approved by HUD and permitted by the Act and applicable note or bond resolutions.

For the purposes hereof, the terms "transfer of ownership" and "transfer" shall include any direct or indirect transfer of a partnership or other ownership interest (including, without limitation, the withdrawal or substitution of any general partner) or any sale, conveyance or other direct or indirect transfer of the development or any interest therein; provided, however, that if the owner is not then in default under the deed of trust or regulatory agreement, such terms shall not include: (i) any sale, transfer, assignment or substitution of limited partnership interests prior to final closing of the mortgage loan or; (ii) any sale, transfer, assignment or substitution of limited partnership interests which in any 12 month period constitute in the aggregate 50% or less of the partnership interests in the owner. The term "proposed ownership entity," as used herein, shall mean: (i) in the case of a transfer of a partnership interest, the owner of the development as proposed to be restructured by such transfer; and (ii) in the case of a transfer of the development, the entity which proposes to acquire the development.

B. The proposed ownership entity requesting approval of a transfer of ownership must initially submit a written request to the authority. This request should contain (i) a detailed description of the terms of the transfer; (ii) all documentation to be executed in connection with the transfer; (iii) information regarding the legal, business and financial status and experience of the proposed ownership entity and of the principals therein, including current financial statements (which shall be audited in the case of

a business entity); (iv) an analysis of the current physical and financial condition of the development, including a current audited financial report for the development; (v) information regarding the experience and ability of any proposed management agent; and (vi) any other information and documents requested by the authority relating to the transfer. The request will be reviewed and evaluated in accordance with the following criteria:

1. The proposed ownership entity and the principals therein must have the experience, ability and financial capacity necessary to own, operate and manage the development in a manner satisfactory to the authority.

2. The development's physical and financial condition must be acceptable to the authority as of the date of transfer or such later date as the authority may approve. In order to assure compliance with this criteria, the authority may require any of the following:

a. The performance of any necessary repairs and the correction of any deferred or anticipated maintenance work;

b. The addition of any improvements to the development which, in the judgment of the authority, will be necessary or desirable for the successful marketing of the development, will reduce the costs of operating or maintaining the development, will benefit the residents or otherwise improve the liveability of the development, or will improve the financial strength and stability of the development;

c. The establishment of escrows to assure the completion of any required repairs, maintenance work, or improvements;

d. The establishment of such new reserves and/or such additional funding of existing reserves as may be deemed necessary by the authority to ensure or preserve the financial strength and stability or the proper operation and maintenance of the development; and

e. The funding of debt service payments, accounts payable and reserve requirements such that the foregoing are current at the time of any transfer of ownership.

3. The management agent, if any, to be selected by the proposed ownership entity to manage the development on its behalf must have the experience and ability necessary to manage the development in a manner satisfactory to the authority. The management agent must satisfy the qualifications established by the authority for approval thereof.

If the development is subsidized or otherwise assisted by HUD, the approval by HUD may be required. Any and all

documentation required by HUD must be submitted by the proposed ownership entity in conjunction with its request.

C. The authority will charge the proposed ownership entity a fee of \$5,000 or such higher fee as the executive director may for good cause require. This fee is to be paid at the closing.

D. The amount and terms of any secondary financing (i.e., any portion of the purchase price is to be paid after closing of the transfer of ownership) shall be subject to the review and approval of the authority. Secondary financing which would require a lien on the development is prohibited by the authority's bond resolution and, therefore, will not be permitted or approved. The authority will not provide a mortgage loan increase or other financing in connection with the transfer of ownership. The authority will also not approve a rent increase in order to provide funds for the repayment of any secondary financing. Cash flow (other than dividend distributions) shall not be used to repay the secondary financing. Any proposed secondary financing must not, in the determination of the authority, have any material adverse effect on the operation and management of the development, the security of the mortgage loan, the interests of the authority as lender, or the fulfillment of the authority's public purpose under the Act. The authority may impose such conditions and restrictions (including, without limitation, requirements as to sources of payment for the secondary financing and limitations on the remedies which may be exercised upon a nonpayment of the secondary financing) with respect to the secondary financing as it may deem necessary or appropriate to prevent the occurrence of any such adverse effect.

E. In the case of a transfer from a nonprofit owner to a proposed for-profit owner, the authority may require the proposed for-profit owner to deposit and/or expend funds in such amount and manner and for such purposes and to take such other actions as the authority may require in order to assure that the principal amount of the mortgage loan does not exceed the limitations specified in the Act and the authority's rules and regulations or otherwise imposed by the authority. No transfer of ownership from a nonprofit owner to a for-profit owner shall be approved if such transfer would, in the judgment of the authority, affect the tax-exemption of the notes or bonds issued by the authority to finance the development. The authority will not approve any such transfer of ownership if any loss of property tax abatement as a result of such transfer will, in the determination of the authority, adversely affect the financial strength or security of the development.

At the closing of the transfer of the ownership, the total development cost and the equity of a proposed for-profit owner shall be determined by the authority. The resolution of the board approving the transfer of ownership shall include a determination of the maximum annual rate, if any, at which distributions may be made by the proposed for-profit owner pursuant to the authority's rules and regulations. The proposed for-profit owner shall execute

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and deliver such agreements and documents as the authority may require in order to incorporate the then existing policies, requirements and procedures relating to developments owned by for-profit owners. The role of the nonprofit owner in the ownership, operation and management of the development subsequent to the transfer of ownership shall be subject to the review and approval of the authority. The authority may require that any cash proceeds received by the nonprofit owner (after the payment of transaction costs and the funding of any fees, costs, expenses, reserves or escrows required or approved by the authority) be used for such charitable or other purposes as the authority may approve.

F. A request for transfer of ownership shall be reviewed by the executive director. If the executive director determines to recommend approval thereof, he shall present his analysis and recommendation to the board. The board shall review and consider the analysis and recommendation of the executive director, and if it concurs with such recommendation, it shall by resolution approve the request and authorize the executive director to consent thereto, subject to such terms and conditions as the board shall require in such resolution.

Notwithstanding the foregoing, if any proposed transfer of a partnership interest is determined by the executive director to be insubstantial in effect and to have no material detrimental effect on the operation and management of the development or the authority's interest therein as lender, such transfer may be approved by him without approval of the board.

After approval of the request, an approval letter will be issued to the mortgagor consenting to the transfer. Such letter shall be contingent upon the delivery and execution of any and all closing documents required by the authority with respect to the transfer of ownership and the fulfillment of any special conditions required by the resolution of the board. The partnership agreement of the proposed ownership entity shall be subject to review by the authority and shall contain such terms and conditions as the authority may require.

The authority may require that the proposed ownership entity execute the then current forms of the authority's mortgage loan documents in substitution of the existing mortgage loan documents and/or to execute such amendments to the existing mortgage loan documents as the authority may require in order to cause the provisions of such documents to incorporate the then existing policies, procedures and requirements of the authority. At the closing of the transfer, all documents required by the approval letter shall be, where required, executed and recorded; all funds required by the approval letter will be paid or deposited in accordance therewith; and all other terms and conditions of the approval letter shall be satisfied. If deemed appropriate by the executive director, the original mortgagor shall be released from all liability and obligations which may thereafter arise under the documents previously executed with respect to the

development.

In the case of a development which is in default or which is experiencing or is expected by the authority to experience financial, physical or other problems adversely affecting its financial strength and stability or its proper operation, maintenance or management, the authority may waive or modify any of the requirements herein as it may deem necessary or appropriate in order to assist the development and/or to protect the authority's interest as lender.

§ 13. Prepayments.

It shall be the policy of the authority that no prepayment of a mortgage loan shall be made without its prior written consent for such period of time set forth in the note evidencing the mortgage loan as the executive director shall determine, based upon his evaluation of then existing conditions in the financial and housing markets, to be necessary to accomplish the public purpose of the authority. The authority may prohibit the prepayment of mortgage loans during such period of time as deemed necessary by the authority to assure compliance with applicable note and bond resolutions and with federal laws and regulations governing the federal tax exemption of the notes or bonds issued to finance such mortgage loans. Requests for prepayment shall be reviewed by the executive director on a case-by-case basis. In reviewing any request for prepayment, the executive director shall consider such factors as he deems relevant, including without limitation the following: (i) the proposed use of the development subsequent to prepayment; (ii) any actual or potential termination or reduction of any federal subsidy or other assistance; (iii) the current and future need and demand for low and moderate housing in the market area of the development; (iv) the financial and physical condition of the development; (v) the financial effect of prepayment on the authority and the notes or bonds issued to finance the development; and (vi) compliance with any applicable federal laws and regulations governing the federal tax exemption of such notes or bonds. As a precondition to its approval of any prepayment, the authority shall have the right to impose restrictions, conditions and requirements with respect to the ownership, use, operation and disposition of the development, including without limitation any restrictions or conditions required in order to preserve the federal tax exemption of notes or bonds issued to finance the development. The authority shall also have the right to charge a prepayment fee in an amount determined in accordance with the terms of the resolutions authorizing the notes or bonds issued to finance the development or in such other amount as may be established by the executive director in accordance with the terms of the deed of trust note and such resolutions. The provisions of this § 13 shall not be construed to impose any duty or obligation on the authority to approve any prepayment, as the executive director shall have sole and absolute discretion to approve or disapprove any prepayment based upon his judgment as to whether such prepayment would be in the best interests

of the authority and would promote the goals and purposes of its programs and policies. The provisions of this § 13 shall be subject to modification pursuant to § 14 hereof.

§ 14. Modification of regulatory controls *and mortgage loan.*

If the executive director determines that (i) the mortgagor of any development is not receiving a sufficient financial return from the operation thereof as a result of a reduction in the amount of federal tax benefits available to the development (generally, at least 10 years, in the case of new construction, or five years, in the case of substantial rehabilitation, after the date of initial occupancy), (ii) the reserves of such development are and, after any action taken pursuant to this section, will continue to be adequate to assure its proper operation and maintenance and (iii) the rental and other income is and, after any action taken pursuant to this section, will continue to be sufficient to pay the debt service on the mortgage loan and the operating expenses of the development (including required payments to reserve accounts), then he may agree to one or more of the following modifications to the regulatory controls of the authority:

1. Rents may be thereafter established and changed by the mortgagor without the prior approval of the authority, subject to (i) such restrictions as he shall deem necessary to assure that the rents shall be affordable to persons and families to be served by the development, (ii) compliance by the mortgagor with the provisions in § 2 of these procedures, instructions and guidelines, and (iii) such limitations on rent increases to existing residents as he shall deem necessary to prevent undue financial hardship to such residents;

2. Subject to prior approval by the board, any limitation on annual dividend distributions may be increased or eliminated, as determined by him to be necessary to provide an adequate financial return to the mortgagor without adversely affecting the financial strength or proper operation and maintenance of the development; and

3. The mortgagor may be given the right to prepay the mortgage loan on the date 20 years after the date of substantial completion of the development as determined by the executive director (or such later date as shall be necessary to assure compliance with federal laws and regulations governing the tax exemption of the notes or bonds issued to finance the mortgage loan), provided that the mortgagor shall be required to pay a prepayment fee in an amount described in § 13 of these procedures, instructions and guidelines, and provided further that such right to prepay shall be granted only if the prepayment pursuant thereto would not, in the determination of the executive director, result in a reduction in the amount or term of any federal subsidy or assistance

for the development. The executive director may require that the mortgagor grant to the authority (i) a right of first refusal upon a proposed sale of the development which would result in an exercise by the mortgagor of its right, as described above, to prepay the mortgage loan and (ii) an option to purchase the development upon an election by the mortgagor otherwise to exercise its right, as described above, to prepay the mortgage loan, which right of first refusal and option to purchase shall be effective for such period of time and shall be subject to such terms and conditions as the executive director shall require.

The foregoing modifications shall be made only to the extent permissible under and consistent with applicable federal laws and regulations and any agreements governing federal subsidy, assistance or mortgage insurance.

Upon a determination by the executive director as described in (i), (ii) and (iii) above in this section, the authority may also approve an increase in the principal amount of its mortgage loan or a restructuring of such mortgage loan (such as a modification of the mortgage loan by conversion thereof into an obligation guaranteed by a federal agency or instrumentality), subject to such terms and conditions as the authority shall require, including (but not limited to) one or more of the following:

1. *Compliance with the conditions and limitations in the Act and the authority's rules and regulations and with any applicable federal law and regulations and any agreements governing federal subsidy, assistance or mortgage insurance;*

2. *The ability of the authority to sell bonds to finance any mortgage loan increase in amounts, at rates and under terms and conditions satisfactory to the authority (applicable only if any such mortgage loan increase is to be financed by the authority from proceeds of its bonds);*

3. *A determination by the authority that the rents shall remain affordable to persons and families of low and moderate income to be served by the development and that the mortgage loan increase or restructuring and any increase in debt service will have no material adverse effect on the financial security of its mortgage loan or proper operation and maintenance of the development;*

4. *If the development receives federal subsidy or assistance or is subject to federal mortgage insurance, assurances satisfactory to the authority that such mortgage loan increase or restructuring and any increase in debt service are permissible under applicable federal law and regulations and will not adversely affect the term or amount of any federal subsidy or assistance or the coverage of any mortgage insurance and that any federal subsidy or assistance may be applied to pay any increase in debt service;*

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5. Such terms and conditions as the authority shall require in order to protect the security of its mortgage loan; to reimburse the authority for costs and expenses that may result from such mortgage loan increase or restructuring; to comply with covenants and agreements with, and otherwise to protect the interests of, the holders of its bonds issued to finance the mortgage loan or any increase thereof; and to carry out its public purpose.

Upon a determination as described in (i), (ii) and (iii) above in this section, the executive director may also approve a release of moneys held in the reserve funds of the development in such amount as he shall determine to be in excess of the amount required to assure the proper operation and maintenance of the development.

The executive director may require that all or a portion of the proceeds from any increase or restructuring of the mortgage loan or from any release of reserve funds be applied, in such manner and amount and on such terms and conditions as he shall deem necessary or appropriate, for improvements to the development or for providing additional housing for persons and families of low and moderate income.

The³ authorizations in this section for modifications of regulatory controls, mortgage loan increases and restructurings, and releases of reserve funds shall be cumulative and shall not be exclusive of each other. Accordingly, the authority, in its discretion, may elect to exercise for any development one or more or all of such authorizations.

* * *

The effective date of the foregoing amendments to multi-family procedures, instructions and guidelines shall be April December 20, 1988.

BOARD OF PROFESSIONAL SOIL SCIENTISTS

Title of Regulation: VR 627-01-01. Public Participation Guidelines.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Public Hearing Date: February 16, 1989 - 11 a.m.
(See Calendar of Events section
for additional information)

Summary:

The proposed public participation guidelines establish the procedure whereby persons and organizations may be placed on a mailing list to receive regulatory information concerning the Board of Professional Soil Scientists. These guidelines also establish the steps necessary to promulgate regulations in accordance with the Administrative Process Act.

VR 627-01-01. Public Participation Guidelines.

§ 1. Mailing list.

The Board of Professional Soil Scientists (the agency) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intended regulatory action" to promulgate or repeal regulations.
2. "Notice of comment period" and public hearing, the subject of which is proposed or existing regulations.
3. Notice that final regulation has been adopted.

Failure of these persons and organizations to receive the documents for any reason shall not affect the validity of any regulations otherwise properly adopted under the Administrative Process Act.

§ 2. Being placed on list; deletion.

Any person wishing to be placed on the mailing list may do so by writing the agency. In addition, the agency may, in its discretion, add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all information stated in § 1. Individuals and organizations may be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. When mail is returned as undeliverable, individuals and organizations will be deleted from the list.

§ 3. Notice of intent.

At least 30 days prior to publication of the "Notice of comment period" and the filing of proposed regulations as required by § 9-6.14:7.1 of the Code of Virginia, the agency will publish a "Notice of intended regulatory action." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register.

§ 4. Petition for rulemaking.

Any person may petition the agency to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the agency. The agency shall have sole authority to dispose of the petition.

§ 5. "Notice of comment period" and of public hearing.

The agency shall file a "Notice of comment period" and its proposed regulations with the Registrar as required by § 9-6.14:7.1. Such notice shall establish the date of the

public hearing (information proceeding) and shall afford interested persons the opportunity to submit written data, views and arguments regarding the proposed regulations by a specified date. Interested persons may make their public submissions in writing, orally at the public hearing or both.

§ 6. Applicability.

Sections 1 through 5 shall apply to all regulations promulgated except emergency regulations adopted in accordance with § 9-6.14:9 of the Code of Virginia.

* * * * *

Title of Regulation: VR 627-02-01. Board for Professional Soil Scientists Regulations.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Public Hearing Date: February 16, 1989 - 11 a.m.
(See Calendar of Events section for additional information)

Summary:

The proposed new regulations establish the requirements for certification of professional soil scientists. The regulations set out education, experience and examination criteria, in order to implement §§ 54-969 through 54-977 of Code of Virginia.

VR 627-02-01. Board for Professional Soil Scientists Regulations.

PART I. GENERAL.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise.

"Board" means the Board for Professional Soil Scientists as established by Chapter 22, Title 54.1 of the Code of Virginia.

"Field study" means the investigation of a site to secure soils information by means of landscape analysis, soil borings, excavations or test pits which are located on a base map or other documents (e.g., aerial photographs, topographic maps, scaled site plans, subdivision plans, or narrative description of the location).

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, but not limited to, observation, investigation, and consultation on measured, observed and inferred soils and their properties; analysis of the effects of these properties on the use and

management of various kinds of soil; and preparation of soil descriptions, maps, reports and interpretive drawings.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil and predicting their suitability for and response to various uses.

"Soil map" means a map showing distribution of soil types or other soil mapping units in relation to the prominent landforms and cultural features of the earth surface.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principals of soil evaluation as acquired by education and experience in the formation, description and mapping of soils.

"Soil survey" means a systematic field investigation of the survey area that provides a soil evaluation and a system of uniform definitions of soil characteristics for all the different kinds of soil found within the study area, all of which are incorporated into a soil report which includes a soil map.

§ 1.2. Procedural requirements.

A. Each applicant is responsible for obtaining a current application package. All correspondence and requests for applications should be directed to:

Assistant Director
Board for Professional Soil Scientists
Department of Commerce
3600 West Broad Street
Richmond, Virginia 23230
(804) 367-8514
1-800-552-3016

B. Fully documented applications must be submitted with the appropriate fee(s) by applicants seeking consideration for certification no later than 120 days prior to the scheduled examination. The date the completely documented application and fees are received in the board's office shall determine if the application meets the deadline set by the board. Incomplete applications will be returned to the applicant.

C. Applicants who have been found ineligible for any reason, may request further consideration by submitting in writing evidence of additional qualifications, training or

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experience. No additional fee will be required provided the requirements for certification are met within a period of three years from the date the original application is received by the Department of Commerce.

D. Members of the board may not serve as personal references, but they may be listed as persons who have supervised the work of the applicant.

E. The board may make further inquiries and investigations with respect to the qualifications of the applicant and all references, etc. to confirm or amplify information supplied.

F. Failure of an applicant to comply with a written request from the board for additional evidence or information within 60 days of receiving such notice, except in such instances where the board has determined ineligibility for a clearly specified period of time, may be sufficient and just cause for disapproving the application.

G. For the purpose of determining eligibility or requirements for examination or qualification for practice, a board may require a personal interview with the applicant.

H. Notice of examination.

Each candidate will be sent a written notice of the time and place of any examination for which the candidate is eligible. Each candidate shall promptly notify the board as to whether the candidate intends to appear for the examination and pay the examination fee as instructed. Failure to so notify the board may result in loss of eligibility for that particular examination. Each examination fee shall be applied to the next scheduled examination and shall be forfeited for failure to notify the board or for failure to appear.

I. A candidate who has not appeared for an examination after the first written notice regardless of the reason, will not be sent another examination notice until a written request to be rescheduled for examination is submitted.

J. An applicant who does not appear for an examination within two years of acceptance will be ineligible to sit for the examination. Should the applicant later want to sit for the exam, a new application and fee will be required.

§ 1.3. Determining qualifications of applicants.

In determining the qualifications of an applicant for certification as a professional soil scientist, a majority vote of the soil scientist board members shall be required.

§ 1.4. Fees.

A. The following nonrefundable fees are required and shall not be prorated:

1. The application fee for certification shall be \$125.

2. The fee for renewal of certification shall be \$175.

3. The fee for taking the examination or reexamination for certification shall be \$75.

4. The penalty fee for late renewal or reinstatement shall be \$200.

B. Deadline for applications and examination fees.

Fully documented, completed applications must be submitted with the proper application fee and received in the board's office no later than 120 days prior to the next scheduled exam. Examination and reexamination fees must be received in the board's office no later than 45 days prior to the next scheduled examination.

§ 1.5. Applicability of certification program.

The Certification Program for Professional Soil Scientists set forth in Chapter 22 of Title 54.1 of the Code of Virginia and these regulations is voluntary and shall not be construed to prohibit:

1. The practice of soil evaluation by individuals who are not certified soil scientists as defined in this regulation;
2. The work of an employee or a subordinate of a certified soil scientist or of an individual who is practicing soil evaluation without being certified; or
3. The practice of any profession or occupation which is regulated by another regulatory board within the Department of Commerce.

PART II. ENTRY.

§ 2.1. Qualifications for certification.

Applicants for certification shall meet the education, eligibility, experience and examination requirements specified in Chapter 22 of Title 54.1 of the Code of Virginia.

§ 2.2. Qualifications for examination.

An applicant shall satisfy one of the following criteria in order to qualify for the examination:

1. Hold a bachelor's degree from an accredited institution of higher education in a soils curriculum which has been approved by the board and have at least four years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist; or
2. Hold a bachelor's degree in one of the nature sciences and have at least five years of experience in

soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a professional soil scientist; or

3. Have a record of at least eight years of experience in soil evaluation, the quality of which demonstrates to the board that the applicant is competent to practice as a soil scientist; or

4. Have at least four years of experience in soil science research or as a teacher of soils curriculum in an accredited institution of higher education which offers an approved four-year program in soils and at least two years of soil evaluation experience, the quality of which demonstrates to the board that the applicant is competent to practice as a soil scientist.

§ 2.3. Qualifying experience in soil evaluation.

A. An applicant must demonstrate at least one half of the required experience in one or all of the following areas:

1. *Soil mapping.* Compiling of soil maps as a part of a soil survey with a formal mapping legend under the direct guidance of an experienced party leader. Acceptable maps shall be maps in a published report, a report scheduled to be published or of a publishable quality; or

2. *Soil evaluation.* Conducting soil evaluation usually from existing soil data for a specific land use, such as septic tank drain fields, sanitary landfill sites, forestry production, or individual farm mapping for agriculture production. The experience shall be supervised by an individual with a minimum of a year's more experience than the applicant. The finished product shall have been submitted to a government agency (e.g., Health Department, Environmental Protection Agency, Environmental Impact Studies, Water Control Board, local planning commission); or

3. *Field studies.* Conducting detailed field studies which have been done under the supervision of an individual with a minimum of a year's more experience than the applicant. The field study shall have resulted in a soil evaluation report that was accepted by the client or agency.

B. The remaining required experience may be fulfilled in one or more of the following areas:

1. *Consulting (public/private).* Assembling or compiling soil information either with existing data or field studies, and evaluating data for a specific land use. The work may be either independently done or done under supervision. The written report shall have been submitted to the client or agency.

2. *Soil mapping, soil evaluation, or field studies,* as described above, which have been done independently

or under supervision.

3. *Education.* Each year of full-time undergraduate study in a soils curriculum or related natural science may count as one-half year of experience up to a maximum of two years. Each year of full-time graduate study in a soils curriculum may count as one year of experience up to a maximum of two years. With a passing grade, 32 semester credit hours or 48 quarter credit hours is considered to be one year. No credit used as education credit may also be used as experience credit.

§ 2.4. Certification by reciprocity.

Any person certified, registered or licensed as a soil scientist in any jurisdiction of the United States may be granted a Virginia certificate without written examination, provided that:

1. The applicant meets all the other requirements for certification in Virginia; and

2. The applicant holds an unexpired certificate or its equivalent issued to him on the basis of equivalent requirements for certification in Virginia, including a comparable examination, by a regulatory body of another state, territory or possession of the United States and is not the subject of any disciplinary proceeding before such regulatory body which could result in the suspension or revocation of his certificate, and such other regulatory body recognizes the certificates issued by this board.

§ 2.5. Examination.

A board-approved examination shall be administered at least once a year, at a time designated by the board.

B. An applicant must meet all eligibility requirements as of the date the application is filed with the board.

C. A candidate who is unable to take the examination at the time scheduled must notify the board in writing prior to the date of the examination; such a candidate will be rescheduled for the next examination without additional fee. Failure to so notify the board will result in forfeiture of the examination or reexamination fee.

D. A candidate who has not appeared for an examination after the first written notice regardless of reasons, will not be sent another examination notice until the candidate submits a written request to be rescheduled.

E. A candidate who does not appear for an examination within two years of approval will be ineligible to sit for an examination. Individuals wishing to sit for an examination will be required to submit a new application with fee in accordance with these regulations.

F. Candidates will be notified of passing or failing the

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examination. No scores will be reported to candidates. Only the board and its staff shall have access to examination papers, scores and answer sheets.

G. Upon payment of the reexamination fee, a candidate who is unsuccessful in passing an examination will be allowed to retake any examination(s) given within two years of the date of notification of initial unsuccessful examination results. After the two-year period has elapsed, an applicant will be required to submit a new application with fee in accordance with these regulations in order to take an examination.

PART III. RENEWAL OF CERTIFICATE.

§ 3.1. Expiration.

Certificates issued by the board shall expire on June 30 of each odd-numbered year following the date of issuance. Certificate holders shall be notified by mail of the fee and the procedure for renewal at least 45 days before the date the certificate expires. Certificate holders must submit the renewal notice and appropriate fee before the certificate expires.

§ 3.2. Renewal.

A. If the renewal fee is not received by the board within 30 calendar days following the expiration date noted on the certificate, a penalty fee of \$200 shall be required in addition to the regular renewal fee. No certificate may be renewed more than six months following the date of expiration.

B. Failure to receive written notice from the Department of Commerce does not relieve the certificate holder from the requirement to renew the certificate. If the certificate holder fails to receive the renewal notice, the certificate holder may submit a copy of the certificate with the required fee in lieu of the renewal notice.

C. The date a fee is received by the Department of Commerce or its agent will be used to determine whether a penalty fee or the requirement for reinstatement or reapplication is applicable.

D. Suspended certificates are not renewable until reinstated by the board.

A revoked certificate cannot be renewed.

§ 3.3. Reinstatement.

A. If the certificate holder fails to renew the certificate within six months following his expiration date, the certificate holder will be required to apply for certificate reinstatement. The applicant will be required to show the board that he meets the eligibility standards for certification as a professional soil scientist. The board may also require reexamination. The application fee for

reinstatement shall be an amount equal to the regular renewal fee plus the \$200 penalty fee.

B. After 36 months from the date of expiration, the applicant must apply as a new applicant, meet all current education and experience requirements and pass the current examination.

§ 3.4. Reissuance of certificate.

An individual whose certificate has been revoked must file a new application and obtain approval of the board to regain certification. Reexamination shall be required.

PART IV. STANDARDS OF PRACTICE AND CONDUCT.

§ 4.1. Professional conduct.

A certified professional soil scientist:

1. Shall not submit any false statements, make any misrepresentations or fail to disclose any facts requested concerning any application for certification.

2. Shall not engage in any fraud or deceit or misrepresentation in advertising, in soliciting or in providing professional services.

3. Shall not knowingly sign, stamp, or seal any plans, drawings, blueprints, surveys, reports, specifications, maps or other documents not prepared or reviewed and approved by the certificate holder.

4. Shall not knowingly represent a client or employer on a project on which he represents or has represented another client or employer without making full disclosure thereof.

5. Shall express a professional opinion only when it is founded on adequate knowledge of established facts at issue and based on a background of technical competence in the subject matter.

6. Shall not knowingly misrepresent factual information in expressing a professional opinion.

7. Shall immediately notify the client or employer and the appropriate regulatory agency if his professional judgment is overruled and not adhered to in the circumstances of a major threat to the public health, safety, or welfare.

8. Shall exercise reasonable care when rendering professional services and shall apply the technical knowledge, skill and terminology ordinarily applied by practicing soil scientists.

§ 4.2. Grounds for suspensions, revocation, denial of application, renewal or other disciplinary action.

A. The board has the power to fine any certificate holder or to revoke or suspend any certificate at any time after a hearing conducted pursuant to the Administrative Process Act, § 9-6.14:1 et seq. of the Code of Virginia, when the person is found to have:

1. Committed fraud or deceit in obtaining or attempting to obtain certification.
2. Committed any violation, or cooperated with others in violating § 4.1. of the Standards of Practice and Conduct, or any other regulations of the board, or governing statutes of the board.
3. Performed any act in the practice of his profession likely to deceive, defraud or harm the public.
4. Committed any act of gross negligence, incompetence, or misconduct in the practice of soil science.
5. Been convicted of a felony under the terms specified in § 54.1-204 of the Code of Virginia.

B. The board may, in its discretion, refuse to grant, renew or reinstate a certificate of any person for any of the reasons specified in subsection A of this section.

COMMONWEALTH OF VIRGINIA
 BOARD FOR PROFESSIONAL SOIL SCIENTISTS
 APPLICATION FOR CERTIFICATION AS A
 VIRGINIA CERTIFIED PROFESSIONAL SOIL SCIENTIST

INSTRUCTIONS

1. All applicants must have a thorough knowledge of the Rules and Regulations of the Board.
2. Forms shall be typewritten or printed legibly in their entirety except for signatures. The applicant shall assume full responsibility for filing all required documentation, references, and verifications.
3. RECIPROcity: If you are registered or certified in another jurisdiction, list all states in Item 1 (DOC Form SS-2). List all states in Item 2 in which you took a written examination. Have DOC Form SS-3 completed by each state in which you are registered. You should enclose a stamped, addressed envelope with the DOC Form SS-3 for return directly to this Board.
4. EDUCATION: Your degree(s) must be verified by each school attended (DOC Form SS-4). A transcript of all college courses for which credit is sought must also be submitted.
5. REFERENCES: One copy of DOC Form SS-5 shall be supplied to each of the references listed in Item 5 (DOC Form SS-2). All references must be professional associates or acquaintances. One reference must be from an eligible or certified soil scientist. All references must have known the applicant for at least one year. All completed references must be returned to the applicant in a sealed envelope signed by the person supplying the reference, or may be returned directly to the Board. References must be submitted to the Board in the original sealed envelope. Persons verifying experience in Item C (DOC Form SS-2) cannot also supply personal references.
6. TRAINING AND EXPERIENCE RECORD: Under Item C (DOC Form SS-2) record all training and experience. USE SEPARATE SHEETS IF NECESSARY. Qualifying experience must meet the requirements of §2.3 of the Regulations. List your experience in chronological order with the most recent engagement first. Make concise and explicit statements giving a description of your tasks, duties and nature of work performed for each period of employment. The total time employed in Column (2) must be broken down into the categories in Column (3). Total time in Column (2) must equal total time in Column (3). Each period of employment must be verified by a signature in Column (4). This includes periods of self-employment which may be verified by an associate or client.
7. FEES: Each application must be accompanied by an application fee. Exam fees should not be sent at this time. Checks must be made payable to the Treasurer of Virginia and returned in the enclosed envelope. All fees are nonrefundable.
8. All supplementary papers accompanying the application must be identified with the applicant's name.
9. EXAMINATION: Enclosed in this application package is an examination schedule. Completed applications must be received in this office at least 120 days prior to this exam. You will be notified within 60 days as to whether you have been approved for the exam. Should you have further questions, please call the Board office at (804) 367-8514.

APPLICATIONS NOT COMPLETED IN ACCORDANCE WITH THESE INSTRUCTIONS
 WILL BE PROMPTLY RETURNED TO THE APPLICANT

Effective:

DOC Form SS-1

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

APPLICANT CHECK-OFF FORM

Dear Applicant:

Please review your application and qualifications prior to making application, since your application fee is non-refundable. The following check-off sheet is provided for your convenience (not to be returned to the Board) as your application package cannot be reviewed by the Board without the appropriate information.

Prior to mailing my application package to the Board, I have made certain that the following items were complete and appropriate:

- 1. Application fee of \$50.00 made payable to the Treasurer of Virginia.
- 2. Completed and notarized application form.
- 3. Verification of my registration if registered in another State.
- 4. DOC Form SS-4 and transcripts reflecting all college course work and verification of my degree.
- 5. All experience listed under Item C of the application verified.
- 6. One reference from an eligible or certified soil scientist and two references from other professional associates or acquaintances.

Effective:

COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF COMMERCE
 POST OFFICE BOX 11066
 RICHMOND, VIRGINIA 23230-1066

APPLICATION FOR CERTIFICATION AS A
 VIRGINIA CERTIFIED PROFESSIONAL SOIL SCIENTIST

A. GENERAL INFORMATION

NAME IN FULL: _____ SSN: _____

FIRM NAME: _____

BUSINESS ADDRESS: STREET: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____

RESIDENCE ADDRESS: STREET: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE NUMBER: _____

ADDRESS FOR CORRESPONDENCE RESIDENCE BUSINESS

CITIZENSHIP: BIRTH NATURALIZED

BIRTHDATE: _____ PLACE: _____

B. EDUCATION: (List in chronological order the name and location of institution, beyond high school, time attended, year of graduation.)

NAME OF INSTITUTION	YEARS ATTENDED	DEGREE RECEIVED	GRADUATE WORK COMPLETED	MAJOR

NOTE: Applicant must use this form, a resume cannot be substituted.

1. Are you currently registered/certified/licensed as a soil scientist in any other jurisdiction? (yes or no) _____
 If yes, what state? _____

2. In which states was your registration/certification/license granted on the basis of a written examination? _____
 (Please have the state involved submit a verification of certification.)

3. Has any state denied you registration/certification/license, revoked or declined same? _____
 If yes, please explain on a separate sheet.

4. Have you ever been convicted of a felony or misdemeanor? (other than traffic infractions) (yes or no) _____ If yes, please explain on a separate sheet.

5. REFERENCES. At least one reference must be from an eligible soil scientist or certified soil scientist. A total of three references are required.

NAME, ADDRESS AND PHONE NUMBER	CURRENTLY CERTIFIED	
	yes	no
A. _____	<input type="checkbox"/>	<input type="checkbox"/>
B. _____	<input type="checkbox"/>	<input type="checkbox"/>
C. _____	<input type="checkbox"/>	<input type="checkbox"/>

6. Name exactly as you want it to appear on your certificate:

D. AFFIDAVIT

State of _____ County or City of _____

The undersigned being duly sworn says that he is the person who executed this application, that the statements herein contained are true, that he has not withheld or suppressed any information that might affect this application, and that he has read and understands this affidavit.

Signature of Applicant: _____

Subscribed and sworn to before me this _____ day of _____, 19____

Signature of Notary Public: _____

My commission expires: _____

C. TRAINING AND EXPERIENCE: Record your professional practice in sequence, starting with your most recent position. Attach an additional sheet if needed.

(1) NAME AND ADDRESS OF EMPLOYER, POSITION TITLE & BRIEF JOB DESCRIPTION	(2) DATE MONTH/YEAR		(3) TIME SPENT YEARS AND MONTHS					(4) SIGNATURE OF THE PERSON OR SUPERVISOR. INCLUDE TYPEWRITTEN NAME, ADDRESS, PHONE NUMBER.
	FROM	TO	Detailed Soil Mapping	Soil Evaluation	Field Study	Consulting		

E. BOARD MEMBER REVIEW

REASONS FOR REJECTION OF CERTIFICATION BY RECIPROCIITY

Board Member Initials and Date	Reason(s) for Rejection
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPROVED FOR RECIPROCIITY WITH _____ Board initials & dates _____

REASONS FOR REJECTION FOR EXAMINATION:

Board Member Initials and Date	Reason(s) for Rejection
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

APPROVED FOR EXAMINATION Board initials and dates _____

EXAMINATION RESULTS:

DATE	I.D. NUMBER	CUT OFF	PASSED	FAILED
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

CONFIDENTIAL: For Board Use Only

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230

VERIFICATION OF REGISTRATION

(The applicant should complete this portion.)

TO: _____

Please provide verification on the following individual:

Applicant's Name _____ Soc. Sec. No. _____
Applicant's Address _____

This portion should be completed by the State Board listed.

I. The above named person was registered as:

	<u>Certificate No.</u>	<u>Date License Issued</u>	<u>Expiration Date</u>
Soil Scientist	_____	_____	_____

II. Minimum Requirements were:

- A. _____ Years of education, _____ years of experience.
- B. _____ Written Examination

Please specify:

- 1. Name of examination _____
- 2. Date of examination _____
- 3. Number of hours _____
- 4. Score _____
- 5. Cut-off score _____
Cut-off score based on _____ Group Data
_____ National Data or Other (specify) _____

- C. _____ Oral Examination. _____ Hours.
- D. _____ Reciprocity with _____
- E. _____ Other: Please give details below: _____

- F. Is the applicant in good standing? _____

III. By: _____ (BOARD SEAL)
Title: _____
Date: _____

Effective: _____ DOC Form SS-3

APPLICANT: Enclose a stamped, addressed envelope for return directly to the Virginia Board.

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

VERIFICATION OF DEGREE GRANTED

(Applicant shall complete the upper portion of this form.)

Name in full _____
Residence Address _____
Business Address _____
Birth Date _____ Social Security Number _____
College or University Attended _____
Applicant's Signature _____

(After completion of above, applicant shall send this form to the college or university from which he/she obtained a degree. Please request that the following certificate be completed and that a transcript and this form be returned directly to the applicant.)

CERTIFICATE

I hereby certify that the above named applicant has been graduated from this institution with a degree of:

_____ Major _____
on _____

Signature _____

Official Position _____

Institution _____

Date _____

(College Seal)

Effective: _____ DOC Form SS-4

VIRGINIA BOARD FOR PROFESSIONAL SOIL SCIENTISTS

DEPARTMENT OF COMMERCE
3600 WEST BROAD STREET
RICHMOND, VIRGINIA 23230-1066

(To be completed by applicant):

Name: _____
 Last First Middle
Address: _____

To the Referencer:

As an eligible or certified soil scientist or other professional associate, you have been named as a reference on the application of the individual listed above. The Board for Professional Soil Scientists requests that you provide frank answers to the following questions with regard to the character of the applicant in order that the Board might better assess his/her qualifications.

Please return the completed form to the applicant in a sealed envelope with your signature on the outside in order that he/she may include it with the application to the Board, or you may return it directly to the Board at the above address.

1. Applicant's Name _____ Approx. Age _____
2. Your business/personal relationship to the applicant _____
3. Number of years you have known him/her _____
4. Are you aware of anything that the Board should be aware of which may make the applicant ineligible for certification? _____ If yes, explain on the back of this page.
5. How long has he/she been engaged in soil science work? _____
6. In your professional opinion, has this applicant demonstrated competence and knowledge in the soil science profession? _____ Please explain _____
7. Your comments and recommendations _____

Signature _____ Occupation _____
Name _____ Reg. No. _____
Address _____ State _____ Expire Date _____
Date _____ (SEAL)

Effective: _____ DOC Form 55-5

FINAL REGULATIONS

For information concerning Final Regulations, see information page.

Symbol Key

Roman type indicates existing text of regulations. *Italic type* indicates new text. Language which has been stricken indicates text to be deleted. [Bracketed language] indicates a substantial change from the proposed text of the regulations.

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES (AND BOARD OF)

Title of Regulation: VR 215-01-01. Standards for Classification of Real Estate As Devoted to Open Space Use Under the Virginia Land Use Assessment Law.

Statutory Authority: §§ 58.1-3230 and 10.1-104 of the Code of Virginia.

Effective Date: January 5, 1989

Summary:

The amendments clarify and simplify standards used by local tax assessing officials for the classification of real estate devoted to open-space land use. The amendments also establish standards for written commitments between landowners and local governing bodies for the protection and preservation of real estate devoted to open-space land use.

VR 215-01-01. Standards for Classification of Real Estate As Devoted to Open Space Use Under the Virginia Land Use Assessment Law.

PART I.

§ 1. General standards.

To qualify as an open-space use, any real estate must meet the requirements of both the General Standards (Part I) *this section* and the Specific Standards (Part II) *specific standards contained in § 2 of these regulations*. The general standards are as follows:

A. Consistency with land use plan.

1. The open-space use of the property must be consistent with the land use plan of the county, city, or town required by the Act, which plan shall have been made and adopted officially in accordance with Article 4, Chapter 11, Title 15.1 of the Code of Virginia. ~~To be consistent, the use must be:~~

1. A qualifying use listed in Part II which is shown on the Land Use Plan as an existing or proposed park, greenbelt, forest preserve, flood plain, conservation area, institution, or similar use specifically or in general terms, or

2. If not shown specifically or in general terms as specified above, it must be a qualifying use listed in Part II and must be located in an area shown broadly

on the Land Use Plan for a generally open and low density category of uses, such as Agricultural, Conservation, or Estate, but not Industrial, Commercial, Multi-family, or Residential, or it must be

3. Clearly in agreement with one of the stated conservation or open space goals or standards of the Land Use Plan.

2. A land use consistent with the land use plan means a use that is consistent with areas or land use zones depicted on a map that is part of the land use plan, or that directly supports or is generally consistent with stated land uses, natural resources conservation or historic preservation objectives, goals or standards of the land use plan.

3. A property that is subject to a recorded perpetual conservation, historic or open-space easement held by any public body, or is part of an agricultural, a forestal or an agricultural and forestal district approved by local government, shall be considered to be consistent with the land use plan.

B. No area of less than 5 acres is eligible under the law except that in any city having a density of population greater than five thousand per square mile, the governing body may by ordinance prescribe that land devoted to open space use consist of a minimum of two acres:

B. Minimum acreage.

1. Except as provided in subdivision B 2 of this section, real estate devoted to open-space use shall consist of a minimum of five acres.

2. If the governing body of any county, city or town has so prescribed by ordinance, real estate devoted to open space shall consist of a minimum of two acres when the real estate is:

a. Adjacent to a scenic river, a scenic highway, a Virginia byway or public property listed in the approved State Comprehensive Outdoor Recreation Plan, also known as the Virginia Outdoors Plan (the Virginia Outdoors Plan can be obtained from the Department of Conservation and Historic Resources at 203 Governor Street, Suite 302, Richmond, Virginia 23219); or

b. Located in a county, city or town having a density of population greater than 5,000 per square mile.

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C. Other requirements.

Real estate devoted to open-space use shall be:

1. Within an agricultural, a forestal or an agricultural and forestal district entered into pursuant to Chapter 36 of Title 15.1 of the Code of Virginia;
2. Subject to a recorded perpetual easement that is held by a public body and that promotes the open-space use classification as defined in § 58.1-3230 of the Code of Virginia; or
3. Subject to a recorded commitment entered into by the landowner with the governing body in accordance with § 3 of these regulations.

C. The uses described below in Part II shall each be the principal use of the property, not just incidental to a non-qualifying use. It must be the principal use in both extent and time.

D. The Open Space Use must be one that is maintained by the property owner.

E. The term "to be provided or preserved for" includes not only land in actual use for a qualifying open space use, but and also land being held in an underdeveloped state for acquisition by a governmental agency for a qualifying open space use.

F. Exceptions for unusual cases may be recommended by the Director of the Commission of Outdoor Recreation in any opinion requested under Sec. 58.1-3233 of the Code.

D. Opinions.

In determining whether a property meets the general and specific standards for open-space use, the local assessing officer may request an opinion from the Director of the Department of Conservation and Historic Resources under the provisions of § 4 of these regulations.

PART II: SPECIFIC STANDARDS.

§ 2. Specific standards.

A. In addition to meeting the foregoing General Standards, a qualifying Open Space must also meet the following Specific Standards. These refer to and are amplifications of the five broad definitions of Open Space Uses contained in the Enabling Act and quoted in the Preface above. The definitions in the Enabling Act are not to be interpreted or applied apart from the Standards which follow, but are further defined, limited, and clarified herein below.

B. Deliberate Identification.

It should be noted that a A qualifying Open Space must be one that is deliberately "provided or preserved for" one or more of the specified purposes. This means set aside, designated, committed, protected, or otherwise clearly identified and constructively maintained for the purpose. Idle, vacant, neglected land would not qualify simply because it is "open."

C. The specific classes of Open Space uses that standards for determining whether real estate will qualify for special taxation under these Standards assessment based on open-space use are as follows. The term "land" will include includes water, submerged land, wetlands, marshes, etc. and similar properties.

1. A. Park or recreation uses.

Lands that are provided or preserved for:

- a. 1. Any public, semi-public ; or privately-owned park, playground ; or other similar recreational area, for public use, or community use, except any use operated with intent for profit.

Examples:

Parks, play areas, athletic fields, botanical gardens, fishing or skating ponds.

Golf clubs, country clubs, swimming clubs, beach clubs, yacht clubs, scout camps.

Fairgrounds.

- b. 2. Golf courses operated for profit as a public service and having all or most of the park-like characteristics of normally associated with a country club.

- e. 3. Conditions Buildings shall not cover more than 10% of the site.

- d. 4. Exclusions Commercial recreational or amusement places , such as driving ranges, miniature golf courses, pony rides, trap shoots, marinas, motor speedways, drag strips, amusement parks ; and the like, shall not qualify.

2. B. Conservation of land or other natural resources.

Lands that are provided or preserved for forest preserves, bird or wildlife sanctuaries, watershed preserves, nature preserves, arboretums, marshes, swamps ; etc. and similar natural areas .

3. C. Floodways.

Lands that are provided or preserved for:

- a. 1. The passage or containment of waters, including the floodplains or valleys and side slopes of streams

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that are or may be subject to periodic or occasional overflow, such as floodplains identified by engineering surveys by the U.S. Corps of Engineers or others, or by soil surveys or topographic maps ; and including . Floodways also include adjacent lands that should be reserved as additional channels for future floods due to increased runoffs from urbanizing developments .

b. 2. Coastal lowlands , such as bays, estuaries or ocean shores, subject to inundation by storms or high tides (Bays, estuaries, or ocean shores) .

3. Tidal and nontidal wetlands, such as swamps, bogs and marshes.

4. D. Historic or scenic areas.

Lands that are provided or preserved for historic or scenic purposes are:

a. 1. On the Virginia Landmarks Register or the National Register of Historic Places or contributing properties in an historic district listed in the Virginia Landmarks Register or the National Register of Historic Places. Information concerning properties on these registers can be obtained from the Department of Conservation and Historic Resources.

b. 2. Places Properties protected by scenic or open-space easements ; if not enjoying other tax benefits under the Open Space Land Act .

e. 3. Places designated or recommended as "Scenic" by the Commission of Outdoor Recreation Department of Conservation and Historic Resources , the Department of Highways Transportation , the General Assembly ; or other official state agency ; such as along scenic rivers, scenic roads, and elsewhere, subject in each case to a specific area description provided by the designating agency.

5. E. Assisting in the shaping of the character, direction , and timing of community development , or for the public interest .

Lands in urbanizing regions that are officially planned or approved by the local planning commission or governing body to be left in a relatively natural and undeveloped state and that are provided or preserved for the purpose of shaping the city locality into neighborhoods and communities, of identifying their boundaries, or insulating incompatible uses from one another, or directing growth, or of controlling the rate or timing of growth or otherwise serving the public interest as determined by the local governing body . Examples:

Greenbelts, parkways and trailways ,

Stream valley preserves valleys ,

Forest preserves Forests and farmlands,

Hilltops preserves or hillsides preserve ,

Industrial buffers,

Permanent open spaces in cluster subdivisions.

Mountaintops and mountainsides,

Scenic vistas.

PART III.

§ 3. Standards for written commitments by landowners to preserve open-space land use.

The written commitment entered into by landowners for the local governing body to preserve open-space land use, pursuant to subdivision 3 of § 58.1-3233 of the Code of Virginia, shall conform substantially to the following form of agreement:

OPEN-SPACE USE AGREEMENT

This Agreement, made this date of 19 ... between hereafter called the Owner, and the [County, City or Town] of a political subdivision of the Commonwealth of Virginia, hereinafter called the [County, City or Town], recites and provides as follows:

RECITALS

1. The Owner is the owner of certain real estate, described below, hereinafter called the Property; and
2. The [County, City or Town] is the local governing body having real estate tax jurisdiction over the Property; and
3. The [County, City, or Town] has determined:

A. That it is in the public interest that the Property should be provided or preserved for [Insert one or more of the following uses: park or recreational purposes; conservation of land; conservation of (Insert description of other natural resource), an historic area; a scenic area; assisting in the shaping of the character, direction and timing of community development; or other use which serves the public interest by the preservation of open-space land as provided in the land use plan.]; and

B. That the Property meets the applicable criteria for real estate devoted to open-space use as prescribed in Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, and the standards for classifying such real estate prescribed by the Director of the Virginia Department of Conservation and Historic Resources; and

C. That the provisions of this agreement meet the

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requirements and standards prescribed under § 58.1-3233 of the Code of Virginia for recorded commitments by landowners not to change an open-space use to a nonqualifying use; and

4. The Owner is willing to make a written recorded commitment to preserve and protect the open-space uses of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment and the Owner has submitted an application for such taxation to the assessing officer of the [County, City or Town] pursuant to § 58.1-3234 of the Code of Virginia and [citation of local ordinance]; and

5. The [County, City or Town] is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Owner's commitment to preserve and protect the open-space uses of the property, and on the condition that the Owner's application is satisfactory and that all other requirements of Article 4, Chapter 32, Title 58.1 of the Code of Virginia and [citation of local ordinance] are complied with.

NOW THEREFORE, in consideration of the recitals and the mutual benefits, covenants and terms herein contained the parties hereby covenant and agree as follows:

1. This agreement shall apply to all of the following described real estate: [Insert property description]

2. The Owner agrees that during the term of this agreement:

A. There shall be no change in the use or uses of the Property that exist as of the date of this agreement to any use that would not qualify as an open-space use.

B. There shall be no display of billboards, signs or other advertisements on the property, except to (i) state solely the name of the Owner and the address of the Property; (ii) advertise the sale or lease of the Property; (iii) advertise the sale of goods or services produced pursuant to the permitted use of the Property; or (iv) provide warnings. No sign shall exceed four feet by four feet.

C. There shall be no construction, placement or maintenance of any structure on the Property unless such structure is either:

(1) on the Property as of the date of this agreement; or

(2) related to and compatible with the open-space uses of the Property which this agreement is intended to protect or provide for.

D. There shall be no accumulations of trash, garbage, ashes, waste, junk, abandoned property or other

unsightly or offensive material on the Property.

E. There shall be no filling, excavating, mining, drilling, removal of topsoil, sand, gravel, rock, minerals or other materials which alters the topography of the Property, except as required in the construction of permissible building, structures and features under this agreement.

F. There shall be no construction or placement of fences, screens, hedges, walls or other similar barriers which materially obstruct the public's view of scenic areas of the Property.

G. There shall be no removal or destruction of trees, shrubs, plants and other vegetation, except that the Owner may:

(1) engage in agricultural, horticultural or silvicultural activities, provided that there shall be no cutting of trees, other than selective cutting and salvage of dead or dying trees, within 100 feet of a scenic river, a scenic highway, a Virginia Byway or public property listed in the approved State Comprehensive Outdoor Recreation Plan (Virginia Outdoors Plan); and

(2) remove vegetation which constitutes a safety, a health or an ecological hazard.

* H. There shall be no alteration or manipulation of natural water courses, shores, marshes, swamps, wetlands or other water bodies, nor any activities or uses which adversely affect water quality, level or flow.

* I. On areas of the Property that are being provided or preserved for conservation of land, floodways or other natural resources, or that are to be left in a relatively natural or underdeveloped state, there shall be no operation of dune buggies, all-terrain vehicles, motorcycles, motorbikes, snowmobiles or other motor vehicles, except to the extent necessary to inspect, protect or preserve the area.

J. There shall be no industrial or commercial activities conducted on the Property, except for the continuation of agricultural, horticultural or silvicultural activities; or activities that are conducted in a residence or an associated outbuilding such as a garage, smokehouse, small shop or similar structure which is permitted on the property.

K. There shall be no separation or split-off of lots, pieces or parcels from the Property. The Property may be sold or transferred during the term of this agreement only as the same entire parcel that is the subject of this agreement; provided, however, that the Owner may grant to a public body or bodies open-space, conservation or historic preservation easements which apply to all or part of the Property.

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3. This agreement shall be effective upon acceptance by the [County, City or Town]; provided, however, that the real estate tax for the Property shall not be extended on the basis of its use value until the next succeeding tax year following timely application by the Owner for use assessment and taxation in accordance with [citation of applicable local ordinance]. Thereafter, this agreement shall remain in effect for a term of [Insert a period of not less than 4 nor more than 10 consecutive tax years.

4. Nothing contained herein shall be construed as giving to the public a right to enter upon or to use the Property or any portion thereof, except as the Owner may otherwise allow, consistent with the provisions of this agreement.

5. The [County, City or Town] shall have the right at all reasonable times to enter the Property to determine whether the Owner is complying with the provisions of this agreement.

6. Nothing in this agreement shall be construed to create in the public or any member thereof a right to maintain a suit for any damages against the Owner for any violation of this agreement.

7. Nothing in this agreement shall be construed to permit the Owner to conduct any activity or to build or maintain any improvement which is otherwise prohibited by law.

8. If any provision of this agreement is determined to be invalid by a court of competent jurisdiction, the remainder of the agreement shall not be affected thereby.

9. The provisions of this agreement shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.

10. Words of one gender used herein shall include the other gender, and words in the singular shall include words in the plural, whenever the sense requires.

11. This agreement may be terminated in the manner provided in § 15.1-1513 of the Code of Virginia for withdrawal of land from an agricultural, a forestal or an agricultural and forestal district.

12. Upon termination of this agreement, the Property shall thereafter be assessed and taxed at its fair market value, regardless of its actual use, unless the [County, City or Town] determines otherwise in accordance with applicable law.

13. Upon execution of this agreement, it shall be recorded with the record of land titles in the Clerk's Office of the Circuit Court of _____, Virginia, at the Owner's expense.

14. NOTICE: WHEN THE OPEN-SPACE USE OR USES BY WHICH THE PROPERTY QUALIFIED FOR ASSESSMENT AND TAXATION ON THE BASIS OF USE CHANGES TO A NONQUALIFYING USE OR USES, OR WHEN THE

ZONING FOR THE PROPERTY CHANGES TO A MORE INTENSIVE USE AT THE REQUEST OF THE OWNER, THE PROPERTY, OR SUCH PORTION OF THE PROPERTY WHICH NO LONGER QUALIFIES, SHALL BE SUBJECT TO ROLL-BACK TAXES IN ACCORDANCE WITH § 58.1-3237 OF THE CODE OF VIRGINIA. THE OWNER SHALL BE SUBJECT TO ALL OF THE OBLIGATIONS AND LIABILITIES OF SAID CODE SECTION.

* Paragraphs H and I must be included in agreements for properties which are to be provided or preserved for natural areas left in undeveloped states, including floodways. These paragraphs are unnecessary for agreements for other types of land uses, such as for a park or a farm use.

..... (SEAL)
Owner

[Name of City, County, Town]

by
(Acknowledgments)

PART IV

§ 4. Opinions.

In cases of uncertainty, on the part of the local assessing officer, the law authorizes him to the local assessing officer may request an opinion from the Director of the Commission of Outdoor Recreation Department of Conservation and Historic Resources as to whether a particular property meets the criteria for open-space classification. The procedure for obtaining such an opinion is as follows:

A. The local assessing officer shall address a letter to the Director, Commission of Outdoor Recreation Department of Conservation and Historic Resources, 203 Governor St., Suite 302, Richmond, VA 23219, describing the particular use and situation and requesting an opinion as to whether or not it qualifies as an open space for the purpose of use value taxation. Such letter should be accompanied by exhibits such as land use maps, subdivision plats, open-space deeds or easements, applicable agricultural, forestal, historic district or other ordinances, if any, topographic maps; and photographs, sufficient to explain the situation adequately. The director may request additional information if needed.

B. The director may hold a hearing at which the applicant and others may present additional information.

C. The director will issue his an opinion as quickly as possible after all necessary information has been received and any hearing completed. An appeal from any opinion which does not comport with the standards set forth herein may be taken as provided by Section 58-769.12 (58-1-3240) § 58.1-3240 of the Code of Virginia (1950) as amended.

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MARINE RESOURCES COMMISSION

NOTE: The Marine Resources Commission is exempted from the Administrative Process Act (§ 9-6.14:1 of the Code of Virginia); however, it is required by § 9-6.14:22 B to publish all final regulations.

Title of Regulation: VR 450-01-0034. Pertaining to the Taking of Striped Bass.

Statutory Authority: § 28.1-23 of the Code of Virginia.

Effective Date: November 7, 1988

Preamble:

This regulation establishes a closed season, minimum size limits, creel limits, and gear restrictions for the taking or possession of striped bass in Virginia. The purpose of this regulation is to provide sufficient protection for the Chesapeake Bay stocks of striped bass to ensure that 95% of the females of the 1982 and subsequent year classes have an opportunity to reproduce at least once. These changes comply with the recommendations of the Interstate Fishery Management Plan for Striped Bass.

Section 7 of this regulation authorizes the aquaculture of striped bass and hybrid striped bass and sets forth the terms and conditions required for their culture.

VR 450-01-0034. Pertaining to the Taking of Striped Bass.

§ 1. Authority, prior regulations, effective date.

A. This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-50 of the Code of Virginia.

B. This regulation repeals regulation VR 450-01-0029, Pertaining to the Taking of Striped Bass, and regulation VR 450-01-0032, Pertaining to the Potomac River Tributaries and amends previous regulation VR 450-01-0034, which was promulgated and made effective on August 4, 1987.

C. The effective date of this regulation is August 4, 1987 November 7, 1988 .

§ 2. Purpose.

The purpose of this regulation is to provide for the immediate protection of Virginia's striped bass stocks and to reduce harvest pressure on the 1982 year class and subsequent year classes of striped bass.

The provisions pertaining to aquaculture serve to prevent escapement of cultured hybrid striped bass into the natural environment and to minimize the impact of cultured fish in the market place on the enforcement of other provisions in this regulation.

§ 3. Definitions.

A. Striped bass - any fish of the species *Morone saxatilis* including any hybrid striped bass.

B. Spawning rivers - the James, Pamunkey, Mattaponi and Rappahannock Rivers including all their tributaries.

C. Spawning reaches - sections within the spawning rivers as follows:

1. James River: From a line connecting Dancing Point and New Sunken Meadow Creek upstream to a line connecting City Point and Packs Point;

2. Pamunkey River: From the Route 33 bridge at West Point upstream to a line connecting Liberty Hall and the opposite shore;

3. Mattaponi River: From the Route 33 bridge at West Point upstream to the Route 360 bridge at Aylett;

4. Rappahannock River: From the Route 360 bridge at Tappahannock upstream to the Route 3 bridge at Fredericksburg.

§ 4. Closed areas, seasons, and gear limitations.

A. During the period December 1 to May 31, inclusive, a person may not take, catch, possess, transport, process, sell or offer for sale any striped bass.

B. During the period April 1 to May 31, inclusive, a person may not set or fish any anchored or staked gill net within the spawning reaches. Drift (float) gill nets may be set or fished within the spawning reaches during the closed season, but the fisherman must remain with such net while that net is in the fishing position.

§ 5. Minimum size limits.

A. During the open season, June 1 to November 30, inclusive, it shall be unlawful for any person to take, catch, or have in possession any striped bass less than 24 inches in length, except as provided in paragraph B, below.

B. During the open season, June 1 to November 30, inclusive, it shall be unlawful for any person to take, catch, or retain possession of any striped bass from the Territorial Sea that is less than ~~33~~ 38 inches in length.

C. Length is measured in a straight line from tip of nose to tip of tail.

§ 6. Creel limit.

A possession limit of five striped bass per person per day is imposed on all hook-and-line fishermen taking striped bass from the tidal waters of Virginia during the open season, June 1 to November 30, inclusive.

§ 7. Aquaculture of striped bass and hybrid striped bass.

A. Permit required.

It shall be unlawful for any person, firm, or corporation to operate an aquaculture facility without first obtaining a permit from the Marine Resources Commission. Such permit shall authorize the purchase, possession, sale, and transportation of striped bass or hybrid striped bass in accordance with the other rules contained in this section.

B. Application for and term of permit.

The application for a striped bass aquaculture facility shall state the name and address of the applicant, the type and location of the facility, type of water supply, location of nearest tidal waters or tributaries to tidal water, and an estimate of production capacity. All aquaculture permits shall expire on December 31 of the year of issue and are not transferable. Permits shall be automatically renewed by the Marine Resources Commission provided no structural changes in the facility have been made, the facility has been adequately maintained, and the permittee has complied with all of the provisions of this regulation.

C. Display of permit.

1. The original of each permit shall be maintained and prominently displayed at the aquaculture facility described therein.
2. A copy of such permit may be used as evidence of authorization to transport striped bass or hybrid striped bass to sell the fish away from the permitted facility under the conditions imposed in paragraph G in this section.

D. Water supply.

An aquaculture facility may consist of one or more ponds or artificial impoundments or a combination of both. No pond or impoundment may be constructed or situated on a natural watercourse that originates beyond the boundaries of private land upon which the pond or impoundment is located. Any outfall from the propagation system shall be screened so as to prevent entry of fish into and escape from the facility and shall be passed through a dry ground water percolation system or through a chlorination process and retention pond for dechlorination. Under no circumstance, shall there be a direct discharge from the facility to any natural watercourse.

E. Acquisition of fish, fingerlings, fry, and eggs.

Striped bass or hybrid striped bass fingerlings, fry, or eggs, may be obtained only from state permitted fish dealers and must be certified by the seller as striped bass or hybrid striped bass having a disease free status. Each purchase or acquisition, of striped bass or hybrid striped bass must be accompanied by a receipt or other written

evidence showing the date, source, species, quantity of the acquisition and its destination. Such receipt must be in the possession of the permittee prior to transportation of such fish, fingerlings, fry, or eggs to the permitted facility. All such receipts shall be retained as part of the permittee's records. The harvesting of striped bass from the tidal waters of Virginia for the purpose of artificially spawning in a permitted aquaculture facility shall comply with all of the provisions of this regulation and state law including minimum size limits, maximum size limits, and closed harvesting seasons and areas.

F. Inspection of facilities.

1. Inspection. Agents of the Marine Resources Commission and the Department of Game and Inland Fisheries are authorized to make periodic inspection of the facilities and the stock of each operation permitted under this section. Every person engaged in the business of striped bass aquaculture shall permit such inspection at any reasonable time.
2. Diseased fish. No person permitted under this section shall maintain in the permitted facility any fish which shows evidence of any contagious disease listed in the then current list by the United States Fish and Wildlife Services as "certifiable diseases" except for the period required for application of standard treatment procedures or for approved disposition.
3. Disposition. No person permitted under this section shall sell or otherwise transfer possession of any striped bass or hybrid striped bass which shows evidence of a "certifiable disease" to any person, except that such transfer may be made to a fish pathologist for examination and diagnosis.

G. Sale of fish.

All striped bass or hybrid striped bass except fingerlings, fry, and eggs, which are the product of an aquaculture facility permitted under this section shall be packaged with a printed label bearing the name, address, and permit number of the aquaculture facility. When so packaged and labelled such fish may be transported and sold at retail or at wholesale for commercial distribution through normal channels of trade until reaching the ultimate consumer. Every such sale must be accompanied by a receipt showing the date of sale, the name, address and permit number of the aquaculture facility, the numbers and species of fish sold, and the name of the purchaser. Each subsequent resale must be accompanied by a receipt clearly identifying the seller by name and address, showing the number and species of the fish sold, the date sold, the permit number of the aquaculture facility and, if the sale is to other than the ultimate consumer, the name and address of the purchaser. The purchaser in possession of such fish must exhibit the receipt on demand of any law-enforcement officer. A duplicate copy of each such receipt must be retained for

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one year by the seller as part of the records of each transaction.

H. Records.

Each permitted aquaculture facility operator shall maintain a chronological file of the receipts or copies thereof showing the dates and sources of acquisitions of striped bass or hybrid striped bass and quantities thereof, and a chronological file of copies of the receipts of his sales required under paragraph G of this section. Such records shall be segregated as to each permit year, shall be made available for inspection by any authorized agent of the Marine Resources Commission or Department of Game and Inland Fisheries, and shall be retained for at least one year following the close of the permit year to which they pertain.

I. Revocation and nonrenewal of permit.

In addition to the penalties prescribed by law, any violation of § 7 shall be grounds for revocation or suspension of the permit for the aquaculture facility for the balance of the permit year. No person whose permit has been revoked shall be eligible to apply for an aquaculture facility permit for a period of two years after the date of such revocation.

J. Importation of striped bass for the consumer market.

Striped bass or hybrid striped bass which are the product of an approved and state permitted aquaculture facility in another state may be imported into Virginia for the consumer market. Such fish shall be packaged and labelled in accordance with the provisions contained in paragraph G of this section. Any sale of such fish also shall be accompanied by receipts as described in paragraph G of this section.

K. Release of live fish.

Under no circumstance shall striped bass or hybrid striped bass which are the product of a commercial aquaculture facility located within or outside the Commonwealth of Virginia be placed into the waters of the Commonwealth without first having notified the commission and having received written permission from the commissioner.

§ 8. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

/s/ William A. Pruitt, Commissioner

* * * * *

NOTE: Effective July 1, 1984, the Marine Resources Commission was exempted from the Administrative

Process Act for the purposes of promulgating regulations. However, they are required to publish the full text of final regulations.

Title of Regulation: VR 450-01-0053. Pertaining to the Taking of Summer Flounder.

Statutory Authority: §§ 28.1-23 and 28.1-49.1 of the Code of Virginia.

Effective Date: November 7, 1988

Preamble:

This regulation establishes the minimum size limit for summer flounder as 13 inches total length.

VR 450-01-0053. Pertaining to the Taking of Summer Flounder.

§ 1. Authority, prior regulation, effective date.

A. *This regulation is promulgated pursuant to the authority contained in §§ 28.1-23 and 28.1-49.1 of the Code of Virginia.*

B. *No prior regulations pertain to the harvesting or possession of summer flounder. Section 28.1-49.1 establishes the tolerance or allowance for possession of flounder smaller than the established minimum size limit.*

C. *The effective date of this regulation is November 7, 1988.*

§ 2. Purpose.

The purpose of this regulation is to ensure that at least two year classes of summer flounder contribute to the Virginia fishery thereby reducing the possibility of a year class failure. The 13-inch size limit will also protect from harvesting at least 50% of the female flounder until they reach spawning size.

§ 3. Minimum size limit.

A. *The minimum size limit for summer flounder shall be 13 inches, total length.*

B. *Length is measured in a straight line from tip of nose to tip of tail.*

§ 4. Allowance for undersized flounder.

As set forth in § 28.1-49.1 of the Code of Virginia, it shall be unlawful for any person to take, catch, or possess more than 10% or two by count, whichever is greater, of summer flounder less than the established minimum size limit. Whenever any person has possession of more than 100 pounds in the aggregate of summer flounder, the taking, catching, or possession of which is or might be unlawful due to their size, a lot of 100 pounds of such

species may be separated by an inspector from the whole quantity thereof for purposes of determining whether more than 10% thereof are under the lawful size.

It is provided further that it shall be unlawful for any dealer or wholesaler of fish for human consumption to buy from others or to otherwise possess for purposes of resale any fish, the taking, catching or possession of which is unlawful due to the size thereof, as provided herein, unless in the latter case at least 90% of the fish of each type mentioned herein are of a lawful size. Whenever a dealer or wholesaler of fish has possession of more than 100 pounds in the aggregate of any variety or species, the taking, catching or possession of which is or might be unlawful due to their size, a lot of 100 pounds of each species or variety may be separated by any inspector from the whole quantity thereof for purposes of determining whether less than 90% thereof were under or over the lawful size for purposes of this provision. If less than 90% are within the lawful size the dealer or wholesaler shall be presumed guilty of having violated this provision, if the fish were bought from others or otherwise possessed for purposes of resale.

§ 5. Penalty.

As set forth in § 28.1-23 of the Code of Virginia, any person, firm, or corporation violating any provision of this regulation shall be guilty of a Class 1 misdemeanor.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (BOARD OF)

Title of Regulation: State Plan for Medical Assistance.
VR 460-01-73.1. Nurse Aid Registry and Specification and Review of Nurse Aide Training and Competency Evaluation Programs.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Effective Date: January 4, 1989

REGISTRAR'S NOTICE: This regulation is excluded from Article 2 of the Administrative Process Act in accordance with § 9-6.14:4.1 C 4(c) of the Code of Virginia, which excludes from Article 2 regulations which are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Department of Medical Assistance Services will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Summary:

These final regulations concerning nurse aide registries and competency evaluations have been required by the Omnibus Budget Reconciliation Act of 1987. Even though the Department of Health will be administering these regulations the Title XIX Plan must reference

this requirement for approval of its federal financial participation dollars.

Section 4211 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) adds § 1919(e)(1)(2) to the Social Security Act. This section requires that, by January 1, 1989, the State (i) specify training/competency evaluation programs and competency evaluation programs, and (ii) establish and maintain a registry of all individuals who have satisfactorily completed a nurse aide training/competency evaluation program or a nurse aide competency evaluation program approved by the state for individuals employed in nursing facilities. The nurse aide training/competency evaluation programs and competency evaluation programs shall be reviewed and reapproved by the Virginia Department of Health by not later than January 1, 1990. The term nurse aide refers to any individual providing nursing or nursing-related services to nursing facility residents and who is not a licensed health professional or volunteer who provides such services without monetary compensation.

The nurse aide training and competency evaluation programs must meet requirements relating to these areas:

1. Basic nursing skills;
2. Personal care skills;
3. Recognition of mental health and social service needs;
4. Basic restorative services;
5. Residents' rights;
6. Content of the curriculum;
7. Minimum hours of initial and ongoing training and retraining (15 hours of classroom and 60 hours of clinical training);
8. Procedures for determination of competency.

For those individuals used as nurse aides as of July 1, 1989, nursing facilities must provide a competency evaluation program approved by the state and preparation which may be necessary for completion of such a program by January 1, 1990. The nurse aide competency evaluation programs must meet requirements relating to the areas to be covered in such a program, including at least basic nursing skills, personal care skills, cognitive, behavioral and social care, basic restorative services, residents' rights, and procedures for determination of competency.

The state may approve programs offered by or in facilities and programs in effect on the date of

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enactment of these regulations. The state may deem an individual as having met the requirements for completion of a nurse aide training and competency evaluation program completed before January 1, 1989, if the state determines that the program met the requirements of these regulations at the time it was offered.

On or after January 1, 1990, a nursing facility must not use as a nurse aide for more than four months any individual who has not completed a state approved training/competency evaluation program or competency evaluation program. The nursing facility must not permit an individual to serve as a nurse aide or provide services of a type for which the individual has not demonstrated competency unless the individual is enrolled in a state approved program. In addition, it must not use a nurse aide unless the facility has contacted the state registry. If 24 consecutive months pass after the individual's most recent completion of a training/competency evaluation program, a new program must be completed if during the period the individual has not been compensated for services performed.

Information that must be maintained and retrievable from the nurse aide registry includes identification of individuals who have successfully completed a nurse aide training/competency evaluation program, or a nurse aide competency evaluation program, identification of nurse aides who have successfully completed a nurse aide retraining/competency evaluation program, name, address (at the time competency test was passed), date of birth, and social security number of individuals listed in the registry, as well as the name and date of the state-approved training/competency evaluation program successfully completed by an individual. The registry is to contain documentation of investigations showing specific findings of resident neglect, abuse, or misappropriation of resident property by a nurse aide in a nursing facility. The documentation shall include an accurate summary of the findings and, where applicable, the date and results of a hearing and a statement by the nurse aide disputing the findings of the investigation. Information in the registry will be made available to the public. The nurse aides' names must be placed on the registry within 60 days of the date of successful completion of the competency examination.


The Division of Licensure and Certification of the Virginia Department of Health is the state survey agency responsible for ensuring that the nurse aide registry is established and maintained, and that nurse aide competency and training programs are established and reviewed.

VR 460-01-73.1. Nurse Aide Registry and Specification and Review of Nurse Aide Training and Competency Evaluation Programs.

State of Virginia

Citation 4.25.1 Program for Nurse Aide Training and Nurse Aide Registry
1919(b) (5);
1919(e) (1) (2);
1919(f) (2)

The State has a program that meets the requirements of 1919(e) of the Social Security Act for nurse aide training and registry programs.


COMMONWEALTH of VIRGINIA

J. JOAN W. SMITH
REGISTRAR OF REGULATIONS

VIRGINIA CODE COMMISSION
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November 22, 1988

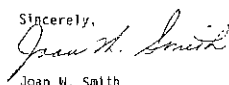
Mr. Bruce U. Kozlowski, Director
Department of Medical Assistance Services
600 East Broad Street
Richmond, Virginia 23219

Re: VR 460-01-73.1, Nurse Aid Registry and Specification and Review of Nurse Aide Training and Competency Evaluation Program.

Dear Mr. Kozlowski:

This will acknowledge receipt of the above-referenced regulations from the Department of Medical Assistance Services.

As required by § 9-6.14:4.1 C.4.(c). of the Code of Virginia, I have determined that these Regulations are exempt from the operation of Article 2 of the Administrative Process Act since they do not differ materially from those required by Federal law.

Sincerely,

Joan W. Smith
Registrar of Regulations

JWS:sll

* * * * *

Title of Regulation: VR 460-04-8.2. Home and Community Based Ventilation Services.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Effective Date: January 5, 1989

Summary:

These final regulations provide for the coverage of services to certain ventilator-dependent individuals up to the age of 21 years who would otherwise remain in hospitals. The department has received the approval of the Health Care Financing Administration for a § 2176 waiver to cover these services through its Home and Community Based Care program. These final regulations do not differ substantially from the proposed regulations.

VR 460-04-8.2. Home and Community Based Ventilation Services.

§ 1. Definitions.

The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise:

"DMAS" means the Department of Medical Assistance Services.

"Health care coordinator" means the health care [discipline, either nursing or social work professional], designated by the hospital as responsible for ensuring that the assessment, care planning, monitoring, and review activities as required by DMAS are accomplished.

"Health care coordination" means a comprehensive needs assessment [, determination of cost effectiveness,] and the coordination of the service efforts of multiple providers in order to avoid duplication of services and ensure the individual's access to and receipt of needed services.

"Medical equipment and supplies" means those articles prescribed by the attending physician, generally recognized [by the medical community] as serving a diagnostic or therapeutic purpose and as being a medically necessary element of the home care plan. Items covered are those not already available under other services covered by the Plan.

"Plan of Care" means the written plan of services and supplies [certified by the attending physician] needed by the [patient individual] to ensure optimal health and safety for an extended period of time.

"Private duty nursing" means individual and continuous nursing care provided by a registered nurse or a licensed

practical nurse under the supervision of a registered nurse.

"Providers" means those individuals or facilities registered, licensed, or certified, as appropriate, and enrolled by DMAS to render services to Medicaid recipients eligible for services.

"Respite care services" means temporary skilled nursing services designed to relieve the family of the care of the ventilator dependent individual (up to age 21) for a short period(s) of time (a maximum of 15 days per year or 360 hours per 12-month period). Respite care shall be provided in the home of the individual's family or caretaker.

"Routine respiratory therapy" means services that can be provided on a regularly scheduled basis. Therapy interventions may include: (i) monitoring of oxygen in blood; (ii) evaluation of pulmonary functioning; and (iii) maintenance of respiratory equipment.

"State Plan for Medical Assistance" or "the Plan" means the document containing the covered groups, covered services and their limitations, and provider reimbursement methodologies as provided for under Title XIX of the Social Security Act.

§ 2. Coverage statement.

A. Coverage shall be provided under the administration of the Department of Medical Assistance Services for certain ventilator dependent individuals up to the age of 21 [years] who would otherwise remain in hospitals.

B. The objective of this waiver is to provide for medically appropriate and cost-effective coverage of services necessary to maintain these individuals in the community.

C. Coverage shall not be provided for these services in board and care facilities.

D. Coverage shall be provided for private duty nursing, respite care, and medical supplies and equipment not otherwise available under the State Plan. All such services shall be covered only in the [patient's individual's] home.

§ 3. Covered services and provider requirements.

A. Private duty nursing service shall be covered for individuals up to the age of 21 qualified for ventilator services. This service shall be provided only through a home health agency certified by the Virginia Department of Health for Medicaid participation, and with [whom which] DMAS has a contract for private duty nursing. At a minimum the private duty nurse shall either be a licensed practical nurse or a registered nurse with a current and valid license issued by the Virginia State Board of Nursing.

1. During the first 30 days after the [patient's

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individual's] discharge from the hospital, private duty nursing is covered for 24 hours per day if needed and appropriate to assist the family in adjustment to the care associated with ventilator dependency. After 30 days, private duty nursing shall be reimbursed for a maximum of 16 hours per 24 hour period. The department may grant individual exceptions to these maximum limits based on documented emergency needs of the individual and continued aggregate cost effectiveness of community services.

2. If the [~~patient~~ individual] is weaned from the ventilator, reimbursement may be available for private duty nursing for a maximum of 16 hours per 24 hour period not to exceed two weeks from the date the attending physician certifies the cessation of ventilator dependency.

3. The hours of private duty nursing shall be limited by medical necessity and cost effectiveness.

B. Respite care service shall be covered for individuals up to the age of 21 who are qualified for ventilator services. This service shall be provided by skilled nursing staff (registered nurse or licensed practical nurse licensed to practice in the Commonwealth) under the direct supervision of a home health agency certified by the Virginia Department of Health for Medicaid participation and with which DMAS has a contract to provide private duty nursing.

C. Durable medical equipment and supplies ; not otherwise covered in the State Plan ; shall be provided for individuals qualified for ventilator services. This service shall be provided by persons qualified to render it.

1. Durable medical equipment and supplies shall be necessary to maintain the individual in the home environment.

a. Medical equipment and supplies shall be prescribed by the attending physician and included in the Plan of Care, and shall be generally recognized as serving a diagnostic or therapeutic purpose and being medically necessary for the home care of the [~~patient~~ individual].

b. Vendors of durable medical equipment and supplies related to the ventilator shall have a contract with DMAS to provide services.

c. In addition to providing the ventilator and associated equipment and supplies, the vendor providing the ventilator shall ensure the following:

(1) 24 hour on-call for emergency services;

(2) Technicians to make regularly scheduled maintenance visits at least every 15 days and more often if called;

(3) Replacement or repair of equipment and supplies as required; and

(4) Respiratory therapist registered with the National Board for Respiratory Care (NBRC) on-call 24 hours per day and stationed within two hours of the [~~patient's~~ individual's] home to facilitate immediate response. The respiratory therapist shall be available for routine respiratory therapy as well as emergency care. In the event that the Commonwealth of Virginia Board of Health Professions implements through state law a regulation requiring registration, certification or licensure for respiratory therapists to practice in the Commonwealth, DMAS shall require all respiratory therapists providing services to this ventilator dependent population to be duly registered, licensed or certified.

2. Medical equipment and supplies include:

a. All durable medical equipment and supplies which are covered under the State Plan. See the attachment listing for specific items which are covered.

b. Apnea monitor.

§ 4. Provider reimbursement.

A. All private duty nursing services shall be reimbursed at an hourly negotiated fee.

B. Respite care shall be reimbursed at an hourly negotiated fee.

C. Prior approval by DMAS shall be required for all durable medical equipment and other medically related supplies furnished under this program before the individual's discharge from the hospital and before reimbursement. If additional equipment and supplies are needed following the [~~patient's~~ individual's] discharge from the hospital, the Health Care Coordinator shall [~~notify DMAS and~~] obtain DMAS' approval. This prior authorization requirement shall apply to all durable medical equipment and supplies that are covered under the State Plan or the waiver.

§ 5. Patient [qualification and] eligibility requirements.

A. Medicaid eligible individuals, [~~under~~ younger than] 21 [years of age], shall be entitled to this service based on the anticipated cost to Medicaid of home care being less than the anticipated cost to Medicaid of the individual remaining in the hospital and based on continued aggregate cost effectiveness of community services.

B. The individual shall have a live-in primary care giver who accepts responsibility for the [~~patient's~~ individual's] health and welfare.

C. These services shall not be available to inpatients of general acute care hospitals, skilled nursing facilities, intermediate care facilities, or intermediate care facilities for the mentally retarded.

D. Virginia will apply the financial eligibility criteria contained in the State Plan for the categorically needy and the medically needy. Virginia has elected to cover the optional categorically needy group under 42 CFR 435.211, 435.231 and 435.217. The income level used for 435.211, 435.231 and 435.217 is 300% of the current Supplemental Security Income payment standard for one person.

1. Under this waiver, the coverage groups authorized under § 1902(a)(10)(A)(ii)(VI) of the Social Security Act will be considered as if they were institutionalized for the purpose of applying institutional deeming rules. The medically needy individuals participating in the waiver will also be considered as if they were institutionalized for the purpose of applying the institutional deeming rules.

2. Virginia will treat the income of an eligible individual who receives home and community-based care services under 42 CFR 435.217 using the methodology in 42 CFR 435.735 to reduce the agency's payment for home and community-based services. The following amounts from the individual's total income (including amounts disregarded in determining eligibility) will be deducted:

a. For the individual's maintenance needs, the current Supplemental Security Income (SSI) payment standard for one individual (the categorically needy income standard for one).*

b. For an individual with a spouse living in the home, an additional amount for the maintenance needs of the spouse based upon a reasonable assessment of need but not to exceed the current Supplemental Security Income payment for one individual (the categorically needy income standard for one).

c. For an individual with a family at home, an additional amount for the maintenance needs of the family based upon a reasonable assessment of need but not to exceed the medically needy income standard for a family of the same size.

d. Amounts for incurred expenses for Medicare and other health insurance premiums, deductibles, or coinsurance charges.

e. Amounts for incurred expenses for necessary medical or remedial care not subject to payment by a third party recognized under state law but not covered under the Commonwealth's Medicaid Plan within the same reasonable limits established under the State Plan for institutionalized individuals.

* Although Virginia has elected to apply more restrictive eligibility requirements than SSI, Virginia does not apply a more restrictive income standard.

E. Assessment and Plan of Care requirements.

1. The initial assessment and development of the Plan of Care shall be conducted by a hospital-based multidisciplinary team. The team shall include an attending physician, a nurse, and a social worker.

a. The physician shall be currently certified by the Board of Medicine and have a currently valid license to practice medicine in the Commonwealth. The physician shall have experience in the needs and care of ventilator dependent persons and the needs of children.

b. The nurse shall be a registered nurse currently and validly licensed to practice nursing in the Commonwealth. The nurse shall have experience in the needs and care of ventilator dependent persons and the needs of children.

c. The social worker shall have a master's degree in social work. The social worker shall have experience in the needs and care of ventilator dependent persons and the needs of children.

d. Other specialists who are currently and validly licensed, registered or certified to practice their [specialty specialties] within the Commonwealth may participate in the assessment and care planning process. These other specialists shall have experience in the needs and care of ventilator dependent persons and the needs of children.

e. The Health Care Coordinator is responsible for ensuring that the assessment, care planning, monitoring, and review activities required by DMAS are accomplished. The Health Care Coordinator shall be either a nurse or a social worker meeting the requirements of subdivision b or c above.

2. Referral for waiver services and assessment.

a. [~~Service referrals~~ A service referral] shall originate from the clinical staff in the hospital where the individual is located.

b. The Health Care Coordinator shall meet with the family and representatives of the clinical patient care team to preliminarily assess the individual's needs.

c. Upon receiving parental or guardian consent to explore the possibility of home care, the Health Care Coordinator shall arrange for the assessment process for waiver services. The initial assessment and development of the Plan of Care for a potential waiver participant will be conducted by the

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hospital-based multidisciplinary team.

d. At the time of assessment, certification from the attending physician that the individual would otherwise require continued acute care or skilled nursing facility care will be necessary in order to continue the assessment process.

e. If the physician certifies the need for care and if the family desires community based care, the Health Care Coordinator shall continue the assessment process. The Health Care Coordinator shall perform a home visit to ensure suitability of the home environment for the individual's placement. Concurrently, the Health Care Coordinator or social worker of the multidisciplinary team shall conduct a family assessment to ensure the family's willingness and ability to participate in home care. Consideration shall also be given to the extent of family and community support available to meet the care needs of the ventilator dependent individual.

3. Development of the Plan of Care.

a. Upon completion of the medical/nursing/functional assessment and the family and home assessment, the Plan of Care is developed.

d. At minimum, the Plan of Care shall include:

(1) A statement of the appropriateness of the home in which the individual is to be placed.

(2) Identification of the type, frequency, and amount of nursing care needed. This shall include the name of the provider agency, whether the nurse is an RN or an LPN, and verification that the nurse is licensed to practice in the Commonwealth. This shall also contain documentation that the Health Care Coordinator has verified that the provider agency is an enrolled provider with DMAS to provide skilled nursing services for this population.

(3) Identification of all other services that are needed in order for the individual to be discharged home. The statement shall include, as appropriate, speech therapy, occupational therapy, physical therapy, transportation, physician services, the frequency and amount of service needed, the provider of the service, and the payment source.

(4) A complete list of equipment and supply needs, and identification of the provider and source of payment.

(5) Identification of the type, frequency, and amount of care that the family or other informal caregivers shall provide.

(6) Identification of the anticipated utilization of respite care during the 12-month period post-hospital discharge.

(7) Other referrals for assessment for services (as needed and appropriate) to include the school system; Women, Infants, and Children Program; child development clinic services; [and] Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT) services.

(8) Identification of the primary care physician in the community who has agreed to follow the [recipient individual] in the community.

(9) The appropriateness of the medical care, including a statement from the multidisciplinary team as well as the individual's primary care physician, to be signed by the legally responsible adult, attesting that the medical care the [child individual] is to receive in the home is agreed to by the legally responsible adult and is appropriate in the opinion of all involved parties.

4. Cost effectiveness computations.

a. These computations shall be completed by the Health Care Coordinator upon completion of the Plan of Care.

b. The Health Care Coordinator shall be required to document the anticipated cost to DMAS for the individual's waiver services for a 12-month period. The Health Care Coordinator shall then compare DMAS costs for the waiver to anticipated costs to DMAS for continued hospitalization of the individual.

5. [~~Preauthorization for~~ Patient selection of] waiver services.

a. When the determination that the individual's needs can appropriately and cost-effectively be met in the community with these waiver services, the Health Care Coordinator shall give the legally responsible party the choice of waiver services or continued hospitalization.

b. If waiver services are chosen, the legally responsible party [and the primary care giver if separate persons] will also be given the opportunity to choose the providers of service, if more than one provider is available to render the services.

6. DMAS shall review and approve the plan of care prior to the individual's hospital discharge to the community with waiver services, and prior to Medicaid payment for waiver services.

7. Reevaluation requirements and utilization review.

a. Reevaluations shall be conducted by the Health

Care Coordinator at least every 30 days during the first three months [~~post-hospital~~ after] discharge [from the hospital] and at any time when a change in the individual's condition indicates the need for reevaluation. After the first three months, the Health Care Coordinator shall conduct a home visit once every three months and more often if necessary.

b. DMAS is responsible for performing utilization review at least semi-annually and for the maintenance of supporting documentation. DMAS shall also maintain a copy of the Plan of Care, the initial evaluation, and each reevaluation for a minimum period of five years.

c. The Health Care Coordinator shall review the Plan of Care for appropriateness of the level, amount, type, and quality of services provided as well as for monitoring the cost effectiveness of the individual's care in the community.

d. Medical necessity of waiver services shall be reviewed by the Health Care Coordinator.

e. The Health Care Coordinator shall submit this information to DMAS.

f. During the [~~six-month approval~~ semi-annual review] period, a DMAS utilization review analyst shall review the record and conduct a home visit. The [~~purpose~~ purposes] of this record review and home visit is to determine the correctness of the level of care; to ensure that the amount, duration, and scope of the services are appropriate; to ensure that the individual's health and welfare are [~~being~~] protected; and to ensure that cost effectiveness is [~~being~~] maintained.

§ 6. Appeal of denied coverage.

A. DMAS shall provide the opportunity for a fair hearing under 42 CFR Part 431, Subpart E, to individuals who are not given the choice of home and community-based services as an alternative to remaining in the hospital or entering a skilled nursing facility services or who are denied the service of their choice or the provider of their choice.

B. The individual shall be advised of the denial and of [~~their~~ his] right to appeal.

§ 7. Documentation requirements.

The Health Care Coordinator shall submit the following documentation to DMAS [~~prior to~~ before] the individual's discharge from the hospital:

1. All of the required assessment and documentation.
2. Certification of level of care.

3. Plan of care.

4. Cost-effectiveness computation.

5. Agreement of legally responsible [~~individual~~ party and the primary care giver if separate persons] with the plan of care.

6. Choice of home and community-based care or hospital care.

7. Choice of waiver service providers, if waiver services are chosen.

ATTACHMENT LIST OF COVERED DURABLE MEDICAL EQUIPMENT

Medical Equipment and Supplies Covered Under State Plan.

1. Ventilator and necessary attachments.
2. Back-up portable ventilator and attachments.
3. Suction machine, stationary.
4. Suction machine, portable.
5. Ambu bag.
6. Patient lift.
7. Overbed table.
8. Commode, shower chair, or stretcher.
9. Environmental control unit.
10. Alternative communication devices.
11. Tracheostomy tubes.
12. Tracheostomy care kits or individual supplies normally found in the kit.
13. Gastrostomy tubes.
14. Feeding pumps.
15. Suction catheters.
16. Sterile water.
17. Sterile saline.
18. Special mattresses.
19. Oxygen and oxygen equipment.
20. Foley catheters.

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21. *Bed pans.*
22. *Antiseptic solution for cleaning of ventilator and respiratory supplies.*
23. *Wheelchair, manual or power, including adaptive seating devices to prevent contractures and skin breakdown.*
24. *Hospital bed.*
25. *Adaptive mobility transportation device (Mulholland chair).*
26. *Phrenic pacer (implant, transmitter box, antenna and battery).*
27. *Pharmacological preparation necessary for life sustaining nutritional management (legend drug only).*
28. *Pulse oximeter.*

Medical Equipment and Supplies Not Covered Under State Plan

1. *Apnea monitor.*

NEEDS ASSESSMENT

ADAPT

MEDICAL STATUS CONTINUED

Name of Patient		Home Address		Telephone #	Alternate #
Name of Primary Caretaker		Address of Primary Caretaker		Relationship	Telephone #
Birthdate	Birthplace	Living Environment		Marital Status	
Sex	<input type="checkbox"/> USA <input type="checkbox"/> Other	<input type="checkbox"/> House	<input type="checkbox"/> Married		
<input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Apartment	<input type="checkbox"/> Single		
Family Income		<input type="checkbox"/> Rented Rooms(s)	<input type="checkbox"/> Divorced		
<input type="checkbox"/> \$20,000 or More	<input type="checkbox"/> \$5,000 - \$9,999	<input type="checkbox"/> Trailer	<input type="checkbox"/> Separated		
<input type="checkbox"/> \$15,000 - \$19,999	<input type="checkbox"/> less than \$5,000	<input type="checkbox"/> Domiciliary	<input type="checkbox"/> Widowed		
<input type="checkbox"/> \$10,000 - \$14,999		<input type="checkbox"/> Hospital	<input type="checkbox"/> Unknown		
Income Source		(Specify)	Living Arrangements		
<input type="checkbox"/> Employment	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Alone		
<input type="checkbox"/> Social Security		<input type="checkbox"/> 1 Level <input type="checkbox"/> 2 Levels	<input type="checkbox"/> Spouse/Family		
<input type="checkbox"/> ADC	(Specify)	<input type="checkbox"/> Rooms in Residence	<input type="checkbox"/> Other		
Patient Education Needs		<input type="checkbox"/> Number of Bedrooms	(Specify)		
Education Level		Health Care Coverage			
School Attending (Plans to Attend)		<input type="checkbox"/> MEDICARE #			
Special Education Needs		<input type="checkbox"/> MEDICAID #			
		<input type="checkbox"/> OTHER TYPE			
Medical History		Name of Carrier			
		Social Security #			
		Family Constellation			
Social Support Available (T = totally provided, P = partially provided, N = not provided)					
Activities of daily living	Housekeeping	Meal Preparation	Transportation		
Supervision	Living Space	Shopping	Other		

Anatomical Impairments				Tests (results & date)	
<input type="checkbox"/> NONE				Height	Weight
	Describe	Rehabilitation	Onset	Blood Pressure	
Hip fracture				Cholesterol	
Other fracture				BUN/albuminuria	
Dislocations				Blood Sugar	
Missing limbs				(specify test)	
Paralysis/Paresis				Hemoglobin/Hematacrit	
Joint Motion				DIG level	
Contractures				(specify test)	
				Prothrombin time	
				Serum K+/Na+/HCO3-	
				Chest X-Ray	
				Other	
				pH/pO2/pO2	
				(arterial/capillary)	
				oxygen saturation %	

Allergies _____

Ventilator (describe or define, as appropriate)

Make/Model _____ Rate _____ Peep _____ Hours of Use _____

Tidal Volume/PIP _____ Non Ventilator Time _____ FIO2 _____ CPAP _____ Flow Rate (O2/Air) _____

Nutrition	Dentition
Diet _____	<input type="checkbox"/> po intake
	<input type="checkbox"/> G-tube
	<input type="checkbox"/> J-tube
	<input type="checkbox"/> N-G tube
Supplement _____	<input type="checkbox"/> po intake
	<input type="checkbox"/> G-tube
	<input type="checkbox"/> J-tube
	<input type="checkbox"/> N-G tube
	No teeth missing or few teeth missing
	Some opposing teeth
	No teeth or no opposing teeth
	Dentures
	Age appropriate

MEDICAL STATUS

Diagnosis	Date	Sight	Hearing
		<input type="checkbox"/> Normal	<input type="checkbox"/> Normal
		<input type="checkbox"/> Compensated	<input type="checkbox"/> Compensated
		<input type="checkbox"/> Uncompensated	<input type="checkbox"/> Uncompensated
		<input type="checkbox"/> Complete Loss	<input type="checkbox"/> Complete Loss

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FUNCTIONAL STATUS

ADL's	Independent	Requires Assistive Device	Requires Human Assistance	Dependent	Age Appropriate Motorically	Age Appropriate Cognitively	Describe Necessary Assistance/ Assistive Devices
Bathing							
Dressing							
Toileting							
Transfers							
Bowel Management							
Bladder Management							
Eating							
Meal Preparation							
Ambulation							
Level Surfaces							
Uneven Surfaces							
Mobility							

Communication (circle one)
 no impairment, is verbal, speaks language.
 impairment: _____ musculature, _____ linguistic
 non-verbal _____
 requires assistive device (explain) _____

Orientation (circle one)
 oriented _____
 confused, sometime _____
 confused, all time _____
 disoriented, some time _____ verbal
 disoriented, all time _____
 comatose: coma level _____

Behavior (circle one)
 appropriate _____
 wanders, passive, depressed _____
 aggressive/manipulative _____
 abusive: _____ physical, _____ verbal
 inappropriate (explain) _____
 comatose: coma level _____

Assistive Devices	Not Applicable	Independent	Requires Human Assistance	Describe Necessary Assistance
wheelchair				
prosthetic device				
orthotic device				
communication				
ventilator				
suction machine				
Other				

NURSING/PROFESSIONAL SERVICES

A. Trach care (describe) size _____ style (model) _____ days _____ hours _____ suction _____ trach ties changed q _____

B. Ostomy (describe) type _____ treatment _____

C. Nutrition/Gastrostomy Supervision _____

D. Skin Care/Positioning E. Wound Care (describe) location _____ size _____ treatment _____

F. Range of Motion (circle one) G. Respiratory Equipment Care H. Restraints active _____ passive _____ type _____ duration _____ reason _____

I. Urinary management (circle one) continent _____ incontinent _____ catheter _____ foley _____ texas _____ intermittent catheterization q _____ hours _____ bladder training (explain) _____

J. Bowel management (circle one) continent _____ incontinent _____ bowel program q _____ day (explain) _____

K. Medications	Dosage	Frequency	Route of Administration	Date

L. Other _____

Discharge Recommendations (include frequency of visits and purpose of intervention)

Community Physician _____
 Consulting _____
 Skilled Nursing _____
 Respiratory Therapy _____
 Occupational Therapy _____
 Physical Therapy _____
 Speech Therapy _____
 Psychological Therapy _____
 Social Work Services _____
 Educational Therapy _____
 Dietary Therapy _____
 Other _____

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PRE-DISCHARGE HOME EVALUATION

Name of Patient _____ Name of Parent/Caretaker _____
 Address _____ Telephone # _____
 Directions to home _____
 Type of home: Apartment _____
 House _____
 One floor _____
 Two or more floors _____

Physical Facility Standards for the Home Adequate Inadequate

Physical Facility Standards for the Home	Adequate	Inadequate
<u>Accessibility</u>		
1. Physical facility can accommodate the individual's specific disability (to include equipment necessary for facilitating mobility and/or transport) to provide access with single caretaker assistance.		
2. Where applicable, physical facility does not restrict delivery of large or heavy medical equipment.		
<u>Storage</u>		
3. Immediate access, e.g., night stand--used to store equipment/supplies with utilization frequency of 8 hours or less, e.g., suction catheters, suction machine, gloves, dropper bottle.		
4. Proximal access, e.g., closet--used to store equipment/supplies with utilization frequency of 24 hours or less, e.g., infant scale, water bottles, specimen cups, and immediate access items in small volumes of oxygen replacement. The proximal access storage area is in close proximity to the individual's room.		
5. Bulk storage, e.g., basement or garage--must be large enough to accommodate 1 month's equipment/supplies and at least 1 week's oxygen supply.		
<u>Space Requirements/Other</u>		
6. Individual's room must have minimum square footage area 9 ft. x 9 ft. Note: Any living area in the house may be designated as the "child's room" (e.g., bedroom, dining room, recreation room).		
7. Location of child's room: First floor _____ Second floor _____		
8. A qualified electrician has evaluated the physical facility for ability to accommodate the individual's electrical supply needs.		
9. The physical facility is supplied by a minimum of 100 amp. electrical service.		

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	Adequate	Inadequate
10. A minimum of two separate 15 amp. branch circuits supply the individual's room.		
11. If the main distribution panel utilizes fuses, four spare fuses of appropriate capacity are available for a total of eight duplex outlets in the individual's room.		
12. A minimum of four duplex electrical outlets on each of the two 15 amp. branch circuits is available for a total of eight duplex outlets in the individual's room. Note: This is in addition to the usual and customary installation. Therefore, this requirement is not to be interpreted as the total number of outlets required for the individual's room.		
<u>Special Equipment</u>		
13. A telephone is in the individual's room or reaches the individual's bedside although located in another room.		
14. A mechanical whistle is at the individual's bedside, if applicable.		
15. A battery-powered fluorescent flood light is at the individual's bedside.		
16. Power failure alarm/light is plugged into the same house electrical circuit as the ventilator.		
17. One smoke alarm and one five pound CO ₂ fire extinguisher is located on each level of the home (including the basement).		
<u>Ventilation</u>		
18. Ventilation is adequate to permit safe recharging of wet marine type batteries.		
19. Oxygen storage areas have adequate ventilation and are secured.		
<u>General</u>		
20. The house meets local safety, sanitation, and building requirements.		
21. Summary of equipment/home modifications necessary for safe discharge home:		
22. Name, address and phone number of person(s) (outside of immediate household) to notify in case of emergency, i.e., friend, neighbor, relation.)		
23. Other		

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PRE-DISCHARGE FAMILY ASSESSMENT

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1. Primary Caregiver _____ Secondary Caregiver _____
 2. Address _____ Address _____
 3. Relationship to patient _____ Relationship to patient _____
 4. Current employment/education: _____
 Name of employer _____ Name of employer _____
 Address of employer _____ Address of employer _____
 Phone # of employer _____ Phone # of employer _____
 Work hours (am/pm) _____ Work hours (am/pm) _____
 Education level _____ Educational level _____

5. Family Interaction: Describe the role patterns of the family constellation. Describe communication patterns among family members. What strategies does the family use in solving problems? Who will be making major family decisions? Is this a change? How involved are family members in the community. _____

6. Sibling Interaction: Names and ages of siblings (circle those living outside the patient's home). How do the siblings interact with the patient? _____

7. Significant others: Names, ages and relationship of anyone else sharing patient's residence. What is their willingness to participate in the patient's care? _____

8. Does the family desire home care? Yes ___ No ___

9. Is the family willing to participate in learning procedures for home care? Yes ___ No ___

10. Does the family have a good understanding of the patient's disease process? Yes ___ No ___

11. Does the family understand the 24-hour commitment to home care that will be required? Yes ___ No ___

12. Describe the family's perception of assisted ventilation _____

13. How does the patient's disability affect the family's normal activities? _____

14. Describe the effect of the patient's ventilatory support on family relationships _____

15. What aspects of the patient's care cause concern to the family? _____

16. Describe parent/child interaction _____

17. Describe the family's strengths _____

18. Support Available

	Hours/Day*	Specify Caregiver	Unmet Need
A. Activities of Daily Living	_____	_____	_____
B. Skilled Care Needs			
Tube feedings	_____	_____	_____
Trach care	_____	_____	_____
Respiratory therapy	_____	_____	_____
Ventilator support	_____	_____	_____
Medication administration	_____	_____	_____
Physical assessment	_____	_____	_____
C. Supervision	_____	_____	_____
D. Instrumental Activities of Daily Living	_____	_____	_____
E. Transportation	_____	_____	_____
F. Other	_____	_____	_____

* Indicate if variation during week (i.e., 8 hours/day M-F, 16 hours/day Saturday-Sundays).

19. Does family anticipate a need for respite care? Yes ___ No ___
 If yes, explain _____

20. Assessment: _____

Signature of person completing the assessment: _____ Date of assessment _____

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VENTILATOR-DEPENDENT SERVICES PLAN OF CARE

RESPIRE CARE

Name _____ Address _____ Anticipated Need _____
 Medicaid # _____ Hospital Medical Record # _____ Name of Agency _____ Director _____
 (if same as nursing, note same and do not re-complete)
 Address _____ Telephone Number _____
 Medicaid Home Health ID # _____
 Home Health Certification # _____

NURSING AND HOME CARE NEEDS	CAREGIVER AND SCHEDULE							Direct Care Will Be Provided By: LPN RN (check one) If RN, Complete 1-2; If LPN Complete 1-3																																																
	RN/LPN Hrs/Day	Days/Wk	Family Hrs/Day	Days/Wk	Other	Hrs/Day	Day/Wk																																																	
Respiratory Therapy/ Ventilatory Support	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	1. Name of RN _____ Virginia License # _____ Describe Experience _____																																																
Nutritional Support	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	2. Name of Nurse Substitute _____ Virginia License # _____ Describe Experience _____																																																
Activities of Daily Living	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	3. Name of LPN _____ Virginia License # _____ Describe Experience _____																																																
Instrumental Activities of Daily Living	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	<table border="1"> <thead> <tr> <th>ANCILLARY NEEDS</th> <th>PROVIDER (Name/Telephone #)</th> <th>DATE OF REFERRAL</th> <th>SERVICES NEEDED</th> </tr> </thead> <tbody> <tr><td>Home Health</td><td></td><td></td><td></td></tr> <tr><td>PT</td><td></td><td></td><td></td></tr> <tr><td>OT</td><td></td><td></td><td></td></tr> <tr><td>Speech</td><td></td><td></td><td></td></tr> <tr><td>Dental</td><td></td><td></td><td></td></tr> <tr><td>Respiratory</td><td></td><td></td><td></td></tr> <tr><td>Rehabilitation</td><td></td><td></td><td></td></tr> <tr><td>Developmental training</td><td></td><td></td><td></td></tr> <tr><td>Education (school)</td><td></td><td></td><td></td></tr> <tr><td>Nutritional</td><td></td><td></td><td></td></tr> <tr><td>Counseling/support group</td><td></td><td></td><td></td></tr> </tbody> </table>	ANCILLARY NEEDS	PROVIDER (Name/Telephone #)	DATE OF REFERRAL	SERVICES NEEDED	Home Health				PT				OT				Speech				Dental				Respiratory				Rehabilitation				Developmental training				Education (school)				Nutritional				Counseling/support group			
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Tracheostomy Care	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>																																																	
Medication Administration	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>	Day _____ Evn _____ Nte _____	<input type="checkbox"/>																																																	

Name of Nursing Provider _____ Telephone Number _____ Director _____
 Address _____ Medicaid Home Health ID # _____
 Home Health Certification # _____

Direct Care Will Be Provided By: LPN RN (check one)
 If RN, Complete 1-2; If LPN Complete 1-3

1. Name of RN _____ Virginia License # _____
 Describe Experience _____

2. Name of Nurse Substitute _____ Virginia License # _____
 Describe Experience _____

3. Name of LPN _____ Virginia License # _____
 Describe Experience _____

RESCUE SQUAD: Name: _____ Address: _____	Contact: _____ Notified: _____	AMERICAN RED CROSS: Name: _____ Address: _____	Contact: _____ Notified: _____
EMERGENCY ROOM: Name: _____ Address: _____	Contact: _____ Notified: _____	ELECTRIC COMPANY: Name: _____ Address: _____	Contact: _____ Notified: _____
FIRE DEPARTMENT: Name: _____ Address: _____	Contact: _____ Notified: _____	TELEPHONE COMPANY: Name: _____ Address: _____	Contact: _____ Notified: _____
POLICE DEPARTMENT: Name: _____ Address: _____	Contact: _____ Notified: _____	GAS COMPANY: Name: _____ Address: _____	Contact: _____ Notified: _____

EMERGENCY SUPPORT-Emergency procedures have been established with: _____

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Monday, December 5, 1988

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DURABLE MEDICAL EQUIPMENT	USE/MONTH	TOTAL COST	MONTHLY COST	ACCESSORIES/SUPPLIES
Ventilator Equipment and Supplies				
Feeding Supplies				
Adaptive Devices				
Other				

Name of Equipment Agency _____ Director _____
 Address _____ Telephone Number _____
 _____ Medicaid Provider ID # _____
 Respiratory Therapist _____ License Number _____

Respiratory Therapist is on call 24 hours per day to meet the needs of this patient _____
 Respiratory Therapist is stationed within 2 hours of the patient's home _____
 Agency agrees to make regularly scheduled maintenance visits every 15 days and more often if needed, and replace to repair equipment and supplies as needed _____.

COST EFFECTIVENESS CALCULATION

A. Average Monthly Cost Of Hospital Care _____	D. Monthly Hours of Nursing _____
B. Patient Pay _____	E. X Nursing Rate _____ x _____
C. Total Medicaid Cost of Hospital Care _____	F. Total Nursing Cost _____
	G. Monthly Hours of Respite Care _____
	H. X Respite Care Rate _____ x _____
	I. Total Respite Care Cost _____
	J. Monthly Cost of Apnea Monitor _____
	K. Total Cost of Waiver Services _____
	(P + I + J) _____

C must be less than or equal to K

_____ (Name of Patient) requires the level of care which can only be received in either a hospital, skilled nursing facility or at home with appropriate care as indicated on this Plan of Care to meet the identified medical/functional/nursing needs of the individual.

- Home Care Is Approved** Home care for this ventilator-dependent individual is appropriate to adequately meet the recipient's needs and assures that all other resources have been explored prior to Medicaid authorization for this recipient.
- _____ Home environment is found to be safe and therapeutic, including necessary home modifications.
 - _____ Family has completed required training.
 - _____ Community resources are available to support the service needs of the child.
 - _____ Plan of care is cost effective.
- Home Care Is Not Approved**
- _____ Appropriate Plan of Care could not be developed. Reason _____
 - _____ Plan of Care not cost effective.
 - _____ Family decided Home Care was not a viable option.
 - _____ No provider agency available.
 - _____ Other _____

Hospital Attending Physician _____	Date _____	Health Care Coordinator _____	Date _____
Registered Nurse _____	Date _____	Social Worker _____	Date _____
Community Attending Physician _____	Date _____		

FREEDOM OF CHOICE

In accordance with the policies and procedures of the Department of Medical Assistance Services I have been informed by (hospital) Health Care Coordinator of the Medicaid-funded options available to me and I choose:

Home care Hospital Care

I have been given a choice of the available providers. Yes _____ No _____

I understand and approve the prescribed plan of care for (name) _____
 I agree to assume responsibility for maintaining a safe and therapeutic environment that supports this plan of care. In addition, I agree to perform those tasks designated in the plan of care as my responsibility. I also agree to assume responsibility for all required services in the event of an emergency.

Signature of Legally Responsible Person _____ Date _____

VIRGINIA STATE BOARD OF NURSING

Title of Regulation: VR 495-01-01. Board of Nursing Regulations.

Statutory Authority: § 54.1-3005 of the Code of Virginia.

Effective Date: January 4, 1989

Summary:

The Board of Nursing Regulations state the criteria for the establishment of and continuing approval of nursing education programs; requirements for licensure; disciplinary provisions and fees for licensing registered nurses and licensed practical nurses. The new and amended regulations were developed as the result of a statutory change in the 1988 session of the General Assembly and deficiencies identified during the time since the existing regulations became effective on August 1, 1987. The changes in Part II, Nursing Education Programs, are made for clarity, enforceability and to ensure consistency in administration. In Part III, there is a minor change for clarity and two new regulations. One requires licensees to maintain a record of current address with the Board of Nursing and the other identifies licensed health professionals who may supervise or direct the performance of practical nursing. No changes are proposed for Parts I and IV.

The only changes made since the proposed regulations were published are that certain citations to the Code of Virginia have been changed. The recodification of Title 54 was passed by the 1988 session of the General Assembly. The new Title 54.1 becomes effective January 1, 1989.

Preamble:

These regulations state the requirements for nursing education programs and the licensing of registered nurses and practical nurses in the Commonwealth of Virginia. The regulations have been adopted by the Virginia State Board of Nursing under the authority of [~~Title 54, Chapter 13.1 Nurses, §§ 54-367.1 through 54-367.36~~ Chapter 30 (§ 54.1-3000 et seq.) of Title 54.1] of the Code of Virginia.

The board believes that each practitioner of nursing is accountable to the Commonwealth and to the public to maintain high professional standards of practice in keeping with the ethics of the profession of nursing.

The registered nurse shall be responsible and accountable for making decisions that are based upon educational preparation and experience in nursing. The registered nurse shall be held accountable for the quality and quantity of nursing care given to patients by himself or others who are under his supervision.

The licensed practical nurse shall be held accountable for the quality and quantity of nursing care given to patients by himself based upon educational preparation and experience.

VR 495-01-01. Board of Nursing Regulations.

PART I. GENERAL PROVISIONS.

Authority: [§§ ~~54-367.11, 54-367.12, 54-367.27 and 54-367.29~~ §§ 54.1-3002, 54.1-3003 and 54.1-3013] of the Code of Virginia.

§ 1.1. Definitions.

The following words and terms, when used in these regulations, shall have the following meanings, unless the context clearly indicates otherwise:

"Approval," as used in these regulations, is synonymous with accreditation and means the process by which the board or a governmental agency in another state or foreign country evaluates and grants official recognition to nursing education programs that meet established standards not inconsistent with Virginia law.

"Associate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or other institution and designed to lead to an associate degree in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, State Council of Higher Education or an Act of the General Assembly.

"Baccalaureate degree nursing program" means a nursing education program preparing for registered nurse licensure, offered by a Virginia college or university and designed to lead to a baccalaureate degree with a major in nursing, provided that the institution is authorized to confer such degree by the State Board of Education, the State Council of Higher Education or an Act of the General Assembly.

"Board" means the State Board of Nursing.

"Conditional approval" means a time-limited status which results when an approved nursing education program has failed to maintain requirements as set forth in § 2.2 of these regulations.

"Cooperating agency" means an agency or institution that enters into a written agreement to provide learning experiences for a nursing education program.

"Diploma nursing program" means a nursing education program preparing for registered nurse licensure, offered by a hospital and designed to lead to a diploma in nursing, provided the hospital is licensed in this state.

"Nursing education program" means an entity offering a

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basic course of study preparing persons for licensure as registered nurses or as licensed practical nurses. A basic course of study shall include all courses required for the degree, diploma or certificate.

"Practical nursing program" means a nursing education program preparing for practical nurse licensure, offered by a Virginia school, that leads to a diploma or certificate in practical nursing, provided the school is authorized by the appropriate governmental agency.

"Program director" means a registered ~~professional~~ nurse who has been designated by the controlling authority to administer the nursing education program.

"Provisional approval" means the initial status granted to a nursing education program which shall continue until the first class has graduated and the board has taken final action on the application for approval.

"Recommendation" means a guide to actions that will assist an institution to improve and develop its nursing education program.

"Requirement" means a mandatory condition that a nursing education program must meet to be approved.

§ 1.2. Delegation of authority.

A. The executive director of the board shall issue a certificate of registration to each person who meets the requirements for initial licensure under §§ [~~54-367-13, 54-367-14, 54-367-19 and 54-367-20~~ 54.1-3017, 54.1-3018, 54.1-3020 and 54.1-3021] of the Code of Virginia. Such certificates of registration shall bear the signature of the president of the board, the executive director and the director of the Department of Health Regulatory Boards.

B. The executive director shall issue license to each applicant who qualifies for such license under [§ ~~54-367-25~~ § 54.1-3011] of the Code of Virginia. Such licenses shall bear the name of the executive director.

C. The executive director shall be delegated the authority to execute all notices, orders and official documents of the board unless the board directs otherwise.

§ 1.3. Fees.

Fees required in connection with the licensing of applicants by the board are:

1. Application for R.N. Licensure\$45
2. Application for L.P.N. Licensure\$35
3. Biennial Licensure Renewal\$28
4. Reinstatement Lapsed License\$50
5. Duplicate License\$10

6. Verification of License\$10
7. Transcript of Examination Scores\$5
8. Transcript of Applicant/Licensee Records\$10
9. Returned Check Charge\$15

§ 1.4. Public participation guidelines.

A. Mailing list.

The Virginia State Board of Nursing (board) will maintain a list of persons and organizations who will be mailed the following documents as they become available:

1. "Notice of intent" to promulgate regulations.
2. "Notice of public hearing" or "informational proceeding," the subject of which is proposed or existing regulation.
3. Final regulation adopted.

Any person wishing to be placed on the mailing list may do so by writing the board. In addition, the board, at its discretion, may add to the list any person, organization, or publication it believes will serve the purpose of responsible participation in the formation or promulgation of regulations. Persons on the list will be provided all above-listed information. Individuals and organizations will be periodically requested to indicate their desire to continue to receive documents or be deleted from the list. Where mail is returned as undeliverable, individuals and organizations will be deleted from the list.

B. Notice of intent.

At least 30 days prior to publication of the notice to conduct an informational proceeding as required by § 9-6.14:1 of the Code of Virginia, the board will publish a "notice of intent." This notice will contain a brief and concise statement of the possible regulation or the problem the regulation would address and invite any person to provide written comment on the subject matter. Such notice shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

C. Public comment period.

At least once each biennium, the board will conduct an informational proceeding, which may take the form of a public hearing, to receive public comment on existing regulations. The purpose of the proceeding will be to solicit public comment on all existing regulations as to their effectiveness, efficiency, necessity, clarity, and cost of compliance. Notice of such proceeding will be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations. Such proceedings may be held separately or in conjunction with other informational proceedings.

D. Petitions to the board.

Any person may petition the board to adopt, amend, or delete any regulation. Any petition received shall appear on the next agenda of the board. The board shall have sole authority to dispose of the petition.

E. Publication in the Virginia Register of Regulations.

At any meeting of the board or any subcommittee or advisory committee, where the formulation or adoption of regulation occurs, the subject matter shall be transmitted to the Registrar of Regulations for inclusion in the Virginia Register of Regulations.

F. Advisory committee.

The board, in cooperation with the Council on Health Regulatory Boards, may appoint advisory committees as they deem necessary to provide for adequate citizen participation in the formation, promulgation, adoption, and review of regulations.

PART II. NURSING EDUCATION PROGRAMS.

Authority: [§§ 54-367.11, 54-367.27, 54-367.28 and 54-367.29 §§ 54.1-3005, 54.1-3013 and 54.1-3014] of the Code of Virginia.

§ 2.1. Establishing a nursing education program.

Phase I.

A. An institution wishing to establish a nursing education program shall:

1. Submit to the board, at least 15 months in advance of expected opening date, a statement of intent to establish a nursing education program;
2. Submit to the board, along with the statement of intent, a feasibility study to include the following information:
 - a. Studies documenting the need for the program;
 - b. Purpose and type of program;
 - c. Availability of qualified faculty;
 - d. Budgeted faculty positions;
 - e. Availability of clinical facilities for the program;
 - f. Availability of academic facilities for the program;
 - g. Evidence of financial resources for the planning, implementation and continuation of the program;
 - h. Anticipated student population; ~~and~~

i. Tentative time schedule for planning and initiating the program ; and

j. *Current catalog, if applicable.*

3. Respond to the board's request for additional information.

B. A site visit shall be conducted by a representative of the board.

B. C. The board, after review and consideration, shall either approve or disapprove Phase I.

1. If Phase I is approved, the institution may apply for provisional approval of the nursing education program as set forth in these regulations.

2. If Phase I is disapproved, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

Phase II.

C. D. The application for provisional approval shall be complete when the following conditions are met:

1. A program director has been appointed and there are sufficient faculty to initiate the program (§ 2.2.C of these regulations);

2. A tentative written curriculum plan developed in accordance with § 2.2.F of these regulations has been submitted; and

~~3. A site visit has been conducted by a representative of the board.~~

D. E. The board, after review and consideration, shall either grant or deny provisional approval.

1. If provisional approval is granted ; ~~the program director shall submit bi-monthly progress reports to the board which shall include information as required by the board. :~~

a. The admission of students is authorized; and

b. The program director shall submit quarterly progress reports to the board which shall include evidence of progress toward application for approval and other information as required by the board.

2. If provisional approval is denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

E. F. Following graduation of the first class, the institution shall apply for approval of the nursing

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education program.

Phase III.

F. G. The application for approval shall be complete when a self-evaluation report of compliance with § 2.2 of these regulations has been submitted and a survey visit has been made by a representative of the board.

G. H. The board will review and consider the self-evaluation and the survey reports at the next regularly scheduled meeting.

H. I. The board shall either grant or deny approval. If denied, the institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

§ 2.2. Requirements for approval.

A. Organization and administration.

1. The institution shall be authorized to conduct a nursing education program by charter or articles of incorporation of the controlling institution; by resolution of its board of control; or by the institution's own charter or articles of incorporation.

2. Universities, colleges, community or junior colleges, proprietary schools and public schools offering nursing education programs shall be accredited by the appropriate state agencies and the Southern Association of Colleges and Schools.

3. Hospitals conducting a nursing education program shall be accredited by the Joint Commission on Accreditation of Hospitals.

4. Any agency or institution that is utilized by a nursing education program shall be one that is authorized to conduct business in the Commonwealth of Virginia, or in the state in which the agency or institution is located.

5. The authority and responsibility for the operation of the nursing education program shall be vested in a program director who is duly licensed to practice professional nursing in Virginia and who is responsible to the controlling board, either directly or through appropriate administrative channels.

6. A written organizational plan shall indicate the lines of authority and communication of the nursing education program to the controlling body; to other departments within the controlling institution; to the cooperating agencies; and to the advisory committee, if one exists.

7. Funds shall be allocated by the controlling agency to carry out the stated purposes of the program. The program director of the nursing education program

shall be responsible for the budget recommendations and administration, consistent with the established policies of the controlling agency.

B. Philosophy and objectives.

Clearly written statements of philosophy and objectives shall be:

1. Formulated and accepted by the faculty;
2. Directed toward achieving realistic goals;
3. Directed toward the meaning of education, nursing and the learning process;
4. Descriptive of the practitioner to be prepared; and
5. The basis for planning, implementing and evaluating the total program.

C. Faculty.

1. Qualifications.

a. Every member of a nursing faculty, including the program director, shall hold a current license to practice as a registered nurse in Virginia.

b. Every member of a nursing faculty responsible for teaching students in a cooperating agency located outside the jurisdictional limits of Virginia should hold a current license to practice nursing in that jurisdiction as well.

c. The program director and each member of the nursing faculty shall maintain professional competence through such activities as nursing practice, continuing education programs, conferences, workshops, seminars, academic courses, research projects and professional writing.

d. For baccalaureate degree programs:

(1) The program director shall hold a doctoral degree.

(2) Every member of the nursing faculty shall hold a graduate degree. Faculty members without a graduate degree with a major in nursing shall have a baccalaureate degree with a major in nursing.

(3) At least one faculty member in each clinical area shall have master's preparation in specialty.

e. For associate degree and diploma programs:

(1) The program director shall hold a graduate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing

faculty shall hold a graduate degree, preferably with a major in nursing.

(3) Other members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

f. For practical nursing programs.

(1) The program director shall hold a baccalaureate degree, preferably with a major in nursing.

(2) The majority of the members of the nursing faculty shall hold a baccalaureate degree, preferably with a major in nursing.

g. Exceptions to provisions of subparagraphs d, e, and f of this subsection shall be by board approval. Any exception made to these provisions will be based on the nursing faculty member's progress towards meeting the requirements of the regulations during each year for which the exception is requested.

(1) *Initial request for exception.*

(a) *The program director shall submit a request for initial exception in writing for considerations at a regular board meeting prior to the term during which the nursing faculty member is scheduled to teach.*

(b) *A description of teaching assignment, a curriculum vitae and a statement of intent, from the prospective faculty member, to pursue the required degree shall accompany each request.*

(2) *Request for continuing exception.*

(a) *Continuing exception will be based on the progress of the nursing faculty member toward meeting the degree required by these regulations during each year for which the exception is requested.*

(b) *The program director shall submit the request for continuing exception in writing for consideration at a regular board meeting prior to the next term during which the nursing faculty member is scheduled to teach.*

(c) *A list of courses required for the degree being pursued and college transcripts showing successful completion of a minimum of two of the courses during the past academic year shall accompany each request.*

2. Number.

a. The number of faculty shall be sufficient to prepare the students to achieve the objectives of the

educational program and such number shall be reasonably proportionate to:

(1) Number of students enrolled;

(2) Frequency of admissions;

(3) Education and experience of faculty members;

(4) Number and location of clinical facilities; and

(5) Total responsibilities of the faculty.

b. When students are giving direct care to patients, the maximum ratio of students to faculty in clinical areas shall be 10 students to one faculty member.

3. Conditions of employment.

a. Qualifications and responsibilities for faculty positions shall be defined in writing.

b. Faculty assignments shall allow time for class and laboratory preparation; teaching; program revision; improvement of teaching methods; academic advisement and counseling of students; participation in faculty organizations and committees; attendance at professional meetings; and participation in continuing education activities.

4. Functions.

The principal functions of the faculty shall be to:

a. Develop, implement and evaluate the philosophy and objectives of the nursing education program;

b. Participate in designing, implementing, teaching, and evaluating and revising the curriculum;

c. Develop and evaluate student admission, progression, retention and graduation policies within the framework of the controlling institution;

d. Participate in academic advisement and counseling of students; and

e. Provide opportunities for student evaluation of curriculum and teaching and program effectiveness.

5. Organization.

a. The nursing faculty shall hold regular meetings for the purpose of developing, implementing and evaluating the nursing education program. Written rules shall govern the conduct of meetings.

b. All members of the faculty shall participate in the regular faculty meetings.

c. Committees shall be established to implement the

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functions of the faculty.

d. Minutes of faculty and committee meetings, including actions taken, shall be recorded and available for reference.

e. There shall be provision for student participation.

D. Students.

1. Admission, promotion and graduation.

a. Requirements for admission to the nursing education program shall not be less than the statutory requirements that will permit the graduate to be admitted to the appropriate licensing examination.

(EXPLANATORY NOTE: Reference [~~subdivision 2 of subsection a~~ *subdivision 1 of subsection A*] of [~~§ 54-367.13~~ *§ 54.1-3017*] of the Code of Virginia: The equivalent of a four-year high school course of study is considered to be:

(1) A General Educational Development (GED) certificate for high school equivalence; or

(2) Satisfactory completion of the college courses required by the nursing education program.)

b. Students shall be selected on the basis of established criteria and without regard to age, race, creed, sex or national origin.

c. Requirements for admission, readmission, advanced standing, progression, retention, dismissal and graduation shall be available to the students in written form.

E. Records.

1. School records.

A system of records shall be maintained and be made available to the board representative and shall include:

a. Data relating to accreditation by any agency or body,

b. Course outlines,

c. Minutes of faculty and committee meetings,

d. Reports of standardized tests,

e. Survey reports.

2. Student records.

a. A file shall be maintained for each student. Each file shall be available to the board representative

and shall include:

(1) The student's application,

(2) High school transcript or copy of high school equivalence certificate,

(3) Current record of achievement.

b. A final transcript shall be retained in the permanent file of the institution.

c. Provision shall be made for the protection of student and graduate records against loss, destruction and unauthorized use.

3. School bulletin or catalogue.

Current information about the nursing education program shall be published periodically and distributed to students, applicants for admission and the board. Such information shall include:

a. Description of the program.

b. Philosophy and objectives of the controlling institution and of the nursing program.

c. Admission and graduation requirements.

d. Fees.

e. Expenses.

f. Financial aid.

g. Tuition refund policy.

h. Education facilities.

i. Living accommodations.

j. Student activities and services.

k. Curriculum plan.

l. Course descriptions.

m. Faculty-staff roster.

n. School calendar.

F. Curriculum.

1. Curriculum shall reflect the philosophy and objectives of the nursing education program, and shall be consistent with the law governing the practice of nursing.

2. The ratio between nursing and nonnursing credit shall be based on a rationale to ensure sufficient

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preparation for the safe and effective practice of nursing.

3. Learning experiences shall be selected to fulfill curriculum objectives.

4. Curriculum shall be evaluated by the faculty with provisions for student participation.

5. 4. Nursing education programs preparing for practical nursing licensure shall include:

a. Principles and practice in nursing encompassing the attainment and maintenance of physical and mental health and the prevention of illness for individuals and groups throughout the life cycle;

b. Basic concepts of the nursing process;

c. Basic concepts of anatomy, physiology, chemistry, physics and microbiology;

d. Basic concepts of communication, growth and development, interpersonal relations, patient education and cultural diversity;

e. Ethics, nursing history and trends, vocational and legal aspects of nursing; and

f. Basic concepts of pharmacology, nutrition and diet therapy.

6. 5. Nursing education programs preparing for registered nurse licensure shall include:

a. Theory and practice in nursing, encompassing the attainment and maintenance of physical and mental health and the prevention of illness throughout the life cycle for individuals, groups and communities;

b. Concepts of the nursing process;

c. Concepts of anatomy, physiology, chemistry, microbiology and physics;

d. Sociology, psychology, communications, growth and development, interpersonal relations, group dynamics, cultural diversity and humanities;

e. Concepts of pharmacology, nutrition and diet therapy, and pathophysiology;

f. Concepts of ethics, nursing history and trends, and the professional and legal aspects of nursing; and

g. Concepts of leadership, management and patient education.

G. Resources, facilities and services.

1. Periodic evaluations of resources, facilities and

services shall be conducted by the administration, faculty and , students and graduates of the nursing education program .

2. Secretarial and other support services shall be provided.

3. Classrooms, conference rooms, laboratories , clinical facilities and offices shall be available to meet the objectives of the nursing education program and the needs of the students, faculty, administration and staff.

4. The library shall have holdings that are current, pertinent and accessible to students and faculty, and sufficient in number to meet the needs of the students and faculty.

5. Written agreements with cooperating agencies shall be developed, maintained and periodically reviewed. The agreement shall:

a. Ensure full control of student education by the faculty of the nursing education program, including the selection and supervision of learning experiences.

b. Provide that an instructor shall be present on the clinical unit(s) to which students are assigned for direct patient care.

c. Provide for cooperative planning with designated agency personnel.

6. Any observational experiences shall be planned in cooperation with the agency involved to meet stated course objectives.

7. Cooperating agencies shall be approved by the appropriate accreditation, evaluation or licensing bodies, if such exist.

H. Program changes requiring board of nursing approval.

The following proposed changes require board approval prior to their implementation:

1. Proposed changes in the nursing education program's philosophy and objectives that result in program revision.

2. Proposed changes in the curriculum that result in alteration of the length of the nursing education program.

3. Proposed additions, deletions or major revisions of courses.

I. Procedure for approval of program change.

1. When a program change is contemplated, the

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program director shall inform the board or board representative.

2. When a program change is requested, a plan shall be submitted to the board including:

- a. Proposed change,
- b. Rationale for the change,
- c. Relationship of the proposed change to the present program.

3. Twelve copies of these materials shall be submitted to the board at least three weeks prior to the board meeting at which the request will be considered.

§ 2.3. Procedure for maintaining approval.

A. The program director of each nursing education program shall submit an annual report to the board.

B. Each nursing education program shall be reevaluated at least every eight years and shall require:

1. A comprehensive self-evaluation report based on § 2.2 of these regulations, and
2. A survey visit by a representative(s) of the board on dates mutually acceptable to the institution and the board.

C. The self-evaluation and survey visit reports shall be presented to the board for consideration and action at a regularly scheduled board meeting. The reports and the action taken by the board shall be sent to the appropriate administrative officers of the institution. In addition, a copy shall be forwarded to the executive officer of the state agency or agencies having program approval authority or coordinating responsibilities for the governing institutions.

D. Interim visits shall be made to the institution by board representatives at any time within the eight-year period either by request or as deemed necessary by the board.

E. A nursing education program shall continue to be approved provided the requirements set forth in § 2.2 of these regulations are attained and maintained.

F. If the board determines that a nursing education program is not maintaining the requirements of § 2.2 of these regulations, the program shall be placed on conditional approval and the governing institution shall be given a reasonable period of time to correct the identified deficiencies. The institution may request a hearing before the board and the provisions of the Administrative Process Act shall apply. (§ 9-6.14:1 et seq.)

G. If the governing institution fails to correct the

identified deficiencies within the time specified by the board, the board shall withdraw the approval following a hearing held pursuant to the provisions of the Administrative Process Act. (§ 9-6.14:1 et seq.) Sections 2.4, B and C of these regulations shall apply to any nursing education program whose approval has been withdrawn.

§ 2.4. Closing of an approved nursing education program.

A. Voluntary closing.

When the governing institution anticipates the closing of a nursing education program, it shall notify the board in writing, stating the reason, plan and date of intended closing. The governing institution shall choose one of the following closing procedures:

1. The program shall continue until the last class enrolled is graduated.

- a. The program shall continue to meet the standards for approval until all of the enrolled students have graduated.
- b. The date of closure is the date on the degree, diploma or certificate of the last graduate.
- c. The governing institution shall notify the board of the closing date.

2. The program shall close after the governing institution has assisted in the transfer of students to other approved programs.

- a. The program shall continue to meet the standards required for approval until all students are transferred.
- b. A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.
- c. The date on which the last student was transferred shall be the closing date of the program.

B. Closing as a result of denial or withdrawal or approval.

When the board denies or withdraws approval of a program, the governing institution shall comply with the following procedures:

1. The program shall close after the institution has made a reasonable effort to assist in the transfer of students to other approved programs. A time frame for the transfer process shall be established by the board.
2. A list of the names of students who have transferred to approved programs and the date on

which the last student was transferred shall be submitted to the board by the governing institution.

3. The date on which the last student was transferred shall be the closing date of the program.

C. Custody of records.

Provision shall be made for custody of records as follows:

1. If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The institution shall inform the board of the arrangements made to safeguard the records.

2. If the governing institution ceases to exist, the academic transcript of each student and graduate shall be transferred by the institution to the board for safekeeping.

PART III. LICENSURE AND PRACTICE .

Authority: [§§ 54-367.2, 54-367.11, 54-367.13, 54-367.14, 57-367.19, 54-367.20, 54-367.25, 54-367.35 and 54-367.36 §§ 54.1-3000, 54.1-3001, 54.1-3005, 54.1-3008, 54.1-3011, 54.1-3017, 54.1-3018, 54.1-3020 and 54.1-3021] of the Code of Virginia.

§ 3.1. Licensure by examination.

A. The board shall administer examinations for registered nurse licensure and examinations for practical nurse licensure no less than twice a year.

B. The minimum passing score on the examination for registered nurse licensure shall be determined by the board.

C. If a candidate does not take the examination when scheduled, the application shall be retained on file as required for audit.

D. Any applicant suspected of giving or receiving unauthorized assistance during the writing of the examination shall be noticed for a hearing before the board to determine whether the license shall be issued.

E. The board shall not release examination scores to any individual or agency without written authorization from the applicant or licensee.

F. An applicant for the licensing examination shall:

1. File the required application and fee no less than 60 days prior to the scheduled date of the examination.

2. Arrange for the board to receive the final certified transcript from the nursing education program at least

15 days prior to the examination date or as soon thereafter as possible. The transcript must be received prior to the reporting of the examination results to candidates.

G. Fifteen days prior to an examination date, all program directors shall submit a list of the names of those students who *have completed* or are expected to complete the requirements for graduation ~~15 days prior to~~ *since the last examination date*. Any change in the status of a candidate within the above specified 15-day period shall be reported to the board immediately.

H. Practice of nursing pending receipt of examination results.

1. Graduates of approved nursing education programs may practice nursing in Virginia pending the results of the first licensing examination given by a board of nursing following their graduation, provided they have filed an application for licensure in Virginia. Candidates taking the examination in Virginia shall file the application for licensure by examination. Candidates taking the examination in other jurisdictions shall file the application for licensure by endorsement.

2. Candidates who practice nursing as provided in § 3.1.I.1 of these regulations shall use the designation "R.N. Applicant" or "L.P.N. Applicant" when signing official records.

3. The designations "R.N. Applicant" and "L.P.N. Applicant" shall not be used by applicants who do not take or who have failed the first examination for which they are eligible.

I. Applicants who fail the examination.

1. An applicant who fails the licensing examination shall not be licensed or be authorized to practice nursing in Virginia.

2. An applicant for reexamination shall file the required application and fee no less than 60 days prior to the scheduled date of the examination.

3. Applicants who have failed the licensing examination in another U.S. jurisdiction and who meet the qualifications for licensure in this jurisdiction may apply for licensure by examination in Virginia. Such applicants shall submit the required application and fee. Such applicants shall not, however, be permitted to practice nursing in Virginia until the requisite license has been issued.

§ 3.2. Licensure by endorsement.

A. A graduate of an approved nursing education program who has been licensed by examination in another U.S. jurisdiction and whose license is in good standing

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shall be eligible for licensure by endorsement in Virginia, provided the qualifications for licensure were equivalent to those in effect in Virginia at the time the applicant was initially licensed.

B. An applicant for licensure by endorsement shall submit the required application and fee and submit the required form to the appropriate credentialing agency in the state of original licensure for verification of licensure. Applicants will be notified by the board after 30 days, if the completed verification form has not been received.

C. If the application is not completed within one year of the initial filing date, the application shall be retained on file by the board as required for audit.

§ 3.3. Licensure of applicants from other countries.

A. Applicants whose basic nursing education was received in, and who are duly licensed under the laws of another country, shall be scheduled to take the licensing examination provided they meet the statutory qualifications for licensure. Verification of qualification shall be based on documents submitted as required in § 3.3.B and C of these regulations.

B. Such applicants for registered nurse licensure shall:

1. Submit evidence of a passing score on the Commission on Graduates of Foreign Nursing Schools Qualifying Examination; and
2. Submit the required application and fee for licensure by examination.

C. Such applicants for practical nurse licensure shall:

1. Request a transcript from the nursing education program to be submitted directly to the board office;
2. Provide evidence of secondary education to meet the statutory requirements;
3. Request that the credentialing agency, in the country where licensed, submit the verification of licensure form directly to the board office; and
4. Submit the required application and fee for licensure by examination.

§ 3.4. Renewal of licenses.

A. Licensees born in even-numbered years shall renew their licenses by the last day of the birth month in even-numbered years. Licensees born in odd-numbered years shall renew their licenses by the last day of the birth month in odd-numbered years.

B. No less than 30 days prior to the last day of the licensee's birth month, an application for renewal of license shall be mailed by the board to the last known

address of each licensee, who is currently licensed.

C. The licensee shall complete the application and return it with the required fee.

D. Failure to receive the application for renewal shall not relieve the licensee of the responsibility for renewing the license by the expiration date.

E. The license shall automatically lapse if the licensee fails to renew by the last day of the birth month.

F. Any person practicing nursing during the time a license has lapsed shall be considered an illegal practitioner and shall be subject to prosecution under the provisions of [~~§ 54-367.35~~ § 54.1-3008] of the Code of Virginia.

§ 3.5. Reinstatement of lapsed licenses.

A. A nurse whose license has lapsed shall file a reinstatement application and pay the current renewal fee and the reinstatement fee.

B. The board may request evidence that the nurse is prepared to resume practice in a competent manner.

§ 3.6. Replacement of lost license.

A. The licensee shall report in writing the loss of the original certificate of registration or the current license.

B. A duplicate license for the current renewal period shall be issued by the board upon receipt of the required form and fee.

§ 3.7. Evidence of change of name.

A licensee who has changed his name shall submit as legal proof to the board a copy of the marriage certificate or court order evidencing the change. A duplicate license shall be issued by the board upon receipt of such evidence and the required fee.

§ 3.8. Requirements for current mailing address.

A. All notices, required by law and by these regulations to be mailed by the board to any licensee, shall be validly given when mailed to the latest address on file with the board.

B. Each licensee shall maintain a record of his current mailing address with the board.

C. Any change of address by a licensee shall be submitted in writing to the board within 30 days of such change.

§ 3.9. Licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a registered nurse or a licensed dentist within the context

of [§ 54-524.65 § 54.1-3408] of the Code of Virginia.

PART IV.
DISCIPLINARY PROVISIONS.

Authority: [§§ 54-367.11, 54-367.32, 54-367.35 §§ 54.1-3005, 54.1-3007 and 54.1-3008] of the Code of Virginia.

§ 4.1. The board has the authority to deny, revoke or suspend a license issued, or to otherwise discipline a licensee upon proof that the licensee has violated any of the provisions of [§ 54-367.32 § 54.1-3007] of the Code of Virginia. For the purpose of establishing allegations to be included in the notice of hearing, the board has adopted the following definitions:

A. Fraud or deceit shall mean, but shall not be limited to:

- 1. Filing false credentials;
- 2. Falsely representing facts on an application for initial license, reinstatement or renewal of a license; or
- 3. Giving or receiving assistance in writing the licensing examination.

B. Unprofessional conduct shall mean, but shall not be limited to:

- 1. Performing acts beyond the limits of the practice of professional or practical nursing as defined in Chapter [~~13-1~~ 30 of Title 54.1], or as provided by [Chapter ~~12,~~ § 54-274, §§ 54.1-2901 and 54.1-2957] of the Code of Virginia;
- 2. Assuming duties and responsibilities within the practice of nursing without adequate training or when competency has not been maintained;
- 3. Obtaining supplies, equipment or drugs for personal or other unauthorized use;
- 4. Employing or assigning unqualified persons to perform functions that require a licensed practitioner of nursing;
- 5. Falsifying or otherwise altering patient or employer records; or
- 6. Abusing, neglecting or abandoning patients or clients.

DEPARTMENT OF TRANSPORTATION
(COMMONWEALTH TRANSPORTATION BOARD)

EDITOR'S NOTICE: It has been determined that the State Noise Abatement Policy is exempted from the Virginia Administrative Process Act by the provisions of subdivision

B.3 of § 9-6.14:4.1 of the Code of Virginia which provision exempts agency actions relating to "the location, design, specifications or construction of public buildings or other facilities." However, since this policy envisions contribution and actions from localities, it is being published for informational purposes.

Title of Regulation: VR 385-01-07. [**Virginia Department of Transportation State**] Noise Abatement Policy.

Statutory Authority: § 33.1-12 of the Code of Virginia.

Effective Date: January 4, 1989

Summary:

On August 18, 1988, the Commonwealth Transportation Board adopted the final State Noise Abatement Policy thereby establishing consistent criteria for providing noise abatement measures on proposed highway projects regardless of funding. The policy mirrors the Federal Highway Administration's (FHWA) noise abatement criteria currently employed by VDOT for federal-aid projects with two exceptions. For nonfederal-aid projects, the policy requires 50% contribution to the cost of noise abatement by the locality through which the project traverses. The policy also requires that the locality have an ordinance which requires developers to provide noise abatement for all new residential and other noise sensitive developments adjacent to existing highways or known future highway corridors.

After considering the results of the statewide public hearing process, the Commonwealth Transportation Board revised § 2 of the policy to reduce the local jurisdiction's share of the noise abatement cost from 60% to 50%.

VR 385-01-07. [**Virginia Department of Transportation State**] Noise Abatement Policy.

Introduction.

The [~~proposed policy~~ State Noise Abatement Policy] establishes consistent criteria for providing noise abatement measures on all proposed highway projects regardless of funding. The [~~proposed~~] policy mirrors the Federal Highway Administration's (FHWA) noise abatement criteria currently employed by VDOT for federal aid projects with two exceptions. For nonfederal aid projects, the [~~proposed~~] policy requires [~~60%~~ 50%] contribution to the cost of abatement by the locality through which the project traverses. The [~~proposed~~] policy also requires that the locality have an ordinance which requires developers to provide noise abatement for all new residential and other noise sensitive developments adjacent to existing highways or known future highway corridors.

Authorization.

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The [VDOT State] Noise Abatement Policy is adopted pursuant to the authority of § 33.1-12 of the Code of Virginia.

§ 1. Definitions.

The following words and terms, when used in this policy, shall have the following meaning, unless clearly indicated otherwise:

"Commonwealth" means Commonwealth of Virginia.

"DBA" means "A-weighted decibel," which is a widely accepted measure for expressing traffic noise levels.

"Design year" means the future year used to estimate the probable traffic volume for which the highway is designed. A time of 10 to 20 years from the start of construction is usually used.

"FHWA" means Federal Highway Administration.

"Noise abatement" means any measure taken to reduce highway traffic noise levels.

"Noise abatement criteria (NAC)" means numerical noise standards promulgated by the Federal Highway Administration and published in Volume 7, Chapter 7, § 3 of the Federal Aid Highway Program Manual.

"Noise barrier" means a solid structure erected between the highway and the protected property, which is designed to reduce traffic noise levels at the protected property by blocking the sound waves on their path from the highway to the protected property.

"Receptor" means all land use categories given in Volume 7, Chapter 7, § 3 of the Federal Aid Highway Program Manual to which the noise abatement criteria apply.

"VDOT" means Virginia Department of Transportation.

§ 2. Criteria for consideration of a noise barrier.

Volume 7, Chapter 7, § 3 of the Federal Aid Highway Program Manual (FHPM 7-7-3) will be the guiding document for the analysis and abatement of highway traffic noise on all proposed highway projects.

In assessing traffic noise levels from a proposed project or determining the dimensions of a noise barrier, a source height of eight feet for tractor trailers, 2.3 feet for medium trucks and 0 feet for automobiles will be used.

Highway noise impacts beyond 1,000 feet from the roadway will not be considered in determining the need for nor the dimensions and cost of a noise barrier.

A noise abatement measure will be considered if it provides a minimum of 5 dB(A) attenuation (positive noise

benefit), and the design year noise levels emanating from the project equal or exceed the FHWA Noise Abatement Criteria (NAC) given in FHPM 7-7-3 for various land use categories, or the design year noise levels emanating from the project exceed existing noise levels by 10 dB(A) or more.

In assessing the noise impacts associated with a highway project, undeveloped lands will be treated as developed lands, only if a proposed land use development plan and a schedule of development have been filed with and approved by the local jurisdiction prior to the date the Commonwealth Transportation Board selects the final corridor alignment. The final decision concerning noise abatement for a proposed development will be conditioned on two points:

The noise barrier will not be constructed until the portion of the development to be protected by the abatement measure is completed to the satisfaction of VDOT, and

When there is a substantial time lapse between the final decision and the date the development is completed, the noise abatement analysis will be updated and the decision will be reconsidered.

A noise abatement measure will be considered not cost effective if the cost of the measure per receptor protected exceeds \$20,000. For the purpose of this provision, the term "receptor" refers to any land use category listed in Table 1 of FHPM 7-7-3. (For example, a residential receptor would include single and multifamily dwellings).

Extenuating circumstances will be considered on an individual project basis.

For federal aid projects, the responsibility for assembling all relevant information and developing noise abatement related recommendations will rest with the joint FHWA-VDOT standing Noise Abatement Committee. On nonfederal aid projects the committee's functions will be carried out by its VDOT members.

The [Director of Engineering Chief Engineer] , on behalf of the Commonwealth Transportation Board, will make the final determination on all noise abatement related issues.

For nonfederal aid projects VDOT will consider, and if feasible, construct and maintain noise abatement measures, provided the local jurisdiction(s) through which the project traverses agrees to assume [~~60%~~ 50%] of the cost of the abatement measure and the local jurisdiction(s) have an ordinance requiring developers to include noise abatement in their plans for residential and other noise sensitive developments adjacent to existing highways and future highway alignments previously adopted by the Commonwealth Transportation Board. [VDOT staff will provide limited assistance to local jurisdictions in the preparation of noise ordinances. The abatement measures

constructed by developers will ensure compliance with FHWA Noise Abatement Criteria, where these criteria can be reasonably achieved, but will at the minimum provide 5 dB(A) noise attenuation for each structure or activity which the abatement measure is designed to protect. If any portion of the abatement measure is located on the highway right of way, the developer will comply with VDOT's design, construction and materials specifications.] Responsibility for maintaining the noise abatement measures constructed by the developer rests with the local jurisdiction(s).

§ 3. Exceptions.

If a local jurisdiction insists on the provision of a noise abatement measure deemed unnecessary by VDOT, arrangements may be made for the use of VDOT right of way, provided the locality is willing to assume 100% of the cost of the abatement measure including but not limited to preliminary engineering, construction, and maintenance. The locality must also meet VDOT's material, design and construction specifications.

[If a local jurisdiction insists on the provision of a noise abatement measure deemed not cost effective (in excess of \$20,000 per receptor) by VDOT, arrangements may be made for the use of VDOT right of way, provided a third party pays all costs in excess of \$20,000 per receptor in addition to the 60% share of the locality.]

STATE CORPORATION COMMISSION

STATE CORPORATION COMMISSION

AT RICHMOND NOVEMBER 10, 1988

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

CASE NO. PUE880052

Ex Parte : In the matter of
establishing Commission policy
regarding rate treatment of purchased
power capacity charges by electric
utilities and cooperatives

FINAL ORDER

In order to meet the Commonwealth's ever-increasing demand for electric power, Virginia's electric utility industry continues to explore alternatives to traditional company-owned generation. The industry's increasing reliance on power purchased from affiliates, other utilities, and independent sources is a significant step in this evolving process. As power purchases begin to comprise a greater portion of an electric utility's costs, the appropriate rate treatment of such purchases assumes a corresponding importance to the consumer, the industry, and the independent producers.

The cost of purchased power is a function of two components: fuel (energy) and the plant necessary to convert that fuel to electric power (capacity). By Order dated June 14, 1988, we initiated this proceeding to consider alternative approaches to the rate treatment of the second and most controversial aspect of the cost of purchased power – capacity charges.

Our June 14 Order invited comments from interested parties and directed the Commission Staff to file a report and recommendations. Specifically, we asked participants to address whether the traditional distinction between "economy" and "reliability" power purchases should be maintained and whether utilities should recover capacity costs through base rates, the fuel factor, a separate "capacity factor," or some other mechanism. Written comments were submitted by many parties including utilities, customer groups, cogenerators and the Office of the Attorney General. These comments and the Staff report, supplemented by oral argument held September 12, 1988, greatly assisted our inquiry.

Those utilities filing comments supported recovery of all purchased power capacity costs through a "capacity factor" – a deferred accounting mechanism providing for a regular "true-up" of actual versus projected costs. The utilities argue that the Commission's annual review of a company's fuel expense should be expanded to include reliability related capacity costs. They state that this rate treatment would allow a more timely recovery of prudent costs and promote investor confidence.

By contrast, the Office of Attorney General, the

customer groups and the Commission Staff urge us to continue to review reliability capacity costs in the context of a base rate case. A capacity factor, these parties argue, would result in reduced regulatory scrutiny of an increasingly significant expense.

This case was not a rulemaking proceeding, and this Order does not adopt rules or regulations. Rather, within the parameters of a generic investigation, we seek to articulate a policy which will guide the rate treatment of capacity charges in future cases. We recognize that the electric utility industry in Virginia is not homogeneous and that the goal of uniform regulation must be balanced by acknowledgment of the peculiar circumstances and challenges facing each utility. Therefore, the guidelines suggested here are general in nature. Consideration of specific procedures must await an appropriate context where interested parties will be afforded a full opportunity to present evidence and to be heard. Further, these guidelines are applicable only to power purchases made by investor-owned electric utilities from nonaffiliated sources.

With these caveats, it is important at the outset to distinguish between the two types of purchased power capacity charges: those arising from "economy" power purchases and those arising from "reliability" power purchases. We have generally defined an economy purchase as the short term purchase of less expensive power to replace more expensive power which the purchasing utility is capable of generating itself. By contrast, a reliability purchase is one designed to meet a current or projected capacity shortage.

Traditionally, the rate treatment of purchased power capacity charges has turned upon the distinction between reliability and economy purchases. With some exceptions, utilities have recovered the capacity costs of economy purchases through the "fuel factor," a statutory adjustment mechanism through which all prudently incurred energy costs are recovered, dollar for dollar. Va. Code § 56-249.6. Reliability related capacity costs, on the other hand, historically have been recovered in a utility's base rates after Commission review in a rate case.

The comments submitted in this proceeding have brought the distinction between economy and reliability purchases into sharp focus. Indeed, the comments fall into two major categories: those advocating an end to the distinction between reliability and economy purchases, thereby allowing more or less automatic recovery of all purchased power capacity costs through an adjustment mechanism analogous to the fuel factor; and those comments urging continuation of the Commission's current practice, providing utilities the opportunity to recover prudently incurred reliability related capacity costs through base rates.

Upon review of the record and consideration of the argument of counsel, we are convinced that the distinction between economy and reliability power purchases is important and should be maintained. Indeed, we believe

the distinction should be more explicitly defined. An economy purchase is made for the purpose of reducing operating expenses, not to maintain system reliability. Therefore, an economy power purchase will henceforth be defined as a short-term purchase, the total cost of which is lower than the incremental cost of power available to a utility from its own resources. All other purchases will be classified as reliability related. Moreover, a replacement power purchase may be classified as economy only if the utility has no generating units forced off-line having lower production costs than the total cost of the replacement power.

Currently, the sale and purchase of economy power are negotiated in a relatively volatile marketplace. That marketplace acts to regulate price. Moreover, an economy purchase is made only when power can be acquired at a cost lower than that of company-owned generation. Thus, by definition, economy power purchases result in cost savings to the utility and its customers. By contrast, the market for reliability related power is not nearly as volatile. With the possible exception of replacement power, reliability related purchases generally result from long term contracts with affiliates, other utilities, or independent sources. As a utility's decision to purchase capacity for reliability reasons involves consideration of many factors touching on all aspects of its total cost of service, the contracting process is largely under management control. In contrast to economy purchases, the level and timing of contract payments for reliability related power purchases can be established with some precision. Finally, since the cost of purchased reliability power may be greater than the cost of a utility's own generation, the Commission must be especially careful in evaluating the prudence of such purchases.

Having concluded that there exists an essential difference between economy and reliability power purchases, we do not believe that the capacity charges associated with such distinct purchases should receive similar rate treatment. Va. Code § 56-249.6 permits, but does not require, recovery of all purchased power costs through the fuel factor. Such "automatic" recovery is not, in our opinion, appropriate for capacity charges incurred pursuant to the purchase of reliability power. Thus, we decline to expand the Commission's definitional framework of fuel expenses to allow recovery of reliability related capacity charges through the use of a capacity factor.

We emphasize, however, that just as the electric utility industry's increasing reliance on purchased power is an evolving process, Commission regulation of the costs associated with such purchases will necessarily evolve as well. Indeed, as our Staff continues to monitor the purchased power requirements of Virginia's electric utilities, we will continue to consider alternative methods for the rate treatment of capacity charges. For example, one such alternative explored at oral argument is the use of a "surcharge" to be built into base rates on an interim basis to recover capacity costs as that capacity actually becomes available. While limited now by statutory

constraints, this option warrants further consideration, as it might eliminate the uncertainty surrounding projections of anticipated capacity costs.

Thus, although we do not preclude future examination of a surcharge or any other alternative rate treatment of capacity charges, rejection of a capacity factor at this time is dictated primarily by our desire to maintain appropriate regulatory oversight while creating proper incentives for efficient and reliable operation.

As reliability capacity charges begin to comprise a greater share of a utility's total cost of service, more regulatory scrutiny – not less – is appropriate. Currently, for example, any Virginia electric utility planning to build a generating facility of 100 megawatts or more must seek Commission approval for the proposed expenditure. Va. Code § 56-234.3. Yet, the purchase of capacity, in any amount, does not require prior Commission approval. In our opinion, rate case scrutiny of capacity expenditures provides for the most comprehensive review of the prudence of a utility's power purchases.

Additionally, increases in capacity costs may be offset by decreases in other cost of service items such as the carrying costs of company-owned generation or reduced operating and maintenance expenses. Increases in sales and revenues may also act to offset growing purchased capacity costs. A capacity factor would isolate one cost of service item – reliability capacity charges – without consideration of offsetting revenue increases or expense decreases. Review of a utility's total cost of service in the context of a rate case remains the most effective means to balance all of these elements.

Moreover, we are concerned that a capacity factor, which would necessitate the use of deferred accounting to track and recover reliability related capacity charges, might inappropriately influence a utility's decision to build or buy additional capacity. Dollar for dollar recovery of purchased power capacity charges through a deferred account would provide a greater assurance of recovery for purchased capacity than for construction or other alternatives. Such rate treatment could cause a utility to favor purchases when other options such as construction of additional plant or load management might result in greater overall efficiency and reliability. Efficiency and reliability, not regulatory rate treatment, should guide a utility's decisions. Our traditional base rate treatment of reliability capacity charges is neutral: it provides no regulatory incentive to either buy or build additional capacity.

Thus, in order to strike the appropriate balance between a utility's right to a full and expedient recovery of its prudently incurred capacity costs and the ratepayers' interest in reliable service at reasonable rates, we are convinced that our traditional base rate treatment of reliability related capacity charges, with the modifications outlined below, remains the most sound. Therefore, we will adopt our Staff's recommendation of "base rate

State Corporation Commission

memorandum accounting" with the addition of an earnings test as the policy which will guide the recovery of reliability related capacity charges in future cases. We emphasize, however, that allowance of memorandum accounting in a particular instance is not a guarantee that recorded costs will be automatically subject to recovery in a subsequent rate case.

Base rate memorandum accounting, as we envision it, is essentially a three step process. First, a going level of reliability related capacity charges must be built into a utility's base rates. These going-level charges should include projections of reasonably known and measurable purchases expected to be consummated through the end of the rate year. Second, to account for capacity purchases not already built into base rates, a utility should use memorandum accounting, i.e., an off-the books ledger, to track all of its reliability capacity purchases. Capacity charges incurred and booked to expense should be compared to recoveries. The difference between the amount incurred and the amount recovered should be held in a memorandum account. This will necessitate the development of a "recovery factor" to properly track actual capacity cost recovery through base rates. This recovery factor must be allocated appropriately between the demand and energy components of a company's rate schedules. Finally, in the utility's rate case, the Commission will analyze the memorandum account to determine the difference, if any, between total capacity purchases and the going-level of capacity charges previously included in its base rates. Subject to our review of the prudence of the charges and examination of the utility's actual earnings during that period, rates will be set to recover any unrecovered portion of the memorandum account.

While the precise parameters of the policy we have outlined here must necessarily be developed on a case by case basis, one specific observation is appropriate. In order to avoid the accumulation of large over or under-recovery balances, a utility's capacity memorandum account should be reviewed by our Staff on an annual basis. The Staff will conduct an earnings test and validate the capacity recovery. As a result of this procedure, the Commission can determine whether the capacity costs are subject to future recovery. A company should therefore file a copy of its capacity memorandum account, detailing its cumulative capacity cost recovery position, with its annual informational filing.

In conclusion, we will continue to monitor the purchased power requirements of Virginia's electric utilities closely. We will not hesitate to revise our general framework for the rate treatment of reliability related capacity charges as individual circumstances warrant. Yet we believe the policy we articulate today is an appropriate model for what is clearly an industry in transition. Base rate memorandum accounting will facilitate a utility's recovery of its prudent capacity costs while preserving the careful regulatory oversight to which the consumer is entitled. Accordingly,

IT IS ORDERED:

- (1) That within sixty (60) days each investor-owned electric utility subject to the jurisdiction of this Commission shall file with our Staff an outline of the accounting procedures (including calculation of an appropriate recovery factor) with which it proposes to effect the policy detailed herein.
- (2) That this policy shall be implemented beginning January 1, 1989.
- (3) That there appearing nothing further to be done in this proceeding, this case shall be removed from the docket and the papers placed in the file for ended causes.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: William S. Bilenky, Esquire, Division of Consumer Counsel, Office of the Attorney General, 101 North 8th Street, 6th Floor, Richmond, Virginia 23219; to each electric utility subject to the jurisdiction of this Commission; Evans B. Brasfield, Esquire, Hunton & Williams, P.O. Box 1535, Richmond, Virginia 23212; Edward L. Flippen, Esquire, Mays & Valentine, P.O. Box 1122, Richmond, Virginia 23208-9970; A. C. Epps, Esquire, and Louis R. Monacell, Esquire, Christian, Barton, Epps, Brent & Chappell, 1200 Mutual Building, Richmond, Virginia 23219; Stephen H. Watts, II, Esquire, McGuire, Woods, Battle & Boothe, One James Center, Richmond, Virginia 23219; John L. Walker, Jr., Esquire, Woods, Rogers and Hazlegrove, 105 Franklin Road, S.W., P.O. Box 720, Roanoke, Virginia 21004-0720; John E. Cunningham, Esquire, Virginia Electric & Power Company, P.O. Box 26666, Richmond, Virginia 23261; Robert M. Hewett, Vice President, Old Dominion Power Company, One Quality Street, Lexington, Kentucky 40507; Philip J. Bray, Esquire, The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; and to the Commission's Divisions of Energy Regulation, Accounting and Finance and Economic Research and Development.

GOVERNOR

Office of the Governor

EXECUTIVE ORDER NUMBER SIXTY-FOUR (88)

DECLARATION OF A STATE OF EMERGENCY DUE TO
A RESCUE EMERGENCY IN SHENANDOAH COUNTY,
VIRGINIA

On October 30, 1988, a competitive sporting horse fell into a deep ravine in George Washington National Forest, Shenandoah County, during a cross-country race sanctioned by Old Dominion One Hundred, Incorporated. A request for assistance in extricating the animal was extended to the State by federal authorities.

The sudden and unforeseeable nature of this occurrence and the inability of private, local government or federal resources to provide a means of extricating the injured horse required that state action be taken to alleviate the situation. These conditions constitute a rescue emergency as contemplated under the provisions of Section 44-146.16(3) of the Code of Virginia. Prompt action was necessary to alleviate the suffering of the animal.

By virtue of the authority vested in me by Section 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Services, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I do hereby declare a state of emergency to have existed and therefore did direct that appropriate assistance be rendered by the agencies of state government.

This Executive Order is effective for the period October 30, 1988, through November 1, 1988.

Given under my hand and under the Seal of the Commonwealth of Virginia this 7th day of November, 1988.

/s/ Gerald L. Baliles
Governor

**GOVERNOR'S COMMENTS ON PROPOSED
REGULATIONS**

(Required by § 9-6.12:9.1 of the Code of Virginia)

CHILD DAY-CARE COUNCIL

Title of Regulation: VR 175-02-01. Minimum Standards for
Licensed Child Care Centers.

Governor's Comment:

I concur with the substance of these regulations. My final approval will depend upon a review of the comments received during the public hearing process.

/s/ Gerald L. Baliles
Date: November 2, 1988

**DEPARTMENT OF MEDICAL ASSISTANCE SERVICES
(BOARD OF)**

Title of Regulation: VR 460-03-4.194. Nursing Home
Payment System (Part III, Appeals): State Plan for
Medical Assistance.

Governor's Comment:

I have no objection to the form or content of this proposal. My final approval will depend upon a review of the comments received during the public comment period.

/s/ Gerald L. Baliles
Date: November 3, 1988

GENERAL NOTICES/ERRATA

Symbol Key †

† Indicates entries since last publication of the Virginia Register

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-04-01. Rules and Regulations Relating to the Endangered Plant and Insect Species Act.** The purpose of the proposed amendment is to list the following 12 rare plant species as endangered under the Virginia Endangered Plant and Insect Species Act: Shale Barren Rock Cress, Arabis serotina; Mat-Forming Water-Hyssop, Bacopa stragula; Piratebush, Buckleya distichophylla; Variable Sedge, Carex polymorpha; Harper's Fimbristylis, Fimbristylis perpusilla; Virginia Sneezeweed, Helenium virginicum; Swamp-Pink, Helonias bullata; Long-Stalked Holly, Ilex collina; Peter's Mountain Mallow, Iliamna corei; Nestronia, Nestronia umbellula; Northeastern Bulrush, Scirpus ancistrochaetus; and Virginia Spiraea, Spiraea virginiana. Naturally occurring populations of the proposed endangered species list ranges from a single known population in the world to populations in five counties along the foothills of the Blue Ridge Mountain. The proposed additions to the endangered species list would prevent the plants' collections and allow for a comprehensive recovery conservation program.

Statutory Authority: § 3.1-1025 of the Code of Virginia.

Written comments may be submitted until December 7, 1988.

Contact: D. J. Schweitzer, Assistant Supervisor, P. O. Box 1163, 1100 Bank St., Richmond, Va. 23209, telephone (804) 786-3516 or SCATS 786-3516

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Agriculture and Consumer Services intends to consider amending regulations entitled: **VR 115-04-04. Rules and Regulations for the Enforcement of the Virginia Weights and Measures Law.** The purpose of the proposed amendment is to exempt owners and users of vehicle scales from paragraph U.R.3.7. National Bureau of Standards Handbook 44 - minimum net weight load weighing requirement of 50 scale divisions. Recycling operators (waste paper, scrap metal, aluminum cans, etc.) that weigh vehicles would be permitted to weigh net weight loads less than 50 scale divisions. Section 3.1-926 of

the Code of Virginia states in part "...The specifications, tolerances, and regulations for commercial weighing and measuring devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44 and supplements thereto, or in any publication revising or superseding Handbook 44, shall be the specifications, tolerances, and regulations for commercial weighing and measuring devices of the State of Virginia, except insofar as specifically modified, amended, or rejected by a rule or regulation issued by the board."

Statutory Authority: § 3.1-926 of the Code of Virginia.

Written comments may be submitted until 5 p.m., December 7, 1988.

Contact: J. Alan Rogers, Bureau Chief, Virginia Weights and Measures Bureau, P. O. Box 1163, Rm. 402, Richmond, Va. 23209, telephone (804) 786-2476 or SCATS 786-2476

DEPARTMENT OF AIR POLLUTION CONTROL

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Air Pollution Control intends to consider amending regulations entitled: **VR 120-01. Regulations for the Control and Abatement of Air Pollution Concerning Emission Standards for Volatile Organic Compounds (VOCs).** The purpose of the proposed action is to require the owner or operator to limit VOC emissions from the specific source to a level resultant from the use of reasonably available control technology and necessary for the protection of human health and welfare.

Statutory Authority: § 10.1-1308 of the Code of Virginia.

Written comments may be submitted until January 4, 1988.

Contact: Robert A. Mann, Director, Division of Program Development, Department of Air Pollution Control, P. O. Box 10089, Richmond, Va. 23240, telephone (804) 786-5789 or SCATS 786-5789

BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects intends to consider amending regulations entitled: **State Board of Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects Rules and Regulations**. The purpose of the proposed action is to place a fee schedule into the regulations, and to make minor changes to the regulations to conform with Code of Virginia changes and for clarity.

Statutory Authority: §§ 54-1.28 and 54-25 of the Code of Virginia.

Written comments may be submitted until January 1, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

CHESAPEAKE BAY LOCAL ASSISTANCE BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Chesapeake Bay Local Assistance Board intends to consider promulgating regulations entitled: (i) **Chesapeake Bay Preservation Area Designation Criteria** and (ii) **Chesapeake Bay Preservation Area Management Criteria**. The purpose of the proposed regulation is to provide criteria, consistent with the requirements of the Chesapeake Bay Preservation Act, for local governments to use to protect the water quality of the bay and its tributaries from degradation that may result from the use and development of land, especially those activities near the bay and its tributaries.

Statutory Authority: § 10.1-2107 of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: Scott Crafton, Regulatory Assistance Coordinator, Chesapeake Bay Local Assistance Department, 701 Eighth Street Office Bldg., Richmond, Va. 23219, telephone (804) 225-3440 or SCATS 225-3440

DEPARTMENT OF COMMERCE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency

public participation guidelines that the Department of Commerce intends to consider promulgating regulations entitled: **Virginia Asbestos Licensing Regulations**. The purpose of the proposed regulation is to promulgate regulations to replace emergency regulations enacted July 1, 1988.

Statutory Authority: § 54-145.5 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Peggy Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8595, toll-free 1-800-552-3016 or SCATS 367-8595

CRIMINAL JUSTICE SERVICES BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Criminal Justice Services Board intends to consider amending regulations entitled: **Regulations Relating to Criminal History Record Information - Part I; Criminal History Record Information Security - Part II**. The purpose of the proposed action is to amend and update existing regulations governing the privacy and security of criminal history record information.

Statutory Authority: § 9-170 of the Code of Virginia.

Written comments may be submitted until December 12, 1988, to Charlotte McClamroch, Section Chief, Department of Criminal Justice Services, 805 East Broad Street, Richmond, Virginia 23219.

Contact: Paula Scott, Executive Assistant, Department of Criminal Justice Services, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-4000 or SCATS 786-4000

DEPARTMENT OF EDUCATION (STATE BOARD OF)

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Education intends to consider amending regulations entitled: **VR 270-02-0000. Certification Regulations for Teachers**. Amendments to the regulation is in response to federal legislation (P.L. 99-457) requiring that personnel serving special education students meet the highest standard in the Commonwealth. Accordingly, the certification regulations for speech-language pathologists are being revised.

Statutory Authority: § 22.1-16 of the Code of Virginia.

General Notices/Errata

Written comments may be submitted until December 31, 1988.

Contact: Dr. Lissa Power Cluver, Associate Director, Special Education Programs, Department of Education, P. O. Box 6Q, Richmond, Va. 23216-2060, telephone (804) 225-2873

BOARD OF GEOLOGY

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Geology intends to consider amending regulations entitled: **Virginia Board of Geology Rules and Regulations**. The purpose of the proposed action is to place a fee schedule into the regulations, and to make minor changes to the regulations to conform with Code of Virginia changes and for clarity.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until January 1, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

COUNCIL ON HUMAN RIGHTS

Notice of Intended Regulatory Action

Notice is hereby given that the Council on Human Rights intends to consider promulgating regulations entitled: **VR 402-01-1. Public Participation Guidelines for Development of Council on Human Rights Regulations**. The purpose of the proposed regulations is to solicit input of interested parties in the formation and development of the Council on Human Rights regulations.

Statutory Authority: §§ 2.1-720.6 and 9-6.14:7.1 of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: Lawrence J. Dark, Director, Council on Human Rights, 101 N. 14th St., James Monroe Bldg., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2292, toll-free 1-800-633-5510 or SCATS 225-2292

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of

Medical Assistance Services intends to consider amending regulations entitled: **Disproportionate Share Adjustments to Hospitals**. The purpose of the proposed action is to conform the Plan for Medical Assistance to the disproportionate share adjustment requirements of OBRA 1987.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until January 5, 1989, to N. Stanley Fields, Director, Division of Provider Reimbursement, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia State Board of Medicine intends to consider amending regulations entitled: **VR 465-02-1. Regulations Governing the Practice of Medicine, Osteopathy, Podiatry, Chiropractic, Clinical Psychology and Acupuncture**. The purpose of the proposed action is to develop regulations regarding prescriptions for contact lenses.

Statutory Authority: § 54-291 of the Code of Virginia.

Written comments may be submitted until January 5, 1989.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Fl., Richmond, Va. 23229-5005, telephone (804) 662-9925

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider amending regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling**. The purpose of the proposed action is to allow individuals registered with the board prior to July 31, 1988, under the supervision of nonlicensed board approved supervisors to have their supervised experience counted towards licensure and allow nonregistered supervised experience obtained before July 31, 1988, to be applied towards licensure.

Statutory Authority: § 54-929(a) of the Code of Virginia.

Written comments may be submitted until December 21,

1988.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to repeal regulations entitled: **VR 560-01-02. Regulations Governing the Practice of Professional Counseling, Part II - § 2.3 Requirements for Provisional License Part IV - § 4.3.** The board will have no statutory authority to allow applicants who have a doctorate in counseling to be granted a provisional license while completing either specific coursework or supervised experience required for licensure after January 1, 1989, or to renew that license.

Statutory Authority: §§ 54-929(a) and 54-993.1 of the Code of Virginia.

Written comments may be submitted until December 21, 1988.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Virginia Board of Professional Counselors intends to consider promulgating regulations entitled: **VR 560-01-03. Regulations Governing the Certification of Substance Abuse Counselors.** The purpose of the proposed regulation is to establish the requirements for examination and certification of substance abuse counselors and set the standards of practice for certified substance abuse counselors in Virginia.

Statutory Authority: § 54-929(a) of the Code of Virginia.

Written comments may be submitted until December 21, 1988.

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

DEPARTMENT OF TAXATION

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Department of Taxation intends to consider promulgating regulations entitled: **VR 630-3-400.1. Corporation Income Tax:**

Telecommunications Companies. The purpose of the proposed action is to implement the changes to the existing Corporation Income Tax Regulations required by the 1988 Acts, Chapter 899 (S.B. 312) which subjects telecommunications companies to the Corporate Income Tax and imposes a minimum corporate income tax on telecommunications companies.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until January 5, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

COMMONWEALTH TRANSPORTATION BOARD

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Commonwealth Transportation Board intends to consider amending regulations entitled: **Hauling Permit Travel Regulations.** The purpose of the proposed action is to establish guidelines relating to the operation of vehicles over the highways of Virginia with loads that, when reduced to their smallest dimensions, exceed the maximum legal size and weight established by the Code of Virginia.

Statutory Authority: §§ 33.1-12 (3) and 46.1-343 of the Code of Virginia.

Written comments may be submitted until December 7, 1988.

Contact: R. M. Ketner, III, Permit and Truck Weight Manager, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2810 or SCATS 786-2810

BOARD OF VETERINARY MEDICINE

Notice of Intended Regulatory Action

Notice is hereby given in accordance with this agency's public participation guidelines that the Board of Veterinary Medicine intends to consider amending regulations entitled: **VR 645-01-1. Regulations Governing the Practice of Veterinary Medicine.** The purpose of the proposed regulation is to establish standards for licensure and practice as a veterinarian and veterinary technician; state requirements for registration of an animal facility.

Statutory Authority: §§ 54-776 through 54-791 of the Code of Virginia.

Written comments may be submitted until December 21, 1988.

General Notices/Errata

Contact: Moira C. Lux, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

GENERAL NOTICES

NOTICES TO STATE AGENCIES

RE: Forms for filing material on dates for publication in the Virginia Register of Regulations.

All agencies are required to use the appropriate forms when furnishing material and dates for publication in the Virginia Register of Regulations. The forms are supplied by the office of the Registrar of Regulations. If you do not have any forms or you need additional forms, please contact: Jane Chaffin, Virginia Code Commission, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591.

FORMS:

NOTICE OF INTENDED REGULATORY ACTION - RR01
NOTICE OF COMMENT PERIOD - RR02
PROPOSED (Transmittal Sheet) - RR03
FINAL (Transmittal Sheet) - RR04
EMERGENCY (Transmittal Sheet) - RR05
NOTICE OF MEETING - RR06
AGENCY RESPONSE TO LEGISLATIVE OR GUBERNATORIAL OBJECTIONS - RR08
DEPARTMENT OF PLANNING AND BUDGET (Transmittal Sheet) - DPBRR09

Copies of the Virginia Register Form, Style and Procedure Manual may also be obtained from Jane Chaffin at the above address.

ERRATA

STATE LOTTERY DEPARTMENT

Title of Regulation: **VR 447-01-1. Guidelines for Public Participation in Regulation Development and Promulgation.**

Publication: 5:2 VA.R. 229-248 October 24, 1988

The following technical revisions need to be made to the final regulations:

Page 24, because of revisions previously made in all section numbers, the number located within the text was inadvertently overlooked and is cited incorrectly:

Section 4.18 D. Cancellation orders.

The department shall cancel orders in writing. Contracts may be cancelled if the vendor fails to fulfill his obligations as provided in [~~§ 5.16~~ § 4.17] A and B.

Page 244, as a result of review by the Office of the Governor, the following revisions were made:

Section 4.20 B. Employee role with vendors prohibited.

A department employee who has responsibility to buy from [~~a vendor~~ vendors] may not:

1. Be employed by [~~the a~~] vendor at the same time;
2. Have a business associate or a member of his household be an officer, director, trustee, partner or hold a similar position with a vendor and play a role in soliciting contracts for [~~the vendor~~ vendors];
3. Himself or his business associate or a member of his household own or control an interest in [~~the a~~] vendor of at least 5.0%.

(Subsections 4 and 5 remain unchanged.)

CALENDAR OF EVENTS

Symbols Key

- † Indicates entries since last publication of the Virginia Register
- Ⓜ Location accessible to handicapped
- ☎ Telecommunications Device for Deaf (TDD)/Voice Designation

NOTICE

Only those meetings which are filed with the Registrar of Regulations by the filing deadline noted at the beginning of this publication are listed. Since some meetings are called on short notice, please be aware that this listing of meetings may be incomplete. Also, all meetings are subject to cancellation and the Virginia Register deadline may preclude a notice of such cancellation.

For additional information on open meetings and public hearings held by the Standing Committees of the Legislature during the interim, please call Legislative Information at (804) 786-6530.

VIRGINIA CODE COMMISSION

EXECUTIVE

DEPARTMENT FOR THE AGING

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-02. Area Agencies on Aging.** The proposed regulation sets forth the methods for (i) designating a planning and service area and an area agency on aging and (ii) suspending or terminating the designation of an area agency on aging.

Statutory Authority: § 2.1-373 (a)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

* * * * *

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1

of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-03. Area Plans for Aging Services.** The proposed regulation regulates the process by which an Area Agency on Aging develops and implements its Area Plan for Aging Services.

Statutory Authority: § 2.1-373 (a)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

* * * * *

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR 110-01-04. Financial Management Policies Applicable to Area Agencies on Aging.** The proposed regulation provides policies and standards for an Area Agency on Aging in the administration of federal and state grants to provide supportive and nutrition services to older persons.

Statutory Authority: § 2.1-373 (a)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

* * * * *

December 8, 1988 - 10 a.m. – Public Hearing
W. W. Scott Senior Center, 307 South Park Street, Marion, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department for the Aging intends to adopt regulations entitled: **VR**

Calendar of Events

110-01-05. Long-Term Care Ombudsman Program. The proposed regulation describes the policies by which the Department for the Aging establishes and operates the Office of the State Long-Term Care Ombudsman and designates/supervises area or local ombudsman entities.

Statutory Authority: § 2.1-373 (a)(7) of the Code of Virginia.

Written comments may be submitted until December 9, 1988.

Contact: J. James Cotter, Division Director, Virginia Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va. 23219-2327, telephone (804) 225-2271, toll-free 1-800-552-4464 or SCATS 225-2271

Long-Term Care Ombudsman Program Advisory Council

† **December 6, 1988 - 9:30 a.m.** — Open Meeting
Department for the Aging, 700 East Franklin Street, 10th Floor Conference Room, Richmond, Virginia. ☒

The agenda for this meeting will include an update on Ombudsman Program activities, and a guest speaker, Ms. Barbara Frank. Ms. Frank, of the National Citizens' Coalition for Nursing Homes Reform, will discuss HCFA's implementation of recent federal legislation, and HCFA's release of nursing home compliance data.

Contact: Virginia Dize, State Ombudsman, Department for the Aging, 700 E. Franklin St., 10th Fl., Richmond, Va., telephone (804) 225-3141, toll-free 1-800-552-3402, SCATS 225-2271 or (804) 225-2271/TDD ☎

STATE BOARD OF AGRICULTURE AND CONSUMER SERVICES

December 15, 1988 - 8:30 a.m. — Open Meeting
Washington Building, 1100 Bank Street, Room 204, 2nd Floor, Richmond, Virginia

A meeting to receive annual reports from the state commodity boards and reports on other issues relating to the Department of Agriculture and Consumer Services.

Contact: Roy E. Seward, Acting Secretary of the Board, 1100 Bank St., Room 210, Washington Bldg., Richmond, Va. 23219, telephone (804) 786-3501

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

† **February 22, 1989 - 2 p.m.** — Public Hearing
Washington Building, 1100 Bank Street, 2nd Floor Board Room, Richmond, Virginia. ☒

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Agriculture and Consumer Services intends to amend regulations entitled: **VR 115-03-01. Rules and Regulations Applicable to Controlled Atmosphere (CA) Apples.** These regulations prescribe requirements for apples identified as stored under controlled atmosphere conditions.

STATEMENT

Subject, substance, issues, basis and purpose: Apples stored under certain controlled atmosphere conditions have quality superior to conventional cold storage over a longer period of time. A system is needed to provide for fair and accurate identification in the marketplace of apples from controlled atmosphere (CA) storage.

The purpose of the proposed amendments result from a review by the Board of Directors of the Virginia State Horticultural Society.

The regulations provide specifications for use by the Virginia Department of Agriculture and Consumer Services in identifying for the marketplace apples which have met the requirements for registration, records, minimum condition of fruit, selling and storage facilities.

Statutory Authority: § 3.1-997 of the Code of Virginia.

Written comments may be submitted until February 3, 1989, to T. Graham Copeland, Jr., 1100 Bank Street, Room 210, Richmond, Virginia 23219.

Contact: Donald B. Ayers, Director of Commodity Services, Department of Agriculture and Consumer Services, 1100 Bank St., Room 804, Richmond, Va. 23219, telephone (804) 786-0480 or SCATS 786-0480

ALCOHOLIC BEVERAGE CONTROL BOARD

December 13, 1988 - 9:30 a.m. — Open Meeting
December 27, 1988 - 9:30 a.m. — Open Meeting
2901 Hermitage Road, Richmond, Virginia. ☒

A meeting to receive and discuss reports and activities from staff members. Other matters not yet determined.

Contact: Robert N. Swinson, Secretary to the Board, 2901 Hermitage Rd., P. O. Box 27491, Richmond, Va. 23261, telephone (804) 367-0616

ALEXANDRIA LOCAL EMERGENCY PLANNING COMMITTEE

December 14, 1988 - 7:30 p.m. — Open Meeting
Alexandria Police Department, 2003 Mill Road, Conference Room, Alexandria, Virginia. ☒

Information and discussion of SARA Title III Emergency Planning and Community Right-to-Know Legislation. Open meeting, public invited to attend.

Contact: Chap Coleman, Emergency Preparedness Coordinator, Fire Department, 900 Second St., Alexandria, Va. 22314, telephone (703) 838-3825

STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS AND CERTIFIED LANDSCAPE ARCHITECTS

Virginia State Board of Architects

December 16, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting to (i) approve minutes of the September 29, 1988 meeting; (ii) discuss enforcement cases; (iii) review applications; and (iv) discuss correspondence.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8514, toll-free 1-800-552-3016 or SCATS 367-8514

LOCAL EMERGENCY PLANNING COMMITTEE OF ARLINGTON COUNTY AND THE CITY OF FALLS CHURCH

† **December 6, 1988 - 8 p.m.** – Open Meeting
#1 Courthouse Plaza, 2100 Clarendon Boulevard, Conference Room B, Arlington, Virginia. ☒ (Interpreter for deaf provided if requested)

A local committee meeting to discuss the Superfund Amendments and Reauthorization Act of 1986 (SARA) requirements for hazardous materials.

Contact: Thomas M. Hawkins, Jr., Fire Chief, Fire Department Administration, 2100 Clarendon Blvd., Suite 400, Arlington, Va. 22201, telephone (703) 358-3365 or (703) 558-2096/TDD ☎

VIRGINIA AVIATION BOARD

† **December 15, 1988 - 10 a.m.** – Open Meeting
Richmond International Airport, Airport Managers Conference Room, Richmond, Virginia

A meeting to discuss matters affecting aviation in Virginia.

Contact: Kenneth A. Rowe, Director, Department of Aviation, 4508 S. Laburnum Ave., P.O. Box 7716, Richmond, Va. 23231, telephone (804) 786-6284

STATE BUILDING CODE TECHNICAL REVIEW BOARD

† **December 16, 1988 - 10 a.m.** – Open Meeting
Fourth Street Office Building, 205 North Fourth Street, 2nd Floor Conference Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to consider requests for interpretation of the Virginia Uniform Statewide Building Code; to consider appeals from the rulings of local appeals boards regarding application of the Virginia Uniform Statewide Building Code, and to approve minutes of previous meeting.

Contact: Jack A. Proctor, 205 N. Fourth St., Richmond, Va. 23219, telephone (804) 786-4752

VIRGINIA CATTLE INDUSTRY BOARD

December 6, 1988 - 11:45 a.m. – Open Meeting
Red Lion Inn, Blacksburg, Virginia

December 7, 1988 - 9 a.m. – Open Meeting
Virginia Cattlemen's Association Office, Daleville, Virginia

A winter board meeting to review research projects.

Contact: Reggie Reynolds, Secretary, P. O. Box 176, Daleville, Va. 24083-0176, telephone (703) 992-1992

LOCAL EMERGENCY PLANNING COMMITTEE OF CHESTERFIELD COUNTY

† **January 5, 1989 - 5:30 p.m.** – Open Meeting
† **February 2, 1989 - 5:30 p.m.** – Open Meeting
Chesterfield County Administration Building, 10001 Ironbridge Road, Room 502, Chesterfield, Virginia. ☒

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Lynda G. Furr, Assistant Emergency Services Coordinator, Chesterfield Fire Department, P. O. Box 40, Chesterfield, Va. 23832, telephone (804) 748-1236

CHILD DAY-CARE COUNCIL

† **December 8, 1988 - 9 a.m.** – Open Meeting
Koger Executive Center, West End, Blair Building, 8007 Discovery Drive, Conference Rooms A and B, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The Child Day-Care Council will meet to discuss issues, concerns, and programs that impact licensed child care centers.

Contact: Arlene Kasper, Program Development Supervisor, Division of Licensing Programs, Department of Social

Calendar of Events

Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025 or SCATS 662-9025

CONSORTIUM ON CHILD MENTAL HEALTH

December 7, 1988 - 9 a.m. – Open Meeting
January 4, 1989 - 9 a.m. – Open Meeting
February 1, 1989 - 9 a.m. – Open Meeting
Eighth Street Office Building, 805 East Broad Street, 11th Floor Conference Room, Richmond, Virginia. ☒

A regular business meeting open to the public, followed by an executive session, for purposes of confidentiality, to review applications for funding of services to individuals.

Contact: Wenda Singer, Chair, Virginia Department for Children, 805 E. Broad St., Richmond, Va. 23219, telephone (804) 786-2208

DEPARTMENT FOR CHILDREN

Advisory Board

† **December 8, 1988 - 10 a.m.** – Open Meeting
Department for Children, 805 East Broad Street, 11th Floor, Conference Room, Richmond, Virginia. ☒

A regular meeting.

Contact: Martha Norris Gilbert, Director, Department for Children, 805 E. Broad St., 11th Fl., Richmond, Va. 23219, telephone (804) 786-5991

INTERDEPARTMENTAL LICENSURE AND CERTIFICATION OF RESIDENTIAL FACILITIES FOR CHILDREN

Coordinating Committee

December 9, 1988 - 8:30 a.m. – Open Meeting
Department of Social Services, 1603 Santa Rosa Drive, Tyler Building, Suite 210, Richmond, Virginia. ☒

Regularly scheduled monthly meetings to discuss administrative and policy areas related to the Interdepartmental Licensure and Certification of Residential Facilities for Children.

Contact: John J. Allen, Jr., Coordinator, Office of the Coordinator, Interdepartmental Licensure and Certification, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7124 or SCATS 662-7124

DEPARTMENT OF COMMERCE

December 13, 1988 - 11 a.m. – Public Hearing

Kirn Memorial Library, 301 East City Hall Avenue, Norfolk, Virginia

December 14, 1988 - 10 a.m. – Public Hearing
Department of Motor Vehicles, 2300 West Broad Street, Richmond, Virginia. ☒

December 15, 1988 - 11 a.m. – Public Hearing
Council Chambers, Municipal Building, Room 450, Roanoke, Virginia

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the Department of Commerce intends to amend regulations entitled: **VR 190-05-1. Asbestos Licensing Regulations.** These proposed regulations set forth requirements for licensure and training of asbestos contractors, supervisors, workers, inspectors, management planners and project designers.

Statutory Authority: §§ 54-145.5 through 54-145.10:11 of the Code of Virginia.

Written comments may be submitted until January 21, 1989.

Contact: Peggy J. Wood, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8595 or SCATS 367-8595

DEPARTMENT OF CONSERVATION AND HISTORIC RESOURCES

Goose Creek Scenic River Advisory Board

January 16, 1989 - 2 p.m. – Open Meeting
Middleburg Community Center, Main Street, Middleburg, Virginia

A business meeting to discuss issues and matters pertaining to the Goose Creek Scenic River.

Contact: Richard G. Gibbons, Recreation Planning Chief, Department of Conservation and Historic Resources, Division of Planning and Recreation Services, 221 Governor St., Suite 306, Richmond, Va. 23219, telephone (804) 786-4132

Virginia Historic Landmarks Board

December 13, 1988 - 2 p.m. – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☒

A general business meeting.

Division of Historic Landmarks State Review Board

December 13, 1988 - 10 a.m. – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond,

Virginia. ☐

A meeting to consider the nomination of the following properties to the Virginia Landmarks Register and the National Register of Historic Places:

Catoctin Rural Historic District, Loudoun County
Bristoe Battlefield Historic District, Prince William County
French's Tavern, Powhatan County
Farnley, Clarke County
Freestone Point Confederate Battery, Prince William County
Cockpit Point, Prince William County
Brentsville Courthouse and Jail, Prince William County
Mitchells' Ford Intrenchment, Prince William County
Mayfield Fortification, City of Manassas
Signal Hill, Prince William County
Orange and Alexandria Railroad Bridge Piers, Prince William County, Fairfax County
Greenwich Presbyterian Church, Prince William County

Contact: Margaret T. Peters, Information Officer, Department of Conservation and Historic Resources, Division of Historic Landmarks, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-3143 or SCATS 786-3143

Outdoor Recreation Advisory Board

† **December 14, 1988 - 9:30 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

A business meeting to review statewide recreation matters.

Contact: Art Buehler, Director, Division of Planning and Recreation Services, 203 Governor St., Suite 326, Richmond, Va. 23219, telephone (804) 786-5046 or SCATS 786-5046

STATE BOARD FOR CONTRACTORS

December 14, 1988 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☐

A meeting to discuss possible revisions to the rules and regulations of the State Board for Contractors.

January 18, 1989 - 9 a.m. – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☐

A quarterly meeting to (i) address policy and procedural issues, (ii) review and render decisions on applications for contractors' licenses, (iii) review staff recommendations for revisions to its rules and

regulations, and (iv) review and render case decisions on matured complaints against licensees. The meeting is open to the public; however, a large portion of the board's business will be discussed in the executive session.

Contact: Laster G. Thompson, Jr., Assistant Director, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8557 or toll-free 1-800-552-3016

STATE BOARD OF CORRECTIONS

December 14, 1988 - 10 a.m. – Open Meeting
January 18, 1989 - 10 a.m. – Open Meeting
6900 Atmore Drive, Board of Corrections Board Room, Richmond, Virginia. ☐

A regular monthly meeting to consider such matters as may be presented to the board.

Contact: Vivian Toler, Secretary to the Board, 6900 Atmore Dr., Richmond, Va. 23225, telephone (804) 674-3235

VIRGINIA BOARD OF COSMETOLOGY

† **December 19, 1988 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A meeting to (i) review enforcement cases; (ii) review correspondence; (iii) review applications; (iv) review committee reports; and (v) conduct regulatory review to adopt final regulations.

Contact: Roberta L. Banning, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8590 or toll-free 1-800-552-3016 (VA only)

STATE BOARD OF EDUCATION

December 8, 1988 - 9 a.m. – Open Meeting
December 9, 1988 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms C & D, Richmond, Virginia. ☐

January 12, 1989 - 9 a.m. – Open Meeting
January 13, 1989 - 9 a.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Rooms D & E, Richmond, Virginia. ☐

The Board of Education will hold its regularly scheduled meeting. Business will be conducted according to items listed on the agenda. The agenda is available upon request. The public is reminded that the Board of Vocational Education may convene, if required.

Calendar of Events

Contact: Margaret Roberts, James Monroe Bldg., 101 N. 14th St., 25th Fl., Richmond, Va. 23219, telephone (804) 225-2540

* * * * *

January 21, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia State Board of Education intends to amend regulations entitled: **VR 270-02-0007. Regulations Governing Special Education Programs for Handicapped Children and Youth in Virginia.** The purpose of the proposed regulations is to ensure the provisions of a free and appropriate public education in the least restrictive environment to all handicapped youth ages 2 to 21, inclusive, residing in the Commonwealth.

Statutory Authority: § 22.1-16 of the Code of Virginia.

Written comments may be submitted until December 21, 1988.

Contact: Kathe Klare, Supervisor of Due Process Proceedings, Department of Education, P. O. Box 6Q, Richmond, Va. 23216, telephone (804) 225-2887

STATE EDUCATION ASSISTANCE AUTHORITY

December 12, 1988 - 10 a.m. – Public Hearing
State Capitol, Capitol Square, House Room 1, Richmond, Virginia. ☐

Notice is hereby given in accordance § 9-6.14:7.1 of the Code of Virginia that the State Education Assistance Authority intends to adopt regulations entitled: **VR 275-02-1. Regulations Governing the Edvantage Loan Program.** This regulation establishes policies to govern the administration of the Edvantage loan program on the part of participating lenders and institutions of higher education.

Statutory Authority: §§ 23-30.42 and 23-38.64 of the Code of Virginia.

Written comments may be submitted until December 12, 1988.

Contact: Randy A. Craig, Manager, Technical Services, State Education Assistance Authority, 6 N. Sixth St., Suite 300, Richmond, Va. 23219, telephone (804) 786-2035, toll-free 1-800-792-5626 (In Virginia) or SCATS 786-2035

LOCAL EMERGENCY PLANNING COMMITTEE OF FAIRFAX COUNTY - TOWN OF VIENNA - CITY OF FAIRFAX - TOWN OF HERNDON

† **December 8, 1988 - 10 a.m.** – Open Meeting
Wood Municipal Center, Old Lee Highway, Fairfax, Virginia. ☐

A meeting to meet requirements of Superfund Amendment and Reauthorization Act of 1986.

Contact: Melanie Pearson, Community Information Coordinator, 4031 University Dr., Fairfax, Va. 22030, telephone (703) 246-2331

DEPARTMENT OF FIRE PROGRAMS

February 3, 1989 - 9 a.m. – Public Hearing
Holiday Inn-Downtown, 301 West Franklin Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Fire Services intends to amend regulations entitled: **VR 310-01-02. Regulations Establishing Certification Standards for Fire Inspectors.** This regulation establishes certification standards for fire inspectors and is amended to incorporate training required as a result of revisions to the Code of Virginia by the 1988 General Assembly authorizing search warrants for inspection or reinspection of buildings.

Statutory Authority: § 9-155 of the Code of Virginia.

Written comments may be submitted until February 3, 1989.

Contact: Robert A. Williams, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS 225-2681

* * * * *

February 3, 1989 - 9 a.m. – Public Hearing
Holiday Inn-Downtown, 301 West Franklin Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Fire Programs intends to adopt regulations entitled: **VR 310-01-04. Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities.** Regulations Governing the Certification of Instructors Providing Training at Local Fire Training Facilities will require localities using Fire Programs Funds for local fire training construction, improvement and expansion to use instructors meeting standards approved by the Virginia Fire Services Board.

Statutory Authority: §§ 9-155 and 38.2-401 of the Code of Virginia.

Written comments may be submitted until 5 p.m., February 10, 1988.

Contact: Carl N. Cimino, Executive Director, Department of Fire Programs, James Monroe Bldg., 101 N. 14th St., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS 225-2681

VIRGINIA FIRE SERVICES BOARD

† **December 16, 1988 - 9 a.m.** – Open Meeting
Holiday Inn-Downtown, 301 West Franklin Street,
Richmond, Virginia. ☒

A meeting to discuss fire training and fire policies. The business meeting is open to the public for their comments.

Fire Prevention and Control Committee

† **December 15, 1988 - 9 a.m.** – Open Meeting
Holiday Inn-Downtown, 301 West Franklin Street,
Richmond, Virginia. ☒

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Legislative Committee

† **December 15, 1988 - 1 p.m.** – Open Meeting
Holiday Inn-Downtown, 301 West Franklin Street,
Richmond, Virginia. ☒

A meeting to discuss fire training and fire policies. The committee meeting is open to the public for their input.

Contact: Anne J. Bales, Executive Secretary Senior, James Monroe Bldg., 101 N. 14th St., 17th Fl., Richmond, Va. 23219, telephone (804) 225-2681 or SCATS 225-2681

FRANKLIN, ISLE OF WIGHT AND SOUTHAMPTON EMERGENCY PLANNING COMMITTEE

December 20, 1988 - 7 p.m. – Open Meeting
Public Safety Building, Franklin, Virginia. ☒

A meeting to review status of Emergency Response Plan.

Contact: Jim Wagenbach, Chief of Emergency Services, Public Safety Building, 1005 Main St., Franklin, Va. 23851, telephone (804) 562-8581

COUNCIL ON HEALTH REGULATORY BOARDS

Executive Committee

December 19, 1988 - 1 p.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☒

The committee will review the regulations of the Board of Social Work.

Regulatory Evaluation and Research Committee

December 19, 1988 - 1 p.m. – Open Meeting
NOTE: CHANGE OF MEETING DATE
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☒

The committee will review regulations of the Board of Social Work.

Scope and Standards Committee

December 19, 1988 - 3 p.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Room 2, Richmond, Virginia. ☒

The committee will consider further background information on the criteria revision.

Contact: Richard D. Morrison, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23219, telephone (804) 662-8818

VIRGINIA HEALTH SERVICES COST REVIEW COUNCIL

December 14, 1988 - 9:30 a.m. – Open Meeting
Department of Rehabilitative Services, 4901 Fitzhugh Avenue, Richmond, Virginia. ☒

A monthly meeting to address financial, policy or technical matters which may have arisen since the last meeting.

Contact: Ann Y. McGee, Director, 805 E. Broad St., 9th Fl., Richmond, Va. 23219, telephone (804) 786-6371 or SCATS 786-6371

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA

† **December 7, 1988 - 9 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

A monthly council meeting. The agenda is available on request.

Contact: Marla Richardson, 101 N. 14th St., 9th Fl.,

Calendar of Events

Richmond, Va. 23219, telephone (804) 225-2638

HOPEWELL INDUSTRIAL SAFETY COUNCIL

December 6, 1988 - 9 a.m. – Open Meeting
Hopewell Community Center, Second and City Point Road,
Hopewell, Virginia. ☒ (Interpreter for deaf provided if
requested)

Local Emergency Preparedness Committee meeting on
Emergency Preparedness as required by SARA Title
III.

Contact: Robert Brown, Emergency Service Coordinator,
City of Hopewell, 300 N. Main St., Hopewell, Va. 23860,
telephone (804) 541-2298

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

† **December 14, 1988** – Written comments may be
submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1
of the Code of Virginia that the Virginia Housing
Development Authority intends to amend regulations
entitled: **VR 400-02-0001. Procedures, Instructions and
Guidelines for Multi-Family Housing Developments.**

STATEMENT

Purpose: To amend the authority's procedures, instructions
and guidelines for multi-family housing developments by
authorizing an increase in or restructuring of eligible
mortgage loans for the purpose of providing funds for
improvements to the multi-family developments financed
by such loans or for additional housing for persons and
families of low and moderate income.

Basis: To be adopted pursuant to regulations which were
issued under § 36-55.30:3 of the Code of Virginia.

Substance and issues: Certain multi-family developments
financed by the authority have accumulated significant
reserves and have increased considerably in value. The
proposed amendments would permit the use of a portion
of such reserves and the financing of the development's
equity as sources of money for making improvements to
the development and for funding additional housing. The
rents for the units in the development must remain
affordable to persons and families of low and moderate
income, and there must be no adverse effect on any
federal subsidy, assistance or mortgage insurance. In
addition, the financial position of the development must
remain secure, and the authority's covenants with its
bondholders must be complied with.

Estimated impact: It is not possible at this time to
estimate the amount of funds that will become available
or the number of persons and families who may be

assisted as a result of the proposed amendments. The
authority does not expect that any significant costs will be
incurred for the implementation of and compliance with
the proposed amendment.

Statutory Authority: § 36-55.30:3 of the Code of Virginia.

Written comments may be submitted until December 14,
1988.

Contact: J. Judson McKellar, Jr., General Counsel, Virginia
Housing Development Authority, 13 S. 13th St., Richmond,
Va. 23219, telephone (804) 782-1986

† **December 15, 1988 - 10 a.m.** – Open Meeting
13 South 13th Street, Richmond, Virginia. ☒

A regular meeting to (i) review and, if appropriate,
approve the minutes from the prior monthly meeting;
(ii) consider for approval and ratification mortgage
loan commitments under its various programs; (iii)
review the authority's operations for the prior month;
(iv) consider and, if appropriate, approve proposed
amendments to the Procedures, Instructions and
Guidelines for Multi-Family Housing Developments;
and (v) consider such other matters and take such
other actions as they may deem appropriate. Various
committees of the Board of Commissioners may also
meet before or after the regular meeting and consider
matters within their purview. The planned agenda of
the meeting will be available at the office of the
authority one week prior to the date of the meeting.

Contact: J. Judson McKellar, Jr., General Counsel, 13 S.
13th St., Richmond, Va. 23219, telephone (804) 782-1986

COUNCIL ON HUMAN RIGHTS

† **December 8, 1988 - 10 a.m.** – Open Meeting
† **January 5, 1989 - 10 a.m.** – Open Meeting
† **March 9, 1989 - 10 a.m.** – Open Meeting
James Monroe Building, 101 North 14th Street, 18th Floor
Conference Room, Richmond, Virginia. ☒

A monthly council meeting.

Contact: Alison Browne Parks, Administrative Staff
Specialist, P.O. Box 717, Richmond, Va. 23206, telephone
(804) 225-2292, SCATS 225-2292 or toll-free
1-800-633-5510/TDD ☎

COUNCIL ON INDIANS

January 5, 1989 - 2 p.m. – Open Meeting
Ninth Street Office Building, Cabinet Conference Room, 6th
Floor, Richmond, Virginia. ☒

A regular meeting of the Council on Indians to
conduct general business and to receive reports from

the council standing committees.

Contact: Mary Zoller, Information Director, Council on Indians, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9285 or SCATS 662-9285

COUNCIL ON INFORMATION MANAGEMENT

† **December 9, 1988 - 9 a.m.** – Open Meeting
Ninth Street Office Building, Cabinet Conference Room, 6th Floor, Richmond, Virginia. ☒

A regular bi-monthly meeting of the council. Agency advisory committee will also meet with council. Interim report to General Assembly to be discussed.

Contact: William E. Landside, Director, 1100 Washington Bldg., Richmond, Va. 23219, telephone (804) 225-3622 or SCATS 225-3622

DEPARTMENT OF LABOR AND INDUSTRY

Apprenticeship Council

December 15, 1988 - 10 a.m. – Open Meeting
Fairfax County Executive Offices, Massey Building, 4100 Chainbridge Road, "A" Level, Board of Supervisors Meeting Room, Fairfax, Virginia. ☒

A regular quarterly meeting. The public session begins at 10 a.m. Council meeting will begin immediately after conclusion of public session.

Contact: Robert S. Baumgardner, Director of Apprenticeship, Department of Labor and Industry, P. O. Box 12064, Richmond, Va. 23241, telephone (804) 786-2381 or SCATS 786-2381

LONGWOOD COLLEGE

Board of Visitors

† **December 9, 1988 - 9 a.m.** – Open Meeting
Wheeler Residence Hall, Longwood College, Meeting Room, Farmville, Virginia. ☒

A meeting of the governing board to consider matters pertaining to the operation of the college.

Contact: Dr. William F. Dorrill, Longwood College, Farmville, Va. 23901, telephone (804) 392-9211 or SCATS 265-4211

STATE LOTTERY BOARD

† **December 19, 1988 - 10 a.m.** – Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,

Agecroft Room, Richmond, Virginia. ☒

A regularly scheduled monthly meeting of the board. Business will be conducted according to items listed on agenda which has not yet been determined.

Contact: Barbara L. Robertson, Lottery Staff Officer, State Lottery Department, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-9433 or SCATS 367-9433

VIRGINIA MARINE PRODUCTS BOARD

December 7, 1988 - 5 p.m. – Open Meeting
The Ships Cabin Seafood Restaurant, 4110 East Ocean View Avenue, Norfolk, Virginia

The board will meet to receive reports from the executive director of the Virginia Marine Products Board on finance, marketing, past and future program planning, publicity/public relations, and old/new business.

Contact: Shirley Estes Berg, Executive Director, 97 Main St., Suite 103, Newport News, Va. 23601, telephone (804) 599-7261

MARINE RESOURCES COMMISSION

December 6, 1988 - 9:30 a.m. – Open Meeting
Newport News City Council Chambers, 2400 Washington Avenue, Newport News, Virginia

The Virginia Marine Resources Commission will meet on the first Tuesday of each month at 9:30 a.m. It hears and decides cases on fishing licensing, oyster ground leasing, environmental permits in wetlands, bottomlands, coastal sand dunes and beaches. It hears and decides appeals made on local wetlands board decisions.

Fishery management and conservation measures are discussed by the commission. The commission is empowered to exercise general regulatory power within 15 days, and is empowered to take specialized marine life harvesting and conservation measures within 5 days.

Contact: Sandra S. Schmidt, Secretary to the Commission, 2401 W. Avenue, P. O. Box 756, Newport News, Va. 23607, telephone (804) 247-2208

LOCAL EMERGENCY PLANNING COMMITTEE FOR THE CITY OF MARTINSVILLE AND HENRY COUNTY

December 8, 1988 - 9:30 a.m. – Open Meeting
Martinsville Municipal Building, Martinsville, Virginia. ☒

Open meeting to discuss general business relating to

Calendar of Events

SARA Title III and development of the emergency response plan.

Contact: Benny Summerlin, Public Safety Director, Henry County Administration Bldg., P. O. Box 7, Collinsville, Va. 24078, telephone (703) 638-5311, ext. 256

BOARD OF MEDICAL ASSISTANCE SERVICES

† **December 14, 1988 - 5 p.m.** – Open Meeting
† **December 15, 1988 - 9 a.m.** – Open Meeting
† **January 10, 1989 - 5 p.m.** – Open Meeting
† **January 11, 1989 - 9 a.m.** – Open Meeting
600 East Broad Street, Suite 1300, Richmond, Virginia. ☒

December 14 - Legislative/Public Affairs Committee

December 15 - A meeting on organ transplant final rules.

January 10 - Legislative/Public Affairs and Policy Committees

January 11 - A regular business meeting.

Contact: Jacqueline Fritz, Legislative Analyst, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

December 8, 1988 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Medical Assistance Services intends to amend regulations entitled: **State Plan for Medical Assistance. VR 460-03-3.1100. Elimination of Preauthorization for Routine Eye Services.** This regulation proposes to remove the prior authorization requirement currently on routine eye services.

Statutory Authority: § 32.1-325 of the Code of Virginia.

Written comments may be submitted until December 8, 1988, to C. Mack Brankley, Director, Division of Operations and Provider Relations, 600 East Broad Street, Suite 1300, Richmond, Virginia 23219.

Contact: Victoria P. Simmons, Regulatory Coordinator, Department of Medical Assistance Services, 600 E. Broad St., Suite 1300, Richmond, Va. 23219, telephone (804) 786-7933

VIRGINIA STATE BOARD OF MEDICINE

December 12, 1988 - 10 a.m. – Open Meeting

December 13, 1988 - 10 a.m. – Open Meeting
Embassy Suites Hotel, 2925 Emerywood Parkway, Richmond, Virginia. ☒

A meeting to inquire into allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia.

December 20, 1988 - 9 a.m. – Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Surry Building, Board Room 1, 2nd Floor, Richmond, Virginia. ☒

A meeting to receive public comments on the use of therapeutic drugs by Doctors of Optometry.

Informal Conference Committee

December 16, 1988 - 9:30 a.m. – Open Meeting
Holiday Inn Fanny's, West Broad and I-64, Richmond, Virginia. ☒

January 12, 1989 - 9:30 a.m. – Open Meeting
Sheraton-Fredericksburg Resort and Conference Center, I-95 and Route 3, Fredericksburg, Virginia. ☒

A meeting to inquire to allegations that certain practitioners may have violated laws and regulations governing the practice of medicine in Virginia. The committee will meet in open and closed session pursuant to § 2.1-344 of the Code of Virginia.

Contact: Eugenia K. Dorson, Board Administrator, 1601 Rolling Hills Dr., Surry Bldg., 2nd Floor, Richmond. Va. 23229-5005, telephone (804) 662-9925

STATE MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES BOARD

December 14, 1988 - 9:30 a.m. – Open Meeting
Hampton-Newport News Community Services Board, 1520 Aberdeen Road, Hampton, Virginia. ☒

A regular monthly meeting. The agenda will be published on December 7 and may be obtained by calling Jane Helfrich.

Contact: Jane V. Helfrich, State Board Staff, Department of Mental Health, Mental Retardation and Substance Abuse Services, P. O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3921

Public Education Committee

† **December 8, 1988 - 10 a.m.** – Open Meeting
James Madison Building, 109 Governor Street, 8th Floor Conference Room, Richmond, Virginia. ☒

A meeting to consider development of the State Board Public Education Plan.

Contact: Martha J. Meade, Director, Legislation and Public Relations, Department of Mental Health, Mental Retardation and Substance Abuse Services, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-9048 or SCATS 786-9048

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES

State Human Rights Committee

† **December 16, 1988 - 9 a.m.** – Open Meeting
James Madison Building, 109 Governor Street, 13th Floor Conference Room, Richmond, Virginia. ☒

A regular meeting of the committee to discuss business relative to human rights issues. Agenda items listed prior to meeting.

Contact: Elsie D. Little, ACSW, State Human Rights Director, P.O. Box 1797, Richmond, Va. 23214, telephone (804) 786-3988

DEPARTMENT OF MINES, MINERALS AND ENERGY

December 12, 1988 - 10 a.m. – Public Hearing
Mountain Empire Community College, Dalton-Cantrell Building Auditorium, Big Stone Gap, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Mines, Minerals and Energy intends to adopt regulations entitled: **VR 480-05-2. Rules and Regulations Governing the Certification of Diesel Engine Mechanics in Underground Coal Mines.** These regulations prescribe the qualifications and other requirements, and the conditions of use, for a certificate of competency as an underground diesel engine mechanic.

Statutory Authority: §§ 45.1-1.3(4) and 45.1-12 of the Code of Virginia.

Written comments may be submitted until December 12, 1988.

Contact: Bill Edwards, Policy Analyst, Department of Mines, Minerals and Energy, 2201 W. Broad St., Richmond, Va. 23220, telephone (804) 367-0330

Division of Mined Land Reclamation

† **December 19, 1988 - 2 p.m.** – Public Hearing
Division's AML Conference Room, 622 Powell Avenue, Big Stone Gap, Virginia. ☒

The purpose of this public meeting is to give interested persons an opportunity to be heard in response to the FY1989 Virginia Abandoned Mine

Land Construction and Administration Grant applications to be submitted to the Federal Office of Surface Mining.

Contact: Roger L. Williams, Abandoned Mine Land Manager, P.O. Drawer U, 622 Powell Ave., Big Stone Gap, Va. 24219, telephone (703) 523-2925

COUNTY OF MONTGOMERY/TOWN OF BLACKSBURG LOCAL EMERGENCY PLANNING COMMITTEE

† **December 13, 1988 - 3 p.m.** – Open Meeting
Montgomery County Courthouse, Board of Supervisors Room, 3rd Floor, Christiansburg, Virginia. ☒

Development of a Hazardous Materials Emergency Response Plan for Montgomery County and the Town of Blacksburg.

Contact: Steve Via, New River Valley Planning District Commission, P.O. Box 3726, Radford, Va. 24143, telephone (703) 639-9313 or SCATS 676-4012

VIRGINIA MUSEUM OF NATURAL HISTORY

Board of Trustees

† **December 10, 1988 - 11 a.m.** – Open Meeting
Boar's Head Inn, Conference Room, 2nd Floor, Room A, Charlottesville, Virginia. ☒

A meeting to receive reports from the Nominating Committee, Director Search Committee, Personnel Committee, Bylaws Committee, Planning/Facilities Committee; election of Board Officers; and report of the Acting Director.

Contact: Gail D. Gregory, Information Director, Virginia Museum of Natural History, 1001 Douglas Ave., Martinsville, Va. 24112, telephone (703) 632-1930

VIRGINIA STATE BOARD OF NURSING

Informal Conference Committee

December 13, 1988 - 8:30 a.m. – Open Meeting
Koger Building, 8001 Franklin Farms Drive, Suite 124, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

December 16, 1988 - 8:30 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 2, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to inquire into allegations that certain licensees may have violated laws and regulations governing the practice of nursing in Virginia.

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Contact: Corinne F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909, toll-free 1-800-533-1560 or SCATS 662-9909

COMMITTEE OF THE JOINT BOARDS OF NURSING AND MEDICINE

December 7, 1988 - 1:30 p.m. – Open Meeting
General Assembly Building, Capitol Square, 5th Floor West Conference Room, Richmond, Virginia. ☒

A meeting to consider and act upon matters related to the certification and practice of nurse practitioners.

Contact: Corrine F. Dorsey, R.N., Executive Director, Board of Nursing, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9909

OLD DOMINION UNIVERSITY

Board of Visitors

December 13, 1988 - 3 p.m. – Open Meeting
Old Dominion University, New Administration Building, Room 226, Norfolk, Virginia. ☒

A meeting of the Executive Committee of the Board of Visitors to handle affairs of the University. (Agenda distributed two weeks prior to meeting.)

Contact: Peter F. Wehmann, Office of the Board of Visitors, Old Dominion University, Norfolk, Va. 23529-0029

VIRGINIA OUTDOORS FOUNDATION

† **December 12, 1988 - 10:30 a.m.** – Open Meeting
State Capitol, Capitol Square, House Room 2, Richmond, Virginia. ☒

A general business meeting.

Contact: Tyson B. Van Auken, Executive Director, 221 Governor St., Richmond, Va. 23219, telephone (804) 786-5539 or SCATS 786-5539

VIRGINIA BOARD OF PHARMACY

December 15, 1988 - 9 a.m. – Open Meeting
Holiday Inn-West End, 6531 West Broad Street, Richmond Room, Richmond, Virginia

Routine board business and possible consideration of any committee proposals for licensing of physicians to dispense drugs and for any proposals to increase various licensing fees.

Contact: Jack B. Carson, Executive Director, Virginia Board of Pharmacy, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9911

BOARD OF COMMISSIONERS TO EXAMINE PILOTS

December 12, 1988 - 10 a.m. – Open Meeting
Virginia Port Authority, World Trade Center, Suite 600, Norfolk, Virginia. ☒

The board will meet to conduct routine business at its regular quarterly business meeting.

Contact: David E. Dick, Virginia Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8531 or (804) 552-3016

PITTSYLVANIA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

† **December 8, 1988 - 10 a.m.** – Open Meeting
† **January 12, 1989 - 10 a.m.** – Open Meeting
Chamber of Commerce, Main Street, Chatham, Virginia. ☒

The Local Emergency Planning Committee (LEPC) will meet to develop and update the Emergency Plan for Pittsylvania County in accordance with SARA Title III; Emergency Planning and Community Right to Know Act of 1986.

Contact: Gary Lee Toler, Fire Marshal/Hazardous Materials Coordinator, P.O. Box 426, Chatham, Va. 24531, telephone (804) 432-2041 Ext. 233

POLYGRAPH EXAMINERS ADVISORY BOARD

† **December 15, 1988 - 9 a.m.** – Open Meeting
† **December 16, 1988 - 9 a.m.** – Open Meeting
Travelers Building, 3600 West Broad Street, Richmond, Virginia. ☒

A meeting for the purpose of administering the Polygraph Examiners Licensing Examination to eligible Polygraph Examiner Interns.

Contact: Gerald W. Morgan, Administrator, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230-4917, telephone (804) 367-8534, SCATS 367-8534 or toll-free 1-800-552-3016

VIRGINIA BOARD OF PROFESSIONAL COUNSELORS

December 9, 1988 - 9 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☒

A meeting to consider (i) general board business,

including committee reports and response to correspondence; (ii) certification of the results of the board's oral examinations for licensure and certification; and (iii) identification of the need for amendments to the existing Regulations Governing the Practice of Professional Counseling, including discussion of the amendment of the existing regulations of the Emergency Regulations (§ 2.2 B Supervised Experience).

Contact: Stephanie A. Sivert, Executive Director, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9912 or SCATS 662-9912

VIRGINIA REAL ESTATE BOARD

December 7, 1988 - 8:30 a.m. - Open Meeting
December 8, 1988 - 8:30 a.m. - Open Meeting
Travelers Building, 3600 West Broad Street, 5th Floor, Richmond, Virginia. ☐

A regular business meeting of the board. The agenda will consist of investigative cases (files) to be considered, files to be reconsidered, matters relating to fair housing, property registration and licensing issues (e.g., reinstatement, eligibility requests).

Additionally, a work session for regulatory review of licensing regulations is anticipated to be scheduled for December 8, 1988.

Contact: Joan L. White, Assistant Director, Virginia Real Estate Board, 3600 W. Broad St., Richmond, Va. 23230, telephone (804) 367-8552, toll-free 1-800-552-3016 or SCATS 367-8552

STATE SEWAGE HANDLING AND DISPOSAL APPEALS REVIEW BOARD

December 7, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☐

A meeting to hear and render a decision on all appeals of denials of on-site sewage disposal system permits.

Contact: Deborah E. Randolph, 109 Governor St., Room 500, Richmond, Va. 23219, telephone (804) 786-3559

STATE BOARD OF SOCIAL SERVICES

December 14, 1988 - 2 p.m. - Open Meeting
December 15, 1988 - 9 a.m. - Open Meeting
Department of Social Services, 8007 Discovery Drive, Richmond, Virginia. ☐

A work session and formal business meeting.

Contact: Phyllis Sisk, Administrative Staff Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9236 or SCATS 662-9236

DEPARTMENT OF SOCIAL SERVICES (STATE BOARD OF)

December 9, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Department of Social Services intends to adopt regulations entitled: **VR 615-50-6. Compliance with Service Program Policy Requirements.** The purpose of the proposed action is to establish the philosophy and a system of monitoring for service program policy.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until December 12, 1988.

Contact: Elizabeth B. Whitley, Chief, Bureau of Management Services, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9140 or toll-free 1-800-522-7091

December 10, 1988 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to repeal existing regulations and adopt new regulations entitled: **VR 615-27-02. Minimum Standards for Licensed Private Child Placing Agencies.** These proposed regulations set forth the criteria an agency must meet to obtain a license to place children for foster care or adoption.

Statutory Authority: § 63.1-202 of the Code of Virginia.

Written comments may be submitted until December 10, 1988.

Contact: Liz Lion, Program Development Supervisor, Division of Licensing Programs, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9025, toll-free 1-800-552-7091 or SCATS 662-9025

January 7, 1989 - Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1

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of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-01-2. Lump Sum Ineligibility Period in the Aid to Dependent Children (ADC) Program.** This amendment deletes language giving final authority to the local social services agency for decisions regarding conditions deemed to have occurred beyond the control of the assistance unit, that could shorten the period of ineligibility established due to receipt of a lump sum.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 7, 1989, to Guy Lusk, Director, Division of Benefit Programs, 8007 Discovery Drive, Richmond, Virginia 23229-8699.

Contact: Carol Holmes, Program Specialist, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9046 or SCATS 662-9046

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January 19, 1989 - 2 p.m. – Public Hearing
Blair Building, 8007 Discovery Drive, 2nd Floor Conference Rooms A and B, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to amend regulations entitled: **VR 615-45-2. Child Protective Services Client Appeals.** These amendments establish regulations by which child protective services clients can appeal the decision made by a local department of social services regarding the disposition of a child protective services complaint.

Statutory Authority: §§ 63.1-25 and 63.1-248.6:1 of the Code of Virginia.

Written comments may be submitted until January 19, 1989.

Contact: Janine Tondrowski, State Welfare Supervisor, Department of Social Services, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9081, toll-free 1-800-552-7091 or SCATS 662-9081

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-9. Enforcement of Child Support Obligations.** This proposed regulation authorizes the Department of Social Services to collect current and delinquent child support payments through methods such as wage withholding, tax refund intercepts, imposition of liens,

and orders to withhold and deliver.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-10. Confidentiality and Exchange of Information for Child Support Enforcement Services.** This proposed regulation authorizes the Department of Social Services to restrict the release of information on absent responsible parents and custodial parents to the general public.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-11. Establishment of Paternity in Child Support Enforcement.** This proposed regulation authorizes the Department of Social Services to obtain voluntary admissions of paternity. It also authorizes the department to obtain consent orders or Acknowledgment of Paternity forms to be used as evidence in judicial paternity hearings.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free

Calendar of Events

1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-12. Responsibilities of IV-D Agencies in Interstate Child Support.** This proposed regulation authorizes the Department of Social Services to comply with state and federal laws which require a Central Interstate Registry to manage the flow of child support correspondence into and out of the state.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR 615-70-13. Child Support Enforcement Services (Application Fees, Rights and Responsibilities and Payment Recovery).** This proposed regulation describes (i) application fees for child support services; (ii) the rights and responsibilities of custodial parents and the Division of Child Support Enforcement; and (iii) payment recovery.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Social Services intends to adopt regulations entitled: **VR**

615-70-14. Establishment of Administrative Support Orders. This proposed regulation authorizes the Department of Social Services to establish and modify child support obligations and to enforce child support obligations through administrative rather than judicial means.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

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January 20, 1989 – Written comments may be submitted until this date.

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that Department of Social Services intends to adopt regulations entitled: **VR 615-70-15. Persons Qualifying for Child Support Enforcement Services.** This proposed regulation describes the criteria by which eligibility for child support services is determined.

Statutory Authority: § 63.1-25 of the Code of Virginia.

Written comments may be submitted until January 20, 1989.

Contact: Jane Clements, Bureau Chief, Department of Social Services, Blair Bldg., 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-7469, toll-free 1-800-552-7091 or SCATS 662-7469

VIRGINIA BOARD OF SOCIAL WORK

December 16, 1988 - 8:30 a.m. – Open Meeting
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Richmond, Virginia. ☐

A meeting to (i) conduct general board business; (ii) review applications; (iii) respond to correspondence; (iv) discuss proposed regulations; and (v) certify results of oral examinations.

* * * * *

December 16, 1988 - 1 p.m. – Public Hearing
Department of Health Regulatory Boards, 1601 Rolling Hills Drive, Conference Room 1, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board of Social Work intends to adopt new regulations and repeal existing

Calendar of Events

regulations entitled: **VR 620-01-2. Regulations Governing the Practice of Social Work.** These proposed regulations establish the requirements governing the practice of social work in the Commonwealth of Virginia. They include the educational and experiential requirements necessary for licensure; provide criteria for the written and oral examinations; set the standards of practice, and establish procedures for the disciplining of licensed social workers.

Statutory Authority: § 54-942 of the Code of Virginia.

Written comments may be submitted until January 5, 1989.

Contact: Stephanie A. Sivert, Executive Director, Virginia Board of Social Work, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9967

BOARD FOR PROFESSIONAL SOIL SCIENTISTS

† **February 16, 1988 - 11 a.m.** – Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-01-1. Public Participation Guidelines.** These proposed regulations set forth public participation guidelines for the purpose of soliciting the input of interested parties in the formation and development of regulations for the Board for Professional Soil Scientists.

STATEMENT

Statement of basis, purpose and impact: Pursuant to § 54-1.28 of the Code of Virginia and in accordance with § 9-6.14:7.1, the Board for Professional Soil Scientists proposes public participation guidelines for the purpose of soliciting the input of interested parties in the formation and development of its regulations.

The guidelines set out methods for identification and notification of interested parties, and the specific means of seeking input from the interested persons or groups.

The guidelines apply directly to approximately 50 interested parties or groups who are or may be interested in the activities of the Board for Professional Soil Scientists.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230,

telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

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† **February 16, 1989 - 11 a.m.** – Public Hearing
Travelers Building, 3600 West Broad Street, Conference Room 1, 5th Floor, Richmond, Virginia. ☐

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Board for Professional Soil Scientists intends to adopt regulations entitled: **VR 627-02-1. Board for Professional Soil Scientists Regulations.** The purpose of these proposed regulations is to establish the requirements for certification of professional soil scientists.

STATEMENT

Statement of basis, purpose and impact: Pursuant to § 54-1.28 of the Code of Virginia and in accordance with Article 2 of the Administrative Process Act (§ 9-6.14:7.1 et seq.), the Board for Professional Soil Scientists proposes new regulations to implement §§ 54-969 through 54-977 establishing the requirements for certification of professional soil scientists.

The regulations provide for voluntary certification for those persons having a special knowledge of soil science and the methods and principles of soil evaluation. Certification is provided through a combined education, experience and examination process.

The regulations apply directly to approximately 200 anticipated certificate holders and indirectly to the clients utilizing these professional services.

Costs to implement the program have been projected and are reflected in the fee schedule of the proposed regulations. Source of funds will be from user fees.

Regulations have been drafted to be clear and simple for the reader to understand. The Department of Commerce assures that these are the least burdensome alternative available for implementation of the statutes.

The board intends to review these regulations each year for the next two years to evaluate effectiveness and continued need.

The application form for certification as a professional soil scientist is the only form that the board anticipates using in administering these regulations.

Statutory Authority: § 54-1.28 of the Code of Virginia.

Written comments may be submitted until February 6, 1989.

Contact: Bonnie S. Salzman, Assistant Director, Department of Commerce, 3600 W. Broad St., Richmond, Va. 23230,

Calendar of Events

telephone (804) 367-8514, SCATS 367-8514 or toll-free 1-800-552-3016

VIRGINIA SOIL AND WATER CONSERVATION BOARD

December 7, 1988 - 9 a.m. - Open Meeting
Royce Hotel Williamsburg, 415 Richmond Road,
Williamsburg, Virginia. ☒

A bi-monthly meeting.

Contact: Donald L. Wells, Deputy Director, Division of Soil and Water Conservation, 203 Governor St., Suite 206, Richmond, Va. 23219, telephone (804) 786-4356

DEPARTMENT OF TAXATION

January 9, 1989 - 9 a.m. - Public Hearing
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-2-323.1. Individual Income Tax: Excess Cost Recovery.** These regulations implement 1987 and 1988 legislation which repeals the ACRS addition and permits taxpayers to recover the outstanding balance of excess cost recovery over two or five years.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until January 23, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, telephone (804) 367-8010 or SCATS 367-8010

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January 9, 1989 - 9 a.m. - Public Hearing
Department of Taxation, 2220 West Broad Street,
Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Taxation intends to adopt regulations entitled: **VR 630-3-323.1. Corporation Income Tax: Excess Cost Recovery.** These regulations implement 1987 and 1988 legislation which repeals the ACRS addition and permits taxpayers to recover the outstanding balance of excess cost recovery over two or five years.

Statutory Authority: § 58.1-203 of the Code of Virginia.

Written comments may be submitted until January 23, 1989.

Contact: Janie E. Bowen, Director, Tax Policy Division, Department of Taxation, P. O. Box 6-L, Richmond, Va. 23282, (804) 367-8010 or SCATS 367-8010

COMMONWEALTH TRANSPORTATION BOARD

December 15, 1988 - 10 a.m. - Open Meeting
Department of Transportation, 1401 East Broad Street,
Board Room, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

Monthly meeting of the board to vote on proposals presented regarding bids, permits, additions and deletions to the highway system, and any other matters requiring board approval.

Contact: Albert W. Coates, Jr., Assistant Commissioner, Department of Transportation, 1401 E. Broad St., Richmond, Va. 23219, telephone (804) 786-9950

TRANSPORTATION SAFETY BOARD

† **December 9, 1988 - 9:30 a.m.** - Open Meeting
Department of Motor Vehicles, 2300 West Broad Street,
Room 702, Richmond, Virginia. ☒

The Transportation Safety Board will discuss various subjects which pertain to transportation safety.

Contact: John T. Hanna, Deputy Commissioner, 2300 W. Broad St., Richmond, Va. 23219-0001, telephone (804) 367-6624 or SCATS 367-6624

TREASURY BOARD

December 21, 1988 - 9 a.m. - Open Meeting
James Monroe Building, 101 North 14th Street, Treasury Board Conference Room, 3rd Floor, Richmond, Virginia. ☒

A regular monthly meeting of the board.

Contact: Betty A. Ball, Department of the Treasury, James Monroe Bldg., 101 N. 14th St., 3rd Fl., Richmond, Va. 23219, telephone (804) 225-2142

COMMISSION ON THE UNIVERSITY OF THE TWENTY-FIRST CENTURY

December 5, 1988 - 7:30 p.m. - Public Hearing
George Mason University, Student Union II, Rooms 5, 6, and 7, Fairfax, Virginia

† **December 8, 1988 - 7:30 p.m.** - Public Hearing
Shenandoah College and Conservatory, Byrd Board Room, Henkel Hall, Winchester, Virginia

† **December 9, 1988 - 7:30 p.m.** - Public Hearing

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Longwood College, Wygal Hall Auditorium, Farmville, Virginia

† **December 15, 1988 - 7:30 p.m.** – Public Hearing
Mary Washington College, Great Hall of the Campus Center, Fredericksburg, Virginia

† **December 16, 1988 - 7:30 p.m.** – Public Hearing
William Fleming High School, School Auditorium, Roanoke, Virginia

The hearings will provide an opportunity for Virginia's college and university students, faculty and administrators to share their interest and concerns with the commission.

Contact: Anne Pratt, 101 N. 14th St., 9th Fl., Richmond, Va. 23219, telephone (804) 225-2137

VIRGINIA BOARD OF VETERINARY MEDICINE

December 5, 1988 - 8:30 a.m. – Open Meeting
Department of Alcoholic Beverage Control, 2901 Hermitage Road, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A meeting to discuss possible revisions to regulations and general business.

Contact: Terri H. Behr, Executive Secretary, 1601 Rolling Hills Dr., Richmond, Va. 23229, telephone (804) 662-9915

VIRGINIA RESOURCES AUTHORITY

† **December 13, 1988 - 10 a.m.** – Open Meeting
Mutual Building, 909 East Main Street, Conference Room A, Suite 707, Richmond, Virginia

The board will meet to (i) approve minutes of the meeting of November 2, 1988; (ii) to review the authority's operations for the prior months; and (iii) to consider other matters and take other actions as they may deem appropriate. The planned agenda of the meeting will be available at the office of the authority one week prior to the date of the meeting.

Contact: Shockley D. Gardner, Jr., P.O. Box 1300, Richmond, Va. 23210, telephone (804) 644-3100

BOARD FOR THE VISUALLY HANDICAPPED

December 8, 1988 - 11 a.m. – Open Meeting
Administrative Headquarters, 397 Azalea Avenue, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

A bi-monthly meeting to review policy and procedures of the Virginia Department for the Visually

Handicapped. The board reviews and approves the department's budget, executive agreement, and operating plan.

DEPARTMENT FOR THE VISUALLY HANDICAPPED

Advisory Committee on Services

January 14, 1988 - 11 a.m. – Open Meeting
397 Azalea Avenue, Administrative Headquarters, Richmond, Virginia. ☒ (Interpreter for deaf provided if requested)

The committee meets quarterly to advise the Virginia Department for the Visually Handicapped on matters related to services for blind and visually handicapped citizens of the Commonwealth.

Contact: Diane E. Allen, Executive Secretary Senior, 397 Azalea Ave., Richmond, Va. 23277, telephone (804) 371-3145, toll-free 1-800-622-2155, SCATS 371-3145 or 371-3140/TDD ☎

VIRGINIA VOLUNTARY FORMULARY BOARD

December 22, 1988 - 10 a.m. – Public Hearing
James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

The Virginia Voluntary Formulary Board will hold a public hearing on this date. The purpose of this hearing is to consider the proposed adoption and issuances of a revised Virginia Voluntary Formulary. The proposed revision to the Formulary adds and deletes drugs and drug products to the Formulary that became effective on November 1, 1987, and a supplement to the Formulary that becomes effective on November 15, 1988.

Copies of the proposed revisions to the Formulary are available for inspection at the Virginia Department of Health, Bureau of Pharmacy Services, James Madison Building, 109 Governor Street, Richmond, Virginia. Written comments sent to the above address and received prior to 5 p.m. on December 22 will be made a part of the hearing record and considered by the board.

† **January 12, 1988 - 10:30 a.m.** – Open Meeting
Department of Health, James Madison Building, 109 Governor Street, Main Floor Conference Room, Richmond, Virginia. ☒

A meeting to review public hearing comments and product data for drug products being considered for inclusion in the Virginia Voluntary Formulary.

Contact: James K. Thomson, Director, Bureau of Pharmacy Services, Department of Health, 109 Governor

St., Richmond, Va. 23219, telephone (804) 786-4326

VIRGINIA WASTE MANAGEMENT BOARD

December 14, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

A general business meeting. Briefing on hazardous waste facility siting criteria and related issues. Approval of draft hazardous materials transportation regulations.

Contact: Loraine Williams, Secretary, 101 N. 14th St., James Monroe Bldg., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667, toll-free 1-800-552-2075, SCATS 225-2667 or 225-3753/TDD ☎

DEPARTMENT OF WASTE MANAGEMENT

December 7, 1988 - 1:30 p.m. – Open Meeting
James Monroe Building, 101 North 14th Street, Conference Room B, Richmond, Virginia. ☒

An informal meeting will be held for Amendment 7 to the Regulations Governing the Transportation of Hazardous Materials. The proposed amendment will incorporate by reference changes made from January 1, 1987, through June 30, 1988, to the U.S. Department of Transportation Hazardous Materials Regulations and § 2.8 is being revised to reflect changes made to § 10.1-1451 of the Code of Virginia by the General Assembly (see Clause 5, Chapter 891 of the 1988 Virginia Acts of Assembly).

Contact: Cheryl Cashman, Legislative Analyst, Department of Waste Management, 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2667 or toll-free 1-800-552-2075

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December 12, 1988 - 10 a.m. – Public Hearing
James Monroe Building, 101 North 14th Street, Richmond, Virginia. ☒

December 19, 1988 - 1 p.m. – Public Hearing
Donaldson Brown Center, Blacksburg, Virginia

December 21, 1988 - 10 a.m. – Public Hearing
City Council Chambers, Fairfax, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Department of Waste Management intends to adopt regulations entitled: **VR 672-40-01. Infectious Waste Management Regulations.** Comprehensive rules defining "infectious waste" and establishing standards for its packaging transportation, storage, treatment and disposal; including design,

operation and facility permitting.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Written comments may be submitted until January 25, 1989.

Contact: Robert G. Wickline, P.E., Director of R & D, D.T.S., James Monroe Bldg., 101 N. 14th St., 11th Fl., Richmond, Va. 23219, telephone (804) 225-2321 or SCATS 225-2321

STATE WATER CONTROL BOARD

December 12, 1988 - 9 a.m. – Open Meeting
December 13, 1988 - 9 a.m. – Open Meeting
NOTE: CHANGE OF MEETING LOCATION
Fort Magruder Inn and Conference Center, Route 60 East, Williamsburg, Virginia

A regular quarterly meeting.

Contact: Doneva A. Dalton, State Water Control Board, P. O. Box 11143, 2111 N. Hamilton St., Richmond, Va. 23230, telephone (804) 367-6829

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January 5, 1989 - 2 p.m. – Public Hearing
Virginia War Memorial Auditorium, 621 South Belvidere Street, Richmond, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-14-01. Permit Regulation.** The proposed amendments are to conform with federal regulations and to revise the section requiring issuance of a permit prior to commencing erection, construction or expansion or employment of new processes at any site.

Statutory Authority: § 62.1-44.15(10) the Code of Virginia.

Written comments may be submitted until January 13, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: David Smith, Office of Water Resources Management, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6302 or SCATS 367-6302

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January 9, 1989 - 2 p.m. – Public Hearing
General District Courtroom, Warm Springs Courthouse, Courthouse Road, Warm Springs, Virginia

Notice is hereby given in accordance with § 9-6.14:7.1

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of the Code of Virginia that the State Water Control Board intends to amend regulations entitled: **VR 680-21-08.8. James River Basin (Upper) - Water Quality Standards**. The proposed amendment would reclassify Hot Springs Runs from natural trout waters to mountainous zone waters.

Statutory Authority: § 62.1-44.15(3a) of the Code of Virginia.

Written comments may be submitted until 4 p.m., January 19, 1989, to Doneva Dalton, Hearing Reporter, State Water Control Board, P. O. Box 11143, Richmond, Virginia 23230.

Contact: Jean Gregory, State Water Control Board, P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6985 or SCATS 367-6985

STATE WATER COMMISSION AND STATE WATER CONTROL BOARD

December 13, 1988 - 1:30 p.m. – Open Meeting
December 14, 1988 - 9 a.m. – Open Meeting
Fort Magruder Inn and Conference Center, Route 60 East, Williamsburg, Virginia

Joint meeting to discuss Minimum Instream Flow.

Contact: Doneva A. Dalton, State Water Control Board, 2111 N. Hamilton St., P. O. Box 11143, Richmond, Va. 23230, telephone (804) 367-6929

WINCHESTER LOCAL EMERGENCY PLANNING COMMITTEE

† **December 7, 1988 - 3 p.m.** – Open Meeting
Treasurer's Building, 29 Court Square, Treasurer's Conference Room, Winchester, Virginia

The LEPC will be reviewing comments made by last month's guest speaker Stuart Ashton. Committee projects will be discussed; carryover agenda items will be covered.

Contact: Lynn Miller, Fire Chief, 126 N. Cameron St., Winchester, Va. 22601, telephone (703) 665-5621

COUNCIL ON THE STATUS OF WOMEN

January 31, 1989 - 8 p.m. – Open Meeting
Richmond Radisson, 555 East Canal Street, Richmond, Virginia

Meetings of the Standing Committees of the Virginia Council on the Status of Women.

February 1, 1989 - 9:30 p.m. – Open Meeting
Richmond Radisson, 555 East Canal Street, Richmond,

Virginia

A regular meeting to conduct general board business and to receive reports from Council Standing Committees.

Contact: Bonnie H. Robinson, Executive Director, 8007 Discovery Dr., Richmond, Va. 23229-8699, telephone (804) 662-9200 or SCATS 662-9200

LEGISLATIVE MEETINGS

JOINT SUBCOMMITTEE STUDYING ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

December 8, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A working session to discuss AIDS related issues. HJR 31

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208 telephone (804) 786-3591

HOUSE APPROPRIATIONS/SENATE FINANCE COMMITTEE JOINT MEETING

† **December 19, 1988 - 9:30 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

Governor's revised revenue forecast.

Contact: Kris Ragan or Linda Ladd, House Appropriations Committee, General Assembly Bldg., 9th Fl., Richmond, Va. 23219, telephone (804) 786-1837

JOINT SUBCOMMITTEE STUDYING CHINS

December 6, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

A work session. HJR 143

Contact: Administrative: Jeffrey A. Finch, House of Delegates, P.O. Box 406, Richmond, Va. 23203, telephone (804) 786-2227. For additional information contact: Susan Ward, Staff Attorney, or Gayle Nowell, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING CLINICAL LABORATORY TESTING

† **December 9, 1988 - 10 a.m.** – Open Meeting
State Capitol, Capitol Square, Senate Room 4, Richmond, Virginia. ☒

A regular meeting. SJR 62

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

VIRGINIA CODE COMMISSION

December 15, 1988 - 9:30 a.m. – Open Meeting
General Assembly Building, Capitol Square, 6th Floor Conference Room, Richmond, Virginia. ☒

The commission will complete its work on the revision of Title 46.1 (Motor Vehicle Laws) of the Code of Virginia.

Contact: Joan W. Smith, Registrar of Regulations, Virginia Code Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING COUNTY-TOWN RELATIONS

December 6, 1988 - 10 a.m. – Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

A regular meeting. SJR 7

Contact: Dr. Jack Austin, Research Associate, Division of Legislative Services, P.O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Lucy Dodson, Committee Clerk, Senate of Virginia, P.O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

VIRGINIA STATE CRIME COMMISSION

† **December 20, 1988 - 10 a.m.** – Open Meeting
General Assembly Building, Capitol Square, Senate Room A, Richmond, Virginia. ☒

Prior to each session of the General Assembly, the commission develops a package of legislative initiatives. These bills result from the commission's formal studies and also from proposals and concerns voiced by citizens and criminal justice agencies and organizations.

At this meeting, the commission will receive comments

from a variety of parties who have recommendations for legislative initiatives to enhance, improve or remedy some situation in Virginia's criminal justice system. The commission will also handle other business matters at the meeting.

Contact: Tammy Sasser, Executive Administrative Assistant, State Crime Commission, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 225-4534

JOINT SUBCOMMITTEE STUDYING CRIMINAL DEFENSE SYSTEMS FOR THE INDIGENT

† **December 6, 1988 - 9 a.m.** – Open Meeting
General Assembly Building, Capitol Square, House Room D, Richmond, Virginia. ☒

The subcommittee will have a work session to finalize recommendations. HJR 141

Contact: Reggie McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208

JOINT SUBCOMMITTEE STUDYING PRENEED CONTRACTS FOR FUNERAL SERVICES

December 13, 1988 - 10 a.m. – Public Hearing
General Assembly Building, Capitol Square, House Room C, Richmond, Virginia. ☒

Public hearing. HJR 50

Contact: Persons wishing to speak should contact: Anne R. Howard, House Clerk's Office, P. O. Box 406, Richmond, Va. 23203, telephone (804) 786-7681. For additional information contact: Suzanne Elkin, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING TRAINING AND CERTIFICATION OF EMERGENCY MEDICAL SERVICES PERSONNEL

December 12, 1988 - 7 p.m. – Public Hearing
Halifax County Courthouse, Main Street, Highway 501, South Boston, Virginia

A public hearing. HJR 135/SJR 86

Contact: Persons wishing to speak contact: Marcia Melton, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591. For additional information contact: Amy Wachter, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

Calendar of Events

JOINT SUBCOMMITTEE STUDYING THE FREEDOM OF INFORMATION ACT

December 9, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

The subcommittee will meet to discuss certain issues pertaining to the Virginia Freedom of Information Act and certain other public access laws contained in the Code of Virginia. HJR 100

Contact: Angela Bowser, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING SALES AND USE TAX EXEMPTIONS

† **December 7, 1988 - 11 a.m.** - Open Meeting
General Assembly Building, Capitol Square, Senate Room B,
Richmond, Virginia. ☒

A regular meeting of the committee. SJR 70

Contact: Reggie McNally, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT SUBCOMMITTEE STUDYING SCHOOL DROPOUTS

December 7, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, House Room C,
Richmond, Virginia. ☒

A work session.

Contact: Administrative: Jeffrey A. Finch, House of Delegates, P. O. Box 3-AG, Richmond, Va. 23203, telephone (804) 786-2227. For additional information contact: Brenda Edwards, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591

JOINT SUBCOMMITTEE STUDYING SURROGATE MOTHERHOOD

† **December 12, 1988 - 2 p.m.** - Open Meeting
State Capitol, Capitol Square, Senate Room 4, Richmond,
Virginia. ☒

A regular meeting. SJR 3/HJR 118

Contact: Norma Szakal, Staff Attorney, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208,

telephone (804) 786-3591 or Natalee Grigg, Committee Clerk, Senate of Virginia, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

JOINT SUBCOMMITTEE STUDYING DIVISION OF YOUTH SERVICES

December 15, 1988 - 10 a.m. - Open Meeting
General Assembly Building, Capitol Square, Senate Room B,
Richmond, Virginia. ☒

A regular meeting. SJR 29

Contact: Gayle Nowell, Research Associate, Division of Legislative Services, P. O. Box 3-AG, Richmond, Va. 23208, telephone (804) 786-3591 or Amy Wachter, Committee Clerk, P. O. Box 396, Richmond, Va. 23203, telephone (804) 786-5742

CHRONOLOGICAL LIST

OPEN MEETINGS

December 5

Veterinary Medicine, Virginia Board of

December 6

† Aging, Virginia Department for the
- Long-Term Ombudsman Program Advisory Council
† Arlington County and the City of Falls Church, Local
Emergency Planning Committee of
Cattle Industry Board, Virginia
CHINS, Joint Subcommittee Studying
County-Town Relations, Joint Subcommittee Studying
† Criminal Defense Systems for the Indigent, Joint
Subcommittee Studying
Hopewell Industrial Safety Council
Marine Resources Commission

December 7

Cattle Industry Board, Virginia
Child Mental Health, Consortium on
† Higher Education for Virginia, State Council of
Marine Products Board, Virginia
Nursing and Medicine, Committee on the Joint Boards
of
Real Estate Board, Virginia
† Sales and Use Tax Exemptions, Joint Subcommittee
Studying
School Dropouts, Joint Subcommittee Studying
Sewage Handling and Disposal Appeals Review Board,
State
Soil and Water Conservation Board, Virginia
Waste Management, Department of
† Winchester Local Emergency Planning Committee

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December 8

Acquired Immunodeficiency Syndrome (AIDS), Joint Subcommittee Studying
† Child Day-Care Council
† Children, Department for
- Advisory Board
Education, State Board of
† Fairfax County, Town of Vienna, City of Fairfax, Town of Herndon, Local Emergency Planning Committee of
† Human Rights, Council on
Martinsville and Henry County, Local Emergency Planning Committee for the City of
† Mental Health, Mental Retardation and Substance Abuse Services Board
- Public Education Committee
† Pittsylvania County Local Emergency Planning Committee
Real Estate Board, Virginia
Visually Handicapped, Board for the

December 9

Children, Interdepartmental Licensure and Certification of Residential Facilities for
- Coordinating Committee
† Clinical Laboratory Testing, Joint Subcommittee Studying
Education, State Board of
Freedom of Information Act, Joint Subcommittee Studying the
† Information Management, Council on
† Longwood College
- Board of Visitors
Professional Counselors, Virginia Board of
† Transportation Safety Board

December 10

† Natural History, Virginia Museum of
- Board of Trustees

December 12

Emergency Medical Services Personnel, Joint Subcommittee Studying Training and Certification of Medicine, Virginia State Board of
† Outdoors Foundation, Virginia
Pilots, Board of Commissioners to Examine
† Surrogate Motherhood, Joint Subcommittee Studying
Water Control Board, State

December 13

Alcoholic Beverage Control Board
Conservation and Historic Resources, Department of
- Virginia Historic Landmarks Board
- Division of Historic Landmarks State Review Board
Medicine, Virginia State Board of
† Montgomery, Town of Blacksburg Local Emergency Planning Committee, County of
Nursing, Virginia State Board of
- Informal Conference Committee
Old Dominion University
- Board of Visitors

† Virginia Resources Authority
Water Control Board, State
Water Commission, State and Water Control Board, State

December 14

Alexandria Local Emergency Planning Committee
† Conservation and Historic Resources, Department of
- Outdoor Recreation Advisory Board
Contractors, State Board for
Corrections, State Board of
Health Services Cost Review Council, Virginia
† Medical Assistance Services, Board of
Mental Health, Mental Retardation and Substance Abuse Services Board, State
Social Services, State Board of
Waste Management Board, Virginia
Water Commission, State and Water Control Board, State

December 15

Agriculture and Consumer Services, State Board of
† Aviation Board, Virginia
Code Commission, Virginia
† Fire Services Board, Virginia
- Fire Prevention and Control Committee
- Legislative Committee
† Housing Development Authority, Virginia
Labor and Industry, Department of
- Apprenticeship Council
† Medical Assistance Services, Board of
Pharmacy, Virginia Board of
† Polygraph Examiners Advisory Board
Social Services, State Board of
Transportation Board, Commonwealth
Youth Services, Joint Subcommittee Studying Division of

December 16

Architects, Professional Engineers, Land Surveyors and Certified Landscape Architects, State Board of
- Virginia State Board of Architects
† Building Code Technical Review Board, State
† Fire Services Board, Virginia
Medicine, Virginia State Board of
- Informal Conference Committee
† Mental Health, Mental Retardation and Substance Abuse Services, Department of
- State Human Rights Committee
Nursing, Virginia State Board of
- Informal Conference Committee
† Polygraph Examiners Advisory Board
Social Work, Virginia Board of

December 19

† Appropriations/Senate Finance Committee Joint Meeting, House
† Cosmetology, Virginia Board of
Health Regulatory Boards, Council on
- Executive Committee
- Regulatory Evaluation and Research Committee

Calendar of Events

- Scope and Standards Committee
† Lottery Board, State

December 20
† Crime Commission, Virginia State
Franklin, Isle of Wight and Southampton Emergency
Planning Committee

December 21
Treasury Board

December 27
Alcoholic Beverage Control Board

January 4, 1989
Child Mental Health, Consortium on

January 5
† Chesterfield County, Local Emergency Planning
Committee of
† Human Rights, Council on
Indians, Council on

January 10
† Medical Assistance Services, Board of

January 11
† Medical Assistance Services, Board of

January 12
Education, State Board of
Medicine, Virginia State Board of
- Informal Conference Committee
† Pittsylvania County Local Emergency Planning
Committee
† Voluntary Formulary Board, Virginia

January 13
Education, State Board of

January 14
Visually Handicapped, Department for the
- Advisory Committee on Services

January 16
Conservation and Historic Resources, Department of
- Goose Creek Scenic River Advisory Board

January 18
Contractors, State Board for
Corrections, State Board of

January 31
Women, Council on the Status of

February 1
Child Mental Health, Consortium on
Women, Council on the Status of

February 2
† Chesterfield County, Local Emergency Planning

Committee of

March 9
† Human Rights, Council on

PUBLIC HEARINGS

December 5
Twenty-First Century, Commission on the University of
the

December 8
Aging, Department for the
† Twenty-First Century, Commission on the University
of the

December 9
† Twenty-First Century, Commission on the University
of the

December 12
Education Assistance Authority, State
Mines, Minerals and Energy, Department of
Waste Management, Department of

December 13
Commerce, Department of
Funeral Services, Joint Subcommittee Studying
Preneed Contracts for

December 14
Commerce, Department of

December 15
Commerce, Department of
† Twenty-First Century, Commission on the University
of the

December 16
Social Work, Virginia Board of
† Twenty-First Century, Commission on the University
of the

December 19
† Mines, Minerals and Energy, Department of
- Division of Mined Land Reclamation
Waste Management, Department of

December 20
Medicine, Virginia State Board of

December 21
Waste Management, Department of

December 22
Voluntary Formulary Board, Virginia

January 5, 1989
Water Control Board, State

Calendar of Events

January 9

Taxation, Department of
Water Control Board, State

January 19

Social Services, Department of

February 3

Fire Programs, Department of

February 16

† Soil Scientists, Board for Professional

February 22

† Agriculture and Consumer Services, Department of

Calendar of Events
